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HOUSE BILL 1256

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State of Washington

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By Representatives Tharinger, Fitzgibbon, Buys, Hansen, Lytton, Wylie, Fey, Dunshee, Riccelli, Jenkins, Reykdal, Stanford, and Clibborn

Read first time 01/16/15. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to providing the department of natural resources  
2 with discretionary authority to use resources available in the  
3 derelict vessel removal account to fund complementary derelict vessel  
4 prevention programs; and amending RCW 79.100.100.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 79.100.100 and 2014 c 195 s 603 are each amended to  
7 read as follows:

8 (1)(a) The derelict vessel removal account is created in the  
9 state treasury. All receipts from RCW 79.100.050 (~~and~~) 79.100.060  
10 and 79.100.180 and those moneys specified in RCW 88.02.640 must be  
11 deposited into the account. The account is also authorized to receive  
12 fund transfers and appropriations from the general fund, (~~deposits~~  
13 ~~from the derelict vessel removal surcharge under RCW 88.02.640(4),~~  
14 ~~deposits under RCW 79.100.180,~~) as well as gifts, grants, and  
15 endowments from public or private sources as may be made from time to  
16 time, in trust or otherwise, for the use and benefit of the purposes  
17 of this chapter and expend the same or any income according to the  
18 terms of the gifts, grants, or endowments provided those terms do not  
19 conflict with any provisions of this section or any guidelines  
20 developed to prioritize reimbursement of removal projects associated  
21 with this chapter.

1 (b) Moneys in the account may only be spent after appropriation.  
2 Expenditures from the account may only be used by the department for:

3 (i) Developing and administering the vessel turn-in program  
4 created in RCW 79.100.160 (~~and to~~);

5 (ii) Providing grants to authorized public entities to help fund  
6 locally focused derelict vessel prevention programs designed to  
7 complement this chapter by identifying potentially problem vessels  
8 and connecting owners with relevant community resources before they  
9 become derelict or abandoned; and

10 (iii) Except as provided in RCW 79.100.130 and 53.08.480,  
11 (~~reimburse~~) reimbursing authorized public entities for up to ninety  
12 percent of the total reasonable and auditable administrative,  
13 removal, disposal, and environmental damage costs of abandoned or  
14 derelict vessels when the previous owner is either unknown after a  
15 reasonable search effort or insolvent.

16 (c) Reimbursement to authorized public entities may not be made  
17 under this section unless the department determines that the public  
18 entity has made reasonable efforts to identify and locate the party  
19 responsible for the vessel, or any other person or entity that has  
20 incurred secondary liability for the vessel under this chapter or RCW  
21 88.26.030, regardless of the title of owner of the vessel.

22 (~~e~~) (d) Funds in the account resulting from transfers from  
23 the general fund or from the deposit of funds from the watercraft  
24 excise tax as provided for under RCW 82.49.030 must be used to  
25 reimburse one hundred percent of costs and should be prioritized for  
26 the removal of large vessels.

27 (~~d~~) (e) Costs associated with the removal and disposal of an  
28 abandoned or derelict vessel under the authority granted in RCW  
29 53.08.320 also qualify for reimbursement from the derelict vessel  
30 removal account.

31 (~~e~~) (f) In each biennium, up to twenty percent of (~~the~~) all  
32 expenditures, other than expenditures for prevention program grants  
33 under (b)(ii) of this subsection, from the derelict vessel removal  
34 account may be used for administrative expenses of the department of  
35 licensing and department of natural resources in implementing this  
36 chapter.

37 (g) The authority provided in this section to use the derelict  
38 vessel removal account for funding grants to authorized public  
39 entities for derelict vessel prevention programs is discretionary and  
40 may only be utilized if the department determines that funding a

1 complementary prevention program is the most effective use of the  
2 moneys available in the derelict vessel removal account.

3 (2) Priority for use of this account is for the removal of  
4 derelict and abandoned vessels that are in danger of sinking,  
5 breaking up, or blocking navigation channels, or that present  
6 environmental risks such as leaking fuel or other hazardous  
7 substances. The department must develop criteria, in the form of  
8 informal guidelines, to prioritize removal projects associated with  
9 this chapter, but may not consider whether the applicant is a state  
10 or local entity when prioritizing. The guidelines must also include  
11 guidance to the authorized public entities as to what removal  
12 activities and associated costs are reasonable and eligible for  
13 reimbursement.

14 (3) The department must keep all authorized public entities  
15 apprised of the balance of the derelict vessel removal account and  
16 the funds available for reimbursement. The guidelines developed by  
17 the department must also be made available to the other authorized  
18 public entities. This subsection (3) must be satisfied by utilizing  
19 the least costly method, including maintaining the information on the  
20 department's internet web site, or any other cost-effective method.

21 (4) An authorized public entity may contribute its ten percent of  
22 costs that are not eligible for reimbursement by using in-kind  
23 services, including the use of existing staff, equipment, and  
24 volunteers.

25 (5) This chapter does not guarantee reimbursement for an  
26 authorized public entity. Authorized public entities seeking  
27 certainty in reimbursement prior to taking action under this chapter  
28 may first notify the department of their proposed action and the  
29 estimated total costs. Upon notification by an authorized public  
30 entity, the department must make the authorized public entity aware  
31 of the status of the fund and the likelihood of reimbursement being  
32 available. The department may offer technical assistance and assure  
33 reimbursement for up to two years following the removal action if an  
34 assurance is appropriate given the balance of the fund and the  
35 details of the proposed action.

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