

1 5980-S AMS OWEN S3532.3

2 SSB 5980 - S AMD - 001053

3 By Senator Owen

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that additional cost
8 savings can be realized by simplifying the department of fisheries
9 recreational licensing system. The legislature finds that significant
10 benefits will accrue to recreational fishers from streamlining the
11 department of fisheries recreational licensing system. The legislature
12 finds recreational license fees and commercial landing taxes have not
13 been increased in recent years. The legislature finds that reduction
14 in important department of fisheries programs can be avoided by
15 increasing license fees and commercial landing taxes. The legislature
16 finds that it is in the best interest of the state to avoid significant
17 reductions in current department of fisheries activities.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.25 RCW
19 to read as follows:

20 (1) A personal use food fish license is required for all persons
21 other than residents under fifteen years of age or residents seventy
22 years of age or older to fish for, take, or possess food fish for
23 personal use from state waters or offshore waters. A personal use food
24 fish license is not required under this section to fish for, take, or
25 possess carp, smelt, or albacore.

26 (2) The fees for personal use food fish licenses are:

27 (a) For a resident fifteen years of age or older and under seventy
28 years of age, seven dollars; and

29 (b) For a nonresident, nineteen dollars.

30 (3) The fee for a two-consecutive-day personal use food fish
31 license is four dollars.

32 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.25 RCW
33 to read as follows:

1 (1) A personal use shellfish license is required for all persons
2 other than residents under fifteen years of age to fish for, take, dig
3 for, or possess shellfish for personal use from state waters or
4 offshore waters including national park beaches.

5 (2) The fees for personal use shellfish licenses are:

6 (a) For a resident fifteen years of age or older and under seventy
7 years of age, five dollars;

8 (b) For a resident seventy years of age or older, three dollars;
9 and

10 (c) For a nonresident, twenty dollars.

11 (3) The fee for a two-consecutive-day personal use shellfish
12 license is five dollars.

13 **Sec. 4.** RCW 75.25.005 and 1989 c 305 s 1 are each amended to read
14 as follows:

15 The following recreational fishing licenses are administered and
16 issued by the department of fisheries under authority of the director
17 of fisheries:

18 (1) (~~((Hood Canal shrimp license))~~) Personal use food fish license;
19 and

20 (2) (~~((Razor clam license;~~

21 ~~(3) Personal use fishing license;~~

22 ~~(4) Salmon license;~~ and

23 ~~(5) Sturgeon license))~~ Personal use shellfish license.

24 **Sec. 5.** RCW 75.25.080 and 1989 c 305 s 4 are each amended to read
25 as follows:

26 (1) It is lawful to (~~((dig))~~) fish for, take, or possess the
27 personal-use daily bag limit of (~~((razor clams))~~) shellfish or food fish
28 for (~~((another))~~) a disabled person if (~~((that person has))~~) the harvester
29 is licensed and if the disabled person is licensed and present on site
30 and in possession of a physical disability permit issued by the
31 director.

32 (2) An application for a physical disability permit must be
33 submitted on a department of fisheries official form and must be
34 accompanied by a licensed medical doctor's certification of disability.

35 (3) A person with a physical disability permit is not required to
36 be present at the location where another person is digging razor clams
37 for the disabled person. The physical disability permittee is required

1 to be in the direct line of sight of the person digging razor clams for
2 him or her, unless it is not possible to be in a direct line of sight
3 because of a physical obstruction or other barrier. If such a barrier
4 or obstruction exists, the physical disability permittee is required to
5 be within one-quarter mile of the person who is digging razor clams for
6 him or her.

7 **Sec. 6.** RCW 75.25.110 and 1989 c 305 s 8 are each amended to read
8 as follows:

9 (1) Any of the recreational fishing licenses required by this
10 chapter shall, upon request, be issued without charge to the following
11 individuals upon request:

12 (a) Residents under fifteen years of age (~~and residents seventy~~
13 ~~years of age or older~~);

14 (b) Residents who submit applications attesting that they are a
15 person sixty-five years of age or older who is an honorably discharged
16 veteran of the United States armed forces with a service-connected
17 disability and who has been a resident of this state for the preceding
18 ninety days;

19 (c) A blind person;

20 (d) A person with a developmental disability as defined in RCW
21 71A.10.020 with documentation of the disability from the department of
22 social and health services; and

23 (e) A person who is physically handicapped and confined to a
24 wheelchair.

25 (~~(2) (Personal use licenses, salmon licenses, and sturgeon licenses~~
26 ~~shall, upon request, be issued to nonresidents under fifteen years of~~
27 ~~age.~~

28 ~~(3))~~) A blind person or a physically handicapped person confined to
29 a wheelchair who has been issued a card for a permanent disability
30 under RCW 46.16.381 may use that card in place of a fishing license
31 (~~(unless a punchcard is required by the director))~~).

32 **Sec. 7.** RCW 75.25.120 and 1989 c 305 s 9 are each amended to read
33 as follows:

34 In concurrent waters of the Columbia river and in Washington
35 coastal territorial waters from the Oregon-Washington boundary to a
36 point five nautical miles north, an Oregon angling license comparable
37 to the Washington personal use food fish license(~~(7)~~) or two-

1 consecutive-day personal use food fish license(~~((, salmon license, or~~
2 ~~sturgeon license))~~) is valid if Oregon recognizes as valid the
3 Washington personal use food fish license(~~((, salmon license, or~~
4 ~~sturgeon license))~~) or two-consecutive-day
5 personal use food fish license(~~((, salmon license, or sturgeon license))~~)
6 in comparable Oregon waters.

7 If Oregon recognizes as valid the Washington personal use food fish
8 license(~~((, salmon license, or sturgeon license))~~) southward to Cape Falcon in the
9 coastal territorial waters from the Washington-Oregon boundary and in
10 concurrent waters of the Columbia river then Washington shall recognize
11 a valid Oregon license comparable to the Washington personal use food
12 fish license(~~((, salmon license, or sturgeon license))~~) or two-consecutive-day personal use food fish
13 license(~~((, salmon license, or sturgeon license))~~) northward to
14 Leadbetter Point.

15 Oregon licenses are not valid for the taking of food fish when
16 angling in concurrent waters of the Columbia river from the Washington
17 shore.

18 **Sec. 8.** RCW 75.25.140 and 1989 c 305 s 12 are each amended to read
19 as follows:

20 (1) Recreational licenses are not transferable. Upon request of a
21 fisheries patrol officer, ex officio fisheries patrol officer, or
22 authorized fisheries employee, a person digging for, fishing for, or
23 possessing (~~((razor clams))~~) shellfish or fishing for or possessing
24 (~~((Hood Canal shrimp or))~~) food fish for personal use shall exhibit the
25 required recreational license and write his or her signature for
26 comparison with the signature on the license. Failure to comply with
27 the request is prima facie evidence that the person does not have a
28 license or is not the person named on the license.

29 (2) The (~~((razor clam))~~) personal use shellfish license shall be
30 visible on the licensee while (~~((digging for razor clams))~~) harvesting
31 shellfish.

32 **Sec. 9.** RCW 75.25.150 and 1989 c 305 s 13 are each amended to read
33 as follows:

34 It is unlawful to dig for, fish for, or possess (~~((razor clams, fish~~
35 ~~for))~~) shellfish or (~~((possess))~~) food fish(~~((, or take or possess Hood~~
36 ~~Canal shrimp))~~) without the licenses required by this chapter.

1 **Sec. 10.** RCW 75.25.180 and 1989 c 305 s 14 are each amended to
2 read as follows:

3 Recreational licenses issued by the department of fisheries under
4 this chapter are valid for the following periods:

5 (1) Recreational licenses issued without charge to persons
6 designated by this chapter are valid for a period of five years:

7 (a) For ~~((life for))~~ blind persons;

8 (b) For the period of continued state residency for qualified
9 disabled veterans;

10 (c) ~~((For the period of continued state residency for persons
11 sixty five years of age or more;~~

12 ~~(d))~~ For ~~((the period of the disability for))~~ persons with a
13 developmental disability; and

14 ~~((e))~~ (d) For ~~((life for))~~ handicapped persons confined to a
15 wheelchair who have been issued a permanent disability card~~((; and~~

16 ~~(f) Until a child reaches fifteen years of age))~~.

17 (2) Two-consecutive-day personal use food fish and shellfish
18 licenses expire at midnight on the day following the validation date
19 written on the license by the license dealer, except two-consecutive-
20 day personal use food fish and shellfish licenses validated for
21 December 31 expire at midnight on that date.

22 (3) ~~((An annual salmon))~~ A personal use food fish license is valid
23 for a maximum catch of fifteen salmon, after which another ~~((salmon))~~
24 personal use food fish license may be purchased. A ~~((salmon))~~ personal
25 use food fish license is valid only for the calendar year for which it
26 is issued.

27 (4) ~~((An annual sturgeon))~~ A personal use food fish license is
28 valid for ~~((a))~~ an annual maximum catch of fifteen sturgeon. ~~((A~~
29 ~~sturgeon license is valid only for the calendar year for which it is~~
30 ~~issued.))~~

31 (5) ~~((All other recreational))~~ Personal use shellfish licenses are
32 valid for the calendar year for which they are issued.

33 **Sec. 11.** RCW 75.50.100 and 1990 c 58 s 3 are each amended to read
34 as follows:

35 The dedicated regional fisheries enhancement group account is
36 created in the custody of the state treasurer. Only the director or
37 the director's designee may authorize expenditures from the account.

1 The account is subject to allotment procedures under chapter 43.88 RCW,
2 but no appropriation is required for expenditures.

3 A surcharge of one dollar shall be collected on each recreational
4 (~~salmon~~) personal use food fish license sold in the state. A
5 surcharge of one hundred dollars shall be collected on each commercial
6 salmon fishing license and each charter boat "salmon and other food
7 fish" license sold in the state. The department shall study methods
8 for collecting and making available, an annual list, including names
9 and addresses, of all persons who obtain recreational and commercial
10 salmon fishing licenses. This list may be used to assist formation of
11 the regional fisheries enhancement groups and allow the broadest
12 participation of license holders in enhancement efforts. The results
13 of the study shall be reported to the house of representatives
14 fisheries and wildlife committee and the senate environment and natural
15 resources committee by October 1, 1990. All receipts shall be placed
16 in the regional fisheries enhancement group account and shall be used
17 exclusively for regional fisheries enhancement group projects for the
18 purposes of RCW 75.50.110. Funds from the regional fisheries
19 enhancement group account shall not serve as replacement funding for
20 department operated salmon projects that exist on January 1, 1991.

21 All revenue from the department's sale of salmon carcasses and eggs
22 that return to group facilities shall be deposited in the regional
23 fisheries enhancement group account for use by the regional fisheries
24 enhancement group that produced the surplus. The department shall
25 adopt rules to implement this section pursuant to chapter 34.05 RCW.

26 **Sec. 12.** RCW 82.27.020 and 1985 c 413 s 2 are each amended to read
27 as follows:

28 (1) In addition to all other taxes, licenses, or fees provided by
29 law there is established an excise tax on the commercial possession of
30 enhanced food fish as provided in this chapter. The tax is levied upon
31 and shall be collected from the owner of the enhanced food fish whose
32 possession constitutes the taxable event. The taxable event is the
33 first possession in Washington by an owner. Processing and handling of
34 enhanced food fish by a person who is not the owner is not a taxable
35 event to the processor or handler.

36 (2) A person in possession of enhanced food fish and liable to this
37 tax may deduct from the price paid to the person from which the

1 enhanced food fish (except oysters) are purchased an amount equal to a
2 tax at one-half the rate levied in this section upon these products.

3 (3) The measure of the tax is the value of the enhanced food fish
4 at the point of landing.

5 (4) The tax shall be equal to the measure of the tax multiplied by
6 the rates for enhanced food fish as follows:

7 (a) Chinook, coho, and chum salmon and anadromous game fish: Five
8 and twenty-five one-hundredths percent.

9 (b) Pink and sockeye salmon: Three and fifteen one-hundredths
10 percent.

11 (c) Other food fish and shellfish, except oysters: Two and one-
12 tenth percent.

13 (d) Oysters: ~~((Seven))~~ Eight one-hundredths of one percent.

14 (5) An additional tax is imposed equal to the rate specified in RCW
15 82.02.030 multiplied by the tax payable under subsection (4) of this
16 section.

17 **Sec. 13.** RCW 75.28.035 and 1989 c 316 s 1 are each amended to read
18 as follows:

19 An application for issuance or renewal of a commercial fishing
20 license shall contain the name and address of the vessel owner, the
21 name and address of the vessel operator, the name and number of the
22 vessel, a description of the vessel and fishing gear to be carried on
23 the vessel, and other information required by the department.

24 At the time of issuance of a commercial fishing license the
25 director shall furnish the licensee with a vessel registration and two
26 license decals.

27 Vessel registrations and license decals issued by the director
28 shall be displayed as provided by rule of the director.

29 A commercial fishing license is not valid if the vessel is operated
30 by a person other than the operator listed on the license. The
31 director may authorize additional operators for the license. ~~((Unless
32 adjusted by the director pursuant to the director's authority granted
33 in RCW 75.28.065,))~~ The fee for an additional operator is ((twenty))
34 thirty-five dollars.

35 The vessel owner shall notify the director on forms provided by the
36 department of changes of ownership or ~~((operator))~~ vessel and a new
37 license shall be issued upon payment of a fee ~~((of twenty dollars))~~:

1 (1) For a change in vessel with no change in ownership, the fee
2 shall be thirty-five dollars;

3 (2) For a change in ownership:

4 (a) The fee shall be equal to three and one-half times the annual
5 renewal fee for the particular license if the license is limited under
6 chapter 75.30 RCW; and

7 (b) The fee shall be equal to the annual renewal fee for the
8 particular license if the license is not limited under chapter 75.30
9 RCW.

10 A defaced, mutilated, or lost license or license decal shall be
11 replaced immediately. (~~Unless adjusted by the director pursuant to~~
12 ~~the director's authority granted in RCW 75.28.065,~~) The replacement
13 fee is (~~ten~~) twenty dollars.

14 As used in this section, "change in ownership" has its ordinary
15 meaning and includes transfers to corporations, partnerships, or other
16 entities, and transfers by the current owner to the current owner and
17 others jointly in joint tenancy, as tenants in common, or otherwise.

18 **Sec. 14.** RCW 75.28.095 and 1989 c 316 s 2, 1989 c 147 s 1, and
19 1989 c 47 s 2 are each reenacted and amended to read as follows:

20 (1) A charter boat license is required for a vessel to be operated
21 as a charter boat from which food fish are taken for personal use.
22 (~~Unless adjusted by the director pursuant to the director's authority~~
23 ~~granted in RCW 75.28.065,~~) The annual license fees are:

| 24 | Species | Resident | Nonresident |
|----|---------------------|-------------------------------|-------------------------------|
| 25 | | Fee | Fee |
| 26 | (a) Food fish other | | |
| 27 | than salmon | \$(135) <u>225</u> | \$(270) <u>375</u> |
| 28 | (b) Salmon and | | |
| 29 | other food fish | \$(275) <u>480</u> | \$(550) <u>785</u> |

30 The license fees in this subsection include the regional
31 enhancement fee required for salmon licenses under RCW 75.50.100.

32 (2) "Charter boat" means a vessel from which persons may, for a
33 fee, fish for food fish, and which delivers food fish into state ports
34 or delivers food fish taken from state waters into United States ports.
35 "Charter boat" does not mean:

1 (a) Vessels not generally engaged in charter boat fishing which are
2 under private lease or charter and operated by the lessee for the
3 lessee's personal recreational enjoyment; or

4 (b) Vessels used by guides for clients fishing for food fish for
5 personal use in freshwater rivers, streams, and lakes, other than Lake
6 Washington or that part of the Columbia River below the bridge at
7 Longview.

8 (3) A charter boat licensed in Oregon shall be permitted to fish
9 without a charter boat license in ocean waters within the jurisdiction
10 of Washington state from the southern border of the state of Washington
11 to Leadbetter Point under the same regulations as Washington charter
12 boat operators, as long as the Oregon vessel does not land at any
13 Washington port with the purpose of taking on or discharging
14 passengers. The provisions of this subsection shall be in effect as
15 long as the state of Oregon has reciprocal laws and regulations.

16 (4) A vessel shall not engage in both charter or sports fishing and
17 commercial fishing on the same day.

18 **Sec. 15.** RCW 75.28.110 and 1989 c 316 s 3 are each amended to read
19 as follows:

20 (1) The following commercial salmon fishing licenses are required
21 for the licensee to use the specified gear to fish for salmon and other
22 food fish in state waters. (~~Unless adjusted by the director pursuant~~
23 ~~to the director's authority granted in RCW 75.28.065,)~~ The annual
24 license fees are:

| 25 | Gear | Resident | Nonresident |
|----|-----------------|----------------------|-----------------------|
| 26 | | Fee | Fee |
| 27 | (a) Purse seine | \$((410)) <u>630</u> | \$((820)) <u>1085</u> |
| 28 | (b) Gill net | \$((275)) <u>480</u> | \$((550)) <u>785</u> |
| 29 | (c) Troll | \$((275)) <u>480</u> | \$((550)) <u>785</u> |
| 30 | (d) Reef net | \$((275)) <u>480</u> | \$((550)) <u>785</u> |

31 The license fees in this subsection include the regional
32 enhancement fee required for salmon licenses under RCW 75.50.100.

33 (2) Holders of commercial salmon fishing licenses may retain
34 incidentally caught food fish other than salmon, subject to rules of
35 the director.

36 (3) A salmon troll license allows fishing in all licensing
37 districts and includes a salmon delivery license.

1 (4) A separate gill net license is required to fish for salmon in
2 each of the licensing districts established in RCW 75.28.012.

3 **Sec. 16.** RCW 75.28.113 and 1989 c 316 s 4 are each amended to read
4 as follows:

5 (1) A person operating a commercial fishing vessel used in taking
6 salmon in offshore waters and delivering the salmon to a place or port
7 in the state shall obtain a salmon delivery license from the director.
8 (~~Unless adjusted by the director pursuant to the director's authority~~
9 ~~granted in RCW 75.28.065,~~) The annual fee for a salmon delivery
10 license is ((two hundred seventy-five)) four hundred eighty dollars for
11 residents and ((~~five hundred fifty~~)) seven hundred eighty-five dollars
12 for nonresidents. The license fees in this subsection include the
13 regional enhancement fee required for salmon licenses under RCW
14 75.50.100. Persons operating fishing vessels licensed under RCW
15 75.28.125 may apply the delivery license fee ((~~of fifty dollars~~))
16 against the salmon delivery license fee.

17 (2) If the director determines that the operation of a vessel under
18 a salmon delivery license results in the depletion or destruction of
19 the state's salmon resource or the delivery into this state of salmon
20 products prohibited by law, the director may revoke the license.

21 **Sec. 17.** RCW 75.28.116 and 1989 c 316 s 5 are each amended to read
22 as follows:

23 The owner of a commercial salmon fishing vessel which is not
24 qualified for a license under RCW 75.30.120 is required to obtain a
25 salmon single delivery license in order to make one landing of salmon
26 taken in offshore waters. The director shall not issue a salmon single
27 delivery license unless, as determined by the director, a bona fide
28 emergency exists. (~~Unless adjusted by the director pursuant to the~~
29 ~~director's authority granted in RCW 75.28.065,~~) The license fee is
30 ((~~one hundred thirty-five~~)) three hundred twenty-five dollars for
31 residents and ((~~two hundred seventy~~)) four hundred seventy-five dollars
32 for nonresidents. The license fees in this section include the
33 regional enhancement fee required for salmon licenses under RCW
34 75.50.100.

35 **Sec. 18.** RCW 75.28.120 and 1989 c 316 s 6 are each amended to read
36 as follows:

1 The following commercial fishing licenses are required for the
 2 licensee to use the specified gear to fish for food fish other than
 3 salmon in state waters. (~~Unless adjusted by the director pursuant to~~
 4 ~~the director's authority granted in RCW 75.28.065,~~) The annual license
 5 fees are:

| 6 | Gear | Resident | Nonresident |
|----|----------------------|----------------------|----------------------|
| 7 | | Fee | Fee |
| 8 | (1) Jig | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 9 | (2) Set line | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 10 | (3) Set net | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 11 | (4) Drag seine | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 12 | (5) Gill net | \$((275)) <u>380</u> | \$((550)) <u>685</u> |
| 13 | (6) Purse seine | \$((410)) <u>530</u> | \$((820)) <u>985</u> |
| 14 | (7) Troll | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 15 | (8) Bottom fish pots | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 16 | (9) Lampara | \$((100)) <u>185</u> | \$((200)) <u>295</u> |
| 17 | (10) Dip bag net | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 18 | (11) Brush weir | \$((100)) <u>185</u> | \$((200)) <u>295</u> |
| 19 | (12) Other gear | \$((100)) <u>185</u> | \$((200)) <u>295</u> |

20 **Sec. 19.** RCW 75.28.125 and 1989 c 316 s 7 are each amended to read
 21 as follows:

22 A delivery license is required to deliver shellfish or food fish
 23 other than salmon taken in offshore waters to a port in the state.
 24 (~~Unless adjusted by the director pursuant to the director's authority~~
 25 ~~granted in RCW 75.28.065,~~) The annual license fee is ((fifty)) one
 26 hundred fifteen dollars for residents and (~~one hundred~~) two hundred
 27 twenty-five dollars for nonresidents. Licenses issued under RCW
 28 75.28.113 (salmon delivery license), RCW 75.28.130(4) (crab pot, other
 29 than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound)
 30 shall include a delivery license.

31 **Sec. 20.** RCW 75.28.130 and 1989 c 316 s 8 are each amended to read
 32 as follows:

33 The following commercial fishing licenses are required for the
 34 licensee to use the specified gear to fish for shellfish in state
 35 waters. (~~Unless adjusted by the director pursuant to the director's~~
 36 ~~authority granted in RCW 75.28.065,~~) The annual license fees are:

| | Gear | Resident Fee | Nonresident Fee |
|----|---------------------------|----------------------|-----------------------|
| 3 | (1) Ring net | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 4 | (2) Shellfish pots | | |
| 5 | (excluding crab) | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 6 | (3) Crab pots | | |
| 7 | (Puget Sound) | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 8 | (4) Crab pots | | |
| 9 | ((other than | | |
| 10 | Puget Sound)) | \$((200)) <u>295</u> | \$((400)) <u>520</u> |
| 11 | (5) Shellfish diver | | |
| 12 | (excluding clams) | \$((50)) <u>525</u> | \$((100)) <u>1045</u> |
| 13 | (6) Squid gear, all types | \$((100)) <u>185</u> | \$((200)) <u>295</u> |
| 14 | (7) Ghost shrimp gear | \$((100)) <u>185</u> | \$((200)) <u>295</u> |
| 15 | (8) Commercial razor | | |
| 16 | clam license | \$((50)) <u>130</u> | \$((100)) <u>185</u> |
| 17 | (9) Geoduck diver license | \$((100)) <u>185</u> | \$((200)) <u>295</u> |
| 18 | (10) Other shellfish gear | \$((100)) <u>185</u> | \$((200)) <u>295</u> |

19 **Sec. 21.** RCW 75.28.134 and 1989 c 316 s 9 are each amended to read
20 as follows:

21 (1) In addition to a shellfish pot license, a Hood Canal shrimp
22 endorsement is required to take shrimp commercially in that portion of
23 Hood Canal lying south of the Hood Canal floating bridge. ((Unless
24 adjusted by the director pursuant to the director's authority granted
25 in RCW 75.28.065,)) The annual endorsement fee is ((two hundred twenty-
26 five)) three hundred twenty-five dollars for a resident and ((four
27 hundred fifty)) five hundred seventy-five dollars for a nonresident.

28 (2) Not more than fifty shrimp pots may be used while commercially
29 fishing for shrimp in that portion of Hood Canal lying south of the
30 Hood Canal floating bridge.

31 **Sec. 22.** RCW 75.28.140 and 1989 c 316 s 10 are each amended to
32 read as follows:

33 The following commercial fishing licenses are required for the
34 licensee to use the specified gear to fish for shellfish and food fish
35 other than salmon in state waters. ((Unless adjusted by the director
36 pursuant to the director's authority granted in RCW 75.28.065,)) The
37 annual license fees are:

| 1 | Gear | Resident | Nonresident |
|---|-------------------------|----------------------|----------------------|
| 2 | | Fee | Fee |
| 3 | (1) Trawl (Puget Sound) | \$((100)) <u>185</u> | \$((200)) <u>295</u> |
| 4 | (2) Trawl (other than | | |
| 5 | Puget Sound) | \$((150)) <u>240</u> | \$((300)) <u>405</u> |

6 **Sec. 23.** RCW 75.28.255 and 1989 c 316 s 11 are each amended to
7 read as follows:

8 The following commercial fishing licenses are required for the
9 licensee to fish for the specified species in state waters with gear
10 authorized by rule of the director. (~~Unless adjusted by the director~~
11 ~~pursuant to the director's authority granted in RCW 75.28.065,)~~ The
12 annual license fees are:

| 13 | Species | Resident | Nonresident |
|----|---------------------------------|----------------------|----------------------|
| 14 | | Fee | Fee |
| 15 | (1) Columbia <u>river</u> smelt | \$((275)) <u>380</u> | \$((550)) <u>685</u> |
| 16 | (2) Carp | \$((50)) <u>130</u> | \$((100)) <u>185</u> |

17 **Sec. 24.** RCW 75.28.280 and 1989 c 316 s 12 are each amended to
18 read as follows:

19 A mechanical harvester license is required to operate a mechanical
20 or hydraulic device for commercially harvesting clams, other than
21 geoduck clams, on a clam farm unless the requirements of RCW 75.20.100
22 are fulfilled for the proposed activity. (~~Unless adjusted by the~~
23 ~~director pursuant to the director's authority granted in RCW~~
24 ~~75.28.065,)~~ The annual license fee is (~~four hundred ten~~) five
25 hundred thirty dollars for residents and (~~eight hundred twenty~~) nine
26 hundred eighty-five dollars for nonresidents.

27 **Sec. 25.** RCW 75.28.290 and 1989 c 316 s 14 are each amended to
28 read as follows:

29 An oyster reserve license is required for the commercial taking of
30 shellfish from state oyster reserves. (~~Unless adjusted by the~~
31 ~~director pursuant to the director's authority granted in RCW~~
32 ~~75.28.065,)~~ The annual license fee is (~~fifty~~) one hundred thirty
33 dollars for residents and one hundred eighty-five dollars for
34 nonresidents.

1 **Sec. 26.** RCW 75.28.300 and 1989 c 316 s 16 are each amended to
2 read as follows:

3 A wholesale fish dealer's license is required for:

4 (1) A business in the state to engage in the commercial processing
5 of food fish or shellfish, including custom canning or processing of
6 personal use food fish or shellfish.

7 (2) A business in the state to engage in the wholesale selling,
8 buying, or brokering of food fish or shellfish. A wholesale fish
9 dealer's license is not required of those businesses which buy
10 exclusively from Washington licensed wholesale dealers and sell solely
11 at retail.

12 (3) Fishermen who land and sell their catch or harvest in the state
13 to anyone other than a licensed wholesale dealer within or outside the
14 state.

15 (4) A business to engage in the commercial manufacture or
16 preparation of fertilizer, oil, meal, caviar, fish bait, or other
17 byproducts from food fish or shellfish.

18 (5) A business employing a fish buyer as defined under RCW
19 75.28.340.

20 (~~Unless adjusted by the director pursuant to the director's~~
21 ~~authority granted in RCW 75.28.065, the annual license fee is one~~
22 ~~hundred dollars.)) The annual license fee is two hundred fifty
23 dollars. A wholesale fish dealer's license is not required for persons
24 engaged in the processing, wholesale selling, buying, or brokering of
25 private sector cultured aquatic products as defined in RCW 15.85.020.
26 However, if a means of identifying such products is required by rules
27 adopted under RCW 15.85.060, the exemption from licensing requirements
28 established by this subsection applies only if the aquatic products are
29 identified in conformance with those rules.~~

30 **Sec. 27.** RCW 75.28.340 and 1989 c 316 s 17 are each amended to
31 read as follows:

32 (1) A fish buyer's license is required of and shall be carried by
33 each individual engaged by a wholesale fish dealer to purchase food
34 fish or shellfish from a licensed commercial fisherman. A fish buyer
35 may represent only one wholesale fish dealer.

36 (2) (~~Unless adjusted by the director pursuant to the director's~~
37 ~~authority granted in RCW 75.28.065,)) The annual fee for a fish buyer's
38 license is ((twenty)) ninety-five dollars.~~

1 **Sec. 28.** RCW 75.28.690 and 1989 c 316 s 18 are each amended to
2 read as follows:

3 (1) A deckhand license is required for a crew member on a licensed
4 salmon charter boat to sell salmon roe as provided in subsection (2) of
5 this section. (~~Unless adjusted by the director pursuant to the~~
6 ~~director's authority granted in RCW 75.28.065,~~) The annual license fee
7 is (~~twenty~~) ninety-five dollars.

8 (2) A deckhand on a licensed salmon charter boat may sell salmon
9 roe taken from fish caught for personal use, subject to rules of the
10 director and the following conditions:

11 (a) The salmon is taken while fishing on the charter boat;

12 (b) The roe is the property of the angler until the roe is given to
13 the deckhand. The charter boat's passengers are notified of this fact
14 by the deckhand;

15 (c) The roe is sold to a licensed wholesale dealer; and

16 (d) The deckhand is licensed as provided in subsection (1) of this
17 section and has the license in possession whenever salmon roe is sold.

18 **Sec. 29.** RCW 75.28.710 and 1991 c 362 s 2 are each amended to read
19 as follows:

20 A professional salmon guide license is required for the holder to
21 offer or perform the services of a professional salmon guide in the
22 taking of salmon for personal use in freshwater rivers and streams,
23 other than in that part of the Columbia river below the bridge at
24 Longview. The annual license fees are (~~fifty~~) one hundred fifty
25 dollars for residents and (~~five hundred~~) seven hundred thirty dollars
26 for nonresidents. The license fees include a surcharge of twenty
27 dollars (~~shall be~~) assessed on each resident guide license and a
28 surcharge of one hundred dollars (~~shall be~~) assessed on each
29 nonresident guide license for the purposes of RCW 75.50.100.

30 **Sec. 30.** RCW 75.30.160 and 1986 c 198 s 6 are each amended to read
31 as follows:

32 In addition to any other license, a Puget Sound commercial whiting
33 endorsement is required to take whiting in the waters of marine fish-
34 shell fish management and catch reporting areas 24B, Port Susan; 24C,
35 Saratoga Passage; 26A, Possession Sound; or any other area designated
36 by the department. An annual endorsement fee is two hundred ninety-

1 five dollars for residents and (~~four~~) five hundred twenty dollars for
2 nonresidents. The license shall be affixed to the licensed vessel.

3 NEW SECTION. **Sec. 31.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 75.25.015 and 1989 c 305 s 2, 1984 c 80 s 6, & 1983 1st
6 ex.s. c 31 s 1;

7 (2) RCW 75.25.040 and 1989 c 305 s 3, 1983 1st ex.s. c 46 s 91,
8 1980 c 81 s 1, & 1979 ex.s. c 243 s 4;

9 (3) RCW 75.25.090 and 1989 c 305 s 5 & 1987 c 87 s 1;

10 (4) RCW 75.25.100 and 1989 c 305 s 6, 1987 c 87 s 2, 1983 1st ex.s.
11 c 46 s 94, & 1977 ex.s. c 327 s 11;

12 (5) RCW 75.25.126 and 1989 c 305 s 7; and

13 (6) RCW 75.28.065 and 1989 c 316 s 19.

14 NEW SECTION. **Sec. 32.** This act shall take effect January 1, 1994,
15 except that sections 13 through 30 of this act shall take effect only
16 if Senate Bill No. 5124 does not become law by August 1, 1993.

17 NEW SECTION. **Sec. 33.** This act shall expire January 1, 1998.

18 NEW SECTION. **Sec. 34.** A new section is added to chapter 75.28 RCW
19 to read as follows:

20 (1) Unless otherwise provided in this title, a license issued under
21 this chapter is not transferable from the license holder to any other
22 person.

23 (2) The following restrictions apply to transfers of commercial
24 fishery licenses, salmon delivery licenses, and salmon charter licenses
25 that are transferable between license holders:

26 (a) The license holder shall surrender the previously issued
27 license to the department.

28 (b) The department shall complete no more than one transfer of the
29 license in any seven-day period.

30 (c) The fee to transfer a license from one license holder to
31 another is: (i) The same as the resident license renewal fee if the
32 license is not limited under chapter 75.30 RCW; or (ii) three and one-
33 half times the resident renewal fee if the license is limited under
34 chapter 75.30 RCW.

1 (d) If a license is transferred from a resident to a nonresident,
2 the transferee shall pay the difference between the resident and
3 nonresident license fees at the time of transfer.

4 (3) A commercial license that is transferable under this title
5 survives the death of the holder. Though such licenses are not
6 personal property, they shall be treated as analogous to personal
7 property for purposes of inheritance and intestacy. Such licenses are
8 subject to state laws governing wills, trusts, estates, intestate
9 succession, and community property, except that such licenses are
10 exempt from claims of creditors of the estate and tax liens. The
11 surviving spouse, estate, or beneficiary of the estate may apply for a
12 renewal of the license. There is no fee for transfer of a license from
13 a license holder to the license holder's surviving spouse or estate, or
14 to a beneficiary of the estate.

15 **Sec. 35.** RCW 75.28.110 and 1989 c 316 s 3 are each amended to read
16 as follows:

17 (1) The following commercial salmon (~~((fishing))~~) fishery licenses
18 are required for the (~~((licensee))~~) license holder to use the specified
19 gear to fish for salmon (~~((and other food fish))~~) in state waters.
20 (~~((Unless adjusted by the director pursuant to the director's authority~~
21 ~~granted in RCW 75.28.065,))~~) Only a person who meets the qualifications
22 of RCW 75.30.120 may hold a license listed in this subsection. The
23 licenses and their annual ((license)) fees and surcharges under RCW
24 75.50.100 are:

| 25 | ((Gear)) <u>Fishery</u> | Resident | Nonresident | <u>Surcharge</u> |
|----|---|-----------------------------|-----------------------------|-------------------|
| 26 | <u>License</u> | Fee | Fee | |
| 27 | (a) <u>Salmon Gill Net--Grays</u> | \$380 | \$685 | <u>plus \$100</u> |
| 28 | <u>Harbor-Columbia river</u> | | | |
| 29 | (b) <u>Salmon Gill Net--Puget</u> | \$380 | \$685 | <u>plus \$100</u> |
| 30 | <u>Sound</u> | | | |
| 31 | (c) <u>Salmon Gill Net--Willapa</u> | \$380 | \$685 | <u>plus \$100</u> |
| 32 | <u>Bay-Columbia river</u> | | | |
| 33 | (d) <u>Salmon purse seine</u> | (((\$410)) \$530 | (((\$820)) \$985 | <u>plus \$100</u> |
| 34 | ((b)) <u>Gill net</u> | \$275 | \$550 | |
| 35 | ((c)) <u>Troll</u> | \$275 | \$550 | |
| 36 | ((d)) (e) <u>Salmon reef net</u> | (((\$275)) \$380 | (((\$550)) \$685 | <u>plus \$100</u> |
| 37 | (f) <u>Salmon troll</u> | \$380 | \$685 | <u>plus \$100</u> |

1 (2) A license issued under this section authorizes no taking or
2 delivery of salmon or other food fish unless a vessel is designated
3 under RCW 75.28.--- (section 7 of Senate Bill No. 5124).

4 (3) Holders of commercial salmon (~~(fishing)~~) fishery licenses may
5 retain incidentally caught food fish other than salmon, subject to
6 rules of the director.

7 (~~(3)~~) (4) A salmon troll license (~~(allows fishing in all~~
8 ~~licensing districts and)~~) includes a salmon delivery license.

9 (~~(4)~~) (5) A (~~(separate)~~) salmon gill net license (~~(is required to~~
10 ~~fish for salmon in each of the licensing districts established in RCW~~
11 ~~75.28.012)~~) authorizes the taking of salmon only in the geographical
12 area for which the license is issued. The geographical designations in
13 subsection (1) of this section have the following meanings:

14 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
15 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
16 sounds, and estuaries lying easterly and southerly of the international
17 boundary line and a line at the entrance to the Strait of Juan de Fuca
18 projected northerly from Cape Flattery to the lighthouse on Tatoosh
19 Island and then to Bonilla Point on Vancouver Island.

20 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
21 and tributary estuaries lying easterly of a line projected northerly
22 from Point Chehalis Light to Point Brown and those waters of the
23 Columbia river and tributary sloughs and estuaries easterly of a line
24 at the entrance to the Columbia river projected southerly from the most
25 westerly point of the North jetty to the most westerly point of the
26 South jetty.

27 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and
28 tributary estuaries and easterly of a line projected northerly from
29 Leadbetter Point to the Cape Shoalwater tower and those waters of the
30 Columbia river and tributary sloughs described in (b) of this
31 subsection.

32 **Sec. 36.** RCW 75.28.113 and 1989 c 316 s 4 are each amended to read
33 as follows:

34 (1) (~~(A person operating a commercial fishing vessel used in~~
35 ~~taking)~~) It is unlawful to deliver salmon taken in offshore waters
36 (~~(and delivering the salmon)~~) to a place or port in the state (~~(shall~~
37 ~~obtain)~~) without a salmon delivery license from the director. (~~(Unless~~
38 ~~adjusted by the director pursuant to the director's authority granted~~

1 ~~in RCW 75.28.065,~~) The annual fee for a salmon delivery license is
2 ~~((two hundred seventy-five))~~ three hundred eighty dollars for residents
3 and ~~((five hundred fifty))~~ six hundred eighty-five dollars for
4 nonresidents. ~~((Persons operating fishing vessels licensed))~~ The
5 annual surcharge under RCW 75.50.100 is one hundred dollars for each
6 license. Holders of nonsalmon delivery licenses issued under RCW
7 75.28.125 may apply the nonsalmon delivery license fee ~~((of fifty~~
8 ~~dollars))~~ against the salmon delivery license fee.

9 (2) Only a person who meets the qualifications established in RCW
10 75.30.120 may hold a salmon delivery license issued under this section.

11 (3) A salmon delivery license authorizes no taking of salmon or
12 other food fish or shellfish from the waters of the state.

13 (4) If the director determines that the operation of a vessel under
14 a salmon delivery license results in the depletion or destruction of
15 the state's salmon resource or the delivery into this state of salmon
16 products prohibited by law, the director may revoke the license under
17 the procedures of chapter 34.05 RCW.

18 **Sec. 37.** RCW 75.28.116 and 1989 c 316 s 5 are each amended to read
19 as follows:

20 ~~((The owner of a commercial salmon fishing vessel which is))~~ A
21 person who does not ~~((qualified))~~ qualify for a license under RCW
22 75.30.120 ~~((is required to))~~ shall obtain a nontransferable emergency
23 salmon ~~((single))~~ delivery license ~~((in order))~~ to make one ~~((landing))~~
24 delivery of salmon taken in offshore waters. The director shall not
25 issue ~~((a))~~ an emergency salmon ~~((single))~~ delivery license unless, as
26 determined by the director, a bona fide emergency exists. ~~((Unless~~
27 ~~adjusted by the director pursuant to the director's authority granted~~
28 ~~in RCW 75.28.065,~~) The license fee is ~~((one hundred thirty-five))~~ two
29 hundred twenty-five dollars for residents and ~~((two hundred seventy))~~
30 four hundred seventy-five dollars for nonresidents. An applicant for
31 an emergency salmon delivery license shall designate no more than one
32 vessel that will be used with the license. Alternate operator licenses
33 are not required of persons delivering salmon under an emergency salmon
34 delivery license. Emergency salmon delivery licenses are not
35 renewable.

36 **Sec. 38.** RCW 75.28.120 and 1989 c 316 s 6 are each amended to read
37 as follows:

1 ((The following commercial fishing licenses are required for the
 2 licensee to use the specified gear to fish for food fish other than
 3 salmon in state waters. Unless adjusted by the director pursuant to
 4 the director's authority granted in RCW 75.28.065, the annual license
 5 fees are:

| Gear | Resident | Nonresident |
|-------------------------|----------|-------------|
| | Fee | Fee |
| 8 (1) Jig | \$50 | \$100 |
| 9 (2) Set line | \$50 | \$100 |
| 10 (3) Set net | \$50 | \$100 |
| 11 (4) Drag seine | \$50 | \$100 |
| 12 (5) Gill net | \$275 | \$550 |
| 13 (6) Purse seine | \$410 | \$820 |
| 14 (7) Troll | \$50 | \$100 |
| 15 (8) Bottom fish pots | \$50 | \$100 |
| 16 (9) Lampara | \$100 | \$200 |
| 17 (10) Dip bag net | \$50 | \$100 |
| 18 (11) Brush weir | \$100 | \$200 |
| 19 (12) Other gear | \$100 | \$200)) |

20 (1) This section establishes commercial fishery licenses required
 21 for food fish fisheries and the annual fees for those licenses. As
 22 used in this section, "food fish" does not include salmon. The
 23 director may issue a limited-entry commercial fishery license only to
 24 a person who meets the qualifications established in applicable
 25 governing sections of this title.

| Fishery (Governing section(s)) | Annual Fee | | Vessel Required? | Limited Entry? |
|-----------------------------------|------------|-------------|---------------------|-------------------|
| | Resident | Nonresident | | |
| 28 (a) Baitfish Lampara | \$185 | \$295 | Yes | No |
| 29 (b) Baitfish purse seine | \$530 | \$985 | Yes | No |
| 30 (c) Bottom fish jig | \$130 | \$185 | Yes | No |
| 31 (d) Bottom fish pot | \$130 | \$185 | Yes | No |
| 32 (e) Bottom fish troll | \$130 | \$185 | Yes | No |
| 33 (f) Carp | \$130 | \$185 | No | No |
| 34 (g) Columbia river smelt | \$380 | \$685 | No | No |
| 35 (h) Dog fish set net | \$130 | \$185 | Yes | No |

| | | | | | |
|----|----------------------------------|-------|-------|-------------------|-------------------|
| 1 | (i) <u>Emerging commercial</u> | \$185 | \$295 | <u>Determined</u> | <u>Determined</u> |
| 2 | <u>fishery (RCW 75.30.220</u> | | | <u>by rule</u> | <u>by rule</u> |
| 3 | <u>and 75.28.---</u> | | | | |
| 4 | <u>18 of Senate Bill No.</u> | | | | |
| 5 | <u>5124))</u> | | | | |
| 6 | (j) <u>Food fish drag seine</u> | \$130 | \$185 | <u>Yes</u> | <u>No</u> |
| 7 | (k) <u>Food fish set line</u> | \$130 | \$185 | <u>Yes</u> | <u>No</u> |
| 8 | (l) <u>Food fish trawl--</u> | \$240 | \$405 | <u>Yes</u> | <u>No</u> |
| 9 | <u>Non-Puget Sound</u> | | | | |
| 10 | (m) <u>Food fish trawl--</u> | \$185 | \$295 | <u>Yes</u> | <u>No</u> |
| 11 | <u>Puget Sound</u> | | | | |
| 12 | (n) <u>Herring dip bag net</u> | \$175 | \$275 | <u>Yes</u> | <u>Yes</u> |
| 13 | <u>(RCW 75.30.140)</u> | | | | |
| 14 | (o) <u>Herring drag seine</u> | \$175 | \$275 | <u>Yes</u> | <u>Yes</u> |
| 15 | <u>(RCW 75.30.140)</u> | | | | |
| 16 | (p) <u>Herring gill net</u> | \$175 | \$275 | <u>Yes</u> | <u>Yes</u> |
| 17 | <u>(RCW 75.30.140)</u> | | | | |
| 18 | (q) <u>Herring Lampara</u> | \$175 | \$275 | <u>Yes</u> | <u>Yes</u> |
| 19 | <u>(RCW 75.30.140)</u> | | | | |
| 20 | (r) <u>Herring purse seine</u> | \$175 | \$275 | <u>Yes</u> | <u>Yes</u> |
| 21 | <u>(RCW 75.30.140)</u> | | | | |
| 22 | (s) <u>Herring spawn-on-kelp</u> | N/A | N/A | <u>Yes</u> | <u>Yes</u> |
| 23 | <u>(RCW 75.28.245 as</u> | | | | |
| 24 | <u>recodified by section</u> | | | | |
| 25 | <u>54, chapter ...</u> | | | | |
| 26 | <u>(Senate Bill No. 5124),</u> | | | | |
| 27 | <u>Laws of 1993)</u> | | | | |
| 28 | (t) <u>Smelt dip bag net</u> | \$130 | \$185 | <u>No</u> | <u>No</u> |
| 29 | (u) <u>Smelt gill net</u> | \$380 | \$685 | <u>Yes</u> | <u>No</u> |
| 30 | (v) <u>Whiting--Puget Sound</u> | \$295 | \$520 | <u>Yes</u> | <u>Yes</u> |
| 31 | <u>(RCW 75.30.170)</u> | | | | |

32 (2) The director may by rule determine the species of food fish
33 that may be taken with the commercial fishery licenses established in
34 this section, the gear that may be used with the licenses, and the
35 areas or waters in which the licenses may be used. Where a fishery
36 license has been established for a particular species, gear,
37 geographical area, or combination thereof, a more general fishery
38 license may not be used to take food fish in that fishery.

1 **Sec. 39.** RCW 75.28.125 and 1989 c 316 s 7 are each amended to read
2 as follows:

3 ~~((A delivery license is required to deliver shellfish or food fish
4 other than salmon taken in offshore waters to a port in the state.
5 Unless adjusted by the director pursuant to the director's authority
6 granted in RCW 75.28.065,)) (1) Except as provided in subsection (2) of
7 this section, it is unlawful to deliver with a commercial fishing
8 vessel food fish or shellfish taken in offshore waters to a port in the
9 state without a nonsalmon delivery license. As used in this section,
10 "food fish" does not include salmon. The annual license fee for a
11 nonsalmon delivery license is ((fifty)) one hundred ten dollars for
12 residents and ((one)) two hundred dollars for nonresidents. ((Licenses
13 issued under RCW 75.28.113 (salmon delivery license), RCW 75.28.130(4)
14 (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other
15 than Puget Sound) shall include a delivery license.))~~

16 (2) Holders of salmon troll fishery licenses issued under RCW
17 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab
18 pot fishery licenses issued under RCW 75.28.130, food fish trawl--Non-
19 Puget Sound fishery licenses issued under RCW 75.28.120, and shrimp
20 trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 may
21 deliver food fish or shellfish taken in offshore waters without a
22 nonsalmon delivery license.

23 (3) A nonsalmon delivery license authorizes no taking of food fish
24 or shellfish from state waters.

25 **Sec. 40.** RCW 75.28.130 and 1989 c 316 s 8 are each amended to read
26 as follows:

27 ~~((The following commercial fishing licenses are required for the
28 licensee to use the specified gear to fish for shellfish in state
29 waters. Unless adjusted by the director pursuant to the director's
30 authority granted in RCW 75.28.065, the annual license fees are:~~

| Gear | Resident | Nonresident |
|--------------------|----------|-------------|
| | Fee | Fee |
| (1) Ring net | \$50 | \$100 |
| (2) Shellfish pots | | |
| (excluding crab) | \$50 | \$100 |
| (3) Crab pots | | |
| (Puget Sound) | \$50 | \$100 |

| | | | |
|----|--------------------------------------|------------------|--------------------|
| 1 | (4) Crab pots | | |
| 2 | (other than Puget Sound) | \$200 | \$400 |
| 3 | (5) Shellfish diver | | |
| 4 | (excluding clams) | \$50 | \$100 |
| 5 | (6) Squid gear, all types | \$100 | \$200 |
| 6 | (7) Ghost shrimp gear | \$100 | \$200 |
| 7 | (8) Commercial razor | | |
| 8 | clam license | \$50 | \$100 |
| 9 | (9) Geoduck diver license | \$100 | \$200 |
| 10 | (10) Other shellfish gear | \$100 | \$200)) |

11 (1) This section establishes commercial fishery licenses required
12 for shellfish fisheries and the annual fees for those licenses. The
13 director may issue a limited-entry commercial fishery license only to
14 a person who meets the qualifications established in applicable
15 governing sections of this title.

| 16 | <u>Fishery</u> | <u>Annual Fee</u> | | <u>Vessel</u> | <u>Limited</u> |
|----|--------------------------------|-------------------|--------------------|-------------------|-------------------|
| 17 | <u>(Governing section(s))</u> | <u>Resident</u> | <u>Nonresident</u> | <u>Required?</u> | <u>Entry?</u> |
| 18 | <u>(a) Burrowing shrimp</u> | <u>\$185</u> | <u>\$295</u> | <u>Yes</u> | <u>No</u> |
| 19 | <u>(b) Crab pot</u> | <u>\$295</u> | <u>\$520</u> | <u>Yes</u> | <u>No</u> |
| 20 | <u>(c) Crab pot--</u> | <u>\$130</u> | <u>\$185</u> | <u>Yes</u> | <u>No</u> |
| 21 | <u>Puget Sound</u> | | | | |
| 22 | <u>(d) Crab ring net--</u> | <u>\$130</u> | <u>\$185</u> | <u>Yes</u> | <u>No</u> |
| 23 | <u>Non-Puget Sound</u> | | | | |
| 24 | <u>(e) Crab ring net--</u> | <u>\$130</u> | <u>\$185</u> | <u>Yes</u> | <u>No</u> |
| 25 | <u>Puget Sound</u> | | | | |
| 26 | <u>(f) Dungeness crab--</u> | <u>\$130</u> | <u>\$185</u> | <u>Yes</u> | <u>Yes</u> |
| 27 | <u>Puget Sound</u> | | | | |
| 28 | <u>(RCW 75.30.130)</u> | | | | |
| 29 | <u>(g) Emerging commercial</u> | <u>\$185</u> | <u>\$295</u> | <u>Determined</u> | <u>Determined</u> |
| 30 | <u>fishery (RCW 75.30.220</u> | | | <u>by rule</u> | <u>by rule</u> |
| 31 | <u>and 75.28.--- (section</u> | | | | |
| 32 | <u>18 of Senate Bill No.</u> | | | | |
| 33 | <u>5124))</u> | | | | |

| | | | | | |
|----|-----------------------------------|--------------|---------------|------------|------------|
| 1 | <u>(h) Geoduck (RCW 75.30.---</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>Yes</u> | <u>Yes</u> |
| 2 | <u>(section 46 of Senate</u> | | | | |
| 3 | <u>Bill No. 5124))</u> | | | | |
| 4 | <u>(i) Hardshell clam</u> | <u>\$530</u> | <u>\$985</u> | <u>Yes</u> | <u>No</u> |
| 5 | <u>mechanical harvester</u> | | | | |
| 6 | <u>(RCW 75.28.280)</u> | | | | |
| 7 | <u>(j) Oyster reserve</u> | <u>\$130</u> | <u>\$185</u> | <u>No</u> | <u>No</u> |
| 8 | <u>(RCW 75.28.290)</u> | | | | |
| 9 | <u>(k) Razor clam</u> | <u>\$130</u> | <u>\$185</u> | <u>No</u> | <u>No</u> |
| 10 | <u>(l) Sea cucumber dive</u> | <u>\$130</u> | <u>\$185</u> | <u>Yes</u> | <u>Yes</u> |
| 11 | <u>(RCW 75.30.250)</u> | | | | |
| 12 | <u>(m) Sea urchin dive</u> | <u>\$130</u> | <u>\$185</u> | <u>Yes</u> | <u>Yes</u> |
| 13 | <u>(RCW 75.30.210)</u> | | | | |
| 14 | <u>(n) Shellfish dive</u> | <u>\$525</u> | <u>\$1045</u> | <u>Yes</u> | <u>No</u> |
| 15 | <u>(o) Shellfish pot</u> | <u>\$130</u> | <u>\$185</u> | <u>Yes</u> | <u>No</u> |
| 16 | <u>(p) Shrimp pot--</u> | <u>\$325</u> | <u>\$575</u> | <u>Yes</u> | <u>No</u> |
| 17 | <u>Hood Canal</u> | | | | |
| 18 | <u>(q) Shrimp trawl--</u> | <u>\$240</u> | <u>\$405</u> | <u>Yes</u> | <u>No</u> |
| 19 | <u>Non-Puget Sound</u> | | | | |
| 20 | <u>(r) Shrimp trawl--</u> | <u>\$185</u> | <u>\$295</u> | <u>Yes</u> | <u>No</u> |
| 21 | <u>Puget Sound</u> | | | | |
| 22 | <u>(s) Squid</u> | <u>\$185</u> | <u>\$295</u> | <u>Yes</u> | <u>No</u> |

23 (2) The director may by rule determine the species of shellfish
24 that may be taken with the commercial fishery licenses established in
25 this section, the gear that may be used with the licenses, and the
26 areas or waters in which the licenses may be used. Where a fishery
27 license has been established for a particular species, gear,
28 geographical area, or combination thereof, a more general fishery
29 license may not be used to take shellfish in that fishery.

30 **Sec. 41.** RCW 75.28.095 and 1989 c 316 s 2, 1989 c 147 s 1, and
31 1989 c 47 s 2 are each reenacted and amended to read as follows:

32 (1) ((A charter boat license is required for a vessel to be
33 operated as a charter boat from which food fish are taken for personal
34 use. Unless adjusted by the director pursuant to the director's
35 authority granted in RCW 75.28.065,)) The director shall issue the
36 charter licenses and angler permits listed in this section according to
37 the requirements of this title. The licenses and permits and their
38 annual ((license)) fees and surcharges are:

| 1 | ((Species)) | ((Resident)) | <u>Annual</u> | ((Nonresident |
|----|--------------------------|-------------------------|---------------------------------|------------------|
| 2 | <u>License or Permit</u> | Fee | | Fee)) |
| 3 | | | <u>(RCW 75.50.100 Surchage)</u> | <u>Governing</u> |
| 4 | | <u>Resident</u> | <u>Nonresident</u> | <u>Section</u> |
| 5 | (a) ((Food fish other | | | |
| 6 | than salmon)) | | | |
| 7 | <u>Nonsalmon charter</u> | <u>(((\$135)) \$225</u> | <u>(((\$270)) \$375</u> | |
| 8 | (b) Salmon ((and | | | |
| 9 | other food fish)) | | | |
| 10 | <u>charter</u> | <u>(((\$275)) \$380</u> | <u>(((\$550)) \$685</u> | <u>RCW</u> |
| 11 | | <u>(plus \$100)</u> | <u>(plus \$100)</u> | <u>75.30.065</u> |
| 12 | <u>(c) Salmon angler</u> | <u>\$ 0</u> | <u>\$ 0</u> | <u>RCW</u> |
| 13 | | | | <u>75.30.070</u> |
| 14 | <u>(d) Salmon roe</u> | <u>\$ 95</u> | <u>\$ 95</u> | <u>RCW</u> |
| 15 | | | | <u>75.28.690</u> |

16 (2) Except as provided in subsection (5) of this section, it is
17 unlawful to operate a vessel as a charter boat from which salmon or
18 salmon and other food fish are taken without a salmon charter license
19 designating the vessel. The director may issue a salmon charter
20 license only to a person who meets the qualifications of RCW 75.30.065.

21 (3) Except as provided in subsections (2) and (5) of this section,
22 it is unlawful to operate a vessel as a charter boat from which food
23 fish or shellfish are taken without a nonsalmon charter license. As
24 used in this subsection, "food fish" does not include salmon.

25 (4) "Charter boat" means a vessel from which persons may, for a
26 fee, fish for food fish or shellfish for personal use, and ((which
27 delivers)) that brings food fish or shellfish into state ports or
28 ((delivers)) brings food fish or shellfish taken from state waters into
29 United States ports. The director may specify by rule when a vessel is
30 a "charter boat" within this definition. "Charter boat" does not
31 mean((÷

32 (a) ~~Vessels not generally engaged in charter boat fishing which are~~
33 ~~under private lease or charter and operated by the lessee for the~~
34 ~~lessee's personal recreational enjoyment; or~~

35 (b) ~~Vessels))~~ a vessel used by ((guides)) a guide for clients
36 fishing for food fish for personal use in freshwater rivers, streams,
37 and lakes, other than Lake Washington or that part of the Columbia
38 River below the bridge at Longview.

1 ~~((3))~~ (5) A charter boat licensed in Oregon ~~((shall be permitted~~
 2 ~~to))~~ may fish without a Washington charter ~~((boat))~~ license under the
 3 same rules as Washington charter boat operators in ocean waters within
 4 the jurisdiction of Washington state from the southern border of the
 5 state of Washington to Leadbetter Point ~~((under the same regulations as~~
 6 ~~Washington charter boat operators))~~, as long as the Oregon vessel does
 7 not land at any Washington port with the purpose of taking on or
 8 discharging passengers. The provisions of this subsection shall be in
 9 effect as long as the state of Oregon has reciprocal laws and
 10 regulations.

11 ~~((4) A vessel shall not engage in both charter or sports fishing~~
 12 ~~and commercial fishing on the same day.))~~

13 NEW SECTION. Sec. 42. A new section is added to chapter 75.28 RCW
 14 to read as follows:

15 The director shall issue the personal licenses listed in this
 16 section according to the requirements of this title. The licenses and
 17 their annual fees are:

| Personal License | Annual Fee | | Governing |
|---------------------------|---------------------------|--------------|------------------|
| | (RCW 75.50.100 Surcharge) | | Section |
| | Resident | Nonresident | RCW 75.28.--- |
| | | | (section 25 of |
| | | | Senate Bill No. |
| | | | 5124) |
| 24 (1) Alternate Operator | \$ 35 | \$ 35 | |
| 25 (2) Geoduck Diver | \$185 | \$295 | RCW 75.28.287 |
| 26 | | | (as recodified |
| 27 | | | by section 54, |
| 28 | | | chapter ... |
| 29 | | | (Senate Bill No. |
| 30 | | | 5124), Laws of |
| 31 | | | 1993) |
| 32 (3) Salmon Guide | \$130 | \$630 | RCW 75.28.710 |
| 33 | (plus \$20) | (plus \$100) | |

1 **Sec. 43.** RCW 75.28.300 and 1989 c 316 s 16 are each amended to
2 read as follows:

3 A wholesale fish dealer's license is required for:

4 (1) A business in the state to engage in the commercial processing
5 of food fish or shellfish, including custom canning or processing of
6 personal use food fish or shellfish.

7 (2) A business in the state to engage in the wholesale selling,
8 buying, or brokering of food fish or shellfish. A wholesale fish
9 dealer's license is not required of those businesses which buy
10 exclusively from Washington licensed wholesale dealers and sell solely
11 at retail.

12 (3) Fishermen who land and sell their catch or harvest in the state
13 to anyone other than a licensed wholesale dealer within or outside the
14 state.

15 (4) A business to engage in the commercial manufacture or
16 preparation of fertilizer, oil, meal, caviar, fish bait, or other
17 byproducts from food fish or shellfish.

18 (5) A business employing a fish buyer as defined under RCW
19 75.28.340.

20 ~~((Unless adjusted by the director pursuant to the director's~~
21 ~~authority granted in RCW 75.28.065, the annual license fee is one~~
22 ~~hundred dollars.)) The annual license fee for a wholesale dealer is two
23 hundred fifty dollars. A wholesale fish dealer's license is not
24 required for persons engaged in the processing, wholesale selling,
25 buying, or brokering of private sector cultured aquatic products as
26 defined in RCW 15.85.020. However, if a means of identifying such
27 products is required by rules adopted under RCW 15.85.060, the
28 exemption from licensing requirements established by this subsection
29 applies only if the aquatic products are identified in conformance with
30 those rules.~~

31 **Sec. 44.** RCW 75.28.030 and 1983 1st ex.s. c 46 s 105 are each
32 amended to read as follows:

33 (1) Except as otherwise provided in this title, the director shall
34 issue commercial licenses and permits to a qualified person((7)) upon
35 ((the receipt of an)) receiving a completed application accompanied by
36 the required fee. ((Applications shall be submitted on forms provided
37 by the department. Applicants for commercial licenses and permits
38 shall indicate at the time of application the species of food fish or

1 ~~shellfish they intend to take and the type of gear they intend to~~
2 ~~use.))~~

3 (2) An application submitted to the department under this chapter
4 shall contain the name and address of the applicant and any other
5 information required by the department or this title. An applicant for
6 a commercial fishery license, delivery license, or charter license may
7 designate a vessel to be used with the license and up to two alternate
8 operators.

9 (3) An application submitted to the department under this chapter
10 shall contain the applicant's declaration under penalty of perjury that
11 the information on the application is true and correct.

12 (4) Upon issuing a commercial license under this chapter, the
13 director shall assign the license a unique number that the license
14 shall retain upon renewal. The department shall use the number to
15 record any commercial catch under the license. This does not preclude
16 the department from using other, additional, catch record methods.

17 (5) The fee to replace a license that has been lost or destroyed is
18 twenty dollars.

19 NEW SECTION. Sec. 45. A new section is added to chapter 75.28 RCW
20 to read as follows:

21 This section applies to all commercial fishery licenses, delivery
22 licenses, and charter licenses, except for emergency salmon delivery
23 licenses.

24 (1) The holder of a license subject to this section may substitute
25 the vessel designated on the license or designate a vessel if none has
26 previously been designated if the license holder:

27 (a) Surrenders the previously issued license to the department;

28 (b) Submits to the department an application that identifies the
29 currently designated vessel, the vessel proposed to be designated, and
30 any other information required by the department; and

31 (c) Pays to the department a fee of thirty-five dollars.

32 (2) Unless the license holder owns all vessels identified on the
33 application described in subsection (1)(b) of this section, the
34 following restrictions apply to changes in vessel designation:

35 (a) The department shall change the vessel designation on the
36 license no more than four times per calendar year.

37 (b) The department shall change the vessel designation on the
38 license no more than once in any seven-day period.

1 **Sec. 46.** RCW 75.28.340 and 1989 c 316 s 17 are each amended to
2 read as follows:

3 (1) A fish buyer's license is required of and shall be carried by
4 each individual engaged by a wholesale fish dealer to purchase food
5 fish or shellfish from a licensed commercial fisherman. A fish buyer
6 may represent only one wholesale fish dealer.

7 (2) Unless adjusted by the director pursuant to the director's
8 authority granted in RCW 75.28.065, the annual fee for a fish buyer's
9 license is ((~~twenty~~)) ninety-five dollars.

10 NEW SECTION. **Sec. 47.** The following acts or parts of acts are
11 each repealed:

- 12 (1) 1993 c --- s 5 (section 5 of Senate Bill No. 5124);
- 13 (2) 1993 c --- s 8 (section 8 of Senate Bill No. 5124);
- 14 (3) 1993 c --- s 11 (section 11 of Senate Bill No. 5124);
- 15 (4) 1993 c --- s 12 (section 12 of Senate Bill No. 5124);
- 16 (5) 1993 c --- s 13 (section 13 of Senate Bill No. 5124);
- 17 (6) 1993 c --- s 14 (section 14 of Senate Bill No. 5124);
- 18 (7) 1993 c --- s 15 (section 15 of Senate Bill No. 5124);
- 19 (8) 1993 c --- s 16 (section 16 of Senate Bill No. 5124);
- 20 (9) 1993 c --- s 17 (section 17 of Senate Bill No. 5124);
- 21 (10) 1993 c --- s 21 (section 21 of Senate Bill No. 5124); and
- 22 (11) 1993 c --- s 23 (section 23 of Senate Bill No. 5124).

23 NEW SECTION. **Sec. 48.** Sections 34 through 47 of this act shall
24 take effect only if Senate Bill No. 5124 becomes law by August 1, 1993.

25 NEW SECTION. **Sec. 49.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected."

29 **SSB 5980** - S AMD - 001053
30 By Senator Owen

31

32 On page 1, line 1 of the title, after "licenses;" strike the
33 remainder of the title and insert "amending RCW 75.25.005, 75.25.080,
34 75.25.110, 75.25.120, 75.25.140, 75.25.150, 75.25.180, 75.50.100,

1 82.27.020, 75.28.035, 75.28.110, 75.28.113, 75.28.116, 75.28.120,
2 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280,
3 75.28.290, 75.28.300, 75.28.340, 75.28.690, 75.28.710, 75.30.160,
4 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130,
5 75.28.300, 75.28.030, and 75.28.340; reenacting and amending RCW
6 75.28.095 and 75.28.095; adding new sections to chapter 75.25 RCW;
7 adding new sections to chapter 75.28 RCW; creating a new section;
8 repealing RCW 75.25.015, 75.25.040, 75.25.090, 75.25.100, 75.25.126,
9 and 75.28.065; providing a contingent effective date; providing an
10 effective date; and providing an expiration date."

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