

# HOUSE BILL REPORT

## SB 5412

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**As Reported by House Committee On:**  
Agriculture & Natural Resources  
General Government Appropriations

**Title:** An act relating to controlling saltwater algae.

**Brief Description:** Controlling saltwater algae.

**Sponsors:** Senators Eide, McDermott, Honeyford, Keiser, Jacobsen and Shin.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/19/09, 3/26/09 [DPA];

General Government Appropriations: 4/1/09, 4/6/09 [DPA(APPG w/o AGNR)].

**Brief Summary of Bill  
(As Amended by House)**

- Creates a new appropriated Saltwater Algae Control Account to receive funds from the annual boat registration fee.
- Creates a new Saltwater Aquatic Algae Control Grant Program at the Department of Ecology to provide grants for the management and study of saltwater algae and sea lettuce.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Blake, Chair; Grant-Herriot, Vice Chair; Jacks, Liias, McCoy, Nelson, Ormsby and Van De Wege.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, Pearson and Warnick.

**Staff:** Jaclyn Ford (786-7339)

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

As of January 1, 2008, the registration fee for a vessel is \$20.25 plus an excise tax of 0.5 percent of the fair market value of the vessel or \$5, whichever is more. Of the \$20.25, \$10.50 is the registration fee; 75 cents is the license service fee; \$4 is the subagent fee unless registering with a county auditor; and \$5 is an additional assessment. Of the additional \$5, \$2 goes to the Derelict Vessel Removal Account, \$1.50 goes to the Aquatic Invasive Species Account, \$1 goes to the Freshwater Aquatic Algae Control Account, and 50 cents goes to the Aquatic Invasive Species Enforcement Account.

The Freshwater Aquatic Algae Control Program at the Department of Ecology (DOE) provides grants for the treatment of lakes facing harmful algal blooms.

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**Summary of Amended Bill:**

The Freshwater Aquatic Algae Control Account receives 75 cents from the annual boat registration fee instead of \$1. The remaining 25 cents goes to the Saltwater Algae Control Account (Account).

The funds from the Account may be appropriated to the DOE to develop a Saltwater Aquatic Algae Control Grant Program (Program). Funds from the Account will be distributed as grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study saltwater algae and sea lettuce. Grants may be for proactive investments in research and control or for rapid response and restoration due to algal incidents.

Grants may also be used as reimbursement for rapid response or restoration due to algal incidents. Potential grantees may contact the DOE before asking for reimbursement to determine if the Account has sufficient funds for the potential grantee's actions. The DOE must also develop a process that allows potential grantees to be screened and evaluated prior to a saltwater algae incident.

When appropriate, grants must be prioritized to benefit: (1) areas of marine waters with documented significant sea lettuce growth; (2) potential grantees capable and willing to provide matching funds, either directly or through a third party; and (3) potential grantees that are eligible Puget Sound Partners.

The Account and the Program expire June 30, 2013.

**Amended Bill Compared to Original Bill:**

The amended bill changes the expiration date of the act from June 30, 2012, to June 30, 2013.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill provides a good mix of funding between freshwater and saltwater algae control programs. There are a growing number of bays that are inflicted with sea lettuce problems. It is still unknown what causes the explosive growth of sea lettuce. Sea lettuce growth is an environmental and human health hazard. The sea lettuce piles up like hay bales. The gases can be very hazardous to human health. The odor can smell like a bag of soiled baby diapers and can peel paint off of local buildings. Sea lettuce has been recognized by the Puget Sound Action Team as a problem. This is not just a local issue; it affects the entire Puget Sound. Local residents should not be burdened with paying for the removal of sea lettuce. This is a workable solution right now. There have been successful pilot programs to remove sea lettuce. The boaters who pay the fee support this bill.

(Opposed) This would divert money from the Freshwater Aquatic Algae Control Program. That is unreasonable and unwise. Freshwater property owners have been living with blue-green algae and deal with this issue by having lake management districts. Saltwater algae is a naturally occurring algae and is merely a nuisance, not a human health hazard like blue-green algae. Saltwater algae should be dealt with by beach management districts. Washington should use the money for the most appropriate benefit for public health and safety.

**Persons Testifying:** (In support) Senator Eide, prime sponsor; Doug Levy, Jeanne Burbidge, and Ken Miller, City of Federal Way; and Mike McKasy.

(Opposed) Steve Kalenius, Washington Lakes Protection Association; and Don Russell.

**Persons Signed In To Testify But Not Testifying:** None.

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**HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS**

**Majority Report:** Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Agriculture & Natural Resources. Signed by 8 members: Representatives Darneille, Chair; Takko, Vice Chair; Blake, Hudgins, Kenney, Sells, Van De Wege and Williams.

**Minority Report:** Do not pass. Signed by 5 members: Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong, Crouse and Short.

**Staff:** Owen Rowe (786-7391)

**Summary of Recommendation of Committee On General Government Appropriations Compared to Recommendation of Committee On Agriculture & Natural Resources:**

The bill as amended by the General Government Appropriations Committee changes the expiration date of sections 4, 5, and 6 from June 30, 2012, to June 30, 2013.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) When hyper blooms of sea lettuce occur it creates a public health problem as well as an ecological problem for Puget Sound beaches. For those who live in areas near these events, the gas from rotting sea lettuce can cause people to not be able to leave their homes. Legislation that created beach management districts passed the Legislature last year, however, there is a need for bridge funding to mitigate this issue while individual districts get organized. This funding will also enable the study of what the root causes of these events are so that the Puget Sound Partnership can get involved in the future. This is not a new cost to the state; the bill uses an existing fund source for a limited period of time. There is adequate funding in the Freshwater Aquatic Algae Control Account for this use.

(Opposed) None.

**Persons Testifying:** Doug Levy, City of Federal Way.

**Persons Signed In To Testify But Not Testifying:** None.