

HOUSE BILL REPORT

SB 5124

Passed House - Amended
April 5, 1993

Title: An act relating to commercial fishing licenses.

Brief Description: Revising laws relating to commercial fishing licenses.

Sponsors: Senators Owen, Snyder, Haugen, Spanel, Sellar, Oke, Amondson and Erwin; by request of Department of Fisheries.

Brief History:

Reported by House Committee on:
Fisheries & Wildlife, March 18, 1993, DP;
Passed House - Amended, April 5, 1993, 94-0.

HOUSE COMMITTEE ON FISHERIES & WILDLIFE

Majority Report: Do pass. Signed by 9 members:
Representatives King, Chair; Orr, Vice Chair; Fuhrman,
Ranking Minority Member; Sehlin, Assistant Ranking Minority
Member; Basich; Chappell; Foreman; Lemmon; and Scott.

Staff: Keitlyn Watson (786-7310).

Background: The Department of Fisheries (WDF) issues various commercial fishing licenses. The WDF has determined that various aspects of the commercial licensing system are confusing and difficult to enforce. The following summary details provisions of current law that are changed by the bill.

Licensees. Licenses are issued to vessels, and when vessels are sold, the license history and license stay with the vessel.

Additional Operators. Additional operators for the vessel may be authorized by the director of WDF. The license holder and additional operators may operate the vessel. No specific licenses are required for additional operators.

Limited Entry Licensing. Limited entry licensing is administered via endorsements, permits, or validations that accompany existing licenses.

Transferability. All licenses are transferable unless otherwise provided for in statute.

Qualification for Limited Entry Commercial Salmon Fishing License. Under current law, one food fish must be landed by a vessel in order to retain a commercial salmon license.

Emerging Commercial Fishery. The 1989 Legislature enacted emerging commercial fishery legislation to authorize the director of WDF to issue experimental fishing permits for new fisheries, in order to allow scientific data on fishery impacts to be collected.

Renewability of Whiting and Herring Licenses. Renewal of herring and whiting licenses is not required.

Age Provisions. Current law does not allow anyone under 16 to hold a commercial fishing license, although a deckhand license may be issued to an individual under 16.

License Fees. RCW 75.28.065 requires the director of WDF to adjust all commercial license fees on January 1, 1993, by the implicit price deflator. This was done, but statutory changes have not yet been made to reflect the increases.

Summary of Bill:

Licensees. A license is issued to a person. The definition of person is expanded to include a corporation or partnership. Each commercial fishery, delivery, and charter licensee may designate a single vessel on the license. The vessel so designated may be changed no more than four times per calendar year, and no more frequently than once in a seven-day period.

Alternate Operators. A licensee may designate up to two alternate operators, except for licensees in the Puget Sound whiting fishery and emergency salmon delivery. Alternate operators must have an alternate operator license and may hold only one such license. The license holder and alternate operators may sell or deliver food fish or shellfish under a commercial fishery license or delivery license. The licensed individuals may be designated on an unlimited number of commercial fishery licenses, delivery licenses, and charter licenses. An alternate operator license costs \$50 for a resident and \$100 for a nonresident.

Limited Entry Licensing. Persons who own vessels that on December 31, 1993, qualify for a limited entry license will automatically qualify for the corresponding license issued to the person.

Transferability. Commercial fishery, delivery, and charter licenses are not transferable unless specifically provided for elsewhere in statute. No more than one transfer may occur within a seven-day period. A commercial license that is transferable survives the death of the holder and is subject to state laws governing wills, trusts, estates, intestate succession, and community property, except that such licenses are exempt from claims of creditors of the estate and tax liens. The surviving spouse, estate, or beneficiary of the estate may apply for a renewal of the license.

Qualification for Limited Entry Commercial Salmon Fishing License. The one food fish landing requirement to retain a commercial salmon fishery license is removed.

Delivery Licenses. Delivery license requirements are restricted to deliveries with a commercial fishing vessel.

Emerging Commercial Fishery. The definition of emerging commercial fishery is clarified to refer to a fishery of a newly classified species or to the commercial taking of any classified species in an area where such taking did not previously occur. The emerging commercial fishery designation is restricted to prevent any limited entry fisheries from being designated as emerging commercial fisheries. Two license types are created: a trial fishery license, which is issued if the number of participants in an emerging commercial fishery does not need to be restricted; and an experimental fishery license, which is issued if the number of participants in an emerging commercial fishery does need to be restricted.

Renewability of Whiting and Herring Licenses. In order to retain a herring or whiting limited entry license, the license holder must renew the license each year.

Age Provisions. Those under age 16 are given authority to hold a commercial salmon roe license.

License Fees. License fee increases required pursuant to RCW 75.28.065 are set out in statute.

Fiscal Note: Available.

Effective Date: The bill takes effect January 1, 1994.

Testimony For: The bill simplifies the commercial licensing process for fishers and for the Department of Fisheries. It creates flexibility for owners, controls certain abuses, improves accountability, simplifies tracking of license ownership and reduces litigation. The bill is revenue

neutral. License fees do not increase. Existing limited entry schemes are not changed, and existing fisheries are not expanded or decreased by the bill. There is no known opposition to the bill. The department solicited input from affected parties and has done a good job of including that input in the bill.

Testimony Against: None.

Witnesses: Dayna Matthews, Department of Fisheries (pro); and Roger Attwood, Washington Trollers Association (pro).