

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5699

Chapter 464, Laws of 2005

59th Legislature
2005 Regular Session

AQUATIC INVASIVE SPECIES

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 19, 2005
YEAS 44 NAYS 2

BRAD OWEN

President of the Senate

Passed by the House April 7, 2005
YEAS 91 NAYS 5

FRANK CHOPP

Speaker of the House of Representatives

Approved May 13, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5699** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 13, 2005 - 3:39 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5699

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senators Oke, Jacobsen, Spanel, Doumit,
Kline, Rockefeller and Rasmussen)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to preventing and controlling aquatic invasive
2 species and algae; amending RCW 88.02.050; adding a new section to
3 chapter 77.12 RCW; adding a new section to chapter 43.21A RCW; adding
4 a new section to chapter 43.43 RCW; creating new sections; and
5 providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that aquatic invasive
8 species and freshwater aquatic algae are causing economic,
9 environmental, and public health problems that affect the citizens and
10 aquatic resources of our state. Many highly destructive species, such
11 as the zebra mussel, are currently not found in Washington's waters and
12 efforts should be made to prevent the introduction or spread of these
13 aquatic invasive species into our state waters. Preventing new
14 introductions is significantly less expensive and causes far less
15 ecological damage than trying to control new infestations.

16 The legislature also finds that freshwater algae, particularly
17 blue-green algae, are also seriously degrading the water quality and
18 recreational value of a number of our lakes. Blue-green algae can

1 produce toxins that inhibit recreational uses and pose a threat to
2 humans and pets.

3 It is therefore the intent of the legislature to clarify the roles
4 of the different state agencies involved in these issues in order to
5 address the threat of aquatic invasive species and the problem caused
6 by aquatic freshwater algae, and to provide a dedicated fund source to
7 prevent and control further impacts.

8 **Sec. 2.** RCW 88.02.050 and 2002 c 286 s 13 are each amended to read
9 as follows:

10 (1) Application for a vessel registration shall be made to the
11 department or its authorized agent in the manner and upon forms
12 prescribed by the department. The application shall state the name and
13 address of each owner of the vessel and such other information as may
14 be required by the department, shall be signed by at least one owner,
15 and shall be accompanied by a vessel registration fee of ten dollars
16 and fifty cents per year and the excise tax imposed under chapter 82.49
17 RCW. ((In addition, two))

18 (2) Five additional dollars must be collected annually from every
19 vessel registration application. These moneys must be distributed in
20 the following manner:

21 (a) Two dollars must be deposited into the derelict vessel removal
22 account established in RCW 79.100.100. If the department of natural
23 resources indicates that the balance of the derelict vessel removal
24 account reaches one million dollars as of March 1st of any year, the
25 collection of the two-dollar fee must be suspended for the following
26 fiscal year.

27 (b) One dollar and fifty cents must be deposited in the aquatic
28 invasive species prevention account created in section 3 of this act.

29 (c) One dollar must be deposited into the freshwater aquatic algae
30 control account created in section 4 of this act.

31 (d) Fifty cents must be deposited into the aquatic invasive species
32 enforcement account created in section 5 of this act.

33 (3) Any fees required for licensing agents under RCW 46.01.140
34 shall be in addition to the ten dollar and fifty cent annual
35 registration fee and the ((two-dollar derelict vessel)) five-dollar fee
36 created in subsection (2) of this section.

1 (4) Upon receipt of the application and the registration fee, the
2 department shall assign a registration number and issue a decal for
3 each vessel. The registration number and decal shall be issued and
4 affixed to the vessel in a manner prescribed by the department
5 consistent with the standard numbering system for vessels set forth in
6 volume 33, part 174, of the code of federal regulations. A valid decal
7 affixed as prescribed shall indicate compliance with the annual
8 registration requirements of this chapter.

9 (5) The vessel registrations and decals are valid for a period of
10 one year, except that the director of licensing may extend or diminish
11 vessel registration periods, and the decals therefor, for the purpose
12 of staggered renewal periods. For registration periods of more or less
13 than one year, the department may collect prorated annual registration
14 fees and excise taxes based upon the number of months in the
15 registration period. Vessel registrations are renewable every year in
16 a manner prescribed by the department upon payment of the vessel
17 registration fee, excise tax, and the derelict vessel fee. Upon
18 renewing a vessel registration, the department shall issue a new decal
19 to be affixed as prescribed by the department.

20 (6) When the department issues either a notice to renew a vessel
21 registration or a decal for a new or renewed vessel registration, it
22 shall also provide information on the location of marine oil recycling
23 tanks and sewage holding tank pumping stations. This information will
24 be provided to the department by the state parks and recreation
25 commission in a form ready for distribution. The form will be
26 developed and prepared by the state parks and recreation commission
27 with the cooperation of the department of ecology. The department, the
28 state parks and recreation commission, and the department of ecology
29 shall enter into a memorandum of agreement to implement this process.

30 (7) A person acquiring a vessel from a dealer or a vessel already
31 validly registered under this chapter shall, within fifteen days of the
32 acquisition or purchase of the vessel, apply to the department or its
33 authorized agent for transfer of the vessel registration, and the
34 application shall be accompanied by a transfer fee of one dollar.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW
36 to read as follows:

37 (1) The aquatic invasive species prevention account is created in

1 the state treasury. Moneys directed to the account from RCW 88.02.050
2 must be deposited in the account. Expenditures from the account may
3 only be used as provided in this section. Moneys in the account may be
4 spent only after appropriation.

5 (2) Funds in the aquatic invasive species prevention account may be
6 appropriated to the department to develop an aquatic invasive species
7 prevention program for recreational watercraft. Funds must be expended
8 as follows:

9 (a) To inspect watercraft, watercraft trailers, and outboard motors
10 at selected boat launching sites;

11 (b) To educate general law enforcement officers on how to enforce
12 state laws relating to preventing the spread of aquatic invasive
13 species;

14 (c) To evaluate and survey the risk posed by marine recreational
15 watercraft in spreading aquatic invasive species into Washington state
16 waters;

17 (d) To evaluate the risk posed by float planes in spreading aquatic
18 invasive species into Washington state waters; and

19 (e) To implement an aquatic invasive species early detection and
20 rapid response plan.

21 (3) The department shall provide training to Washington state
22 patrol employees working at port of entry weigh stations on how to
23 inspect recreational watercraft for the presence of zebra mussels and
24 other aquatic invasive species. The department shall also
25 cooperatively work with the Washington state patrol to set up random
26 check stations to inspect watercraft at areas of high boating activity.

27 (4) The department shall submit a biennial report to the
28 appropriate legislative committees describing the actions taken to
29 implement this section along with suggestions on how to better fulfill
30 the intent of this act. The first report is due December 1, 2007.

31 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21A RCW
32 to read as follows:

33 (1) The freshwater aquatic algae control account is created in the
34 state treasury. Moneys directed to the account from RCW 88.02.050 must
35 be deposited in the account. Expenditures from the account may only be
36 used as provided in this section. Moneys in the account may be spent
37 only after appropriation.

1 (2) Funds in the freshwater aquatic algae control account may be
2 appropriated to the department to develop a freshwater aquatic algae
3 control program. Funds must be expended as follows:

4 (a) As grants to cities, counties, tribes, special purpose
5 districts, and state agencies to manage excessive freshwater algae,
6 with priority for the treatment of lakes in which harmful algal blooms
7 have occurred within the past three years; and

8 (b) To provide technical assistance to applicants and the public
9 about aquatic algae control.

10 (3) The department shall submit a biennial report to the
11 appropriate legislative committees describing the actions taken to
12 implement this section along with suggestions on how to better fulfill
13 the intent of this act. The first report is due December 1, 2007.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.43 RCW
15 to read as follows:

16 (1) The aquatic invasive species enforcement account is created in
17 the state treasury. Moneys directed to the account from RCW 88.02.050
18 must be deposited in the account. Expenditures from the account may
19 only be used as provided in this section. Moneys in the account may be
20 spent only after appropriation.

21 (2) Funds in the aquatic invasive species enforcement account may
22 be appropriated to the Washington state patrol to develop an aquatic
23 invasive species enforcement program for recreational watercraft.
24 Funds must be expended as follows:

25 (a) To inspect recreational watercraft that are required to stop at
26 port of entry weigh stations managed by the Washington state patrol.
27 The watercraft must be inspected for the presence of zebra mussels and
28 other aquatic invasive species; and

29 (b) To establish random check stations, in conjunction with the
30 department of fish and wildlife, to inspect watercraft in areas of high
31 boating activity.

32 (3) The Washington state patrol shall submit a biennial report to
33 the appropriate legislative committees describing the actions taken to
34 implement this section along with suggestions on how to better fulfill
35 the intent of this act. The first report is due December 1, 2007.

1 NEW SECTION. **Sec. 6.** Section 2 of this act applies to vessel
2 registration fees that are due or become due on or after August 1,
3 2005.

4 NEW SECTION. **Sec. 7.** Section 2 of this act expires June 30, 2012.
Passed by the Senate April 19, 2005.
Passed by the House April 7, 2005.
Approved by the Governor May 13, 2005.
Filed in Office of Secretary of State May 13, 2005.