
HOUSE BILL 1256

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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