

**SSB 6040 - S AMD 444**

By Senators Honeyford, Hargrove, Lias

ADOPTED 02/14/2014

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

3 "PART 1

4 **INVASIVE SPECIES--MANAGEMENT**

5 NEW SECTION. **Sec. 101.** The legislature finds that:

6 (1) The state's fish, wildlife, and habitat are exceptionally  
7 valuable environmental resources for the state's citizens.

8 (2) The state's fish, wildlife, and habitat also provide  
9 exceptionally valuable economic, cultural, and recreational resources.  
10 These include hydroelectric power, agriculture, forests, water  
11 supplies, commercial and recreational fisheries, aquaculture, and  
12 public access to outdoor recreational opportunities.

13 (3) Invasive species pose a grave threat to these environmental and  
14 economic resources, especially to salmon recovery and state and  
15 federally listed threatened and endangered species. Because of the  
16 significant harm invasive species can cause, invasive species  
17 constitute a public nuisance.

18 (4) If allowed to become established, invasive species can threaten  
19 human health and cause environmental and economic disasters affecting  
20 not only our state, but other states and nations.

21 (5) The risk of invasive species spreading into Washington  
22 increases as travel and commerce grows in volume and efficiency.

23 (6) Prevention of invasive species is a cost-effective, successful,  
24 and proven management strategy. Prevention is the state's highest  
25 management priority with an emphasis on education and outreach,  
26 inspections, and rapid response.

27 (7) The integrated management of invasive species through pathways  
28 regulated by the department is critical to preventing the introduction

1 and spread of a broad range of such species, including plants,  
2 diseases, and parasites.

3 (8) Washington's citizens must work together to protect the state  
4 from invasive species.

5 (9) Public and private partnerships, cooperative agreements, and  
6 compacts are important for preventing new arrivals and managing  
7 existing populations of invasive species, and coordinating these  
8 actions on local, state, national, and international levels.

9 (10) The department requires authority for this mission to  
10 effectively counter the unpredictable nature of invasive species'  
11 introductions and spread, enable the utilization of new advances in  
12 invasive ecology science, and implement applicable techniques and  
13 technology to address invasive species.

14 (11) An integrated management approach provides the best way for  
15 the state to manage invasive species and includes opportunities for  
16 creating an informed public, encouraging public involvement, and  
17 striving for local, regional, national, and international cooperation  
18 and consistency on management standards. An integrated management  
19 approach also applies sound science to minimize the chance that  
20 invasive species used for beneficial purposes will result in  
21 environmental harm.

22 (12) This chapter provides authority for the department to  
23 effectively address invasive species using an integrated management  
24 approach.

25 (13) The department of fish and wildlife currently has sufficient  
26 statutory authority to effectively address invasive species risks posed  
27 through discharge of ballast water under chapter 77.120 RCW and by  
28 private sector shellfish aquaculture operations regulated under chapter  
29 77.115 RCW. The programs developed by the department under these  
30 chapters embody the principles of prevention as the highest priority,  
31 integrated management of pathways, public-private partnerships, clean  
32 and drain principles, and rapid response capabilities.

33 NEW SECTION. **Sec. 102.** The definitions in this section apply  
34 throughout this chapter unless the context clearly requires otherwise.

35 (1) "Aquatic conveyance" means transportable personal property  
36 having the potential to move an aquatic invasive species from one  
37 aquatic environment to another. Aquatic conveyances include but are

1 not limited to watercraft and associated equipment, float planes,  
2 construction equipment, fish tanker trucks, hydroelectric and  
3 irrigation equipment, personal fishing and hunting gear, and materials  
4 used for aquatic habitat mitigation or restoration.

5 (2) "Aquatic invasive species" means an invasive species of the  
6 animal kingdom with a life cycle that is at least partly dependent upon  
7 fresh, brackish, or marine waters. Examples include nutria, waterfowl,  
8 amphibians, fish, and shellfish.

9 (3) "Aquatic plant" means a native or nonnative emergent,  
10 submersed, partially submersed, free-floating, or floating-leaved plant  
11 species that is dependent upon fresh, brackish, or marine water  
12 ecosystems and includes all stages of development and parts.

13 (4) "Certificate of inspection" means a department-approved  
14 document that declares, to the extent technically or measurably  
15 possible, that an aquatic conveyance does not carry or contain an  
16 invasive species. Certification may be in the form of a decal, label,  
17 rubber stamp imprint, tag, permit, locking seal, or written statement.

18 (5) "Clean and drain" means to remove the following from areas on  
19 or within an aquatic conveyance to the extent technically and  
20 measurably possible:

21 (a) Visible native and nonnative aquatic animals, plants, or other  
22 organisms; and

23 (b) Raw water.

24 (6) "Commercial watercraft" means a management category of aquatic  
25 conveyances:

26 (a) Required to have valid marine documentation as a vessel of the  
27 United States or similar required documentation for a country other  
28 than the United States; and

29 (b) Not subject to watercraft registration requirements under  
30 chapter 88.02 RCW or ballast water requirements under chapter 77.120  
31 RCW.

32 (7) "Cryptogenic species" means a species that scientists cannot  
33 commonly agree are native or nonnative or are part of the animal  
34 kingdom.

35 (8) "Decontaminate" means, to the extent technically and measurably  
36 possible, the application of a treatment to kill, destroy, remove, or  
37 otherwise eliminate all known or suspected invasive species carried on  
38 or contained within an aquatic conveyance or structural property by use

1 of physical, chemical, or other methods. Decontamination treatments  
2 may include drying an aquatic conveyance for a time sufficient to kill  
3 aquatic invasive species through desiccation.

4 (9) "Detect" means the verification of invasive species' presence  
5 as defined by the department.

6 (10) "Eradicate" means, to the extent technically and measurably  
7 possible, to kill, destroy, remove, or otherwise eliminate an invasive  
8 species from a water body or property using physical, chemical, or  
9 other methods.

10 (11) "Infested site management" means management actions as  
11 provided under section 109 of this act that may include long-term  
12 actions to contain, control, or eradicate a prohibited species.

13 (12) "Introduce" means to intentionally or unintentionally release,  
14 place, or allow the escape, dissemination, or establishment of an  
15 invasive species on or into a water body or property as a result of  
16 human activity or a failure to act.

17 (13) "Invasive species" means nonnative species of the animal  
18 kingdom that are not naturally occurring in Washington for purposes of  
19 breeding, resting, or foraging, and that pose an invasive risk of  
20 harming or threatening the state's environmental, economic, or human  
21 resources. Invasive species include all stages of species development  
22 and body parts. They may also include genetically modified or  
23 cryptogenic species.

24 (14) "Invasive species council" means the Washington invasive  
25 species council established in RCW 79A.25.310 or a similar  
26 collaborative state agency forum. The term includes the council and  
27 all of its officers, employees, agents, and contractors.

28 (15) "Mandatory check station" means a location where a person  
29 transporting an aquatic conveyance must stop and allow the conveyance  
30 to be inspected for aquatic invasive species.

31 (16) "Possess" means to have authority over the use of an invasive  
32 species or use of an aquatic conveyance that may carry or contain an  
33 invasive species. For the purposes of this subsection, "authority  
34 over" includes the ability to intentionally or unintentionally hold,  
35 import, export, transport, purchase, sell, barter, distribute, or  
36 propagate an invasive species.

37 (17) "Prohibited species" means a classification category of  
38 nonnative species as provided in section 104 of this act.

1 (18) "Property" means both real and personal property.

2 (19) "Quarantine declaration" means a management action as provided  
3 under section 107 of this act involving the prohibition or conditioning  
4 of the movement of aquatic conveyances and waters from a place or an  
5 area that is likely to contain a prohibited species.

6 (20) "Rapid response" means expedited management actions as  
7 provided under section 108 of this act triggered when invasive species  
8 are detected, for the time-sensitive purpose of containing or  
9 eradicating the species before it spreads or becomes further  
10 established.

11 (21) "Raw water" means water from a water body and held on or  
12 within property. "Raw water" does not include water from precipitation  
13 that is captured in a conveyance, structure, or depression that is not  
14 otherwise intended to function as a water body, or water from a potable  
15 water supply system, unless the water contains visible aquatic  
16 organisms.

17 (22) "Regulated species" means a classification category of  
18 nonnative species as provided in section 104 of this act.

19 (23) "Registered watercraft" means a management category of aquatic  
20 conveyances required to register as vessels under RCW 88.02.550 or  
21 similar requirements for a state other than Washington or a country  
22 other than the United States.

23 (24) "Seaplane" means a management category of aquatic conveyances  
24 capable of landing on or taking off from water and required to register  
25 as an aircraft under RCW 47.68.250 or similar registration in a state  
26 other than Washington or a country other than the United States.

27 (25) "Small watercraft" means a management category of aquatic  
28 conveyances:

29 (a) Including inflatable and hard-shell watercraft used or capable  
30 of being used as a means of transportation on the water, such as  
31 kayaks, canoes, sailboats, and rafts that:

32 (i) Do not meet watercraft registration requirements under chapter  
33 88.02 RCW; and

34 (ii) Are ten feet or more in length with or without mechanical  
35 propulsion or less than ten feet in length and fitted with mechanical  
36 propulsion.

37 (b) Excluding nonmotorized aquatic conveyances of any size not

1 designed or modified to be used as a means of transportation on the  
2 water, such as inflatable air mattresses and tubes, beach and water  
3 toys, surf boards, and paddle boards.

4 (26) "Water body" means an area that carries or contains a  
5 collection of water, regardless of whether the feature carrying or  
6 containing the water is natural or nonnatural. Examples include  
7 basins, bays, coves, streams, rivers, springs, lakes, wetlands,  
8 reservoirs, ponds, tanks, irrigation canals, and ditches.

9 NEW SECTION. **Sec. 103.** (1) The department is the lead agency for  
10 managing invasive species of the animal kingdom statewide. This lead  
11 responsibility excludes pests, domesticated animals, or livestock  
12 managed by the department of agriculture under Titles 15, 16, and 17  
13 RCW, forest invasive insect and disease species managed by the  
14 department of natural resources under Title 76 RCW, and mosquito and  
15 algae control and shellfish sanitation managed by the department of  
16 health under Titles 69, 70, and 90 RCW.

17 (2) Subject to the availability of funding for these specific  
18 purposes, the department may:

19 (a) Develop and implement integrated invasive species management  
20 actions and programs authorized by this chapter, including rapid  
21 response, early detection and monitoring, prevention, containment,  
22 control, eradication, and enforcement;

23 (b) Establish and maintain an invasive species outreach and  
24 education program, in coordination with the Washington invasive species  
25 council, that covers public, commercial, and professional pathways and  
26 interests;

27 (c) Align management classifications, standards, and enforcement  
28 provisions by rule with regional, national, and international standards  
29 and enforcement provisions;

30 (d) Manage invasive species to support the preservation of native  
31 species, salmon recovery, and the overall protection of threatened or  
32 endangered species;

33 (e) Participate in local, state, regional, national, and  
34 international efforts regarding invasive species to support the intent  
35 of this chapter;

36 (f) Provide technical assistance or other support to tribes,

1 federal agencies, local governments, and private groups to promote an  
2 informed public and assist the department in meeting the intent of this  
3 chapter;

4 (g) Enter into partnerships, cooperative agreements, and state or  
5 interstate compacts as necessary to accomplish the intent of this  
6 chapter;

7 (h) Research and develop invasive species management tools,  
8 including standard methods for decontaminating aquatic conveyances and  
9 controlling or eradicating invasive species from water bodies and  
10 properties;

11 (i) Post invasive species signs and information at port districts,  
12 privately or publicly owned marinas, state parks, and all boat launches  
13 owned or leased by state agencies or political subdivisions; and

14 (j) Adopt rules as needed to implement the provisions of this  
15 chapter.

16 (3) The department may delegate selected and clearly identified  
17 elements of its authorities and duties to another agency of the state  
18 with appropriate expertise or administrative capacity upon cooperative  
19 agreement with that agency. This delegation may include provisions of  
20 funding for implementation of the delegations. The department retains  
21 primary authority and responsibility for all requirements of this  
22 chapter unless otherwise directed in this chapter.

23 (4) This chapter does not apply to the possession or introduction  
24 of nonnative aquatic animal species by:

25 (a) Ballast water held or discharged by vessels regulated under  
26 chapter 77.120 RCW; or

27 (b) Private sector aquaculture operations, transfers, or  
28 conveyances regulated under chapter 77.115 RCW.

29 (5) This chapter does not preempt or replace other department  
30 species classification systems or other management requirements under  
31 this title. However, the department must streamline invasive species  
32 requirements under this chapter into existing permits and cooperative  
33 agreements as possible.

34 NEW SECTION. **Sec. 104.** (1) The department, in consultation with  
35 the invasive species council, may classify or reclassify and list by  
36 rule nonnative aquatic animal species as prohibited level 1, level 2,

1 or level 3, based on the degree of invasive risk, the type of  
2 management action required, and resources available to conduct the  
3 management action.

4 (a) Species classified as prohibited level 1 pose a high invasive  
5 risk and are a priority for prevention and expedited rapid response  
6 management actions.

7 (b) Species classified as prohibited level 2 pose a high invasive  
8 risk and are a priority for long-term infested site management actions.

9 (c) Species classified as prohibited level 3 pose a moderate to  
10 high invasive risk and may be appropriate for prevention, rapid  
11 response, or other prohibited species management plan actions by the  
12 department, another agency, a local government, tribes, or the public.

13 (2) The department, in consultation with the invasive species  
14 council, may classify and list by rule regulated type A species. This  
15 classification is used for nonnative aquatic animal species that pose  
16 a low to moderate invasive risk that can be managed based on intended  
17 use or geographic scope of introduction, have a beneficial use, and are  
18 a priority for department-led or department-approved management of the  
19 species' beneficial use and invasive risks.

20 (3) Nonnative aquatic animal species not classified as prohibited  
21 level 1, level 2, or level 3 under subsection (1) of this section, or  
22 as regulated type A species under subsection (2) of this section, are  
23 automatically managed statewide as regulated type B species or  
24 regulated type C species and do not require listing by rule.

25 (a) Species managed as regulated type B pose a low or unknown  
26 invasive risk and are possessed for personal or commercial purposes,  
27 such as for aquariums, live food markets, or as nondomesticated pets.

28 (b) Species managed as regulated type C pose a low or unknown  
29 invasive risk and include all other species that do not meet the  
30 criteria for management as a regulated type B invasive species.

31 (4) Classification of prohibited and regulated species:

32 (a) May be by individual species or larger taxonomic groups up to  
33 the family name;

34 (b) Must align, as practical and appropriate, with regional and  
35 national classification levels;

36 (c) Must be statewide unless otherwise designated by a water body,  
37 property, or other geographic region or area; and

1 (d) May define general possession and introduction conditions  
2 acceptable under department authorization, a permit, or as otherwise  
3 provided by rule.

4 (5) Prior to or at the time of classifying species by rule as  
5 prohibited or regulated under subsections (1) and (2) of this section,  
6 the department, in consultation with the invasive species council, must  
7 adopt rules establishing standards for determining invasive risk levels  
8 and criteria for determining beneficial use that take into  
9 consideration environmental impacts, and especially effects on the  
10 preservation of native species, salmon recovery, and threatened or  
11 endangered species.

12 NEW SECTION. **Sec. 105.** (1) Until the department adopts rules  
13 classifying species pursuant to chapter 77.--- RCW (the new chapter  
14 created in section 122 of this act), species and classifications  
15 identified in this section are automatically managed as follows:

16 (a) Zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena*  
17 *rostriformis bugensis*), European green crab (*Carcinus maenas*), and all  
18 members of the genus *Eriocheir* (including Chinese mitten crab), all  
19 members of the walking catfish family (*Clariidae*), all members of the  
20 snakehead family (*Channidae*), silver carp (*Hypophthalmichthys*  
21 *molitrix*), largescale silver carp (*Hypophthalmichthys harmandi*), black  
22 carp (*Mylopharyngodon piceus*), and bighead carp (*Hypophthalmichthys*  
23 *nobilis*) are prohibited level 1 species statewide;

24 (b) Prohibited aquatic animal species classified under WAC 220-12-  
25 090(1), in effect on July 1, 2014, except those as noted in this  
26 subsection are prohibited level 3 species statewide;

27 (c) Regulated aquatic animal species classified under WAC 220-12-  
28 090(2), in effect on July 1, 2014, are regulated type A species  
29 statewide; and

30 (d) Nonnative aquatic animal species classified as game fish under  
31 WAC 232-12-019, in effect on July 1, 2014, or food fish under WAC 220-  
32 12-010, in effect on July 1, 2014, are regulated type A species  
33 statewide.

34 (2) The department, in consultation with the invasive species  
35 council, may change these classifications by rule.

1        NEW SECTION.    **Sec. 106.**    (1) Prohibited level 1, level 2, and level  
2    3 species may not be possessed, introduced on or into a water body or  
3    property, or trafficked, without department authorization, a permit, or  
4    as otherwise provided by rule.

5        (2) Regulated type A, type B, and type C species may not be  
6    introduced on or into a water body or property without department  
7    authorization, a permit, or as otherwise provided by rule.

8        (3) Regulated type B species, when being actively used for  
9    commercial purposes, must be readily and clearly identified in writing  
10   by taxonomic species name or subspecies name to distinguish the  
11   subspecies from another prohibited species or a regulated type A  
12   species.    Nothing in this section precludes using additional  
13   descriptive language or trade names to describe regulated type B  
14   species as long as the labeling requirements of this section are met.

15       NEW SECTION.    **Sec. 107.**    (1) If the department determines it is  
16   necessary to protect the environmental, economic, or human health  
17   interests of the state from the threat of a prohibited level 1 or level  
18   2 species, the department may declare a quarantine against a water  
19   body, property, or region within the state.    The department may  
20   prohibit or condition the movement of aquatic conveyances and waters  
21   from such a quarantined place or area that are likely to contain a  
22   prohibited species.

23        (2) A quarantine declaration under this section may be implemented  
24   separately or in conjunction with rapid response management actions  
25   under section 108 of this act and infested site management actions  
26   under section 109 of this act in a manner and for a duration necessary  
27   to protect the interests of the state from the threat of a prohibited  
28   level 1 or level 2 species.    A quarantine declaration must include:

29        (a) The reasons for the action including the prohibited level 1 or  
30   level 2 species triggering the quarantine;

31        (b) The boundaries of the area affected;

32        (c) The action timeline;

33        (d) Types of aquatic conveyances and waters affected by the  
34   quarantine and any prohibition or conditions on the movement of those  
35   aquatic conveyances and waters from the quarantine area; and

36        (e) Inspection and decontamination requirements for aquatic  
37   conveyances.

1        NEW SECTION.    **Sec. 108.**    (1) The department may implement rapid  
2 response management actions where a prohibited level 1 species is  
3 detected in or on a water body or property. Rapid response management  
4 actions may:    Include expedited actions to contain, control, or  
5 eradicate the prohibited species; and, if applicable, be implemented in  
6 conjunction with a quarantine declaration. Rapid response management  
7 actions must be terminated by the department when it determines that  
8 the targeted prohibited level 1 species are:

9        (a) Eradicated;

10       (b) Contained or controlled without need for further management  
11 actions;

12       (c) Reclassified for that water body; or

13       (d) Being managed under infested site management actions pursuant  
14 to section 109 of this act.

15       (2) If a rapid response management action exceeds seven days, the  
16 department may implement an incident command system for rapid response  
17 management including scope, duration, and types of actions and to  
18 support mutual assistance and cooperation between the department and  
19 other affected state and federal agencies, tribes, local governments,  
20 and private water body or property owners. The purpose of this system  
21 is to coordinate a rapid, effective, and efficient response to contain,  
22 control, and eradicate if feasible, a prohibited level 1 species.  
23 Mutual assistance and coordination by other state agencies is  
24 especially important to assist the department in expediting necessary  
25 state and federal environmental permits.

26       (3) The department may enter into cooperative agreements with  
27 national, regional, state, and local rapid response management action  
28 partners to establish incident command system structures, secure or  
29 prepare submission-ready environmental permits, and identify mutual  
30 assistance commitments in preparation for potential future actions.

31       (4) The department may perform simulated rapid response exercises,  
32 testing, or other training activities to prepare for future rapid  
33 response management actions.

34       (5) In implementing rapid response management actions, the  
35 department may enter upon property consistent with the process  
36 established under section 119 of this act.

1        NEW SECTION.    **Sec. 109.**    (1) The department may implement infested  
2 site management actions where a prohibited level 2 species is detected  
3 in or on a water body or property.    Infested site management actions  
4 may:    Include long-term actions to contain, control, or eradicate the  
5 prohibited species; and, if applicable, be implemented in conjunction  
6 with a quarantine declaration.    Infested site management actions must  
7 be terminated by the department when it determines that the targeted  
8 prohibited level 2 species are:

9            (a) Eradicated;

10           (b) Contained or controlled without need for further management  
11 actions; or

12           (c) Reclassified for that water body.

13        (2) The department must consult with affected state and federal  
14 agencies, tribes, local governments, and private water body or property  
15 owners prior to implementing infested site management actions.    The  
16 purpose of the consultation is to support mutual assistance and  
17 cooperation in providing an effective and efficient response to  
18 contain, control, and eradicate, if feasible, a prohibited level 2  
19 species.

20        (3) The department may enter into cooperative agreements with  
21 national, regional, state, and local infested site management action  
22 partners to establish management responsibilities, secure or prepare  
23 submission-ready environmental permits, and identify mutual assistance  
24 commitments.

25        (4) In implementing infested site management actions, the  
26 department may enter upon property consistent with the process  
27 established under section 119 of this act.

28        NEW SECTION.    **Sec. 110.**    (1) To the extent possible, the  
29 department's quarantine declarations under section 107 of this act,  
30 rapid response management actions under section 108 of this act, and  
31 infested site management actions under section 109 of this act must be  
32 implemented in a manner best suited to contain, control, and eradicate  
33 prohibited level 1 and level 2 species while protecting human safety,  
34 minimizing adverse environmental impacts to a water body or property,  
35 and minimizing adverse economic impacts to owners of an affected water  
36 body or property.

1 (2) The department is the lead agency for quarantine declarations,  
2 rapid response, and infested site management actions. Where the  
3 infested water body is subject to tribal, federal, or other sovereign  
4 jurisdiction, the department:

5 (a) Must consult with appropriate federal agencies, tribal  
6 governments, other states, and Canadian government entities to develop  
7 and implement coordinated management actions on affected water bodies  
8 under shared jurisdiction;

9 (b) May assist in infested site management actions where these  
10 actions may prevent the spread of prohibited species into state water  
11 bodies; and

12 (c) May assist other states and Canadian government entities, in  
13 the Columbia river basin, in management actions on affected water  
14 bodies outside of the state where these actions may prevent the spread  
15 of the species into state water bodies.

16 (3)(a) The department must provide notice of quarantine  
17 declarations, rapid response, and infested site management actions to  
18 owners of an affected water body or property. Notice may be provided  
19 by any reasonable means, such as in person, by United States postal  
20 service, by publication in a local newspaper, by electronic publication  
21 including social media or postings on the department's public web site,  
22 or by posting signs at the water body.

23 (b) The department must provide updates to owners of an affected  
24 water body or property based on management action type as follows:

25 (i) Every seven days for a rapid response management action and, if  
26 applicable, a quarantine declaration implemented in conjunction with a  
27 rapid response management action;

28 (ii) Every six months for a separate quarantine declaration;

29 (iii) Annually for the duration of an infested site management  
30 action and, if applicable, a quarantine declaration implemented in  
31 conjunction with an infested site management action; and

32 (iv) A final update at the conclusion of any management action.

33 (c) In addition to owners of an affected water body or property,  
34 the department must provide notice of a quarantine declaration to  
35 members of the public by any reasonable means for an area subject to a  
36 quarantine declaration, such as by publication in a local newspaper, by  
37 electronic publication including social media or postings on the

1 department's public web site, or by posting signs at the water body.  
2 The department must provide updates at reasonable intervals and a final  
3 update at the conclusion of the quarantine declaration.

4 (4) The department must publicly list those water bodies or  
5 portions of water bodies in which a prohibited level 1 or level 2  
6 species has been detected. The department may list those areas in  
7 which a prohibited level 3 species has been detected.

8 (5) When posting signs at a water body or property where a  
9 prohibited species has been detected, the department must consult with  
10 owners of the affected water body or property regarding placement of  
11 those signs.

12 NEW SECTION. **Sec. 111.** (1) If the director finds that there  
13 exists an imminent danger of a prohibited level 1 or level 2 species  
14 detection that seriously endangers or threatens the environment,  
15 economy, human health, or well-being of the state of Washington, the  
16 director must ask the governor to order, under RCW 43.06.010(14),  
17 emergency measures to prevent or abate the prohibited species. The  
18 director's findings must contain an evaluation of the effect of the  
19 emergency measures on environmental factors such as fish listed under  
20 the endangered species act, economic factors such as public and private  
21 access, human health factors such as water quality, or well-being  
22 factors such as cultural resources.

23 (2) If an emergency is declared pursuant to RCW 43.06.010(14), the  
24 director may consult with the invasive species council to advise the  
25 governor on emergency measures necessary under RCW 43.06.010(14) and  
26 this section, and make subsequent recommendations to the governor. The  
27 invasive species council must involve owners of the affected water body  
28 or property, state and local governments, federal agencies, tribes,  
29 public health interests, technical service providers, and environmental  
30 organizations, as appropriate.

31 (3) Upon the governor's approval of emergency measures, the  
32 director may implement these measures to prevent, contain, control, or  
33 eradicate invasive species that are the subject of the emergency order,  
34 notwithstanding the provisions of chapter 15.58 or 17.21 RCW or any  
35 other statute. These measures, after evaluation of all other  
36 alternatives, may include the surface and aerial application of  
37 pesticides.

1 (4) The director must continually evaluate the effects of the  
2 emergency measures and report these to the governor at intervals of not  
3 less than ten days. The director must immediately advise the governor  
4 if the director finds that the emergency no longer exists or if certain  
5 emergency measures should be discontinued.

6 NEW SECTION. **Sec. 112.** (1) A person in possession of an aquatic  
7 conveyance who enters Washington by road, air, or water is required to  
8 have a certificate of inspection. A person must provide this  
9 certificate of inspection upon request by a fish and wildlife officer  
10 or ex officio fish and wildlife officer.

11 (2) The department must adopt rules to implement this section  
12 including:

13 (a) Types of aquatic conveyances required to have a certificate of  
14 inspection;

15 (b) Allowable certificate of inspection forms including passport  
16 type systems and integration with existing similar permits;

17 (c) Situations when authorization can be obtained for transporting  
18 an aquatic conveyance not meeting inspection requirements to a  
19 specified location within the state where certificate of inspection  
20 requirements can be provided; and

21 (d) Situations where aquatic conveyances are using shared boundary  
22 waters of the state, such as portions of the Columbia river, lake  
23 Osoyoos, and the Puget Sound.

24 NEW SECTION. **Sec. 113.** (1) A person in possession of an aquatic  
25 conveyance must meet clean and drain requirements after the  
26 conveyance's use in or on a water body or property. A certificate of  
27 inspection is not needed to meet clean and drain requirements.

28 (2) A fish and wildlife officer or ex officio fish and wildlife  
29 officer may order a person transporting an aquatic conveyance not  
30 meeting clean and drain requirements to:

31 (a) Clean and drain the conveyance at the discovery site, if the  
32 department determines there are sufficient resources available; or

33 (b) Transport the conveyance to a reasonably close location where  
34 resources are sufficient to meet the clean and drain requirements.

35 (3) This section may be enforced immediately on the transportation  
36 of aquatic plants by registered watercraft, small watercraft,

1 seaplanes, and commercial watercraft. The department must adopt rules  
2 to implement all other aspects of clean and drain requirements,  
3 including:

4 (a) Other types of aquatic conveyances subject to this requirement;

5 (b) When transport of an aquatic conveyance is authorized if clean  
6 and drain services are not readily available at the last water body  
7 used; and

8 (c) Exemptions to clean and drain requirements where the department  
9 determines there is minimal risk of spreading invasive species.

10 NEW SECTION. **Sec. 114.** (1) The department may establish mandatory  
11 check stations to inspect aquatic conveyances for clean and drain  
12 requirements and aquatic invasive species. The check stations must be  
13 operated by at least one fish and wildlife officer, an ex officio fish  
14 and wildlife officer in coordination with the department, or  
15 department-authorized representative, and must be plainly marked by  
16 signs and operated in a safe manner.

17 (2) Aquatic conveyances required to stop at mandatory check  
18 stations include registered watercraft, commercial watercraft, and  
19 small watercraft. The department may establish rules governing other  
20 types of aquatic conveyances that must stop at mandatory check  
21 stations. The rules must provide sufficient guidance so that a person  
22 transporting the aquatic conveyance readily understands that he or she  
23 is required to stop.

24 (3) A person who encounters a mandatory check station while  
25 transporting an aquatic conveyance must:

26 (a) Stop at the mandatory check station;

27 (b) Allow the aquatic conveyance to be inspected for clean and  
28 drain requirements and aquatic invasive species;

29 (c) Follow clean and drain orders if clean and drain requirements  
30 are not met pursuant to section 113 of this act; and

31 (d) Follow decontamination orders pursuant to section 115 of this  
32 act if an aquatic invasive species is found.

33 (4) A person who complies with the department directives under this  
34 section is exempt from criminal penalties under sections 205 and 206 of  
35 this act, civil penalties under RCW 77.15.160(4), and civil forfeiture  
36 under RCW 77.15.070, unless the person has a prior conviction for an  
37 invasive species violation within the past five years.

1        NEW SECTION.        **Sec. 115.**        (1) Upon discovery of an aquatic  
2 conveyance that carries or contains an aquatic invasive species without  
3 department authorization, a permit, or as otherwise provided by rule,  
4 a fish and wildlife officer or ex officio fish and wildlife officer may  
5 issue a decontamination order:

6        (a) Requiring decontamination at the discovery site, if the  
7 situation presents a low risk of aquatic invasive species introduction,  
8 and sufficient department resources are available at the discovery  
9 site;

10        (b) Prohibiting the launch of the aquatic conveyance in a water  
11 body until decontamination is completed and certified, if the situation  
12 presents a low risk of aquatic invasive species introduction, and  
13 sufficient department resources are not available at the discovery  
14 site;

15        (c) Requiring immediate transport of the conveyance to an approved  
16 decontamination station, and prohibiting the launch of the conveyance  
17 in a water body until decontamination is completed and certified, if  
18 the situation presents a moderate risk of aquatic invasive species  
19 introduction, and sufficient department resources are not available at  
20 the discovery site; or

21        (d) Seizing and transporting the aquatic conveyance to an approved  
22 decontamination station until decontamination is completed and  
23 certified, if the situation presents a high risk of aquatic invasive  
24 species introduction, and sufficient department resources are not  
25 available at the discovery site.

26        (2) The person possessing the aquatic conveyance that is subject to  
27 orders issued under subsection (1)(b) through (d) of this section must  
28 bear any costs for seizure, transportation, or decontamination.

29        (3) Orders issued under subsection (1)(b) through (d) of this  
30 section must be in writing and must include notice of the opportunity  
31 for a hearing pursuant to section 116 of this act to determine the  
32 validity of the orders.

33        (4) If a decontamination order is issued under subsection (1)(d) of  
34 this section, the department may seize the aquatic conveyance for two  
35 working days or a reasonable additional period of time thereafter as  
36 needed to meet decontamination requirements. The decontamination  
37 period must be based on factors including conveyance size and

1 complexity, type and number of aquatic invasive species present, and  
2 decontamination station resource capacity.

3 (5) If an aquatic conveyance is subject to forfeiture under RCW  
4 77.15.070, the timelines and other provisions under that section apply  
5 to the seizure.

6 (6) Upon decontamination and issuing a certificate of inspection,  
7 an aquatic conveyance must be released to the person in possession of  
8 the aquatic conveyance at the time the decontamination order was  
9 issued, or to the owner of the aquatic conveyance.

10 NEW SECTION. **Sec. 116.** (1) A person aggrieved or adversely  
11 affected by a quarantine declaration under section 107 of this act, a  
12 rapid response management action under section 108 of this act, an  
13 infested site management action under section 109 of this act, or a  
14 decontamination order under section 115 of this act may contest the  
15 validity of the department's actions by requesting a hearing in writing  
16 within twenty days of the department's actions.

17 (2) Hearings must be conducted pursuant to chapter 34.05 RCW and  
18 the burden of demonstrating the invalidity of agency action is on the  
19 party asserting invalidity. The hearing may be conducted by the  
20 director or the director's designee and may occur telephonically.

21 (3) A hearing on a decontamination order is limited to the issues  
22 of whether decontamination was necessary and the reasonableness of  
23 costs assessed for any seizure, transportation, and decontamination.  
24 If the person in possession of the aquatic conveyance that was  
25 decontaminated prevails at the hearing, the person is entitled to  
26 reimbursement by the department for any costs assessed by the  
27 department or decontamination station operator for the seizure,  
28 transportation, and decontamination. If the department prevails at the  
29 hearing, the department is not responsible for and may not reimburse  
30 any costs.

31 NEW SECTION. **Sec. 117.** (1) The department may operate aquatic  
32 conveyance inspection and decontamination stations statewide for  
33 voluntary use by the public or for mandatory use where directed by the  
34 department to meet inspection and decontamination requirements of this  
35 chapter. Decontamination stations can be part of or separate from

1 inspection stations. Inspection and decontamination stations are  
2 separate from commercial vehicle weigh stations operated by the  
3 Washington state patrol.

4 (2) Inspection station staff must inspect aquatic conveyances to  
5 determine whether the conveyances carry or contain aquatic invasive  
6 species. If an aquatic conveyance is free of aquatic invasive species,  
7 then inspection station staff must issue a certificate of inspection.  
8 A certificate of inspection is valid until the conveyance's next use in  
9 a water body.

10 (3) If a conveyance carries or contains aquatic invasive species,  
11 then inspection station staff must require the conveyance's  
12 decontamination before issuing a certificate of inspection. The  
13 certificate of inspection is valid until the conveyance's next use in  
14 a water body.

15 (4) The department must identify, in a way that is readily  
16 available to the public, the location and contact information for  
17 inspection and decontamination stations.

18 (5) The department must adopt by rule standards for inspection and  
19 decontamination that, where practical and appropriate, align with  
20 regional, national, and international standards.

21 NEW SECTION. **Sec. 118.** (1) The department may authorize  
22 representatives to operate its inspection and decontamination stations  
23 and mandatory check stations. Department-authorized representatives  
24 may be department volunteers, other law enforcement agencies, or  
25 independent businesses.

26 (2) The department must adopt rules governing the types of services  
27 that department-authorized representatives may perform under this  
28 chapter.

29 (3) Department-authorized representatives must have official  
30 identification, training, and administrative capacity to fulfill their  
31 responsibilities under this section.

32 (4) Within two years of the effective date of this section, the  
33 department must provide the legislature with recommendations for a fee  
34 schedule that department-authorized representatives may charge users  
35 whose aquatic conveyances receive inspection and decontamination  
36 services.

1        NEW SECTION.    **Sec. 119.**    (1) The department may enter upon a  
2 property or water body at any reasonable time for the purpose of  
3 administering this chapter, including inspecting and decontaminating  
4 aquatic conveyances, collecting invasive species samples, implementing  
5 rapid response management actions or infested site management actions,  
6 and containing, controlling, or eradicating invasive species.

7        (2) Prior to entering the property or water body, the department  
8 shall make a reasonable attempt to notify the owner of the property or  
9 water body as to the purpose and need for the entry. Should the  
10 department be denied access to any property or water body where access  
11 is sought for the purposes set forth in this chapter, the department  
12 may apply to any court of competent jurisdiction for a warrant  
13 authorizing access to the property.

14        (3) Upon such an application, the court may issue the warrant for  
15 the purposes requested where the court finds reasonable cause to  
16 believe it is necessary to achieve the purposes of this chapter.

17        NEW SECTION.    **Sec. 120.**    (1) Funds from the watercraft excise tax  
18 proceeds that are deposited into the aquatic invasive species  
19 prevention account established under RCW 77.12.879 and the aquatic  
20 invasive species enforcement account established under RCW 43.43.400  
21 may be used by the department to develop and implement an aquatic  
22 invasive species local management grant program. The grant program may  
23 expend up to two hundred fifty thousand dollars per fiscal year as  
24 competitive grants to state agencies, cities, counties, tribes, special  
25 purpose districts, academic institutions, and nonprofit groups to:

26        (a) Manage prohibited level 1 or level 2 aquatic species at a local  
27 level;

28        (b) Develop rapid response management cooperative agreements for  
29 local water bodies;

30        (c) Develop or implement prohibited species management cooperative  
31 agreements for local water bodies; and

32        (d) Conduct innovative applied research that directly supports on-  
33 the-ground prevention, control, and eradication efforts.

34        (2) The department must give preference to projects that have  
35 matching funds, provide in-kind services, or maintain or enhance  
36 outdoor recreational opportunities.



1        NEW SECTION.    **Sec. 203.**    A new section is added to chapter 77.15  
2    RCW to read as follows:

3        (1) Upon a showing of probable cause that a water body or property  
4    has an invasive species in or on it, and the owner refuses permission  
5    to allow inspection of the water body or property, a court in the  
6    county in which the water body or property is located may, upon the  
7    request of the director or the director's designee, issue a warrant to  
8    the director or the director's designee authorizing the taking of  
9    specimens of invasive species, general inspection of the property or  
10   water body, and the performance of containment, eradication, or control  
11   work.

12        (2) Application for issuance, execution, and return of the warrant  
13   authorized by this section must be in accordance with the applicable  
14   rules of the superior courts or the district courts.

15        **Sec. 204.**    RCW 77.15.160 and 2013 c 307 s 2 are each amended to  
16   read as follows:

17        The following acts are infractions and must be cited and punished  
18   as provided under chapter 7.84 RCW:

19        (1) Fishing and shellfishing infractions:

20        (a) Barbed hooks:    Fishing for personal use with barbed hooks in  
21   violation of any department rule.

22        (b) Catch recording:    Failing to immediately record a catch of fish  
23   or shellfish on a catch record card as required by RCW 77.32.430 or  
24   department rule.

25        (c) Catch reporting:    Failing to return a catch record card to the  
26   department for other than Puget Sound Dungeness crab, as required by  
27   department rule.

28        (d) Recreational fishing:    Fishing for fish or shellfish and,  
29   without yet possessing fish or shellfish, the person:

30        (i) Owns, but fails to have in the person's possession the license  
31   or the catch record card required by chapter 77.32 RCW for such an  
32   activity; or

33        (ii) Violates any department rule regarding seasons, closed areas,  
34   closed times, or any other rule addressing the manner or method of  
35   fishing for fish or shellfish. This subsection does not apply to use  
36   of a net to take fish under RCW 77.15.580 or the unlawful use of  
37   shellfish gear for personal use under RCW 77.15.382.

1 (e) Seaweed: Taking, possessing, or harvesting less than two times  
2 the daily possession limit of seaweed:

3 (i) While owning, but not having in the person's possession, the  
4 license required by chapter 77.32 RCW; or

5 (ii) In violation of any rule of the department or the department  
6 of natural resources regarding seasons, closed areas, closed times, or  
7 any other rule addressing the manner or method of taking, possessing,  
8 or harvesting of seaweed.

9 (f) Unclassified fish or shellfish: Taking unclassified fish or  
10 shellfish in violation of any department rule by killing, fishing,  
11 taking, holding, possessing, or maliciously injuring or harming fish or  
12 shellfish that is not classified as game fish, food fish, shellfish,  
13 protected fish, or endangered fish.

14 (g) Wasting fish or shellfish: Killing, taking, or possessing fish  
15 or shellfish having a value of less than two hundred fifty dollars and  
16 allowing the fish or shellfish to be wasted.

17 (2) Hunting infractions:

18 (a) Eggs or nests: Maliciously, and without permit authorization,  
19 destroying, taking, or harming the eggs or active nests of a wild bird  
20 not classified as endangered or protected. For purposes of this  
21 subsection, "active nests" means nests that contain eggs or fledglings.

22 (b) Unclassified wildlife: Taking unclassified wildlife in  
23 violation of any department rule by killing, hunting, taking, holding,  
24 possessing, or maliciously injuring or harming wildlife that is not  
25 classified as big game, game animals, game birds, protected wildlife,  
26 or endangered wildlife.

27 (c) Wasting wildlife: Killing, taking, or possessing wildlife that  
28 is not classified as big game and has a value of less than two hundred  
29 fifty dollars, and allowing the wildlife to be wasted.

30 (d) Wild animals: Hunting for wild animals not classified as big  
31 game and, without yet possessing the wild animals, the person owns, but  
32 fails to have in the person's possession, all licenses, tags, or  
33 permits required by this title.

34 (e) Wild birds: Hunting for and, without yet possessing a wild  
35 bird or birds, the person:

36 (i) Owns, but fails to have in the person's possession, all  
37 licenses, tags, stamps, and permits required under this title; or

1 (ii) Violates any department rule regarding seasons, closed areas,  
2 closed times, or any other rule addressing the manner or method of  
3 hunting wild birds.

4 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting  
5 infractions:

6 (a) Recordkeeping and reporting: If a person is a taxidermist, fur  
7 dealer, or wildlife meat cutter who is processing, holding, or storing  
8 wildlife for commercial purposes, failing to:

9 (i) Maintain records as required by department rule; or

10 (ii) Report information from these records as required by  
11 department rule.

12 (b) Trapper's report: Failing to report trapping activity as  
13 required by department rule.

14 (4) (~~Aquatic invasive species infraction: Entering Washington by~~  
15 ~~road and transporting a recreational or commercial watercraft that has~~  
16 ~~been used outside of Washington without meeting documentation~~  
17 ~~requirements as provided under RCW 77.12.879.)) (a) Invasive species  
18 management infractions:~~

19 (i) Out-of-state certification: Entering Washington in possession  
20 of an aquatic conveyance that does not meet certificate of inspection  
21 requirements as provided under section 112 of this act;

22 (ii) Clean and drain requirements: Possessing an aquatic  
23 conveyance that does not meet clean and drain requirements under  
24 section 113 of this act;

25 (iii) Clean and drain orders: Possessing an aquatic conveyance and  
26 failing to obey a clean and drain order under section 113 or 114 of  
27 this act; and

28 (iv) Transporting aquatic plants: Transporting aquatic plants on  
29 any state or public road, including forest roads. However, this  
30 subsection does not apply to plants that are:

31 (A) Being transported to the department or to another destination  
32 designated by the director, in a manner designated by the department,  
33 for purposes of identifying a species or reporting the presence of a  
34 species;

35 (B) Legally obtained for aquarium use, wetland or lakeshore  
36 restoration, or ornamental purposes;

37 (C) Located within or on a commercial aquatic plant harvester that  
38 is being transported to a suitable location to remove aquatic plants;

1 (D) Being transported in a manner that prevents their unintentional  
2 dispersal, to a suitable location for disposal, research, or  
3 educational purposes; or

4 (E) Being transported in such a way as the commission may otherwise  
5 prescribe.

6 (b) Unless the context clearly requires otherwise, the definitions  
7 in both RCW 77.08.010 and section 102 of this act apply throughout this  
8 subsection (4).

9 (5) Other infractions:

10 (a) Contests: Conducting, holding, or sponsoring a hunting  
11 contest, a fishing contest involving game fish, or a competitive field  
12 trial using live wildlife.

13 (b) Other rules: Violating any other department rule that is  
14 designated by rule as an infraction.

15 (c) Posting signs: Posting signs preventing hunting or fishing on  
16 any land not owned or leased by the person doing the posting, or  
17 without the permission of the person who owns, leases, or controls the  
18 land posted.

19 (d) Scientific permits: Using a scientific permit issued by the  
20 director for fish, shellfish, or wildlife, but not including big game  
21 or big game parts, and the person:

22 (i) Violates any terms or conditions of the scientific permit; or

23 (ii) Violates any department rule applicable to the issuance or use  
24 of scientific permits.

25 ~~((e) Transporting aquatic plants: Transporting aquatic plants on~~  
26 ~~any state or public road, including forest roads. However:~~

27 ~~(i) This subsection does not apply to plants that are:~~

28 ~~(A) Being transported to the department or to another destination~~  
29 ~~designated by the director, in a manner designated by the department,~~  
30 ~~for purposes of identifying a species or reporting the presence of a~~  
31 ~~species;~~

32 ~~(B) Legally obtained for aquarium use, wetland or lakeshore~~  
33 ~~restoration, or ornamental purposes;~~

34 ~~(C) Located within or on a commercial aquatic plant harvester that~~  
35 ~~is being transported to a suitable location to remove aquatic plants;~~

36 ~~(D) Being transported in a manner that prevents their unintentional~~  
37 ~~dispersal, to a suitable location for disposal, research, or~~  
38 ~~educational purposes; or~~

1 ~~(E) Being transported in such a way as the commission may otherwise~~  
2 ~~prescribe; and~~

3 ~~(ii) This subsection does not apply to a person who:~~

4 ~~(A) Is stopped at an aquatic invasive species check station and~~  
5 ~~possesses a recreational or commercial watercraft that is contaminated~~  
6 ~~with an aquatic invasive plant species if that person complies with all~~  
7 ~~department directives for the proper decontamination of the watercraft~~  
8 ~~and equipment; or~~

9 ~~(B) Has voluntarily submitted a recreational or commercial~~  
10 ~~watercraft for inspection by the department or its designee and has~~  
11 ~~received a receipt verifying that the watercraft has not been~~  
12 ~~contaminated since its last use.)~~

13 NEW SECTION. **Sec. 205.** A new section is added to chapter 77.15  
14 RCW to read as follows:

15 (1) A person is guilty of unlawful use of invasive species in the  
16 second degree if the person:

17 (a) Fails to stop at a mandatory check station or to return to the  
18 mandatory check station for inspection if directed to do so by a fish  
19 and wildlife officer or ex officio fish and wildlife officer;

20 (b) Fails to allow an aquatic conveyance stopped at a mandatory  
21 check station to be inspected for clean and drain requirements or  
22 aquatic invasive species;

23 (c) Fails to comply with a decontamination order;

24 (d) Possesses, except in the case of trafficking, a prohibited  
25 level 1 or level 2 species without department authorization, a permit,  
26 or as otherwise provided by rule;

27 (e) Possesses, introduces on or into a water body or property, or  
28 traffics in a prohibited level 3 species without department  
29 authorization, a permit, or as otherwise provided by rule;

30 (f) Introduces on or into a water body or property a regulated type  
31 A, type B, or type C species without department authorization, a  
32 permit, or as otherwise provided by rule;

33 (g) Fails to readily and clearly identify in writing by taxonomic  
34 species name or subspecies name a regulated type B species used for  
35 commercial purposes; or

36 (h) Knowingly violates a quarantine declaration under section 107  
37 of this act.

1 (2) A violation of subsection (1) of this section is a gross  
2 misdemeanor. In addition to criminal penalties, a court may order the  
3 person to pay all costs in capturing, killing, or controlling the  
4 invasive species, including its progeny. This subsection does not  
5 affect the authority of the department to bring a separate civil action  
6 to recover habitat restoration costs necessitated by the person's  
7 unlawful use of invasive species.

8 (3) This section does not apply to:

9 (a) A person who complies with the department directives pursuant  
10 to section 114 of this act for mandatory check stations. Such a person  
11 is exempt from criminal penalties under this section or section 206 of  
12 this act, and forfeiture under this chapter, unless the person has a  
13 prior conviction under those sections within the past five years;

14 (b) A person who possesses an aquatic invasive species, if the  
15 person is in the process of:

16 (i) Removing it from the aquatic conveyance in a manner specified  
17 by the department; or

18 (ii) Releasing it if caught while fishing and immediately returning  
19 it to the water body from which it came;

20 (c) Possessing or introducing nonnative aquatic animal species by  
21 ballast water held or discharged by vessels regulated under chapter  
22 77.120 RCW; or

23 (d) Possessing or introducing nonnative aquatic animal species  
24 through private sector shellfish aquaculture operations, transfers, or  
25 conveyances regulated under chapter 77.115 RCW.

26 (4) Unless the context clearly requires otherwise, the definitions  
27 in both RCW 77.08.010 and section 102 of this act apply throughout this  
28 section.

29 NEW SECTION. **Sec. 206.** A new section is added to chapter 77.15  
30 RCW to read as follows:

31 (1) A person is guilty of unlawful use of invasive species in the  
32 first degree if the person:

33 (a) Traffics or introduces on or into a water body or property a  
34 prohibited level 1 or level 2 species without department authorization,  
35 a permit, or as otherwise provided by rule; or

36 (b) Commits a subsequent violation of unlawful use of invasive

1 species in the second degree within five years of the date of a prior  
2 conviction under section 205 of this act.

3 (2) A violation of this section is a class C felony. In addition  
4 to criminal penalties, a court may order the person to pay all costs in  
5 managing the invasive species, including the species' progeny. This  
6 subsection does not affect the authority of the department to bring a  
7 separate civil action to recover habitat restoration costs necessitated  
8 by the person's unlawful use of invasive species.

9 (3) This section does not apply to:

10 (a) A person who complies with department directives pursuant to  
11 section 114 of this act for mandatory check stations, and who is exempt  
12 from criminal penalties under this section and forfeiture under this  
13 chapter, unless the person has a prior conviction under this section or  
14 section 205 of this act within the past five years; or

15 (b) A person who possesses an aquatic invasive species, if the  
16 person is in the process of:

17 (i) Removing it from the aquatic conveyance in a manner specified  
18 by the department; or

19 (ii) Releasing it if caught while fishing and is immediately  
20 returning it to the water body from which it came.

21 (4) Unless the context clearly requires otherwise, the definitions  
22 in both RCW 77.08.010 and section 102 of this act apply throughout this  
23 section.

24 **PART 3**  
25 **INVASIVE SPECIES--OTHER PROVISIONS**

26 **Sec. 301.** RCW 77.08.010 and 2012 c 176 s 4 are each reenacted and  
27 amended to read as follows:

28 The definitions in this section apply throughout this title or  
29 rules adopted under this title unless the context clearly requires  
30 otherwise.

31 (1) "Anadromous game fish buyer" means a person who purchases or  
32 sells steelhead trout and other anadromous game fish harvested by  
33 Indian fishers lawfully exercising fishing rights reserved by federal  
34 statute, treaty, or executive order, under conditions prescribed by  
35 rule of the director.

1 (2) "Angling gear" means a line attached to a rod and reel capable  
2 of being held in hand while landing the fish or a hand-held line  
3 operated without rod or reel.

4 (3) (~~"Aquatic invasive species" means any invasive, prohibited,~~  
5 ~~regulated, unregulated, or unlisted aquatic animal or plant species as~~  
6 ~~defined under subsections (4), (34), (49), (53), (70), and (71) of this~~  
7 ~~section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),~~  
8 ~~and aquatic nuisance species as defined under RCW 77.60.130(1).~~

9 (4) ~~"Aquatic plant species" means an emergent, submersed, partially~~  
10 ~~submersed, free floating, or floating leaving plant species that grows~~  
11 ~~in or near a body of water or wetland.~~

12 (5)) "Bag limit" means the maximum number of game animals, game  
13 birds, or game fish which may be taken, caught, killed, or possessed by  
14 a person, as specified by rule of the commission for a particular  
15 period of time, or as to size, sex, or species.

16 ((6)) (4) "Building" means a private domicile, garage, barn, or  
17 public or commercial building.

18 ((7)) (5) "Closed area" means a place where the hunting of some  
19 or all species of wild animals or wild birds is prohibited.

20 ((8)) (6) "Closed season" means all times, manners of taking, and  
21 places or waters other than those established by rule of the commission  
22 as an open season. "Closed season" also means all hunting, fishing,  
23 taking, or possession of game animals, game birds, game fish, food  
24 fish, or shellfish that do not conform to the special restrictions or  
25 physical descriptions established by rule of the commission as an open  
26 season or that have not otherwise been deemed legal to hunt, fish,  
27 take, harvest, or possess by rule of the commission as an open season.

28 ((9)) (7) "Closed waters" means all or part of a lake, river,  
29 stream, or other body of water, where fishing or harvesting is  
30 prohibited.

31 ((10)) (8) "Commercial" means related to or connected with  
32 buying, selling, or bartering.

33 ((11)) (9) "Commission" means the state fish and wildlife  
34 commission.

35 ((12)) (10) "Concurrent waters of the Columbia river" means those  
36 waters of the Columbia river that coincide with the Washington-Oregon  
37 state boundary.

1           (~~(13)~~) (11) "Contraband" means any property that is unlawful to  
2 produce or possess.

3           (~~(14)~~) (12) "Deleterious exotic wildlife" means species of the  
4 animal kingdom not native to Washington and designated as dangerous to  
5 the environment or wildlife of the state.

6           (~~(15)~~) (13) "Department" means the department of fish and  
7 wildlife.

8           (~~(16)~~) (14) "Director" means the director of fish and wildlife.

9           (~~(17)~~) (15) "Endangered species" means wildlife designated by the  
10 commission as seriously threatened with extinction.

11           (~~(18)~~) (16) "Ex officio fish and wildlife officer" means:

12           (a) A commissioned officer of a municipal, county, or state agency  
13 having as its primary function the enforcement of criminal laws in  
14 general, while the officer is acting in the respective jurisdiction of  
15 that agency;

16           (b) An officer or special agent commissioned by one of the  
17 following: The national marine fisheries service; the Washington state  
18 parks and recreation commission; the United States fish and wildlife  
19 service; the Washington state department of natural resources; the  
20 United States forest service; or the United States parks service, if  
21 the agent or officer is in the respective jurisdiction of the primary  
22 commissioning agency and is acting under a mutual law enforcement  
23 assistance agreement between the department and the primary  
24 commissioning agency;

25           (c) A commissioned fish and wildlife peace officer from another  
26 state who meets the training standards set by the Washington state  
27 criminal justice training commission pursuant to RCW 10.93.090,  
28 43.101.080, and 43.101.200, and who is acting under a mutual law  
29 enforcement assistance agreement between the department and the primary  
30 commissioning agency; or

31           (d) A Washington state tribal police officer who successfully  
32 completes the requirements set forth under RCW 43.101.157, is employed  
33 by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b),  
34 and is acting under a mutual law enforcement assistance agreement  
35 between the department and the tribal government.

36           (~~(19)~~) (17) "Fish" includes all species classified as game fish  
37 or food fish by statute or rule, as well as all fin fish not currently

1 classified as food fish or game fish if such species exist in state  
2 waters. The term "fish" includes all stages of development and the  
3 bodily parts of fish species.

4 ~~((+20))~~ (18) "Fish and wildlife officer" means a person appointed  
5 and commissioned by the director, with authority to enforce this title  
6 and rules adopted pursuant to this title, and other statutes as  
7 prescribed by the legislature. Fish and wildlife officer includes a  
8 person commissioned before June 11, 1998, as a wildlife agent or a  
9 fisheries patrol officer.

10 ~~((+21))~~ (19) "Fish broker" means a person whose business it is to  
11 bring a seller of fish and shellfish and a purchaser of those fish and  
12 shellfish together.

13 ~~((+22))~~ (20) "Fish buyer" means a person engaged by a wholesale  
14 fish dealer to purchase food fish or shellfish from a licensed  
15 commercial fisher.

16 ~~((+23))~~ (21) "Fishery" means the taking of one or more particular  
17 species of fish or shellfish with particular gear in a particular  
18 geographical area.

19 ~~((+24))~~ (22) "Food, food waste, or other substance" includes human  
20 and pet food or other waste or garbage that could attract large wild  
21 carnivores.

22 ~~((+25))~~ (23) "Freshwater" means all waters not defined as  
23 saltwater including, but not limited to, rivers upstream of the river  
24 mouth, lakes, ponds, and reservoirs.

25 ~~((+26))~~ (24) "Fur-bearing animals" means game animals that shall  
26 not be trapped except as authorized by the commission.

27 ~~((+27))~~ (25) "Fur dealer" means a person who purchases, receives,  
28 or resells raw furs for commercial purposes.

29 ~~((+28))~~ (26) "Game animals" means wild animals that shall not be  
30 hunted except as authorized by the commission.

31 ~~((+29))~~ (27) "Game birds" means wild birds that shall not be  
32 hunted except as authorized by the commission.

33 ~~((+30))~~ (28) "Game farm" means property on which wildlife is held,  
34 confined, propagated, hatched, fed, or otherwise raised for commercial  
35 purposes, trade, or gift. The term "game farm" does not include  
36 publicly owned facilities.

37 ~~((+31))~~ (29) "Game reserve" means a closed area where hunting for  
38 all wild animals and wild birds is prohibited.

1        ~~((+32+))~~ (30) "Illegal items" means those items unlawful to be  
2 possessed.

3        ~~((+33+))~~ (31)(a) "Intentionally feed, attempt to feed, or attract"  
4 means to purposefully or knowingly provide, leave, or place in, on, or  
5 about any land or building any food, food waste, or other substance  
6 that attracts or could attract large wild carnivores to that land or  
7 building.

8        (b) "Intentionally feed, attempt to feed, or attract" does not  
9 include keeping food, food waste, or other substance in an enclosed  
10 garbage receptacle or other enclosed container unless specifically  
11 directed by a fish and wildlife officer or animal control authority to  
12 secure the receptacle or container in another manner.

13        ~~((+34+))~~ "~~Invasive species~~" means ~~a plant species or a nonnative~~  
14 ~~animal species that either:~~

15        ~~(a) Causes or may cause displacement of, or otherwise threatens,~~  
16 ~~native species in their natural communities;~~

17        ~~(b) Threatens or may threaten natural resources or their use in the~~  
18 ~~state;~~

19        ~~(c) Causes or may cause economic damage to commercial or~~  
20 ~~recreational activities that are dependent upon state waters; or~~

21        ~~(d) Threatens or harms human health.~~

22        ~~(+35+))~~ (32) "Large wild carnivore" includes wild bear, cougar, and  
23 wolf.

24        ~~((+36+))~~ (33) "License year" means the period of time for which a  
25 recreational license is valid. The license year begins April 1st, and  
26 ends March 31st.

27        ~~((+37+))~~ (34) "Limited-entry license" means a license subject to a  
28 license limitation program established in chapter 77.70 RCW.

29        ~~((+38+))~~ (35) "Money" means all currency, script, personal checks,  
30 money orders, or other negotiable instruments.

31        ~~((+39+))~~ (36) "Natural person" means a human being.

32        ~~((+40+))~~ (37)(a) "Negligently feed, attempt to feed, or attract"  
33 means to provide, leave, or place in, on, or about any land or building  
34 any food, food waste, or other substance that attracts or could attract  
35 large wild carnivores to that land or building, without the awareness  
36 that a reasonable person in the same situation would have with regard  
37 to the likelihood that the food, food waste, or other substance could  
38 attract large wild carnivores to the land or building.

1 (b) "Negligently feed, attempt to feed, or attract" does not  
2 include keeping food, food waste, or other substance in an enclosed  
3 garbage receptacle or other enclosed container unless specifically  
4 directed by a fish and wildlife officer or animal control authority to  
5 secure the receptacle or container in another manner.

6 ((+41+)) (38) "Nonresident" means a person who has not fulfilled  
7 the qualifications of a resident.

8 ((+42+)) (39) "Offshore waters" means marine waters of the Pacific  
9 Ocean outside the territorial boundaries of the state, including the  
10 marine waters of other states and countries.

11 ((+43+)) (40) "Open season" means those times, manners of taking,  
12 and places or waters established by rule of the commission for the  
13 lawful hunting, fishing, taking, or possession of game animals, game  
14 birds, game fish, food fish, or shellfish that conform to the special  
15 restrictions or physical descriptions established by rule of the  
16 commission or that have otherwise been deemed legal to hunt, fish,  
17 take, harvest, or possess by rule of the commission. "Open season"  
18 includes the first and last days of the established time.

19 ((+44+)) (41) "Owner" means the person in whom is vested the  
20 ownership dominion, or title of the property.

21 ((+45+)) (42) "Person" means and includes an individual; a  
22 corporation; a public or private entity or organization; a local,  
23 state, or federal agency; all business organizations, including  
24 corporations and partnerships; or a group of two or more individuals  
25 acting with a common purpose whether acting in an individual,  
26 representative, or official capacity.

27 ((+46+)) (43) "Personal property" or "property" includes both  
28 corporeal and incorporeal personal property and includes, among other  
29 property, contraband and money.

30 ((+47+)) (44) "Personal use" means for the private use of the  
31 individual taking the fish or shellfish and not for sale or barter.

32 ((+48+)) (45) "Predatory birds" means wild birds that may be hunted  
33 throughout the year as authorized by the commission.

34 ~~((+49+)) "Prohibited aquatic animal species" means an invasive~~  
35 ~~species of the animal kingdom that has been classified as a prohibited~~  
36 ~~aquatic animal species by the commission.~~

37 (+50+)) (46) "Protected wildlife" means wildlife designated by the  
38 commission that shall not be hunted or fished.

1        ~~((+51+))~~ (47) "Raffle" means an activity in which tickets bearing  
2 an individual number are sold for not more than twenty-five dollars  
3 each and in which a permit or permits are awarded to hunt or for access  
4 to hunt big game animals or wild turkeys on the basis of a drawing from  
5 the tickets by the person or persons conducting the raffle.

6        ~~((+52) "Recreational and commercial watercraft" includes the boat,  
7 as well as equipment used to transport the boat, and any auxiliary  
8 equipment such as attached or detached outboard motors.~~

9        ~~(+53) "Regulated aquatic animal species" means a potentially  
10 invasive species of the animal kingdom that has been classified as a  
11 regulated aquatic animal species by the commission.~~

12        ~~(+54+))~~ (48) "Resident" has the same meaning as defined in RCW  
13 77.08.075.

14        ~~((+55+))~~ (49) "Retail-eligible species" means commercially  
15 harvested salmon, crab, and sturgeon.

16        ~~((+56+))~~ (50) "Saltwater" means those marine waters seaward of  
17 river mouths.

18        ~~((+57+))~~ (51) "Seaweed" means marine aquatic plant species that are  
19 dependent upon the marine aquatic or tidal environment, and exist in  
20 either an attached or free floating form, and includes but is not  
21 limited to marine aquatic plants in the classes Chlorophyta,  
22 Phaeophyta, and Rhodophyta.

23        ~~((+58+))~~ (52) "Senior" means a person seventy years old or older.

24        ~~((+59+))~~ (53) "Shark fin" means a raw, dried, or otherwise  
25 processed detached fin or tail of a shark.

26        ~~((+60+))~~ (54)(a) "Shark fin derivative product" means any product  
27 intended for use by humans or animals that is derived in whole or in  
28 part from shark fins or shark fin cartilage.

29        (b) "Shark fin derivative product" does not include a drug approved  
30 by the United States food and drug administration and available by  
31 prescription only or medical device or vaccine approved by the United  
32 States food and drug administration.

33        ~~((+61+))~~ (55) "Shellfish" means those species of marine and  
34 freshwater invertebrates that have been classified and that shall not  
35 be taken except as authorized by rule of the commission. The term  
36 "shellfish" includes all stages of development and the bodily parts of  
37 shellfish species.

1        ~~((+62))~~ (56) "State waters" means all marine waters and fresh  
2 waters within ordinary high water lines and within the territorial  
3 boundaries of the state.

4        ~~((+63))~~ (57) "Taxidermist" means a person who, for commercial  
5 purposes, creates lifelike representations of fish and wildlife using  
6 fish and wildlife parts and various supporting structures.

7        ~~((+64))~~ (58) "To fish," "to harvest," and "to take," and their  
8 derivatives means an effort to kill, injure, harass, or catch a fish or  
9 shellfish.

10       ~~((+65))~~ (59) "To hunt" and its derivatives means an effort to  
11 kill, injure, capture, or harass a wild animal or wild bird.

12       ~~((+66))~~ (60) "To process" and its derivatives mean preparing or  
13 preserving fish, wildlife, or shellfish.

14       ~~((+67))~~ (61) "To trap" and its derivatives means a method of  
15 hunting using devices to capture wild animals or wild birds.

16       ~~((+68))~~ (62) "Trafficking" means offering, attempting to engage,  
17 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,  
18 or deleterious exotic wildlife.

19       ~~((+69))~~ (63) "Unclaimed" means that no owner of the property has  
20 been identified or has requested, in writing, the release of the  
21 property to themselves nor has the owner of the property designated an  
22 individual to receive the property or paid the required postage to  
23 effect delivery of the property.

24       ~~((+70))~~ ~~"Unlisted aquatic animal species" means a nonnative animal~~  
25 ~~species that has not been classified as a prohibited aquatic animal~~  
26 ~~species, a regulated aquatic animal species, or an unregulated aquatic~~  
27 ~~animal species by the commission.~~

28       ~~(+71)~~ ~~"Unregulated aquatic animal species" means a nonnative animal~~  
29 ~~species that has been classified as an unregulated aquatic animal~~  
30 ~~species by the commission.~~

31       ~~(+72))~~ (64) "Wholesale fish dealer" means a person who, acting for  
32 commercial purposes, takes possession or ownership of fish or shellfish  
33 and sells, barter, or exchanges or attempts to sell, barter, or  
34 exchange fish or shellfish that have been landed into the state of  
35 Washington or entered the state of Washington in interstate or foreign  
36 commerce.

37       ~~((+73))~~ (65) "Wild animals" means those species of the class

1 Mammalia whose members exist in Washington in a wild state. The term  
2 "wild animal" does not include feral domestic mammals or old world rats  
3 and mice of the family Muridae of the order Rodentia.

4 ~~((+74))~~ (66) "Wild birds" means those species of the class Aves  
5 whose members exist in Washington in a wild state.

6 ~~((+75))~~ (67) "Wildlife" means all species of the animal kingdom  
7 whose members exist in Washington in a wild state. This includes but  
8 is not limited to mammals, birds, reptiles, amphibians, fish, and  
9 invertebrates. The term "wildlife" does not include feral domestic  
10 mammals, old world rats and mice of the family Muridae of the order  
11 Rodentia, or those fish, shellfish, and marine invertebrates classified  
12 as food fish or shellfish by the director. The term "wildlife"  
13 includes all stages of development and the bodily parts of wildlife  
14 members.

15 ~~((+76))~~ (68) "Wildlife meat cutter" means a person who packs,  
16 cuts, processes, or stores wildlife for consumption for another for  
17 commercial purposes.

18 ~~((+77))~~ (69) "Youth" means a person fifteen years old for fishing  
19 and under sixteen years old for hunting.

20 **Sec. 302.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to  
21 read as follows:

22 (1) The director shall investigate the habits and distribution of  
23 the various species of wildlife native to or adaptable to the habitats  
24 of the state. The commission shall determine whether a species should  
25 be managed by the department and, if so, classify it under this  
26 section.

27 (2) The commission may classify by rule wild animals as game  
28 animals and game animals as fur-bearing animals.

29 (3) The commission may classify by rule wild birds as game birds or  
30 predatory birds. All wild birds not otherwise classified are protected  
31 wildlife.

32 (4) In addition to those species listed in RCW 77.08.020, the  
33 commission may classify by rule as game fish other species of the class  
34 Osteichthyes that are commonly found in freshwater except those  
35 classified as food fish by the director.

36 (5) The director may recommend to the commission that a species of

1 wildlife should not be hunted or fished. The commission may designate  
2 species of wildlife as protected.

3 (6) If the director determines that a species of wildlife is  
4 seriously threatened with extinction in the state of Washington, the  
5 director may request its designation as an endangered species. The  
6 commission may designate an endangered species.

7 (7) If the director determines that a species of the animal  
8 kingdom, not native to Washington, is dangerous to the environment or  
9 wildlife of the state, the director may request its designation as  
10 deleterious exotic wildlife. The commission may designate deleterious  
11 exotic wildlife.

12 (8) (~~Upon recommendation by the director, the commission may~~  
13 ~~classify nonnative aquatic animal species according to the following~~  
14 ~~categories:~~

15 ~~(a) Prohibited aquatic animal species:—These species are~~  
16 ~~considered by the commission to have a high risk of becoming an~~  
17 ~~invasive species and may not be possessed, imported, purchased, sold,~~  
18 ~~propagated, transported, or released into state waters except as~~  
19 ~~provided in RCW 77.15.253;~~

20 ~~(b) Regulated aquatic animal species:—These species are considered~~  
21 ~~by the commission to have some beneficial use along with a moderate,~~  
22 ~~but manageable risk of becoming an invasive species, and may not be~~  
23 ~~released into state waters, except as provided in RCW 77.15.253.—The~~  
24 ~~commission shall classify the following commercial aquaculture species~~  
25 ~~as regulated aquatic animal species, and allow their release into state~~  
26 ~~waters pursuant to rule of the commission: Pacific oyster (*Crassostrea*~~  
27 ~~*gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster~~  
28 ~~(*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam~~  
29 ~~(*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and~~  
30 ~~suminoe oyster (*Crassostrea ariankensis*);~~

31 ~~(c) Unregulated aquatic animal species:—These species are~~  
32 ~~considered by the commission as having some beneficial use along with~~  
33 ~~a low risk of becoming an invasive species, and are not subject to~~  
34 ~~regulation under this title;~~

35 ~~(d) Unlisted aquatic animal species:—These species are not~~  
36 ~~designated as a prohibited aquatic animal species, regulated aquatic~~  
37 ~~animal species, or unregulated aquatic animal species by the~~

1 ~~commission, and may not be released into state waters. Upon request,~~  
2 ~~the commission may determine the appropriate category for an unlisted~~  
3 ~~aquatic animal species and classify the species accordingly;~~

4 ~~(e) This subsection (8) does not apply to the transportation or~~  
5 ~~release of nonnative aquatic animal species by ballast water or ballast~~  
6 ~~water discharge.~~

7 ~~(9))~~ Upon recommendation by the director, the commission may  
8 develop a work plan to eradicate native aquatic species that threaten  
9 human health. Priority shall be given to water bodies that the  
10 department of health has classified as representing a threat to human  
11 health based on the presence of a native aquatic species.

12 **Sec. 303.** RCW 77.15.080 and 2012 c 176 s 9 are each amended to  
13 read as follows:

14 ~~((1))~~ Based upon articulable facts that a person is engaged in  
15 fishing, harvesting, or hunting activities, fish and wildlife officers  
16 and ex officio fish and wildlife officers have the authority to  
17 temporarily stop the person and check for valid licenses, tags,  
18 permits, stamps, or catch record cards, and to inspect all fish,  
19 shellfish, seaweed, and wildlife in possession as well as the equipment  
20 being used to ensure compliance with the requirements of this title.  
21 Fish and wildlife officers and ex officio fish and wildlife officers  
22 also may request that the person write his or her signature for  
23 comparison with the signature on his or her fishing, harvesting, or  
24 hunting license. Failure to comply with the request is prima facie  
25 evidence that the person is not the person named on the license. Fish  
26 and wildlife officers may require the person, if age sixteen or older,  
27 to exhibit a driver's license or other photo identification.

28 ~~((2) Based upon articulable facts that a person is transporting a~~  
29 ~~prohibited aquatic animal species or any aquatic plant, fish and~~  
30 ~~wildlife officers and ex officio fish and wildlife officers have the~~  
31 ~~authority to temporarily stop the person and inspect the watercraft to~~  
32 ~~ensure that the watercraft and associated equipment are not~~  
33 ~~transporting prohibited aquatic animal species or aquatic plants.))~~

34 **Sec. 304.** RCW 77.15.290 and 2012 c 176 s 21 are each amended to  
35 read as follows:

1 (1) A person is guilty of unlawful transportation of fish or  
2 wildlife in the second degree if the person:

3 (a) Knowingly imports, moves within the state, or exports fish,  
4 shellfish, or wildlife in violation of any department rule governing  
5 the transportation or movement of fish, shellfish, or wildlife and the  
6 transportation does not involve big game, endangered fish or wildlife,  
7 deleterious exotic wildlife, or fish, shellfish, or wildlife having a  
8 value greater than two hundred fifty dollars; or

9 (b) Possesses but fails to affix or notch a big game transport tag  
10 as required by department rule.

11 (2) A person is guilty of unlawful transportation of fish or  
12 wildlife in the first degree if the person:

13 (a) Knowingly imports, moves within the state, or exports fish,  
14 shellfish, or wildlife in violation of any department rule governing  
15 the transportation or movement of fish, shellfish, or wildlife and the  
16 transportation involves big game, endangered fish or wildlife,  
17 deleterious exotic wildlife, or fish, shellfish, or wildlife with a  
18 value of two hundred fifty dollars or more; or

19 (b) Knowingly transports shellfish, shellstock, or equipment used  
20 in commercial culturing, taking, handling, or processing shellfish  
21 without a permit required by authority of this title.

22 (3)(a) Unlawful transportation of fish or wildlife in the second  
23 degree is a misdemeanor.

24 (b) Unlawful transportation of fish or wildlife in the first degree  
25 is a gross misdemeanor.

26 (4) This section does not apply to(~~(a) Any person stopped at an~~  
27 ~~aquatic)) invasive species (~~check station who possesses a recreational~~  
28 ~~or commercial watercraft that is contaminated with an aquatic invasive~~  
29 ~~species if that person complies with all department directives for the~~  
30 ~~proper decontamination of the watercraft and equipment; or (b) any~~  
31 ~~person who has voluntarily submitted a recreational or commercial~~  
32 ~~watercraft for inspection by the department or its designee and has~~  
33 ~~received a receipt verifying that the watercraft has not been~~  
34 ~~contaminated since its last use)).~~~~

35 **Sec. 305.** RCW 43.06.010 and 1994 c 223 s 3 are each amended to  
36 read as follows:

1 In addition to those prescribed by the Constitution, the governor  
2 may exercise the powers and perform the duties prescribed in this and  
3 the following sections:

4 (1) The governor shall supervise the conduct of all executive and  
5 ministerial offices;

6 (2) The governor shall see that all offices are filled, including  
7 as provided in RCW 42.12.070, and the duties thereof performed, or in  
8 default thereof, apply such remedy as the law allows; and if the remedy  
9 is imperfect, acquaint the legislature therewith at its next session;

10 (3) The governor shall make the appointments and supply the  
11 vacancies mentioned in this title;

12 (4) The governor is the sole official organ of communication  
13 between the government of this state and the government of any other  
14 state or territory, or of the United States;

15 (5) Whenever any suit or legal proceeding is pending against this  
16 state, or which may affect the title of this state to any property, or  
17 which may result in any claim against the state, the governor may  
18 direct the attorney general to appear on behalf of the state, and  
19 report the same to the governor, or to any grand jury designated by the  
20 governor, or to the legislature when next in session;

21 (6) The governor may require the attorney general or any  
22 prosecuting attorney to inquire into the affairs or management of any  
23 corporation existing under the laws of this state, or doing business in  
24 this state, and report the same to the governor, or to any grand jury  
25 designated by the governor, or to the legislature when next in session;

26 (7) The governor may require the attorney general to aid any  
27 prosecuting attorney in the discharge of the prosecutor's duties;

28 (8) The governor may offer rewards, not exceeding one thousand  
29 dollars in each case, payable out of the state treasury, for  
30 information leading to the apprehension of any person convicted of a  
31 felony who has escaped from a state correctional institution or for  
32 information leading to the arrest of any person who has committed or is  
33 charged with the commission of a felony;

34 (9) The governor shall perform such duties respecting fugitives  
35 from justice as are prescribed by law;

36 (10) The governor shall issue and transmit election proclamations  
37 as prescribed by law;

1 (11) The governor may require any officer or board to make, upon  
2 demand, special reports to the governor, in writing;

3 (12) The governor may, after finding that a public disorder,  
4 disaster, energy emergency, or riot exists within this state or any  
5 part thereof which affects life, health, property, or the public peace,  
6 proclaim a state of emergency in the area affected, and the powers  
7 granted the governor during a state of emergency shall be effective  
8 only within the area described in the proclamation;

9 (13) The governor may, after finding that there exists within this  
10 state an imminent danger of infestation of plant pests as defined in  
11 RCW 17.24.007 or plant diseases which seriously endangers the  
12 agricultural or horticultural industries of the state of Washington, or  
13 which seriously threatens life, health, or economic well-being, order  
14 emergency measures to prevent or abate the infestation or disease  
15 situation, which measures, after thorough evaluation of all other  
16 alternatives, may include the aerial application of pesticides;

17 (14) The governor, after finding that a prohibited level 1 or level  
18 2 species as defined in chapter 77.-- RCW (the new chapter created in  
19 section 122 of this act) has been detected and after finding that the  
20 detected species seriously endangers or threatens the environment,  
21 economy, human health, or well-being of the state of Washington, may  
22 order emergency measures to prevent or abate the prohibited species,  
23 which measures, after thorough evaluation of all other alternatives,  
24 may include the surface or aerial application of pesticides;

25 (15) On all compacts forwarded to the governor pursuant to RCW  
26 9.46.360(6), the governor is authorized and empowered to execute on  
27 behalf of the state compacts with federally recognized Indian tribes in  
28 the state of Washington pursuant to the federal Indian Gaming  
29 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III  
30 gaming, as defined in the Act, on Indian lands.

31 **Sec. 306.** RCW 43.43.400 and 2011 c 171 s 8 are each amended to  
32 read as follows:

33 (1) ~~((The definitions in this subsection apply throughout this~~  
34 ~~section unless the context clearly requires otherwise:~~

35 (a) ~~"Aquatic invasive species" means any invasive, prohibited,~~  
36 ~~regulated, unregulated, or unlisted aquatic animal or plant species as~~

1 defined under RCW 77.08.010 [(3),] (28), (40), (44), (58), and (59),  
2 aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic  
3 nuisance species as defined under RCW 77.60.130(1).

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

7 (2)) The aquatic invasive species enforcement account is created  
8 in the state treasury. Moneys directed to the account from RCW  
9 82.49.030 and 88.02.640 must be deposited in the account. Expenditures  
10 from the account may only be used as provided in this section. Moneys  
11 in the account may be spent only after appropriation.

12 ((3) Funds in the aquatic invasive species enforcement account may  
13 be appropriated to the Washington state patrol and the department of  
14 fish and wildlife to develop an aquatic invasive species enforcement  
15 program for recreational and commercial watercraft, which includes  
16 equipment used to transport the watercraft and auxiliary equipment such  
17 as attached or detached outboard motors. Funds must be expended as  
18 follows:

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

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

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

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

29 (iii) Provide training to all department employees that are  
30 deployed in the field to inspect recreational and commercial  
31 watercraft; and

32 (iv) Provide an inspection receipt verifying that the watercraft is  
33 not contaminated after the watercraft has been inspected at a check  
34 station or has been inspected at the request of the owner of the  
35 recreational or commercial watercraft. The inspection receipt is valid  
36 until the watercraft is used again.

37 (4) The Washington state patrol and the department of fish and  
38 wildlife shall submit a biennial report to the appropriate legislative

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

4 (2) Expenditures from the account by the Washington state patrol  
5 may only be used to inspect for the presence of aquatic invasive  
6 species on aquatic conveyances that are required to stop at a  
7 Washington state patrol port of entry weigh station.

8 (3) Expenditures from the account by the department of fish and  
9 wildlife may only be used to develop and implement an: (a) Aquatic  
10 invasive species local management grant program; and (b) aquatic  
11 invasive species enforcement program including enforcement of chapter  
12 77.-- RCW (the new chapter created in section 122 of this act),  
13 enforcement of aquatic invasive species provisions in chapter 77.15  
14 RCW, and training Washington state patrol employees working at port of  
15 entry weigh stations on how to inspect aquatic conveyances for the  
16 presence of aquatic invasive species.

17 (4) Unless the context clearly requires otherwise, the definitions  
18 in both RCW 77.08.010 and section 102 of this act apply throughout this  
19 section.

20 **Sec. 307.** RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each  
21 amended to read as follows:

22 A police officer having probable cause to believe that a person has  
23 committed or is committing a felony shall have the authority to arrest  
24 the person without a warrant. A police officer may arrest a person  
25 without a warrant for committing a misdemeanor or gross misdemeanor  
26 only when the offense is committed in the presence of the officer,  
27 except as provided in subsections (1) through (11) of this section.

28 (1) Any police officer having probable cause to believe that a  
29 person has committed or is committing a misdemeanor or gross  
30 misdemeanor, involving physical harm or threats of harm to any person  
31 or property or the unlawful taking of property or involving the use or  
32 possession of cannabis, or involving the acquisition, possession, or  
33 consumption of alcohol by a person under the age of twenty-one years  
34 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070  
35 or 9A.52.080, shall have the authority to arrest the person.

36 (2) A police officer shall arrest and take into custody, pending

1 release on bail, personal recognizance, or court order, a person  
2 without a warrant when the officer has probable cause to believe that:

3 (a) An order has been issued of which the person has knowledge  
4 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09, 26.10,  
5 26.26, 26.50, or 74.34 RCW restraining the person and the person has  
6 violated the terms of the order restraining the person from acts or  
7 threats of violence, or restraining the person from going onto the  
8 grounds of or entering a residence, workplace, school, or day care, or  
9 prohibiting the person from knowingly coming within, or knowingly  
10 remaining within, a specified distance of a location or, in the case of  
11 an order issued under RCW 26.44.063, imposing any other restrictions or  
12 conditions upon the person; or

13 (b) A foreign protection order, as defined in RCW 26.52.010, has  
14 been issued of which the person under restraint has knowledge and the  
15 person under restraint has violated a provision of the foreign  
16 protection order prohibiting the person under restraint from contacting  
17 or communicating with another person, or excluding the person under  
18 restraint from a residence, workplace, school, or day care, or  
19 prohibiting the person from knowingly coming within, or knowingly  
20 remaining within, a specified distance of a location, or a violation of  
21 any provision for which the foreign protection order specifically  
22 indicates that a violation will be a crime; or

23 (c) The person is sixteen years or older and within the preceding  
24 four hours has assaulted a family or household member as defined in RCW  
25 10.99.020 and the officer believes: (i) A felonious assault has  
26 occurred; (ii) an assault has occurred which has resulted in bodily  
27 injury to the victim, whether the injury is observable by the  
28 responding officer or not; or (iii) that any physical action has  
29 occurred which was intended to cause another person reasonably to fear  
30 imminent serious bodily injury or death. Bodily injury means physical  
31 pain, illness, or an impairment of physical condition. When the  
32 officer has probable cause to believe that family or household members  
33 have assaulted each other, the officer is not required to arrest both  
34 persons. The officer shall arrest the person whom the officer believes  
35 to be the primary physical aggressor. In making this determination,  
36 the officer shall make every reasonable effort to consider: (i) The  
37 intent to protect victims of domestic violence under RCW 10.99.010;  
38 (ii) the comparative extent of injuries inflicted or serious threats

1 creating fear of physical injury; and (iii) the history of domestic  
2 violence of each person involved, including whether the conduct was  
3 part of an ongoing pattern of abuse; or

4 (d) The person has violated RCW 46.61.502 or 46.61.504 or an  
5 equivalent local ordinance and the police officer has knowledge that  
6 the person has a prior offense as defined in RCW 46.61.5055 within ten  
7 years.

8 (3) Any police officer having probable cause to believe that a  
9 person has committed or is committing a violation of any of the  
10 following traffic laws shall have the authority to arrest the person:

11 (a) RCW 46.52.010, relating to duty on striking an unattended car  
12 or other property;

13 (b) RCW 46.52.020, relating to duty in case of injury to or death  
14 of a person or damage to an attended vehicle;

15 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
16 racing of vehicles;

17 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
18 influence of intoxicating liquor or drugs;

19 (e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol  
20 or THC in their system;

21 (f) RCW 46.20.342, relating to driving a motor vehicle while  
22 operator's license is suspended or revoked;

23 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
24 negligent manner.

25 (4) A law enforcement officer investigating at the scene of a motor  
26 vehicle accident may arrest the driver of a motor vehicle involved in  
27 the accident if the officer has probable cause to believe that the  
28 driver has committed in connection with the accident a violation of any  
29 traffic law or regulation.

30 (5)(a) A law enforcement officer investigating at the scene of a  
31 motor vessel accident may arrest the operator of a motor vessel  
32 involved in the accident if the officer has probable cause to believe  
33 that the operator has committed, in connection with the accident, a  
34 criminal violation of chapter 79A.60 RCW.

35 (b) A law enforcement officer investigating at the scene of a motor  
36 vessel accident may issue a citation for an infraction to the operator  
37 of a motor vessel involved in the accident if the officer has probable

1 cause to believe that the operator has committed, in connection with  
2 the accident, a violation of any boating safety law of chapter 79A.60  
3 RCW.

4 (6) Any police officer having probable cause to believe that a  
5 person has committed or is committing a violation of RCW 79A.60.040  
6 shall have the authority to arrest the person.

7 (7) An officer may act upon the request of a law enforcement  
8 officer in whose presence a traffic infraction was committed, to stop,  
9 detain, arrest, or issue a notice of traffic infraction to the driver  
10 who is believed to have committed the infraction. The request by the  
11 witnessing officer shall give an officer the authority to take  
12 appropriate action under the laws of the state of Washington.

13 (8) Any police officer having probable cause to believe that a  
14 person has committed or is committing any act of indecent exposure, as  
15 defined in RCW 9A.88.010, may arrest the person.

16 (9) A police officer may arrest and take into custody, pending  
17 release on bail, personal recognizance, or court order, a person  
18 without a warrant when the officer has probable cause to believe that  
19 an order has been issued of which the person has knowledge under  
20 chapter 10.14 RCW and the person has violated the terms of that order.

21 (10) Any police officer having probable cause to believe that a  
22 person has, within twenty-four hours of the alleged violation,  
23 committed a violation of RCW 9A.50.020 may arrest such person.

24 (11) A police officer having probable cause to believe that a  
25 person illegally possesses or illegally has possessed a firearm or  
26 other dangerous weapon on private or public elementary or secondary  
27 school premises shall have the authority to arrest the person.

28 For purposes of this subsection, the term "firearm" has the meaning  
29 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning  
30 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

31 (12) A law enforcement officer having probable cause to believe  
32 that a person has committed a violation under RCW 77.15.160(4) may  
33 issue a citation for an infraction to the person in connection with the  
34 violation.

35 (13) A law enforcement officer having probable cause to believe  
36 that a person has committed a criminal violation under section 205 or  
37 206 of this act may arrest the person in connection with the violation.

1        (14) Except as specifically provided in subsections (2), (3), (4),  
2 and (7) of this section, nothing in this section extends or otherwise  
3 affects the powers of arrest prescribed in Title 46 RCW.

4        ~~((+13))~~ (15) No police officer may be held criminally or civilly  
5 liable for making an arrest pursuant to subsection (2) or (9) of this  
6 section if the police officer acts in good faith and without malice.

7        **Sec. 308.** RCW 77.15.360 and 2007 c 337 s 3 are each amended to  
8 read as follows:

9        (1) A person is guilty of unlawful interfering in department  
10 operations if the person prevents department employees from carrying  
11 out duties authorized by this title, including but not limited to  
12 interfering:

13        (a) In the operation of department vehicles, vessels, or aircraft;  
14 ~~((or))~~

15        (b) With the collection of samples of tissue, fluids, or other  
16 bodily parts of fish, wildlife, and shellfish under RCW 77.12.071; or

17        (c) With actions authorized by a warrant issued under section 119  
18 or 203 of this act.

19        (2) Unlawful interfering in department operations is a gross  
20 misdemeanor.

21        **Sec. 309.** RCW 82.49.030 and 2010 c 161 s 1045 are each amended to  
22 read as follows:

23        (1) The excise tax imposed under this chapter is due and payable to  
24 the department of licensing, county auditor or other agent, or subagent  
25 appointed by the director of the department of licensing at the time of  
26 registration of a vessel. The department of licensing shall not issue  
27 or renew a registration for a vessel until the tax is paid in full.

28        (2) The excise tax collected under this chapter must be deposited  
29 ~~((in the general fund.))~~ as follows:

30        (a) For fiscal year 2015, ninety-six percent to the general fund  
31 and the remaining four percent to be distributed as specified in  
32 subsection (3) of this section;

33        (b) For fiscal year 2016, ninety-three percent to the general fund  
34 and the remaining seven percent to be distributed as specified in  
35 subsection (3) of this section; and

1        (c) For fiscal year 2017 and each fiscal year thereafter, ninety  
2 percent to the general fund and the remaining ten percent to be  
3 distributed as specified in subsection (3) of this section.

4        (3) The excise tax not deposited into the general fund in  
5 subsection (2) of this section must be distributed as follows:

6        (a) Sixty percent must be deposited into the aquatic invasive  
7 species prevention account established under RCW 77.12.879; and

8        (b) Forty percent must be deposited into the aquatic invasive  
9 species enforcement account established under RCW 43.43.400.

10        **Sec. 310.** RCW 77.12.879 and 2013 c 307 s 1 are each amended to  
11 read as follows:

12        (1) The aquatic invasive species prevention account is created in  
13 the state treasury. ~~((Moneys directed to the account from RCW~~  
14 ~~88.02.640(3)(a)(i) must be deposited in the account. Expenditures from~~  
15 ~~the account may only be used as provided in this section. Moneys in~~  
16 ~~the account may be spent only after appropriation.~~

17        ~~(2) Funds in the aquatic invasive species prevention account may be~~  
18 ~~appropriated to the department to develop an aquatic invasive species~~  
19 ~~prevention program for recreational and commercial watercraft. Funds~~  
20 ~~must be expended as follows:~~

21        ~~(a) To inspect recreational and commercial watercraft;~~

22        ~~(b) To educate general law enforcement officers on how to enforce~~  
23 ~~state laws relating to preventing the spread of aquatic invasive~~  
24 ~~species;~~

25        ~~(c) To evaluate and survey the risk posed by recreational and~~  
26 ~~commercial watercraft in spreading aquatic invasive species into~~  
27 ~~Washington state waters;~~

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

30        ~~(e) To implement an aquatic invasive species early detection and~~  
31 ~~rapid response plan. The plan must address the treatment and immediate~~  
32 ~~response to the introduction to Washington waters of aquatic invasive~~  
33 ~~species. Agency and public review of the plan must be conducted under~~  
34 ~~chapter 43.21C RCW, the state environmental policy act. If the~~  
35 ~~implementation measures or actions would have a probable significant~~  
36 ~~adverse environmental impact, a detailed statement under chapter 43.21C~~  
37 ~~RCW must be prepared on the plan.~~

1       ~~(3) Funds in the aquatic invasive species enforcement account~~  
2 ~~created in RCW 43.43.400 may be appropriated to the department and~~  
3 ~~Washington state patrol to develop an aquatic invasive species~~  
4 ~~enforcement program for recreational and commercial watercraft.~~

5       ~~(a) The department shall provide training to Washington state~~  
6 ~~patrol employees working at port of entry weigh stations, and other~~  
7 ~~local law enforcement employees, on how to inspect recreational and~~  
8 ~~commercial watercraft for the presence of aquatic invasive species.~~

9       ~~(b) A person who enters Washington by road transporting any~~  
10 ~~commercial or recreational watercraft that has been used outside of~~  
11 ~~Washington must have in his or her possession documentation that the~~  
12 ~~watercraft is free of aquatic invasive species. The department must~~  
13 ~~develop and maintain rules to implement this subsection (3)(b),~~  
14 ~~including specifying allowable forms of documentation.~~

15       ~~(c) The department is authorized to require persons transporting~~  
16 ~~recreational and commercial watercraft to stop at check stations.~~  
17 ~~Check stations must be plainly marked by signs, operated by at least~~  
18 ~~one uniformed fish and wildlife officer, and operated in a safe manner.~~

19       ~~(d) Any person stopped at a check station who possesses a~~  
20 ~~recreational or commercial watercraft that is contaminated with aquatic~~  
21 ~~invasive species, must bear the expense for any necessary impoundment,~~  
22 ~~transportation, cleaning, and decontamination of the watercraft.~~

23       ~~(e) Any person stopped at a check station who possesses a~~  
24 ~~recreational or commercial watercraft that is contaminated with aquatic~~  
25 ~~invasive species, is exempt from the criminal penalties found in RCW~~  
26 ~~77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that~~  
27 ~~person complies with all department directives for the proper~~  
28 ~~decontamination of the watercraft.~~

29       ~~(4) The department shall submit a biennial report to the~~  
30 ~~appropriate legislative committees describing the actions taken to~~  
31 ~~implement this section along with suggestions on how to better fulfill~~  
32 ~~the intent of chapter 464, Laws of 2005.)) All receipts directed to the~~  
33 ~~account from RCW 82.49.030 and 88.02.640, as well as legislative~~  
34 ~~appropriations, gifts, donations, fees, and penalties received by the~~  
35 ~~department for aquatic invasive species management, must be deposited~~  
36 ~~into the account.~~

37       (2) Expenditures from the account may only be used to implement the

1 provisions of chapter 77.-- RCW (the new chapter created in section 122  
2 of this act).

3 (3) Moneys in the account may be spent only after appropriation.

4 NEW SECTION. Sec. 311. The sum of thirty thousand dollars, or as  
5 much thereof as may be necessary, is appropriated for the biennium  
6 ending June 30, 2015, from the aquatic invasive species prevention  
7 account to the department of fish and wildlife for a contract, that  
8 includes performance measures and requires reporting on outcomes, with  
9 the Pacific Northwest economic region nonprofit organization to support  
10 regional coordination of invasive species prevention activities in the  
11 Pacific Northwest.

12 NEW SECTION. Sec. 312. The sum of twenty thousand dollars, or as  
13 much thereof as may be necessary, is appropriated for the biennium  
14 ending June 30, 2015, from the aquatic invasive species enforcement  
15 account to the department of fish and wildlife for a contract, that  
16 includes performance measures and requires reporting on outcomes, with  
17 the Pacific Northwest economic region nonprofit organization to support  
18 regional coordination of invasive species prevention activities in the  
19 Pacific Northwest.

20 NEW SECTION. Sec. 313. The following acts or parts of acts are  
21 each repealed:

22 (1) RCW 77.12.875 (Prohibited aquatic animal species--Infested  
23 state waters) and 2002 c 281 s 5;

24 (2) RCW 77.12.878 (Infested waters--Rapid response plan) and 2002  
25 c 281 s 6;

26 (3) RCW 77.12.882 (Aquatic invasive species--Inspection of  
27 recreational and commercial watercraft--Rules--Signage) and 2007 c 350  
28 s 4;

29 (4) RCW 77.15.253 (Unlawful use of prohibited aquatic animal  
30 species--Penalty) and 2007 c 350 s 5 & 2002 c 281 s 4;

31 (5) RCW 77.15.293 (Unlawfully avoiding aquatic invasive species  
32 check stations--Penalty) and 2007 c 350 s 7;

33 (6) RCW 77.60.110 (Zebra mussels and European green crabs--Draft  
34 rules--Prevention of introduction and dispersal) and 1998 c 153 s 2;  
35 and

1 (7) RCW 77.60.120 (Infested waters--List published) and 1998 c 153  
2 s 3."

**SSB 6040** - S AMD

By Senators Honeyford, Hargrove, Lias

**ADOPTED 02/14/2014**

3 On page 1, line 1 of the title, after "species;" strike the  
4 remainder of the title and insert "amending RCW 77.15.160, 77.12.020,  
5 77.15.080, 77.15.290, 43.06.010, 43.43.400, 10.31.100, 77.15.360,  
6 82.49.030, and 77.12.879; reenacting and amending RCW 77.08.010; adding  
7 new sections to chapter 77.15 RCW; adding a new chapter to Title 77  
8 RCW; creating a new section; repealing RCW 77.12.875, 77.12.878,  
9 77.12.882, 77.15.253, 77.15.293, 77.60.110, and 77.60.120; prescribing  
10 penalties; and making appropriations."

EFFECT: Phases in the dedication of a portion of watercraft excise tax collections incrementally over a three-year period: Four percent in fiscal year 2015; 7 percent in fiscal year 2016; and 10 percent in fiscal year 2017. Modifies the existing aquatic invasive species prevention account instead of repealing that account and creating a new account with an identical name.

--- END ---