

SENATE BILL REPORT

SB 5833

AS OF FEBRUARY 25, 1993

Brief Description: Concerning the qualifications for a sea urchin endorsement.

SPONSORS: Senator Hargrove

SENATE COMMITTEE ON NATURAL RESOURCES

Staff: Vic Moon (786-7469)

Hearing Dates: February 26, 1993

BACKGROUND:

The Legislature enacted the sea urchin moratorium law in 1989, and it became effective April 18, 1989. The legislation was a retroactive law containing both the license requirement and a landing requirement with the express intent of limiting the number of vessels in the sea urchin fishery. A fisherman was required to show the 20,000 pounds of sea urchins were caught and landed during the period from April 1, 1986 through March 31, 1988 and a fisherman had to have held a license during the 1988 calendar year.

In 1990, the Legislature amended the law to provide explicit authority for the Director of the Department of Fisheries to consider extenuating circumstances concerning the failure to meet the landing requirements. The Administrative Procedure Act was also amended exempting the sea urchin endorsements from the continuing license provisions of the Administrative Procedure Act.

In 1990, a continuing license and landing requirement was added so that it was necessary for a fisherman to be licensed each calendar year from 1988 onward, and that the 20,000 pound sea urchin landing requirement was also reenforced.

The intent of the Legislature was to reduce the number of vessels and divers fishing for sea urchins in order to ensure the stability of the operators in the sea urchin fishery.

SUMMARY:

The Legislature finds that the laws eliminating the number of vessels participating in the fishery have resulted in unintentional consequences and have caused undue hardship to certain vessel owners. The Legislature intends to allow these vessel owners to qualify for sea urchin endorsement.

An applicant for a sea urchin endorsement whose vessel participated in the fishery after December 31, 1990, despite

denial by the Department of Fisheries of the applicant's request for a sea urchin endorsement is deemed to show extenuating circumstances and shall be granted a sea urchin endorsement by the department.

Appropriation: none

Revenue: none

Fiscal Note: requested