

ESHB 1245 - S COMM AMD

By Committee on Natural Resources & Parks

ADOPTED 04/12/2013

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

3 "Sec. 1. RCW 88.02.640 and 2012 c 74 s 16 are each amended to read
4 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 and surcharge:

8

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) Duplicate certificate of title	\$1.25	RCW 88.02.530(1)(c)	General fund
(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
(g) License plate technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370
(h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220
(i) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (5) of this section
(j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section
(k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
(l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund

1	(m) Title application	\$5.00	RCW 88.02.515	General fund
2	(n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
3	(o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this
4				section

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

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

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

~~((ii))~~ (b) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667;

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

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

~~((b) If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollars of the derelict vessel and invasive species removal fee that is deposited into the derelict vessel removal account as authorized in (a)(iv) of this subsection must be suspended for the following fiscal year.))~~

(4) ~~((Until January 1, 2014))~~ In addition to other fees required in this section, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge(~~(+~~

~~(a))~~ is to address the significant backlog of derelict vessels accumulated in Washington (~~(state))~~ waters that pose a threat to the health and safety of the people and to the environment(~~(+~~

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

~~((e))~~ must be deposited into the derelict vessel removal account created in RCW 79.100.100.

1 (5) The twenty-five dollar nonresident vessel permit fee must be
2 paid by the vessel owner to the department for the cost of providing
3 the identification document by the department. Any moneys remaining
4 from the fee after the payment of costs must be allocated to counties
5 by the state treasurer for approved boating safety programs under RCW
6 88.02.650.

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

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

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

13 (c) Any moneys remaining must be allocated to counties by the state
14 treasurer for approved boating safety programs under RCW 88.02.650; and

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

18 (7)(a) The fifty dollar quick title service fee must be distributed
19 as follows:

20 (i) If the fee is paid to the director, the fee must be deposited
21 to the general fund.

22 (ii) If the fee is paid to the participating county auditor or
23 other agent or subagent appointed by the director, twenty-five dollars
24 must be deposited to the general fund. The remainder must be retained
25 by the county treasurer in the same manner as other fees collected by
26 the county auditor.

27 (b) For the purposes of this subsection, "quick title" has the same
28 meaning as in RCW 88.02.540.

29 **Sec. 2.** RCW 79.100.100 and 2010 c 161 s 1161 are each amended to
30 read as follows:

31 (1)(a) The derelict vessel removal account is created in the state
32 treasury. All receipts from RCW 79.100.050 and 79.100.060 and those
33 moneys specified in RCW 88.02.640 must be deposited into the account.
34 The account is authorized to receive fund transfers and appropriations
35 from the general fund, deposits from the derelict vessel removal
36 surcharge under RCW 88.02.640(4), as well as gifts, grants, and
37 endowments from public or private sources as may be made from time to

1 time, in trust or otherwise, for the use and benefit of the purposes of
2 this chapter and expend the same or any income according to the terms
3 of the gifts, grants, or endowments provided those terms do not
4 conflict with any provisions of this section or any guidelines
5 developed to prioritize reimbursement of removal projects associated
6 with this chapter.

7 (b) Moneys in the account may only be spent after appropriation.
8 Expenditures from the account ~~((must))~~ may only be used by the
9 department for developing and administering the vessel turn-in program
10 created in section 42 of this act and to reimburse authorized public
11 entities for up to ninety percent of the total reasonable and auditable
12 administrative, removal, disposal, and environmental damage costs of
13 abandoned or derelict vessels when the previous owner is either unknown
14 after a reasonable search effort or insolvent. Reimbursement may not
15 be made unless the department determines that the public entity has
16 made reasonable efforts to identify and locate the party responsible
17 for the vessel, or any other person or entity that has incurred
18 secondary liability under section 38 of this act, regardless of the
19 title of owner of the vessel.

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

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

28 (e) In each biennium, up to twenty percent of the expenditures from
29 the derelict vessel removal account may be used for administrative
30 expenses of the department of licensing and department of natural
31 resources in implementing this chapter.

32 ~~((2))~~ ~~((If the balance of the account reaches one million dollars as~~
33 ~~of March 1st of any year, exclusive of any transfer or appropriation of~~
34 ~~funds into the account or funds deposited into the account collected~~
35 ~~under RCW 88.02.640(5), the department must notify the department of~~
36 ~~licensing and the collection of any fees associated with this account~~
37 ~~must be suspended for the following fiscal year.~~

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

11 ~~((4))~~ (3) The department must keep all authorized public entities
12 ~~((apprized))~~ apprized of the balance of the derelict vessel removal
13 account and the funds available for reimbursement. The guidelines
14 developed by the department must also be made available to the other
15 authorized public entities. This subsection ~~((4))~~ (3) must be
16 satisfied by utilizing the least costly method, including maintaining
17 the information on the department's internet web site, or any other
18 cost-effective method.

19 ~~((5))~~ (4) An authorized public entity may contribute its ten
20 percent of costs that are not eligible for reimbursement by using in-
21 kind services, including the use of existing staff, equipment, and
22 volunteers.

23 ~~((6))~~ (5) This chapter does not guarantee reimbursement for an
24 authorized public entity. Authorized public entities seeking certainty
25 in reimbursement prior to taking action under this chapter may first
26 notify the department of their proposed action and the estimated total
27 costs. Upon notification by an authorized public entity, the
28 department must make the authorized public entity aware of the status
29 of the fund and the likelihood of reimbursement being available. The
30 department may offer technical assistance and assure reimbursement for
31 up to two years following the removal action if an assurance is
32 appropriate given the balance of the fund and the details of the
33 proposed action.

34 **Sec. 3.** RCW 79A.65.020 and 2002 c 286 s 21 are each amended to
35 read as follows:

36 (1) The commission may take reasonable measures, including but not
37 limited to the use of anchors, chains, ropes, and locks, or removal

1 from the water, to secure unauthorized vessels located at or on a
2 commission facility so that the unauthorized vessels are in the
3 possession and control of the commission. At least ten days before
4 securing any unauthorized registered vessel, the commission shall send
5 notification by registered mail to the last registered owner or
6 registered owners of the vessel at their last known address or
7 addresses.

8 (2) The commission may take reasonable measures, including but not
9 limited to the use of anchors, chains, ropes, locks, or removal from
10 the water, to secure any vessel if the vessel, in the opinion of the
11 commission, is a nuisance, is in danger of sinking or creating other
12 damage to a commission facility, or is otherwise a threat to the
13 health, safety, or welfare of the public or environment at a commission
14 facility. The costs of any such procedure shall be paid by the
15 vessel's owner.

16 (3) At the time of securing any vessel under subsection (1) or (2)
17 of this section, the commission shall attach to the vessel a readily
18 visible notice or, when practicable, shall post such notice in a
19 conspicuous location at the commission facility in the event the vessel
20 is removed from the premises. The notice shall be of a reasonable size
21 and shall contain the following information:

- 22 (a) The date and time the notice was attached or posted;
- 23 (b) A statement that the vessel has been secured by the commission
24 and that if the commission's charges, if any, are not paid and the
25 vessel is not removed by (the thirty-fifth consecutive day
26 following the date of attachment or posting of the notice), the vessel
27 will be considered abandoned and will be sold at public auction to
28 satisfy the charges;
- 29 (c) The address and telephone number where additional information
30 may be obtained concerning the securing of the vessel and conditions
31 for its release; and
- 32 (d) A description of the owner's or secured party's rights under
33 this chapter.

34 (4) With respect to registered vessels: Within five days of the
35 date that notice is attached or posted under subsection (3) of this
36 section, the commission shall send such notice, by registered mail, to
37 each registered owner.

1 (5) If a vessel is secured under subsection (1) or (2) of this
2 section, the owner, or any person with a legal right to possess the
3 vessel, may claim the vessel by:

4 (a) Making arrangements satisfactory to the commission for the
5 immediate removal of the vessel from the commission's control or for
6 authorized storage or moorage; and

7 (b) Making payment to the commission of all reasonable charges
8 incurred by the commission in securing the vessel under subsections (1)
9 and (2) of this section and of all moorage fees owed to the commission.

10 (6) A vessel is considered abandoned if, within the thirty-five day
11 period following the date of attachment or posting of notice in
12 subsection (3) of this section, the vessel has not been claimed under
13 subsection (5) of this section.

14 (7) If the owner or owners of a vessel are unable to reimburse the
15 commission for all reasonable charges under subsections (1) and (2) of
16 this section within a reasonable time, the commission may seek
17 reimbursement of ((seventy-five)) ninety percent of all reasonable and
18 auditable costs from the derelict vessel removal account established in
19 RCW 79.100.100.

20 **Sec. 4.** RCW 79.100.130 and 2011 c 247 s 2 are each amended to read
21 as follows:

22 (1) A ((marina)) private moorage facility owner, as those terms are
23 defined in RCW 88.26.010, may contract with a local government for the
24 purpose of participating in the derelict vessel removal program.

25 (2) If a contract is completed under this section, the local
26 government shall serve as the authorized public entity for the removal
27 of ((the)) a derelict or abandoned vessel from the ((marina owner's))
28 property of the private moorage facility owner. The contract must
29 provide for the ((marina owner)) private moorage facility owner to be
30 financially responsible for the removal and disposal costs that are not
31 reimbursed by the department as provided under RCW 79.100.100, and any
32 additional reasonable administrative costs incurred by the local
33 government during the removal of the derelict or abandoned vessel.

34 (3) Prior to the commencement of any removal which will seek
35 reimbursement from the derelict vessel removal program, the contract
36 and the proposed vessel removal shall be submitted to the department

1 for review and approval. The local government shall use the procedure
2 specified under RCW 79.100.100(6).

3 (4) If the private moorage facility owner has already seized the
4 vessel under chapter 88.26 RCW and title has reverted to the moorage
5 facility, the moorage facility is not considered the owner under this
6 chapter for purposes of cost recovery for actions taken under this
7 section.

8 **Sec. 5.** RCW 43.19.1919 and 2011 1st sp.s. c 43 s 215 are each
9 amended to read as follows:

10 (1) The department shall sell or exchange personal property
11 belonging to the state for which the agency, office, department, or
12 educational institution having custody thereof has no further use, at
13 public or private sale, and cause the moneys realized from the sale of
14 any such property to be paid into the fund from which such property was
15 purchased or, if such fund no longer exists, into the state general
16 fund. This requirement is subject to the following exceptions and
17 limitations:

18 ~~((1))~~ (a) This section does not apply to property under RCW
19 27.53.045, 28A.335.180, or 43.19.1920;

20 ~~((2))~~ (b) Sales of capital assets may be made by the department
21 and a credit established for future purchases of capital items as
22 provided for in RCW 43.19.190 through 43.19.1939;

23 ~~((3))~~ (c) Personal property, excess to a state agency, including
24 educational institutions, shall not be sold or disposed of prior to
25 reasonable efforts by the department to determine if other state
26 agencies have a requirement for such personal property. Such
27 determination shall follow sufficient notice to all state agencies to
28 allow adequate time for them to make their needs known. Surplus items
29 may be disposed of without prior notification to state agencies if it
30 is determined by the director to be in the best interest of the state.
31 The department shall maintain a record of disposed surplus property,
32 including date and method of disposal, identity of any recipient, and
33 approximate value of the property;

34 ~~((4))~~ (d) This section does not apply to personal property
35 acquired by a state organization under federal grants and contracts if
36 in conflict with special title provisions contained in such grants or
37 contracts;

1 ~~((5))~~ (e) A state agency having a surplus personal property asset
2 with a fair market value of less than five hundred dollars may transfer
3 the asset to another state agency without charging fair market value.
4 A state agency conducting this action must maintain adequate records to
5 comply with agency inventory procedures and state audit requirements.

6 (2)(a) Prior to transferring ownership of a department-owned
7 vessel, the department shall conduct a thorough review of the physical
8 condition of the vessel, the vessel's operating capability, and any
9 containers and other materials that are not fixed to the vessel.

10 (b) If the department determines that the vessel is in a state of
11 advanced deterioration or poses a reasonably imminent threat to human
12 health or safety, including a threat of environmental contamination,
13 the department may: (i) Not transfer the vessel until the conditions
14 identified under this subsection have been corrected; or (ii)
15 permanently dispose of the vessel by landfill, deconstruction, or other
16 related method.

17 NEW SECTION. Sec. 6. A new section is added to chapter 43.19 RCW
18 to read as follows:

19 (1) Following the inspection required under section 5 of this act
20 and prior to transferring ownership of a department-owned vessel, the
21 department shall obtain the following from the transferee:

22 (a) The purposes for which the transferee intends to use the
23 vessel; and

24 (b) Information demonstrating the prospective owner's intent to
25 obtain legal moorage following the transfer, in the manner determined
26 by the department.

27 (2)(a) The department shall remove any containers or other
28 materials that are not fixed to the vessel and contain hazardous
29 substances, as defined under RCW 70.105D.020.

30 (b) However, the department may transfer a vessel with:

31 (i) Those containers or materials described under (a) of this
32 subsection where the transferee demonstrates to the department's
33 satisfaction that the container's or material's presence is consistent
34 with the anticipated use of the vessel; and

35 (ii) A reasonable amount of fuel as determined by the department,
36 based on factors including the vessel's size, condition, and

1 anticipated use of the vessel, including initial destination following
2 transfer.

3 (c) The department may consult with the department of ecology in
4 carrying out the requirements of this subsection (2).

5 (3) Prior to sale, and unless the vessel has a title or valid
6 marine document, the department is required to apply for a certificate
7 of title for the vessel under RCW 88.02.510 and register the vessel
8 under RCW 88.02.550.

9 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.30 RCW
10 to read as follows:

11 (1) Prior to transferring ownership of a department-owned vessel,
12 the department shall conduct a thorough review of the physical
13 condition of the vessel, the vessel's operating capability, and any
14 containers and other materials that are not fixed to the vessel.

15 (2) If the department determines that the vessel is in a state of
16 advanced deterioration or poses a reasonably imminent threat to human
17 health or safety, including a threat of environmental contamination,
18 the department may: (a) Not transfer the vessel until the conditions
19 identified under this subsection have been corrected; or (b)
20 permanently dispose of the vessel by landfill, deconstruction, or other
21 related method.

22 (3) Vessels taken into custody under chapter 79.100 RCW are not
23 subject to this section or section 8 of this act.

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.30 RCW
25 to read as follows:

26 (1) Following the inspection required under section 7 of this act
27 and prior to transferring ownership of a department-owned vessel, the
28 department shall obtain the following from the transferee:

29 (a) The purposes for which the transferee intends to use the
30 vessel; and

31 (b) Information demonstrating the prospective owner's intent to
32 obtain legal moorage following the transfer, in the manner determined
33 by the department.

34 (2)(a) The department shall remove any containers or other
35 materials that are not fixed to the vessel and contain hazardous
36 substances, as defined under RCW 70.105D.020.

1 (b) However, the department may transfer a vessel with:

2 (i) Those containers or materials described under (a) of this
3 subsection where the transferee demonstrates to the department's
4 satisfaction that the container's or material's presence is consistent
5 with the anticipated use of the vessel; and

6 (ii) A reasonable amount of fuel as determined by the department,
7 based on factors including the vessel's size, condition, and
8 anticipated use of the vessel, including initial destination following
9 transfer.

10 (c) The department may consult with the department of ecology in
11 carrying out the requirements of this subsection.

12 (3) Prior to sale, and unless the vessel has a title or valid
13 marine document, the department is required to apply for a certificate
14 of title for the vessel under RCW 88.02.510 and register the vessel
15 under RCW 88.02.550.

16 NEW SECTION. **Sec. 9.** A new section is added to chapter 77.12 RCW
17 to read as follows:

18 (1) Prior to transferring ownership of a department-owned vessel,
19 the department shall conduct a thorough review of the physical
20 condition of the vessel, the vessel's operating capability, and any
21 containers and other materials that are not fixed to the vessel.

22 (2) If the department determines that the vessel is in a state of
23 advanced deterioration or poses a reasonably imminent threat to human
24 health or safety, including a threat of environmental contamination,
25 the department may: (a) Not transfer the vessel until the conditions
26 identified under this subsection have been corrected; or (b)
27 permanently dispose of the vessel by landfill, deconstruction, or other
28 related method.

29 (3) Vessels taken into custody under chapter 79.100 RCW are not
30 subject to this section or section 10 of this act.

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.12 RCW
32 to read as follows:

33 (1) Following the inspection required under section 9 of this act
34 and prior to transferring ownership of a department-owned vessel, the
35 department shall obtain the following from the transferee:

1 (a) The purposes for which the transferee intends to use the
2 vessel; and

3 (b) Information demonstrating the prospective owner's intent to
4 obtain legal moorage following the transfer, in the manner determined
5 by the department.

6 (2)(a) The department shall remove any containers or other
7 materials that are not fixed to the vessel and contain hazardous
8 substances, as defined under RCW 70.105D.020.

9 (b) However, the department may transfer a vessel with:

10 (i) Those containers or materials described under (a) of this
11 subsection where the transferee demonstrates to the department's
12 satisfaction that the container's or material's presence is consistent
13 with the anticipated use of the vessel; and

14 (ii) A reasonable amount of fuel as determined by the department,
15 based on factors including the vessel's size, condition, and
16 anticipated use of the vessel, including initial destination following
17 transfer.

18 (c) The department may consult with the department of ecology in
19 carrying out the requirements of this subsection.

20 (3) Prior to sale, and unless the vessel has a title or valid
21 marine document, the department is required to apply for a certificate
22 of title for the vessel under RCW 88.02.510 and register the vessel
23 under RCW 88.02.550.

24 NEW SECTION. **Sec. 11.** A new section is added to chapter 79A.05
25 RCW to read as follows:

26 (1) Prior to transferring ownership of a commission-owned vessel,
27 the commission shall conduct a thorough review of the physical
28 condition of the vessel, the vessel's operating capability, and any
29 containers and other materials that are not fixed to the vessel.

30 (2) If the commission determines the vessel is in a state of
31 advanced deterioration or poses a reasonably imminent threat to human
32 health or safety, including a threat of environmental contamination,
33 that the commission may: (a) Not transfer the vessel until the
34 conditions identified under this subsection have been corrected; or (b)
35 permanently dispose of the vessel by landfill, deconstruction, or other
36 related method.

1 (3) Vessels taken into custody under chapter 79.100 RCW are not
2 subject to this section or section 12 of this act.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 79A.05
4 RCW to read as follows:

5 (1) Following the inspection required under section 11 of this act
6 and prior to transferring ownership of a commission-owned vessel, the
7 commission shall obtain the following from the transferee:

8 (a) The purposes for which the transferee intends to use the
9 vessel; and

10 (b) Information demonstrating the prospective owner's intent to
11 obtain legal moorage following the transfer, in the manner determined
12 by the commission.

13 (2)(a) The commission shall remove any containers or other
14 materials that are not fixed to the vessel and contain hazardous
15 substances, as defined under RCW 70.105D.020.

16 (b) However, the commission may transfer a vessel with:

17 (i) Those containers or materials described under (a) of this
18 subsection where the transferee demonstrates to the commission's
19 satisfaction that the container's or material's presence is consistent
20 with the anticipated use of the vessel; and

21 (ii) A reasonable amount of fuel as determined by the commission,
22 based on factors including the vessel's size, condition, and
23 anticipated use of the vessel, including initial destination following
24 transfer.

25 (c) The commission may consult with the department of ecology in
26 carrying out the requirements of this subsection.

27 (3) Prior to sale, and unless the vessel has a title or valid
28 marine document, the commission is required to apply for a certificate
29 of title for the vessel under RCW 88.02.510 and register the vessel
30 under RCW 88.02.550.

31 NEW SECTION. **Sec. 13.** A new section is added to chapter 47.01 RCW
32 to read as follows:

33 (1) Prior to transferring ownership of a department-owned vessel,
34 the department shall conduct a thorough review of the physical
35 condition of the vessel, the vessel's operating capability, and any
36 containers and other materials that are not fixed to the vessel.

1 (2) If the department determines that the vessel is in a state of
2 advanced deterioration or poses a reasonably imminent threat to human
3 health or safety, including a threat of environmental contamination,
4 the department may: (a) Not transfer the vessel until the conditions
5 identified under this subsection have been corrected; or (b)
6 permanently dispose of the vessel by landfill, deconstruction, or other
7 related method.

8 NEW SECTION. **Sec. 14.** A new section is added to chapter 47.01 RCW
9 to read as follows:

10 (1) Following the inspection required under section 13 of this act
11 and prior to transferring ownership of a department-owned vessel, the
12 department shall obtain the following from the transferee:

13 (a) The purposes for which the transferee intends to use the
14 vessel; and

15 (b) Information demonstrating the prospective owner's intent to
16 obtain legal moorage following the transfer, in the manner determined
17 by the department.

18 (2)(a) The department shall remove any containers or other
19 materials that are not fixed to the vessel and contain hazardous
20 substances, as defined under RCW 70.105D.020.

21 (b) However, the department may transfer a vessel with:

22 (i) Those containers or materials described under (a) of this
23 subsection where the transferee demonstrates to the department's
24 satisfaction that the container's or material's presence is consistent
25 with the anticipated use of the vessel; and

26 (ii) A reasonable amount of fuel as determined by the department,
27 based on factors including the vessel's size, condition, and
28 anticipated use of the vessel, including initial destination following
29 transfer.

30 (c) The department may consult with the department of ecology in
31 carrying out the requirements of this subsection.

32 (3) Prior to sale, and unless the vessel has a title or valid
33 marine document, the department is required to apply for a certificate
34 of title for the vessel under RCW 88.02.510 and register the vessel
35 under RCW 88.02.550.

1 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.21 RCW
2 to read as follows:

3 (1) Prior to transferring ownership of a city or town-owned vessel,
4 the city or town shall conduct a thorough review of the physical
5 condition of the vessel, the vessel's operating capability, and any
6 containers and other materials that are not fixed to the vessel.

7 (2) If the city or town determines the vessel is in a state of
8 advanced deterioration or poses a reasonably imminent threat to human
9 health or safety, including a threat of environmental contamination,
10 the city or town may: (a) Not transfer the vessel until the conditions
11 identified under this subsection have been corrected; or (b)
12 permanently dispose of the vessel by landfill, deconstruction, or other
13 related method.

14 (3) Vessels taken into custody under chapter 79.100 RCW are not
15 subject to this section or section 16 of this act.

16 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.21 RCW
17 to read as follows:

18 (1) Following the inspection required under section 15 of this act
19 and prior to transferring ownership of a city or town-owned vessel, a
20 city or town shall obtain the following from the transferee:

21 (a) The purposes for which the transferee intends to use the
22 vessel; and

23 (b) Information demonstrating the prospective owner's intent to
24 obtain legal moorage following the transfer, in the manner determined
25 by the city or town.

26 (2)(a) The city or town shall remove any containers or other
27 materials that are not fixed to the vessel and contain hazardous
28 substances, as defined under RCW 70.105D.020.

29 (b) However, the city or town may transfer a vessel with:

30 (i) Those containers or materials described under (a) of this
31 subsection where the transferee demonstrates to the city or town's
32 satisfaction that the container's or material's presence is consistent
33 with the anticipated use of the vessel; and

34 (ii) A reasonable amount of fuel as determined by the city or town,
35 based on factors including the vessel's size, condition, and
36 anticipated use of the vessel, including initial destination following
37 transfer.

1 (c) The city or town may consult with the department of ecology in
2 carrying out the requirements of this subsection.

3 (3) Prior to sale, and unless the vessel has a title or valid
4 marine document, the city or town is required to apply for a
5 certificate of title for the vessel under RCW 88.02.510 and register
6 the vessel under RCW 88.02.550.

7 NEW SECTION. **Sec. 17.** A new section is added to chapter 35A.21
8 RCW to read as follows:

9 (1) Prior to transferring ownership of a code city-owned vessel,
10 the code city shall conduct a thorough review of the physical condition
11 of the vessel, the vessel's operating capability, and any containers
12 and other materials that are not fixed to the vessel.

13 (2) If the code city determines that the vessel is in a state of
14 advanced deterioration or poses a reasonably imminent threat to human
15 health or safety, including a threat of environmental contamination,
16 the code city may: (a) Not transfer the vessel until the conditions
17 identified under this subsection have been corrected; or (b)
18 permanently dispose of the vessel by landfill, deconstruction, or other
19 related method.

20 (3) Vessels taken into custody under chapter 79.100 RCW are not
21 subject to this section or section 18 of this act.

22 NEW SECTION. **Sec. 18.** A new section is added to chapter 35A.21
23 RCW to read as follows:

24 (1) Following the inspection required under section 17 of this act
25 and prior to transferring ownership of a code city-owned vessel, a code
26 city shall obtain the following from the transferee:

27 (a) The purposes for which the transferee intends to use the
28 vessel; and

29 (b) Information demonstrating the prospective owner's intent to
30 obtain legal moorage following the transfer, in the manner determined
31 by the code city.

32 (2)(a) The code city shall remove any containers or other materials
33 that are not fixed to the vessel and contain hazardous substances, as
34 defined under RCW 70.105D.020.

35 (b) However, the code city may transfer a vessel with:

1 (i) Those containers or materials described under (a) of this
2 subsection where the transferee demonstrates to the code city's
3 satisfaction that the container's or material's presence is consistent
4 with the anticipated use of the vessel; and

5 (ii) A reasonable amount of fuel as determined by the code city,
6 based on factors including the vessel's size, condition, and
7 anticipated use of the vessel, including initial destination following
8 transfer.

9 (c) The code city may consult with the department of ecology in
10 carrying out the requirements of this subsection.

11 (3) Prior to sale, and unless the vessel has a title or valid
12 marine document, the code city is required to apply for a certificate
13 of title for the vessel under RCW 88.02.510 and register the vessel
14 under RCW 88.02.550.

15 NEW SECTION. **Sec. 19.** A new section is added to chapter 36.32 RCW
16 to read as follows:

17 (1) Prior to transferring ownership of a county-owned vessel, the
18 county shall conduct a thorough review of the physical condition of the
19 vessel, the vessel's operating capability, and any containers and other
20 materials that are not fixed to the vessel.

21 (2) If the county determines that the vessel is in a state of
22 advanced deterioration or poses a reasonably imminent threat to human
23 health or safety, including a threat of environmental contamination,
24 the county may: (a) Not transfer the vessel until the conditions
25 identified under this subsection have been corrected; or (b)
26 permanently dispose of the vessel by landfill, deconstruction, or other
27 related method.

28 (3) Vessels taken into custody under chapter 79.100 RCW are not
29 subject to this section or section 20 of this act.

30 NEW SECTION. **Sec. 20.** A new section is added to chapter 36.32 RCW
31 to read as follows:

32 (1) Following the inspection required under section 19 of this act
33 and prior to transferring ownership of a county-owned vessel, a county
34 shall obtain the following from the transferee:

35 (a) The purposes for which the transferee intends to use the
36 vessel; and

1 (b) Information demonstrating the prospective owner's intent to
2 obtain legal moorage following the transfer, in the manner determined
3 by the county.

4 (2)(a) The county shall remove any containers or other materials
5 that are not fixed to the vessel and contain hazardous substances, as
6 defined under RCW 70.105D.020.

7 (b) However, the county may transfer a vessel with:

8 (i) Those containers or materials described under (a) of this
9 subsection where the transferee demonstrates to the county's
10 satisfaction that the container's or material's presence is consistent
11 with the anticipated use of the vessel; and

12 (ii) A reasonable amount of fuel as determined by the county, based
13 on factors including the vessel's size, condition, and anticipated use
14 of the vessel including initial destination following transfer.

15 (c) The county may consult with the department of ecology in
16 carrying out the requirements of this subsection.

17 (3) Prior to sale, and unless the vessel has a title or valid
18 marine document, the county is required to apply for a certificate of
19 title for the vessel under RCW 88.02.510 and register the vessel under
20 RCW 88.02.550.

21 NEW SECTION. **Sec. 21.** A new section is added to chapter 53.08 RCW
22 to read as follows:

23 (1) Prior to transferring ownership of a vessel owned by a port
24 district and used primarily to conduct port business, the port district
25 shall conduct a thorough review of the physical condition of the
26 vessel, the vessel's operating capability, and any containers and other
27 materials that are not fixed to the vessel.

28 (2) If the port district determines that the vessel is in a state
29 of advanced deterioration or poses a reasonably imminent threat to
30 human health or safety, including a threat of environmental
31 contamination, the port district may: (a) Not transfer the vessel
32 until the conditions identified under this subsection have been
33 corrected; or (b) permanently dispose of the vessel by landfill,
34 deconstruction, or other related method.

35 (3) Vessels taken into custody under chapter 79.100 RCW are not
36 subject to this section or section 22 of this act.

1 NEW SECTION. **Sec. 22.** A new section is added to chapter 53.08 RCW
2 to read as follows:

3 (1) Following the inspection required under section 21 of this act
4 and prior to transferring ownership of a port district-owned vessel, a
5 port district shall obtain the following from the transferee:

6 (a) The purposes for which the transferee intends to use the
7 vessel; and

8 (b) Information demonstrating the prospective owner's intent to
9 obtain legal moorage following the transfer, in the manner determined
10 by the port district.

11 (2)(a) The port district shall remove any containers or other
12 materials that are not fixed to the vessel and contain hazardous
13 substances, as defined under RCW 70.105D.020.

14 (b) However, the port district may transfer a vessel with:

15 (i) Those containers or materials described under (a) of this
16 subsection where the transferee demonstrates to the port district's
17 satisfaction that the container's or material's presence is consistent
18 with the anticipated use of the vessel; and

19 (ii) A reasonable amount of fuel as determined by the port
20 district, based on factors including the vessel's size, condition, and
21 anticipated use of the vessel including initial destination following
22 transfer.

23 (c) The port district may consult with the department of ecology in
24 carrying out the requirements of this subsection.

25 (3) Prior to sale, and unless the vessel has a title or valid
26 marine document, the port district is required to apply for a
27 certificate of title for the vessel under RCW 88.02.510 and register
28 the vessel under RCW 88.02.550.

29 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.21A
30 RCW to read as follows:

31 (1) Prior to transferring ownership of a department-owned vessel,
32 the department shall conduct a thorough review of the physical
33 condition of the vessel, the vessel's operating capability, and any
34 containers and other materials that are not fixed to the vessel.

35 (2) If the department determines that the vessel is in a state of
36 advanced deterioration or poses a reasonably imminent threat to human
37 health or safety, including a threat of environmental contamination,

1 the department may: (a) Not transfer the vessel until the conditions
2 identified under this subsection have been corrected; or (b)
3 permanently dispose of the vessel by landfill, deconstruction, or other
4 related method.

5 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.21A
6 RCW to read as follows:

7 (1) Following the inspection required under section 23 of this act
8 and prior to transferring ownership of a department-owned vessel, the
9 department shall obtain the following from the transferee:

10 (a) The purposes for which the transferee intends to use the
11 vessel; and

12 (b) Information demonstrating the prospective owner's intent to
13 obtain legal moorage following the transfer, in the manner determined
14 by the department.

15 (2)(a) The department shall remove any containers or other
16 materials that are not fixed to the vessel and contain hazardous
17 substances, as defined under RCW 70.105D.020.

18 (b) However, the department may transfer a vessel with:

19 (i) Those containers or materials described under (a) of this
20 subsection where the transferee demonstrates to the department's
21 satisfaction that the container's or material's presence is consistent
22 with the anticipated use of the vessel; and

23 (ii) A reasonable amount of fuel as determined by the department,
24 based on factors including the vessel's size, condition, and
25 anticipated use of the vessel including initial destination following
26 transfer.

27 (3) Prior to sale, and unless the vessel has a valid marine
28 document, the department is required to apply for a title or
29 certificate of title for the vessel under RCW 88.02.510 and register
30 the vessel under RCW 88.02.550.

31 NEW SECTION. **Sec. 25.** A new section is added to chapter 28B.10
32 RCW to read as follows:

33 (1) Prior to transferring ownership of an institution-owned vessel,
34 an institution of higher education shall conduct a thorough review of
35 the physical condition of the vessel, the vessel's operating

1 capability, and any containers and other materials that are not fixed
2 to the vessel.

3 (2) If the institution of higher education determines that the
4 vessel is in a state of advanced deterioration or poses a reasonably
5 imminent threat to human health or safety, including a threat of
6 environmental contamination, the institution of higher education may:
7 (a) Not transfer the vessel until the conditions identified under this
8 subsection have been corrected; or (b) permanently dispose of the
9 vessel by landfill, deconstruction, or other related method.

10 NEW SECTION. **Sec. 26.** A new section is added to chapter 28B.10
11 RCW to read as follows:

12 (1) Following the inspection required under section 25 of this act
13 and prior to transferring ownership of an institution-owned vessel, the
14 institution of higher education shall obtain the following from the
15 transferee:

16 (a) The purposes for which the transferee intends to use the
17 vessel; and

18 (b) Information demonstrating the prospective owner's intent to
19 obtain legal moorage following the transfer, in the manner determined
20 by the institution of higher education.

21 (2)(a) The institution of higher education shall remove any
22 containers or other materials that are not fixed to the vessel and
23 contain hazardous substances, as defined under RCW 70.105D.020.

24 (b) However, the institution of higher education may transfer a
25 vessel with:

26 (i) Those containers or materials described under (a) of this
27 subsection where the transferee demonstrates to the institution of
28 higher education's satisfaction that the container's or material's
29 presence is consistent with the anticipated use of the vessel; and

30 (ii) A reasonable amount of fuel as determined by the institution
31 of higher education, based on factors including the vessel's size,
32 condition, and anticipated use of the vessel including initial
33 destination following transfer.

34 (c) The institution of higher education may consult with the
35 department of ecology in carrying out the requirements of this
36 subsection.

1 (3) Prior to sale, and unless the vessel has a title or valid
2 marine document, the institution of higher education is required to
3 apply for a certificate of title for the vessel under RCW 88.02.510 and
4 register the vessel under RCW 88.02.550.

5 **Sec. 27.** RCW 28B.10.029 and 2012 c 230 s 4 are each amended to
6 read as follows:

7 (1)(a) An institution of higher education may, consistent with
8 sections 25 and 26 of this act, exercise independently those powers
9 otherwise granted to the director of enterprise services in chapter
10 43.19 RCW in connection with the purchase and disposition of all
11 material, supplies, services, and equipment needed for the support,
12 maintenance, and use of the respective institution of higher education.

13 (b) Property disposition policies followed by institutions of
14 higher education shall be consistent with policies followed by the
15 department of enterprise services.

16 (c)(i) Except as provided in (c)(ii) and (iii) of this subsection,
17 purchasing policies and procedures followed by institutions of higher
18 education shall be in compliance with chapters 39.19, 39.29, and 43.03
19 RCW, and RCW (~~((43.19.1901, 43.19.1906, 43.19.1911,))~~) 43.19.1917,
20 (~~((43.19.1937,))~~) 43.19.685, (~~((43.19.700 through 43.19.704))~~) 39.26.260
21 through 39.26.271, and 43.19.560 through 43.19.637.

22 (ii) Institutions of higher education may use all appropriate means
23 for making and paying for travel arrangements including, but not
24 limited to, electronic booking and reservations, advance payment and
25 deposits for tours, lodging, and other necessary expenses, and other
26 travel transactions based on standard industry practices and federal
27 accountable plan requirements. Such arrangements shall support
28 student, faculty, staff, and other participants' travel, by groups and
29 individuals, both domestic and international, in the most cost-
30 effective and efficient manner possible, regardless of the source of
31 funds.

32 (iii) Formal sealed, electronic, or web-based competitive bidding
33 is not necessary for purchases or personal services contracts by
34 institutions of higher education for less than one hundred thousand
35 dollars. However, for purchases and personal services contracts of ten
36 thousand dollars or more and less than one hundred thousand dollars,
37 quotations must be secured from at least three vendors to assure

1 establishment of a competitive price and may be obtained by telephone,
2 electronic, or written quotations, or any combination thereof. As part
3 of securing the three vendor quotations, institutions of higher
4 education must invite at least one quotation each from a certified
5 minority and a certified woman-owned vendor that otherwise qualifies to
6 perform the work. A record of competition for all such purchases and
7 personal services contracts of ten thousand dollars or more and less
8 than one hundred thousand dollars must be documented for audit
9 purposes.

10 (d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by
11 institutions of higher education may be made by using contracts for
12 materials, supplies, services, or equipment negotiated or entered into
13 by, for, or through group purchasing organizations.

14 (e) The community and technical colleges shall comply with RCW
15 43.19.450.

16 (f) Except for the University of Washington, institutions of higher
17 education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

18 (g) If an institution of higher education can satisfactorily
19 demonstrate to the director of the office of financial management that
20 the cost of compliance is greater than the value of benefits from any
21 of the following statutes, then it shall be exempt from them: RCW
22 43.19.685 and 43.19.637.

23 (h) Any institution of higher education that chooses to exercise
24 independent purchasing authority for a commodity or group of
25 commodities shall notify the director of enterprise services.
26 Thereafter the director of enterprise services shall not be required to
27 provide those services for that institution for the duration of the
28 enterprise services contract term for that commodity or group of
29 commodities.

30 (2) The council of presidents and the state board for community and
31 technical colleges shall convene its correctional industries business
32 development advisory committee, and work collaboratively with
33 correctional industries, to:

34 (a) Reaffirm purchasing criteria and ensure that quality, service,
35 and timely delivery result in the best value for expenditure of state
36 dollars;

37 (b) Update the approved list of correctional industries products
38 from which higher education shall purchase; and

1 (c) Develop recommendations on ways to continue to build
2 correctional industries' business with institutions of higher
3 education.

4 (3) Higher education and correctional industries shall develop a
5 plan to build higher education business with correctional industries to
6 increase higher education purchases of correctional industries
7 products, based upon the criteria established in subsection (2) of this
8 section. The plan shall include the correctional industries'
9 production and sales goals for higher education and an approved list of
10 products from which higher education institutions shall purchase, based
11 on the criteria established in subsection (2) of this section. Higher
12 education and correctional industries shall report to the legislature
13 regarding the plan and its implementation no later than January 30,
14 2005.

15 (4)(a) Institutions of higher education shall set as a target to
16 contract, beginning not later than June 30, 2006, to purchase one
17 percent of the total goods and services required by the institutions
18 each year produced or provided in whole or in part from class II inmate
19 work programs operated by the department of corrections. Institutions
20 of higher education shall set as a target to contract, beginning not
21 later than June 30, 2008, to purchase two percent of the total goods
22 and services required by the institutions each year produced or
23 provided in whole or in part from class II inmate work programs
24 operated by the department of corrections.

25 (b) Institutions of higher education shall endeavor to assure the
26 department of corrections has notifications of bid opportunities with
27 the goal of meeting or exceeding the purchasing target in (a) of this
28 subsection.

29 NEW SECTION. **Sec. 28.** (1) The department of natural resources
30 must reevaluate the criteria developed under RCW 79.100.100 regarding
31 the prioritization of vessel removals funded by the derelict vessel
32 removal account. This reprioritization process must occur by January
33 30, 2014, and consider how vessels located in the vicinity of
34 aquaculture operations and other sensitive areas should be prioritized.

35 (2) This section expires July 31, 2015.

1 **Sec. 29.** RCW 88.02.380 and 2010 c 161 s 1006 are each amended to
2 read as follows:

3 (1) Except as otherwise provided in this chapter, and, in part, in
4 order to prevent the future potential dereliction or abandonment of a
5 vessel, a violation of this chapter and the rules adopted by the
6 department is a ~~((misdemeanor punishable only by a fine not to exceed~~
7 ~~one hundred dollars per vessel for the first violation. Subsequent~~
8 ~~violations in the same year are subject to the following fines:~~

9 ~~(a) For the second violation, a fine of two hundred dollars per~~
10 ~~vessel;~~

11 ~~(b) For the third and successive violations, a fine of four hundred~~
12 ~~dollars per vessel))~~ class 2 civil infraction.

13 (2) A ~~((violation designated in this chapter as a))~~ civil
14 infraction issued under this chapter must be ~~((punished accordingly~~
15 ~~pursuant to))~~ processed under chapter 7.80 RCW.

16 (3) After the subtraction of court costs and administrative
17 collection fees, moneys collected under this section must be credited
18 to the ~~((current expense fund of the arresting jurisdiction))~~ ticketing
19 jurisdiction and used only for the support of the enforcement agency,
20 department, division, or program that issued the violation.

21 (4) All law enforcement officers may enforce this chapter and the
22 rules adopted by the department within their respective jurisdictions.
23 A city, town, or county may contract with a fire protection district
24 for enforcement of this chapter, and fire protection districts may
25 engage in enforcement activities.

26 **Sec. 30.** RCW 88.02.340 and 2010 c 161 s 1004 are each amended to
27 read as follows:

28 (1) Any person charged with the enforcement of this chapter may
29 inspect the registration certificate of a vessel to ascertain the legal
30 and registered ownership of the vessel. A vessel owner or operator who
31 fails to provide the registration certificate for inspection upon the
32 request of any person charged with enforcement of this chapter ~~((is a~~
33 ~~class 2 civil infraction))~~ may be found to be in violation of this
34 chapter.

35 (2) The department may require the inspection of vessels that are
36 brought into this state from another state and for which a certificate

1 of title has not been issued and for any other vessel if the department
2 determines that inspection of the vessel will help to verify the
3 accuracy of the information set forth on the application.

4 **Sec. 31.** RCW 88.02.550 and 2010 c 161 s 1017 are each amended to
5 read as follows:

6 (1) Except as provided in this chapter, a person may not own or
7 operate any vessel, including a rented vessel, on the waters of this
8 state unless the vessel has been registered and displays a registration
9 number and a valid decal in accordance with this chapter. A vessel
10 that has or is required to have a valid marine document as a vessel of
11 the United States is only required to display a valid decal. (~~A~~
12 ~~violation of this section is a class 2 civil infraction.~~)

13 (2) A vessel numbered in this state under the federal boat safety
14 act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to
15 be registered under this chapter until the certificate of number issued
16 for the vessel under the federal boat safety act expires. When
17 registering under this chapter, this type of vessel is subject to the
18 amount of excise tax due under chapter 82.49 RCW that would have been
19 due under chapter 82.49 RCW if the vessel had been registered at the
20 time otherwise required under this chapter.

21 **Sec. 32.** RCW 79.100.120 and 2010 c 210 s 34 are each amended to
22 read as follows:

23 (1) A person seeking to contest an authorized public entity's
24 decision to take temporary possession or custody of a vessel under this
25 chapter, or to contest the amount of reimbursement owed to an
26 authorized public entity under this chapter, may request a hearing in
27 accordance with this section.

28 (2)(a) If the contested decision or action was undertaken by a
29 state agency, a written request for a hearing related to the decision
30 or action must be filed with the pollution control hearings board and
31 served on the state agency in accordance with RCW 43.21B.230 (2) and
32 (3) within thirty days of the date the authorized public entity
33 acquires custody of the vessel under RCW 79.100.040, or if the vessel
34 is redeemed before the authorized public entity acquires custody, the
35 date of redemption, or the right to a hearing is deemed waived and the

1 vessel's owner is liable for any costs owed the authorized public
2 entity. In the event of litigation, the prevailing party is entitled
3 to reasonable attorneys' fees and costs.

4 (b) Upon receipt of a timely hearing request, the pollution control
5 hearings board shall proceed to hear and determine the validity of the
6 decision to take the vessel into temporary possession or custody and
7 the reasonableness of any towing, storage, or other charges permitted
8 under this chapter. Within five business days after the request for a
9 hearing is filed, the pollution control hearings board shall notify the
10 vessel owner requesting the hearing and the authorized public entity of
11 the date, time, and location for the hearing. Unless the vessel is
12 redeemed before the request for hearing is filed, the pollution control
13 hearings board shall set the hearing on a date that is within ten
14 business days of the filing of the request for hearing. If the vessel
15 is redeemed before the request for a hearing is filed, the pollution
16 control hearings board shall set the hearing on a date that is within
17 sixty days of the filing of the request for hearing.

18 (c) Consistent with RCW 43.21B.305, a proceeding brought under this
19 subsection may be heard by one member of the pollution control hearings
20 board, whose decision is the final decision of the board.

21 (3)(a) If the contested decision or action was undertaken by a
22 metropolitan park district, port district, city, town, or county, which
23 has adopted rules or procedures for contesting decisions or actions
24 pertaining to derelict or abandoned vessels, those rules or procedures
25 must be followed in order to contest a decision to take temporary
26 possession or custody of a vessel, or to contest the amount of
27 reimbursement owed.

28 (b) If the metropolitan park district, port district, city, town,
29 or county has not adopted rules or procedures for contesting decisions
30 or actions pertaining to derelict or abandoned vessels, then a person
31 requesting a hearing under this section must follow the procedure
32 established in ~~((RCW 53.08.320(5) for contesting the decisions or~~
33 ~~actions of moorage facility operators))~~ subsection (2) of this section.

34 **Sec. 33.** RCW 43.21B.110 and 2010 c 210 s 7 and 2010 c 84 s 2 are
35 each reenacted and amended to read as follows:

36 (1) The hearings board shall only have jurisdiction to hear and
37 decide appeals from the following decisions of the department, the

1 director, local conservation districts, the air pollution control
2 boards or authorities as established pursuant to chapter 70.94 RCW,
3 local health departments, the department of natural resources, the
4 department of fish and wildlife, (~~and~~) the parks and recreation
5 commission, and authorized public entities described in chapter 79.100
6 RCW:

7 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,
8 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090,
9 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

10 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
11 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,
12 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

13 (c) A final decision by the department or director made under
14 chapter 183, Laws of 2009.

15 (d) Except as provided in RCW 90.03.210(2), the issuance,
16 modification, or termination of any permit, certificate, or license by
17 the department or any air authority in the exercise of its
18 jurisdiction, including the issuance or termination of a waste disposal
19 permit, the denial of an application for a waste disposal permit, the
20 modification of the conditions or the terms of a waste disposal permit,
21 or a decision to approve or deny an application for a solid waste
22 permit exemption under RCW 70.95.300.

23 (e) Decisions of local health departments regarding the grant or
24 denial of solid waste permits pursuant to chapter 70.95 RCW.

25 (f) Decisions of local health departments regarding the issuance
26 and enforcement of permits to use or dispose of biosolids under RCW
27 70.95J.080.

28 (g) Decisions of the department regarding waste-derived fertilizer
29 or micronutrient fertilizer under RCW 15.54.820, and decisions of the
30 department regarding waste-derived soil amendments under RCW 70.95.205.

31 (h) Decisions of local conservation districts related to the denial
32 of approval or denial of certification of a dairy nutrient management
33 plan; conditions contained in a plan; application of any dairy nutrient
34 management practices, standards, methods, and technologies to a
35 particular dairy farm; and failure to adhere to the plan review and
36 approval timelines in RCW 90.64.026.

37 (i) Any other decision by the department or an air authority which

1 pursuant to law must be decided as an adjudicative proceeding under
2 chapter 34.05 RCW.

3 (j) Decisions of the department of natural resources, the
4 department of fish and wildlife, and the department that are reviewable
5 under chapter 76.09 RCW, and the department of natural resources'
6 appeals of county, city, or town objections under RCW 76.09.050(7).

7 (k) Forest health hazard orders issued by the commissioner of
8 public lands under RCW 76.06.180.

9 (l) Decisions of the department of fish and wildlife to issue,
10 deny, condition, or modify a hydraulic project approval permit under
11 chapter 77.55 RCW.

12 (m) Decisions of the department of natural resources that are
13 reviewable under RCW 78.44.270.

14 (n) Decisions of (~~a state agency that is~~) an authorized public
15 entity under RCW 79.100.010 to take temporary possession or custody of
16 a vessel or to contest the amount of reimbursement owed that are
17 reviewable by the hearings board under RCW 79.100.120.

18 (2) The following hearings shall not be conducted by the hearings
19 board:

20 (a) Hearings required by law to be conducted by the shorelines
21 hearings board pursuant to chapter 90.58 RCW.

22 (b) Hearings conducted by the department pursuant to RCW 70.94.332,
23 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

24 (c) Appeals of decisions by the department under RCW 90.03.110 and
25 90.44.220.

26 (d) Hearings conducted by the department to adopt, modify, or
27 repeal rules.

28 (~~(e) Appeals of decisions by the department as provided in chapter
29 43.21B RCW.~~)

30 (3) Review of rules and regulations adopted by the hearings board
31 shall be subject to review in accordance with the provisions of the
32 administrative procedure act, chapter 34.05 RCW.

33 **Sec. 34.** RCW 43.21B.110 and 2010 c 210 s 8 and 2010 c 84 s 3 are
34 each reenacted and amended to read as follows:

35 (1) The hearings board shall only have jurisdiction to hear and
36 decide appeals from the following decisions of the department, the
37 director, local conservation districts, the air pollution control

1 boards or authorities as established pursuant to chapter 70.94 RCW,
2 local health departments, the department of natural resources, the
3 department of fish and wildlife, (~~and~~) the parks and recreation
4 commission, and authorized public entities described in chapter 79.100
5 RCW:

6 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,
7 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090,
8 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

9 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
10 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,
11 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

12 (c) Except as provided in RCW 90.03.210(2), the issuance,
13 modification, or termination of any permit, certificate, or license by
14 the department or any air authority in the exercise of its
15 jurisdiction, including the issuance or termination of a waste disposal
16 permit, the denial of an application for a waste disposal permit, the
17 modification of the conditions or the terms of a waste disposal permit,
18 or a decision to approve or deny an application for a solid waste
19 permit exemption under RCW 70.95.300.

20 (d) Decisions of local health departments regarding the grant or
21 denial of solid waste permits pursuant to chapter 70.95 RCW.

22 (e) Decisions of local health departments regarding the issuance
23 and enforcement of permits to use or dispose of biosolids under RCW
24 70.95J.080.

25 (f) Decisions of the department regarding waste-derived fertilizer
26 or micronutrient fertilizer under RCW 15.54.820, and decisions of the
27 department regarding waste-derived soil amendments under RCW 70.95.205.

28 (g) Decisions of local conservation districts related to the denial
29 of approval or denial of certification of a dairy nutrient management
30 plan; conditions contained in a plan; application of any dairy nutrient
31 management practices, standards, methods, and technologies to a
32 particular dairy farm; and failure to adhere to the plan review and
33 approval timelines in RCW 90.64.026.

34 (h) Any other decision by the department or an air authority which
35 pursuant to law must be decided as an adjudicative proceeding under
36 chapter 34.05 RCW.

37 (i) Decisions of the department of natural resources, the

1 department of fish and wildlife, and the department that are reviewable
2 under chapter 76.09 RCW, and the department of natural resources'
3 appeals of county, city, or town objections under RCW 76.09.050(7).

4 (j) Forest health hazard orders issued by the commissioner of
5 public lands under RCW 76.06.180.

6 (k) Decisions of the department of fish and wildlife to issue,
7 deny, condition, or modify a hydraulic project approval permit under
8 chapter 77.55 RCW.

9 (l) Decisions of the department of natural resources that are
10 reviewable under RCW 78.44.270.

11 (m) Decisions of (~~a state agency that is~~) an authorized public
12 entity under RCW 79.100.010 to take temporary possession or custody of
13 a vessel or to contest the amount of reimbursement owed that are
14 reviewable by the hearings board under RCW 79.100.120.

15 (2) The following hearings shall not be conducted by the hearings
16 board:

17 (a) Hearings required by law to be conducted by the shorelines
18 hearings board pursuant to chapter 90.58 RCW.

19 (b) Hearings conducted by the department pursuant to RCW 70.94.332,
20 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

21 (c) Appeals of decisions by the department under RCW 90.03.110 and
22 90.44.220.

23 (d) Hearings conducted by the department to adopt, modify, or
24 repeal rules.

25 (~~(e) Appeals of decisions by the department as provided in chapter
26 43.211 RCW.~~)

27 (3) Review of rules and regulations adopted by the hearings board
28 shall be subject to review in accordance with the provisions of the
29 administrative procedure act, chapter 34.05 RCW.

30 NEW SECTION. **Sec. 35.** A new section is added to chapter 79.100
31 RCW to read as follows:

32 (1) An officer or employee of an authorized public entity, or the
33 department of ecology at the request of an authorized public entity,
34 may, consistent with subsection (2) of this section, board any vessel
35 at any reasonable time for the purpose of:

36 (a) Administering this chapter, including identifying ownership of

1 a vessel, assessing the structural integrity of a vessel, and assessing
2 whether a vessel meets the criteria described under RCW 79.100.040(3);
3 or

4 (b) For the department of ecology only, mitigating a potential
5 threat to health, safety, or the environment under the authority
6 provided in chapter 90.56 RCW.

7 (2)(a) Prior to boarding any vessel under the authority of this
8 section, an officer or employee of an authorized public entity or the
9 department of ecology must apply for and obtain an administrative
10 search warrant in either Thurston county superior court or the superior
11 court in the county where the vessel is located, unless a warrant is
12 not otherwise required by law. The court may issue an administrative
13 search warrant where the court has reasonable cause to believe it is
14 necessary to achieve the purposes of this section.

15 (b) Prior to requesting an administrative search warrant under this
16 subsection, the officer or employee must make a reasonable effort to
17 contact the owner or the owner's designee and obtain consent to board
18 the vessel.

19 (3) Nothing in this section affects an authorized public entity's
20 authority to carry out actions under RCW 79.100.040 or any agency's
21 existing authority to enter onto vessels under any other statute.

22 **Sec. 36.** RCW 90.56.410 and 1990 c 116 s 23 are each amended to
23 read as follows:

24 (1) The department, through its duly authorized representatives,
25 shall have the power to enter upon any private or public property,
26 including the boarding of any ship, at any reasonable time, and the
27 owner, managing agent, master, or occupant of such property shall
28 permit such entry for the purpose of investigating conditions relating
29 to violations or possible violations of this chapter, and to have
30 access to any pertinent records relating to such property, including
31 but not limited to operation and maintenance records and logs. The
32 authority granted (~~herein~~) in this section shall not be construed to
33 require any person to divulge trade secrets or secret processes. The
34 director may issue subpoenas for the production of any books, records,
35 documents, or witnesses in any hearing conducted pursuant to this
36 chapter.

1 (2) The department may utilize the authority granted to it in
2 section 35 of this act for the purposes of mitigating a potential
3 threat to health, safety, or the environment from a vessel.

4 **Sec. 37.** RCW 79.100.040 and 2007 c 342 s 2 are each amended to
5 read as follows:

6 (1) Prior to exercising the authority granted in RCW 79.100.030,
7 the authorized public entity must first obtain custody of the vessel.
8 To do so, the authorized public entity must:

9 (a) Mail notice of its intent to obtain custody, at least twenty
10 days prior to taking custody, to the last known address of the previous
11 owner to register the vessel in any state or with the federal
12 government and to any lien holders or secured interests on record. A
13 notice need not be sent to the purported owner or any other person
14 whose interest in the vessel is not recorded with a state or federal
15 agency;

16 (b) Post notice of its intent clearly on the vessel for thirty days
17 and publish its intent at least once, more than ten days but less than
18 twenty days prior to taking custody, in a newspaper of general
19 circulation for the county in which the vessel is located; and

20 (c) Post notice of its intent on the department's internet web site
21 on a page specifically designated for such notices. If the authorized
22 public entity is not the department, the department must facilitate the
23 internet posting.

24 (2) All notices sent, posted, or published in accordance with this
25 section must, at a minimum, explain the intent of the authorized public
26 entity to take custody of the vessel, the rights of the authorized
27 public entity after taking custody of the vessel as provided in RCW
28 79.100.030, the procedures the owner must follow in order to avoid
29 custody being taken by the authorized public entity, the procedures the
30 owner must follow in order to reclaim possession after custody is taken
31 by the authorized public entity, and the financial liabilities that the
32 owner may incur as provided for in RCW 79.100.060.

33 (3)(a) ~~((If a))~~ Any authorized public entity may tow, beach, or
34 otherwise take temporary possession of a vessel if the owner of the
35 vessel cannot be located or is unwilling or unable to assume immediate
36 responsibility for the vessel and if the vessel ((is)):

1 (i) Is in immediate danger of sinking, breaking up, or blocking
2 navigational channels; or

3 (ii) Poses a reasonably imminent threat to human health or safety,
4 including a threat of environmental contamination(~~(; and (iii) the~~
5 ~~owner of the vessel cannot be located or is unwilling or unable to~~
6 ~~assume immediate responsibility for the vessel, any authorized public~~
7 ~~entity may tow, beach, or otherwise take temporary possession of the~~
8 ~~vessel)).~~

9 (b) Before taking temporary possession of the vessel, the
10 authorized public entity must make reasonable attempts to consult with
11 the department or the United States coast guard to ensure that other
12 remedies are not available. The basis for taking temporary possession
13 of the vessel must be set out in writing by the authorized public
14 entity within seven days of taking action and be submitted to the
15 owner, if known, as soon thereafter as is reasonable. If the
16 authorized public entity has not already provided the required notice,
17 immediately after taking possession of the vessel, the authorized
18 public entity must initiate the notice provisions in subsection (1) of
19 this section. The authorized public entity must complete the notice
20 requirements of subsection (1) of this section before using or
21 disposing of the vessel as authorized in RCW 79.100.050.

22 (4) An authorized public entity may invite the department of
23 ecology to use the authority granted to it under RCW 90.56.410 prior
24 to, or concurrently with, obtaining custody of a vessel under this
25 section. However, this is not a necessary prerequisite to an
26 authorized public entity obtaining custody.

27 NEW SECTION. Sec. 38. A new section is added to chapter 79.100
28 RCW to read as follows:

29 (1) A vessel owner must obtain a vessel inspection under this
30 section prior to transferring a vessel that is:

31 (a) More than sixty-five feet in length and more than forty years
32 old; and

33 (b) Either:

34 (i) Is registered or required to be registered under chapter 88.02
35 RCW; or

36 (ii) Is listed or required to be listed under chapter 84.40 RCW.

1 (2) Where required under subsection (1) of this section, a vessel
2 owner must provide a copy of the vessel inspection documentation to the
3 transferee and, if the department did not conduct the inspection, to
4 the department prior to the transfer.

5 (3) Failure to comply with the requirements of subsections (1) and
6 (2) of this section will result in the transferor having secondary
7 liability under RCW 79.100.060 if the vessel is later abandoned by the
8 transferee or becomes derelict prior to a subsequent ownership
9 transfer.

10 NEW SECTION. **Sec. 39.** (1) By December 31, 2013, the department of
11 natural resources shall adopt by rule procedures and standards for the
12 vessel inspections required under section 38 of this act. The
13 procedures and standards must identify the public or private entities
14 authorized to conduct inspections, the required elements of an
15 inspection, and the manner in which inspection results must be
16 documented. The vessel inspection required under this section must be
17 designed to:

18 (a) Provide the transferee with current information about the
19 condition of the vessel, including the condition of its hull and key
20 operating systems, prior to the transfer;

21 (b) Provide the department of natural resources with information
22 under (a) of this subsection for each applicable vessel and, more
23 broadly, to improve the department's understanding of the condition of
24 the larger, older boats in the state's waters;

25 (c) Discourage the future abandonment or dereliction of the vessel;
26 and

27 (d) Maximize the efficiency and effectiveness of the inspection
28 process, including with respect to the time and resources of the
29 transferor, transferee, and the state.

30 (2) The department of natural resources shall work with appropriate
31 government agencies and stakeholders in designing the inspection
32 process and standards under this section.

33 (3) This section expires July 31, 2014.

34 **Sec. 40.** RCW 79.100.060 and 2006 c 153 s 4 are each amended to
35 read as follows:

36 (1) The owner of an abandoned or derelict vessel, or any person or

1 entity that has incurred secondary liability under section 38 of this
2 act, is responsible for reimbursing an authorized public entity for all
3 reasonable and auditable costs associated with the removal or disposal
4 of the owner's vessel under this chapter. These costs include, but are
5 not limited to, costs incurred exercising the authority granted in RCW
6 79.100.030, all administrative costs incurred by the authorized public
7 entity during the procedure set forth in RCW 79.100.040, removal and
8 disposal costs, and costs associated with environmental damages
9 directly or indirectly caused by the vessel. An authorized public
10 entity that has taken temporary possession of a vessel may require that
11 all reasonable and auditable costs associated with the removal of the
12 vessel be paid before the vessel is released to the owner.

13 (2) Reimbursement for costs may be sought from an owner, or any
14 person or entity that has incurred secondary liability under section 38
15 of this act, who is identified subsequent to the vessel's removal and
16 disposal.

17 (3) If the full amount of all costs due to the authorized public
18 entity under this chapter is not paid to the authorized public entity
19 within thirty days after first notifying the responsible parties of the
20 amounts owed, the authorized public entity or the department may bring
21 an action in any court of competent jurisdiction to recover the costs,
22 plus reasonable attorneys' fees and costs incurred by the authorized
23 public entity.

24 **Sec. 41.** RCW 88.26.020 and 1993 c 474 s 2 are each amended to read
25 as follows:

26 (1) Any private moorage facility operator may take reasonable
27 measures, including the use of chains, ropes, and locks, or removal
28 from the water, to secure vessels within the private moorage facility
29 so that the vessels are in the possession and control of the operator
30 and cannot be removed from the facility. These procedures may be used
31 if an owner mooring or storing a vessel at the facility fails, after
32 being notified that charges are owing and of the owner's right to
33 commence legal proceedings to contest that such charges are owing, to
34 pay charges owed or to commence legal proceedings. Notification shall
35 be by two separate letters, one sent by first-class mail and one sent
36 by registered mail to the owner and any lienholder of record at the
37 last known address. In the case of a transient vessel, or where no

1 address was furnished by the owner, the operator need not give notice
2 prior to securing the vessel. At the time of securing the vessel, an
3 operator shall attach to the vessel a readily visible notice. The
4 notice shall be of a reasonable size and shall contain the following
5 information:

- 6 (a) The date and time the notice was attached;
- 7 (b) A statement that if the account is not paid in full within
8 ninety days from the time the notice is attached the vessel may be sold
9 at public auction to satisfy the charges; and
- 10 (c) The address and telephone number where additional information
11 may be obtained concerning release of the vessel.

12 After a vessel is secured, the operator shall make a reasonable
13 effort to notify the owner and any lienholder of record by registered
14 mail in order to give the owner the information contained in the
15 notice.

16 (2) A private moorage facility operator, at his or her discretion,
17 may move moored vessels ashore for storage within properties under the
18 operator's control or for storage with a private person under their
19 control as bailees of the private moorage facility, if the vessel is,
20 in the opinion of the operator, a nuisance, in danger of sinking or
21 creating other damage, or is owing charges. The costs of any such
22 procedure shall be paid by the vessel's owner.

23 (3) If a vessel is secured under subsection (1) of this section or
24 moved ashore under subsection (2) of this section, the owner who is
25 obligated to the private operator for charges may regain possession of
26 the vessel by:

27 (a) Making arrangements satisfactory with the operator for the
28 immediate removal of the vessel from the facility or for authorized
29 moorage; and

30 (b) Making payment to the operator of all charges, or by posting
31 with the operator a sufficient cash bond or other acceptable security,
32 to be held in trust by the operator pending written agreement of the
33 parties with respect to payment by the vessel owner of the amount
34 owing, or pending resolution of the matter of the charges in a civil
35 action in a court of competent jurisdiction. After entry of judgment,
36 including any appeals, in a court of competent jurisdiction, or after
37 the parties reach agreement with respect to payment, the trust shall
38 terminate and the operator shall receive so much of the bond or other

1 security as agreed, or as is necessary, to satisfy any judgment, costs,
2 and interest as may be awarded to the operator. The balance shall be
3 refunded immediately to the owner at the last known address.

4 (4) If a vessel has been secured by the operator under subsection
5 (1) of this section and is not released to the owner under the bonding
6 provisions of this section within ninety days after notifying or
7 attempting to notify the owner under subsection (1) of this section,
8 the vessel is conclusively presumed to have been abandoned by the
9 owner.

10 (5) If a vessel moored or stored at a private moorage facility is
11 abandoned, the operator may authorize the public sale of the vessel by
12 authorized personnel, consistent with this section, to the highest and
13 best bidder for cash as follows:

14 (a) Before the vessel is sold, the vessel owner and any lienholder
15 of record shall be given at least twenty days' notice of the sale in
16 the manner set forth in subsection (1) of this section if the name and
17 address of the owner is known. The notice shall contain the time and
18 place of the sale, a reasonable description of the vessel to be sold,
19 and the amount of charges owed with respect to the vessel. The notice
20 of sale shall be published at least once, more than ten but not more
21 than twenty days before the sale, in a newspaper of general circulation
22 in the county in which the facility is located. This notice shall
23 include the name of the vessel, if any, the last known owner and
24 address, and a reasonable description of the vessel to be sold. The
25 operator may bid all or part of its charges at the sale and may become
26 a purchaser at the sale.

27 (b) Before the vessel is sold, any person seeking to redeem an
28 impounded vessel under this section may commence a lawsuit in the
29 superior court for the county in which the vessel was impounded to
30 contest the validity of the impoundment or the amount of charges owing.
31 This lawsuit must be commenced within sixty days of the date the
32 notification was provided under subsection (1) of this section, or the
33 right to a hearing is deemed waived and the owner is liable for any
34 charges owing the operator. In the event of litigation, the prevailing
35 party is entitled to reasonable attorneys' fees and costs.

36 (c) The proceeds of a sale under this section shall be applied
37 first to the payment of any liens superior to the claim for charges,
38 then to payment of the charges, then to satisfy any other liens on the

1 vessel in the order of their priority. The balance, if any, shall be
2 paid to the owner. If the owner cannot in the exercise of due
3 diligence be located by the operator within one year of the date of the
4 sale, the excess funds from the sale shall revert to the department of
5 revenue under chapter 63.29 RCW. If the sale is for a sum less than
6 the applicable charges, the operator is entitled to assert a claim for
7 deficiency, however, the deficiency judgment shall not exceed the
8 moorage fees owed for the previous six-month period.

9 (d) In the event no one purchases the vessel at a sale, or a vessel
10 is not removed from the premises or other arrangements are not made
11 within ten days of sale, title to the vessel will revert to the
12 operator.

13 (e) Either a minimum bid may be established or a letter of credit
14 may be required from the buyer, or both, to discourage the future
15 abandonment of the vessel.

16 (6) The rights granted to a private moorage facility operator under
17 this section are in addition to any other legal rights an operator may
18 have to hold and sell a vessel and in no manner does this section alter
19 those rights, or affect the priority of other liens on a vessel.

20 NEW SECTION. Sec. 42. A new section is added to chapter 79.100
21 RCW to read as follows:

22 (1) The department may develop and administer a voluntary vessel
23 turn-in program.

24 (2) The purpose of the vessel turn-in program is to allow the
25 department to dismantle and dispose of vessels that pose a high risk of
26 becoming a derelict vessel or abandoned vessel, but that do not yet
27 meet the definition of those terms. The department shall design the
28 program with the goal of dismantling and disposing of as many vessels
29 as available resources allow, particularly those vessels posing the
30 greatest risk of becoming abandoned or derelict in the future.

31 (3) The department shall disseminate information about the vessel
32 turn-in program, including information about the application process,
33 on its internet site and through appropriate agency publications and
34 information sources as determined by the department. The department
35 shall disseminate this information for a reasonable time as determined
36 by the department prior to accepting applications.

1 (4) The department shall accept and review vessel turn-in program
2 applications from eligible vessel owners, including private marinas
3 that have gained legal title to a vessel in an advanced state of
4 disrepair, during the time period or periods identified by the
5 department. In order to be eligible for the vessel turn-in program, an
6 applicant must demonstrate to the department's satisfaction that the
7 applicant:

8 (a) Is a Washington resident or business;

9 (b) Owns a vessel that is in an advanced state of disrepair, has
10 minimal or no value, and has a high likelihood of becoming an abandoned
11 or derelict vessel; and

12 (c) Has insufficient resources to properly dispose of the vessel
13 outside of the vessel turn-in program.

14 (5) Decisions regarding program eligibility and whether to accept
15 a vessel for dismantling and disposal under the turn-in program are
16 within the sole discretion of the department.

17 (6) The department may take other actions not inconsistent with
18 this section in order to develop and administer the vessel turn-in
19 program.

20 (7) The department may not spend more than two hundred thousand
21 dollars in any one biennium on the program established in this section.

22 NEW SECTION. **Sec. 43.** (1) In compliance with RCW 43.01.036, the
23 department of natural resources must provide a brief summary of the
24 vessel turn-in program authorized under section 42 of this act to the
25 legislature by September 1, 2014, including information about
26 applications for the program, the vessels disposed of, and any
27 recommendations for modification of the program.

28 (2) This section expires July 31, 2015.

29 **Sec. 44.** RCW 43.21B.305 and 2005 c 34 s 2 are each amended to read
30 as follows:

31 (1) In an appeal that involves a penalty of fifteen thousand
32 dollars or less or that involves a derelict or abandoned vessel under
33 RCW 79.100.120, the appeal may be heard by one member of the board,
34 whose decision shall be the final decision of the board. The board
35 shall define by rule alternative procedures to expedite appeals
36 involving penalties of fifteen thousand dollars or less or involving a

1 derelict or abandoned vessel. These alternatives may include:
2 Mediation, upon agreement of all parties; submission of testimony by
3 affidavit; or other forms that may lead to less formal and faster
4 resolution of appeals.

5 (2) For appeals that involve a derelict or abandoned vessel under
6 RCW 79.100.120 only, an administrative law judge employed by the board
7 may be substituted for a board member under this section.

8 NEW SECTION. **Sec. 45.** (1) The department of natural resources
9 must, in consultation with the department of ecology and appropriate
10 stakeholders, evaluate potential changes to laws and rules related to
11 derelict and abandoned vessels that increase vessel owner
12 responsibility and address challenges associated with the economics of
13 removing vessels from the water. This evaluation must include the
14 development and analysis of:

15 (a) Administrative and legislative vessel owner responsibility
16 options that seek to ensure the prevention and cleanup of derelict and
17 abandoned vessels, including the development of mandatory processes for
18 public and private moorage facility operators to employ in an effort to
19 appropriately limit the transfer of high risk vessels; and

20 (b) The identification of challenges and roadblocks to
21 deconstructing derelict vessels and transforming them into a viable
22 scrap metal product.

23 (2) The department of natural resources may choose which
24 appropriate stakeholders are consulted in the implementation of this
25 section. However, persons with relevant expertise on financial
26 responsibility mechanisms, such as insurance and surety bonds and
27 letters of credit, must be included. The department of natural
28 resources must also seek to ensure opportunities for interested members
29 of the senate and house of representatives to provide input into the
30 work group process and conclusions.

31 (3) The department of natural resources must provide a summary of
32 the options developed by the work group, or a draft of proposed
33 legislation, to the legislature consistent with RCW 43.01.036 by
34 December 15, 2013.

35 (4) This section expires June 30, 2014.

1 NEW SECTION. **Sec. 46.** Section 33 of this act expires June 30,
2 2019.

3 NEW SECTION. **Sec. 47.** Section 34 of this act takes effect June
4 30, 2019.

5 NEW SECTION. **Sec. 48.** Section 38 of this act takes effect July 1,
6 2014."

ESHB 1245 - S COMM AMD

By Committee on Natural Resources & Parks

ADOPTED 04/12/2013

7 On page 1, line 1 of the title, after "waters;" strike the
8 remainder of the title and insert "amending RCW 88.02.640, 79.100.100,
9 79A.65.020, 79.100.130, 43.19.1919, 28B.10.029, 88.02.380, 88.02.340,
10 88.02.550, 79.100.120, 90.56.410, 79.100.040, 79.100.060, 88.26.020,
11 and 43.21B.305; reenacting and amending RCW 43.21B.110 and 43.21B.110;
12 adding a new section to chapter 43.19 RCW; adding new sections to
13 chapter 43.30 RCW; adding new sections to chapter 77.12 RCW; adding new
14 sections to chapter 79A.05 RCW; adding new sections to chapter 47.01
15 RCW; adding new sections to chapter 35.21 RCW; adding new sections to
16 chapter 35A.21 RCW; adding new sections to chapter 36.32 RCW; adding
17 new sections to chapter 53.08 RCW; adding new sections to chapter
18 43.21A RCW; adding new sections to chapter 28B.10 RCW; adding new
19 sections to chapter 79.100 RCW; creating new sections; prescribing
20 penalties; providing effective dates; and providing expiration dates."

--- END ---