

HOUSE BILL REPORT

SB 5079

As Reported By House Committee On:
Fisheries & Wildlife

Title: An act relating to the digging of razor clams for persons with physical disability permits.

Brief Description: Modifying conditions for the digging of razor clams for persons who have physical disability permits.

Sponsors: Senators Owen, Snyder, Hargrove and Erwin.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, March 25, 1993, DPA.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass as amended. Signed by 8 members: Representatives King, Chair; Orr, Vice Chair; Sehlin, Assistant Ranking Minority Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Staff: Keitlyn Watson (786-7310).

Background: Under current law, a person may dig razor clams for a person with a physical disability if the disabled person has a physical disability permit from the director of the Department of Fisheries. WAC 220-56-370 requires that the disabled person be on site with the digger and that both individuals be licensed to harvest razor clams.

Summary of Amended Bill: A person with a physical disability permit is not required to be present at the site where another person is digging razor clams for him or her. However, the disabled person must be either within the digger's direct line of sight or, if obstructions prevent the line of sight, within one-quarter mile of the digger.

Amended Bill Compared to Original Bill: The amended bill removes a provision that requires that the disabled person be on the beach or in a vehicle within one mile of the digger, and instead requires the disabled person to be within the direct line of sight of the razor clam digger, unless an obstruction exists that would prevent the line of

sight. In this case, the disabled person would have to be within one-quarter mile of the person digging the clams.

Fiscal Note: Available.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (On original bill) The current requirement to be present at the site of clamdigging poses real hardship to many disabled persons with physical disability permits. Wheelchairs suffer wear and damage from sand. Disabled persons who do not use wheelchairs may find the distance too far to safely walk. The current regulation discourages eligible persons from applying for the physical disability permit.

Testimony Against: (On original bill. Concerns are addressed in amended version.) The current system is not onerous and is widely accepted by the public. The bill as written presents difficulties for enforcement agents and will result in abuses. The original intent of the physical disability permit presumes that it is beneficial to disabled persons to be physically present on the beach while the clams are dug, and this presence would not be necessary if bill were passed in current form.

Witnesses: Senator Brad Owen, prime sponsor (pro); George Caldwell, Grays Harbor College Disabled Students Services (pro); Ed Manary, Department of Fisheries (con as written, has suggested amendments which were adopted by the committee); Dave Ludwig (pro); and Ken Lindstrom (pro).