

**HB 1395** - S COMM AMD

By Committee on Natural Resources & Marine Waters

**NOT CONSIDERED 05/25/2011**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 88.02.640 and 2010 c 161 s 1028 are each amended to  
4 read as follows:

5 (1) In addition to any other fees and taxes required by law, the  
6 department, county auditor or other agent, or subagent appointed by the  
7 director shall charge the following vessel fees:

8	FEE	AMOUNT	AUTHORITY	DISTRIBUTION
9	(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
10	(b) Derelict vessel and	Subsection (3) of this	Subsections (3) and (4) of	Subsection (3) of this
11	invasive species removal	section	this section	section
12	(c) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
13	(d) Filing	RCW 46.17.005	RCW 46.17.005	RCW 46.68.440
14	(e) License plate	RCW 46.17.015	RCW 46.17.015	RCW 46.68.400
15	technology			
16	(f) License service	RCW 46.17.025	RCW 46.17.025	RCW 46.68.220
17	(g) Nonresident vessel	\$25.00	RCW 88.02.620(3)	Subsection (6) of this
18	permit			section
19	(h) Registration	\$10.50	RCW 88.02.560(2)	General fund
20	(i) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
21	(j) Title application	\$5.00	RCW 88.02.515	General fund
22	(k) Transfer	\$1.00	RCW 88.02.560(7)	General fund
23	(l) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	General fund

24 (2) The five dollar dealer temporary permit fee required in  
25 subsection (1) of this section must be credited to the payment of  
26 registration fees at the time application for registration is made.

1 (3)(a) (~~Until June 30, 2012,~~) The derelict vessel and invasive  
2 species removal fee required in subsection (1) of this section is five  
3 dollars and must be distributed as follows:

4 (i) One dollar and fifty cents must be deposited in the aquatic  
5 invasive species prevention account created in RCW 77.12.879;

6 (ii) (~~One dollar~~) Ninety cents must be deposited into the  
7 (~~freshwater~~) aquatic algae control account created in RCW 43.21A.667;

8 (iii) (~~Fifty~~) Sixty cents must be deposited into the aquatic  
9 invasive species enforcement account created in RCW 43.43.400; and

10 (iv) Two dollars must be deposited in the derelict vessel removal  
11 account created in RCW 79.100.100.

12 (b) (~~On and after June 30, 2012, the derelict vessel and invasive~~  
13 ~~species removal fee is two dollars and must be deposited into the~~  
14 ~~derelict vessel removal account created in RCW 79.100.100.~~) If the  
15 department of natural resources indicates that the balance of the  
16 derelict vessel removal account, not including any transfer or  
17 appropriation of funds into the account or funds deposited into the  
18 account collected under subsection (5) of this section reaches one  
19 million dollars as of March 1st of any year, the collection of the two  
20 dollars of the derelict vessel and invasive species removal fee that is  
21 deposited into the derelict vessel removal account as authorized in  
22 (a)(iv) of this subsection must be suspended for the following fiscal  
23 year.

24 (4) Until January 1, 2014, an annual derelict vessel removal  
25 surcharge of one dollar must be charged with each vessel registration.  
26 The surcharge:

27 (a) Is to address the significant backlog of derelict vessels  
28 accumulated in Washington state waters that pose a threat to the health  
29 and safety of the people and to the environment;

30 (b) Is to be used only for the removal of vessels that are less  
31 than seventy-five feet in length; and

32 (c) Must be deposited into the derelict vessel removal account  
33 created in RCW 79.100.100.

34 (5) The twenty-five dollar nonresident vessel permit fee must be  
35 paid by the vessel owner to the department for the cost of providing  
36 the identification document by the department. Any moneys remaining  
37 from the fee after the payment of costs must be allocated to counties

1 by the state treasurer for approved boating safety programs under RCW  
2 88.02.655.

3 (6) The thirty dollar vessel visitor permit fee must be distributed  
4 as follows:

5 (a) Five dollars must be deposited in the derelict vessel removal  
6 account created in RCW 79.100.100;

7 (b) The department may keep an amount to cover costs for providing  
8 the vessel visitor permit;

9 (c) Any moneys remaining must be allocated to counties by the state  
10 treasurer for approved boating safety programs under RCW 88.02.655; and

11 (d) Any fees required for licensing agents under RCW 46.17.005 are  
12 in addition to any other fee or tax due for the titling and  
13 registration of vessels.

14 **Sec. 2.** RCW 43.21A.667 and 2009 c 564 s 933 are each amended to  
15 read as follows:

16 (1) The (~~freshwater~~) aquatic algae control account is created in  
17 the state treasury. Moneys directed to the account from RCW  
18 (~~88.02.050~~) 88.02.640 must be deposited in the account. Expenditures  
19 from the account may only be used as provided in this section. Moneys  
20 in the account may be spent only after appropriation.

21 (2) Funds in the (~~freshwater~~) aquatic algae control account may  
22 be appropriated to the department to develop a freshwater and saltwater  
23 aquatic algae control program, and may be used to establish contingency  
24 funds for emergent issues. Funds must be expended as follows:

25 (a) As grants to cities, counties, tribes, special purpose  
26 districts, and state agencies: To manage excessive freshwater and  
27 saltwater nuisance algae, with priority for the treatment of lakes in  
28 which harmful algal blooms have occurred within the past three years;  
29 and (~~during the 2009-2011 fiscal biennium to provide grants for sea~~  
30 ~~lettuce research and removal to assist Puget Sound communities that are~~  
31 ~~impacted by hyperblooms of sea lettuce~~) for freshwater and saltwater  
32 nuisance algae monitoring and removal; and

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

35 (3) The department shall submit a biennial report to the  
36 appropriate legislative committees describing the actions taken to

1 implement this section along with suggestions on how to better fulfill  
2 the intent of chapter 464, Laws of 2005. The first report is due  
3 December 1, 2007.

4 (4) For the purposes of this section, "saltwater nuisance algae"  
5 means native invasive algae (sea lettuce), nonnative invasive algae,  
6 and algae producing harmful toxins.

7 **Sec. 3.** RCW 43.43.400 and 2007 c 350 s 1 are each amended to read  
8 as follows:

9 (1) The definitions in this subsection apply throughout this  
10 section unless the context clearly requires otherwise:

11 (a) "Aquatic invasive species" means any invasive, prohibited,  
12 regulated, unregulated, or unlisted aquatic animal or plant species as  
13 defined under RCW 77.08.010 (~~((49) through (54))~~) (28), (40), (44),  
14 (58), and (59), aquatic noxious weeds as defined under RCW  
15 17.26.020(5)(c), and aquatic nuisance species as defined under RCW  
16 77.60.130(1).

17 (b) "Recreational and commercial watercraft" includes the boat, as  
18 well as equipment used to transport the boat, and any auxiliary  
19 equipment such as attached or detached outboard motors.

20 (2) The aquatic invasive species enforcement account is created in  
21 the state treasury. Moneys directed to the account from RCW  
22 (~~(88.02.050)~~) 88.02.640 must be deposited in the account. Expenditures  
23 from the account may only be used as provided in this section. Moneys  
24 in the account may be spent only after appropriation.

25 (3) Funds in the aquatic invasive species enforcement account may  
26 be appropriated to the Washington state patrol and the department of  
27 fish and wildlife to develop an aquatic invasive species enforcement  
28 program for recreational and commercial watercraft, which includes  
29 equipment used to transport the watercraft and auxiliary equipment such  
30 as attached or detached outboard motors. Funds must be expended as  
31 follows:

32 (a) By the Washington state patrol, to inspect recreational and  
33 commercial watercraft that are required to stop at port of entry weigh  
34 stations managed by the Washington state patrol. The watercraft must  
35 be inspected for the presence of aquatic invasive species; and

36 (b) By the department of fish and wildlife to:

1 (i) Establish random check stations, to inspect recreational and  
2 commercial watercraft as provided for in RCW 77.12.879(3);

3 (ii) Inspect or delegate inspection of recreational and commercial  
4 watercraft. If the department conducts the inspection, there will be  
5 no cost to the person requesting the inspection;

6 (iii) Provide training to all department employees that are  
7 deployed in the field to inspect recreational and commercial  
8 watercraft; and

9 (iv) Provide an inspection receipt verifying that the watercraft is  
10 not contaminated after the watercraft has been inspected at a check  
11 station or has been inspected at the request of the owner of the  
12 recreational or commercial watercraft. The inspection receipt is valid  
13 until the watercraft is used again.

14 (4) The Washington state patrol and the department of fish and  
15 wildlife shall submit a biennial report to the appropriate legislative  
16 committees describing the actions taken to implement this section along  
17 with suggestions on how to better fulfill the intent of chapter 464,  
18 Laws of 2005. The first report is due December 1, 2007.

19 **Sec. 4.** RCW 77.12.879 and 2009 c 333 s 22 are each amended to read  
20 as follows:

21 (1) The aquatic invasive species prevention account is created in  
22 the state treasury. Moneys directed to the account from RCW  
23 (~~88.02.050~~) 88.02.640 must be deposited in the account. Expenditures  
24 from the account may only be used as provided in this section. Moneys  
25 in the account may be spent only after appropriation.

26 (2) Funds in the aquatic invasive species prevention account may be  
27 appropriated to the department to develop an aquatic invasive species  
28 prevention program for recreational and commercial watercraft. Funds  
29 must be expended as follows:

30 (a) To inspect recreational and commercial watercraft;

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

34 (c) To evaluate and survey the risk posed by recreational and  
35 commercial watercraft in spreading aquatic invasive species into  
36 Washington state waters;

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

3 (e) To implement an aquatic invasive species early detection and  
4 rapid response plan. The plan must address the treatment and immediate  
5 response to the introduction to Washington waters of aquatic invasive  
6 species. Agency and public review of the plan must be conducted under  
7 chapter 43.21C RCW, the state environmental policy act. If the  
8 implementation measures or actions would have a probable significant  
9 adverse environmental impact, a detailed statement under chapter 43.21C  
10 RCW must be prepared on the plan.

11 (3) Funds in the aquatic invasive species enforcement account  
12 created in RCW 43.43.400 may be appropriated to the department and  
13 Washington state patrol to develop an aquatic invasive species  
14 enforcement program for recreational and commercial watercraft. The  
15 department shall provide training to Washington state patrol employees  
16 working at port of entry weigh stations, and other local law  
17 enforcement employees, on how to inspect recreational and commercial  
18 watercraft for the presence of aquatic invasive species. A person who  
19 enters Washington by road transporting any commercial or recreational  
20 watercraft that has been used in any designated aquatic invasive  
21 species state or foreign country as defined by rule of the department  
22 must have in his or her possession valid documentation that the  
23 watercraft has been inspected and found free of aquatic invasive  
24 species. The department is authorized to require persons transporting  
25 recreational and commercial watercraft to stop at check stations.  
26 Check stations must be plainly marked by signs, operated by at least  
27 one uniformed fish and wildlife officer, and operated in a safe manner.  
28 Any person stopped at a check station who possesses a recreational or  
29 commercial watercraft that has been used in any designated aquatic  
30 invasive species state or foreign country as defined by rule of the  
31 department, or that is contaminated with aquatic invasive species, must  
32 bear the expense for any necessary impoundment, transportation,  
33 cleaning, and decontamination of the watercraft. Any person stopped at  
34 a check station who possesses a recreational or commercial watercraft  
35 that has been used in any designated aquatic invasive species state or  
36 foreign country as defined by rule of the department, or that is  
37 contaminated with aquatic invasive species, is exempt from the criminal

1 penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under  
2 RCW 77.15.070, if that person complies with all department directives  
3 for the proper decontamination of the watercraft and equipment.

4 (4) The department shall submit a biennial report to the  
5 appropriate legislative committees describing the actions taken to  
6 implement this section along with suggestions on how to better fulfill  
7 the intent of chapter 464, Laws of 2005."

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8 On page 1, line 2 of the title, after "fee;" strike the remainder  
9 of the title and insert "and amending RCW 88.02.640, 43.21A.667,  
10 43.43.400, and 77.12.879."

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