

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5980

Chapter 17, Laws of 1993

(partial veto)

53rd Legislature
1993 First Special Session

FISHING LICENSES, FEES, AND TAXES

EFFECTIVE DATE: 1/1/94 - Except Section 32 of this act provides that Sections 13 through 30 do not take effect if SB 5124 became law by 8/1/93. SB 5124 is now identified as Chapter 340, Laws of 1993.

Passed by the Senate May 6, 1993
YEAS 29 NAYS 18

JOEL PRITCHARD

President of the Senate

Passed by the House May 5, 1993
YEAS 52 NAYS 46

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved May 28, 1993, with the exception of sections 33, 50, and 51, which are vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5980** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 28, 1993 - 2:05 p.m.

**Secretary of State
State of Washington**

1 finds recreational license fees and commercial landing taxes have not
2 been increased in recent years. The legislature finds that reduction
3 in important department of fisheries programs can be avoided by
4 increasing license fees and commercial landing taxes. The legislature
5 finds that it is in the best interest of the state to avoid significant
6 reductions in current department of fisheries activities.

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

9 (1) A personal use food fish license is required for all persons
10 other than residents under fifteen years of age, honorably discharged
11 veterans with service-connected disabilities of thirty percent or more
12 who have resided in the state for one year or more, or residents
13 seventy years of age or older to fish for, take, or possess food fish
14 for personal use from state waters or offshore waters. A personal use
15 food fish license is not required under this section to fish for, take,
16 or possess carp, smelt, or albacore.

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

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

20 (b) For a nonresident, nineteen dollars.

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

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

25 (1) A personal use shellfish license is required for all persons
26 other than residents under fifteen years of age or honorably discharged
27 veterans with service-connected disabilities of thirty percent or more
28 who have resided in the state for one year or more to fish for, take,
29 dig for, or possess shellfish for personal use from state waters or
30 offshore waters including national park beaches.

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

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

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

36 (c) For a nonresident, twenty dollars.

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

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

5 The following recreational fishing licenses are administered and
6 issued by the department of fisheries under authority of the director
7 of fisheries:

8 (1) (~~Hood Canal shrimp license~~) Personal use food fish license;
9 and

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

11 ~~Personal use fishing license;~~

12 ~~Salmon license;~~ and

13 ~~Sturgeon license~~) Personal use shellfish and seaweed license.

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

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

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

25 (3) A person with a physical disability permit is not required to
26 be present at the location where another person is digging razor clams
27 for the disabled person. The physical disability permittee is required
28 to be in the direct line of sight of the person digging razor clams for
29 him or her, unless it is not possible to be in a direct line of sight
30 because of a physical obstruction or other barrier. If such a barrier
31 or obstruction exists, the physical disability permittee is required to
32 be within one-quarter mile of the person who is digging razor clams for
33 him or her.

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

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

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

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

11 (c) A blind person;

12 (d) A person with a developmental disability as defined in RCW
13 71A.10.020 with documentation of the disability from the department of
14 social and health services; and

15 (e) A person who is physically handicapped and confined to a
16 wheelchair.

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

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

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

26 In concurrent waters of the Columbia river and in Washington
27 coastal territorial waters from the Oregon-Washington boundary to a
28 point five nautical miles north, an Oregon angling license comparable
29 to the Washington personal use food fish license((~~τ~~)) or two-
30 consecutive-day personal use food fish license(~~(τ, salmon license, or~~
31 ~~sturgeon license)~~) is valid if Oregon recognizes as valid the
32 Washington personal use food fish license((~~τ~~)) or two-consecutive-day
33 personal use food fish license(~~(τ, salmon license, or sturgeon license)~~)
34 in comparable Oregon waters.

35 If Oregon recognizes as valid the Washington personal use food fish
36 license((~~τ~~)) or two-consecutive-day personal use food fish license(~~(τ~~
37 ~~salmon license, or sturgeon license)~~) southward to Cape Falcon in the
38 coastal territorial waters from the Washington-Oregon boundary and in

1 concurrent waters of the Columbia river then Washington shall recognize
2 a valid Oregon license comparable to the Washington personal use food
3 fish license(~~(,)~~) or two-consecutive-day personal use food fish
4 license(~~(, salmon license, or sturgeon license)~~) northward to
5 Leadbetter Point.

6 Oregon licenses are not valid for the taking of food fish when
7 angling in concurrent waters of the Columbia river from the Washington
8 shore.

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

11 (1) Recreational licenses are not transferable. Upon request of a
12 fisheries patrol officer, ex officio fisheries patrol officer, or
13 authorized fisheries employee, a person digging for, fishing for, or
14 possessing (~~(razor clams)~~) shellfish, seaweed or fishing for or
15 possessing (~~(Hood Canal shrimp or)~~) food fish for personal use shall
16 exhibit the required recreational license and write his or her
17 signature for comparison with the signature on the license. Failure to
18 comply with the request is prima facie evidence that the person does
19 not have a license or is not the person named on the license.

20 (2) The (~~(razor clam)~~) personal use shellfish and seaweed license
21 shall be visible on the licensee while (~~(digging for razor clams)~~)
22 harvesting shellfish or seaweed.

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

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

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

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

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

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

35 (b) For the period of continued state residency for qualified
36 disabled veterans;

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

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

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

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

8 (2) Two-consecutive-day personal use food fish and shellfish
9 licenses expire at midnight on the day following the validation date
10 written on the license by the license dealer, except two-consecutive-
11 day personal use food fish and shellfish licenses validated for
12 December 31 expire at midnight on that date.

13 (3) (~~An annual salmon~~) A personal use food fish license is valid
14 for a maximum catch of fifteen salmon, after which another (~~salmon~~)
15 personal use food fish license may be purchased. A (~~salmon~~) personal
16 use food fish license is valid only for the calendar year for which it
17 is issued.

18 (4) (~~An annual sturgeon~~) A personal use food fish license is
19 valid for (~~a~~) an annual maximum catch of fifteen sturgeon. (~~A~~
20 ~~sturgeon license is valid only for the calendar year for which it is~~
21 ~~issued.~~)

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

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

26 The dedicated regional fisheries enhancement group account is
27 created in the custody of the state treasurer. Only the director or
28 the director's designee may authorize expenditures from the account.
29 The account is subject to allotment procedures under chapter 43.88 RCW,
30 but no appropriation is required for expenditures.

31 A surcharge of one dollar shall be collected on each recreational
32 (~~salmon~~) personal use food fish license sold in the state. A
33 surcharge of one hundred dollars shall be collected on each commercial
34 salmon fishing license and each charter boat "salmon and other food
35 fish" license sold in the state. The department shall study methods
36 for collecting and making available, an annual list, including names
37 and addresses, of all persons who obtain recreational and commercial
38 salmon fishing licenses. This list may be used to assist formation of

1 the regional fisheries enhancement groups and allow the broadest
2 participation of license holders in enhancement efforts. The results
3 of the study shall be reported to the house of representatives
4 fisheries and wildlife committee and the senate environment and natural
5 resources committee by October 1, 1990. All receipts shall be placed
6 in the regional fisheries enhancement group account and shall be used
7 exclusively for regional fisheries enhancement group projects for the
8 purposes of RCW 75.50.110. Funds from the regional fisheries
9 enhancement group account shall not serve as replacement funding for
10 department operated salmon projects that exist on January 1, 1991.

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

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

18 (1) In addition to all other taxes, licenses, or fees provided by
19 law there is established an excise tax on the commercial possession of
20 enhanced food fish as provided in this chapter. The tax is levied upon
21 and shall be collected from the owner of the enhanced food fish whose
22 possession constitutes the taxable event. The taxable event is the
23 first possession in Washington by an owner. Processing and handling of
24 enhanced food fish by a person who is not the owner is not a taxable
25 event to the processor or handler.

26 (2) A person in possession of enhanced food fish and liable to this
27 tax may deduct from the price paid to the person from which the
28 enhanced food fish (except oysters) are purchased an amount equal to a
29 tax at one-half the rate levied in this section upon these products.

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

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

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

36 (b) Pink and sockeye salmon: Three and fifteen one-hundredths
37 percent.

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

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

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

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

9 An application for issuance or renewal of a commercial fishing
10 license shall contain the name and address of the vessel owner, the
11 name and address of the vessel operator, the name and number of the
12 vessel, a description of the vessel and fishing gear to be carried on
13 the vessel, and other information required by the department.

14 At the time of issuance of a commercial fishing license the
15 director shall furnish the licensee with a vessel registration and two
16 license decals.

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

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

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

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

30 (2) For a change in ownership:

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

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

37 A defaced, mutilated, or lost license or license decal shall be
38 replaced immediately. (~~Unless adjusted by the director pursuant to~~

1 ~~the director's authority granted in RCW 75.28.065,~~) The replacement
2 fee is ~~((ten))~~ twenty dollars.

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

7 **Sec. 14.** RCW 75.28.095 and 1989 c 316 s 2, 1989 c 147 s 1, and
8 1989 c 47 s 2 are each reenacted and amended to read as follows:

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

13	Species	Resident	Nonresident
14		Fee	Fee
15	(a) Food fish other		
16	than salmon	\$((135)) <u>225</u>	\$((270)) <u>375</u>
17	(b) Salmon and		
18	other food fish	\$((275)) <u>480</u>	\$((550)) <u>785</u>

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

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

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

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

32 (3) A charter boat licensed in Oregon shall be permitted to fish
33 without a charter boat license in ocean waters within the jurisdiction
34 of Washington state from the southern border of the state of Washington
35 to Leadbetter Point under the same regulations as Washington charter
36 boat operators, as long as the Oregon vessel does not land at any
37 Washington port with the purpose of taking on or discharging

1 passengers. The provisions of this subsection shall be in effect as
2 long as the state of Oregon has reciprocal laws and regulations.

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

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

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

12	Gear	Resident	Nonresident
13		Fee	Fee
14	(a) Purse seine	\$ ((410)) <u>630</u>	\$ ((820)) <u>1085</u>
15	(b) Gill net	\$ ((275)) <u>480</u>	\$ ((550)) <u>785</u>
16	(c) Troll	\$ ((275)) <u>480</u>	\$ ((550)) <u>785</u>
17	(d) Reef net	\$ ((275)) <u>480</u>	\$ ((550)) <u>785</u>

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

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

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

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

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

29 (1) A person operating a commercial fishing vessel used in taking
30 salmon in offshore waters and delivering the salmon to a place or port
31 in the state shall obtain a salmon delivery license from the director.
32 (~~Unless adjusted by the director pursuant to the director's authority~~
33 ~~granted in RCW 75.28.065,~~) The annual fee for a salmon delivery
34 license is ((two hundred seventy-five)) four hundred eighty dollars for
35 residents and ((five hundred fifty)) seven hundred eighty-five dollars
36 for nonresidents. The license fees in this subsection include the

1 regional enhancement fee required for salmon licenses under RCW
2 75.50.100. Persons operating fishing vessels licensed under RCW
3 75.28.125 may apply the delivery license fee (~~(of fifty dollars)~~)
4 against the salmon delivery license fee.

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

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

11 The owner of a commercial salmon fishing vessel which is not
12 qualified for a license under RCW 75.30.120 is required to obtain a
13 salmon single delivery license in order to make one landing of salmon
14 taken in offshore waters. The director shall not issue a salmon single
15 delivery license unless, as determined by the director, a bona fide
16 emergency exists. (~~(Unless adjusted by the director pursuant to the~~
17 ~~director's authority granted in RCW 75.28.065,)~~) The license fee is
18 ~~((one hundred thirty five))~~ three hundred twenty-five dollars for
19 residents and ~~((two hundred seventy))~~ four hundred seventy-five dollars
20 for nonresidents. The license fees in this section include the
21 regional enhancement fee required for salmon licenses under RCW
22 75.50.100.

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

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

30	Gear	Resident	Nonresident
31		Fee	Fee
32	(1) Jig	\$ ((50)) <u>130</u>	\$ ((100)) <u>185</u>
33	(2) Set line	\$ ((50)) <u>130</u>	\$ ((100)) <u>185</u>
34	(3) Set net	\$ ((50)) <u>130</u>	\$ ((100)) <u>185</u>
35	(4) Drag seine	\$ ((50)) <u>130</u>	\$ ((100)) <u>185</u>
36	(5) Gill net	\$ ((275)) <u>380</u>	\$ ((550)) <u>685</u>

1	(6) Purse seine	\$((410)) <u>530</u>	\$((820)) <u>985</u>
2	(7) Troll	\$((50)) <u>130</u>	\$((100)) <u>185</u>
3	(8) Bottom fish pots	\$((50)) <u>130</u>	\$((100)) <u>185</u>
4	(9) Lampara	\$((100)) <u>185</u>	\$((200)) <u>295</u>
5	(10) Dip bag net	\$((50)) <u>130</u>	\$((100)) <u>185</u>
6	(11) Brush weir	\$((100)) <u>185</u>	\$((200)) <u>295</u>
7	(12) Other gear	\$((100)) <u>185</u>	\$((200)) <u>295</u>

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

10 A delivery license is required to deliver shellfish or food fish
11 other than salmon taken in offshore waters to a port in the state.
12 (~~Unless adjusted by the director pursuant to the director's authority~~
13 ~~granted in RCW 75.28.065,~~) The annual license fee is ((fifty)) one
14 hundred fifteen dollars for residents and (~~one hundred~~) two hundred
15 twenty-five dollars for nonresidents. Licenses issued under RCW
16 75.28.113 (salmon delivery license), RCW 75.28.130(4) (crab pot, other
17 than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound)
18 shall include a delivery license.

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

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

25	Gear	Resident	Nonresident
26		Fee	Fee
27	(1) Ring net	\$((50)) <u>130</u>	\$((100)) <u>185</u>
28	(2) Shellfish pots		
29	(excluding crab)	\$((50)) <u>130</u>	\$((100)) <u>185</u>
30	(3) Crab pots		
31	(Puget Sound)	\$((50)) <u>130</u>	\$((100)) <u>185</u>
32	(4) Crab pots		
33	(other than		
34	Puget Sound))	\$((200)) <u>295</u>	\$((400)) <u>520</u>
35	(5) Shellfish diver		
36	(excluding clams)	\$((50)) <u>525</u>	\$((100)) <u>1045</u>

1	(6) Squid gear, all types	\$((100)) <u>185</u>	\$((200)) <u>295</u>
2	(7) Ghost shrimp gear	\$((100)) <u>185</u>	\$((200)) <u>295</u>
3	(8) Commercial razor		
4	clam license	\$((50)) <u>130</u>	\$((100)) <u>185</u>
5	(9) Geoduck diver license	\$((100)) <u>185</u>	\$((200)) <u>295</u>
6	(10) Other shellfish gear	\$((100)) <u>185</u>	\$((200)) <u>295</u>

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

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

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

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

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

26	Gear	Resident	Nonresident
27		Fee	Fee
28	(1) Trawl (Puget Sound)	\$((100)) <u>185</u>	\$((200)) <u>295</u>
29	(2) Trawl (other than		
30	Puget Sound)	\$((150)) <u>240</u>	\$((300)) <u>405</u>

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

33 The following commercial fishing licenses are required for the
34 licensee to fish for the specified species in state waters with gear
35 authorized by rule of the director. ((Unless adjusted by the director

1 ~~pursuant to the director's authority granted in RCW 75.28.065,)~~ The
2 annual license fees are:

3 Species	Resident	Nonresident
4	Fee	Fee
5 (1) Columbia river smelt	\$((275)) <u>380</u>	\$((550)) <u>685</u>
6 (2) Carp	\$((50)) <u>130</u>	\$((100)) <u>185</u>

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

9 A mechanical harvester license is required to operate a mechanical
10 or hydraulic device for commercially harvesting clams, other than
11 geoduck clams, on a clam farm unless the requirements of RCW 75.20.100
12 are fulfilled for the proposed activity. ~~((Unless adjusted by the~~
13 ~~director pursuant to the director's authority granted in RCW~~
14 ~~75.28.065,))~~ The annual license fee is ~~((four hundred ten))~~ five
15 hundred thirty dollars for residents and ~~((eight hundred twenty))~~ nine
16 hundred eighty-five dollars for nonresidents.

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

19 An oyster reserve license is required for the commercial taking of
20 shellfish from state oyster reserves. ~~((Unless adjusted by the~~
21 ~~director pursuant to the director's authority granted in RCW~~
22 ~~75.28.065,))~~ The annual license fee is ~~((fifty))~~ one hundred thirty
23 dollars for residents and one hundred eighty-five dollars for
24 nonresidents.

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

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

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

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

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

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

7 (5) A business employing a fish buyer as defined under RCW
8 75.28.340.

9 ~~((Unless adjusted by the director pursuant to the director's~~
10 ~~authority granted in RCW 75.28.065, the annual license fee is one~~
11 ~~hundred dollars.))~~ The annual license fee is two hundred fifty
12 dollars. A wholesale fish dealer's license is not required for persons
13 engaged in the processing, wholesale selling, buying, or brokering of
14 private sector cultured aquatic products as defined in RCW 15.85.020.
15 However, if a means of identifying such products is required by rules
16 adopted under RCW 15.85.060, the exemption from licensing requirements
17 established by this subsection applies only if the aquatic products are
18 identified in conformance with those rules.

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

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

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

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

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

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

- 1 (a) The salmon is taken while fishing on the charter boat;
2 (b) The roe is the property of the angler until the roe is given to
3 the deckhand. The charter boat's passengers are notified of this fact
4 by the deckhand;
5 (c) The roe is sold to a licensed wholesale dealer; and
6 (d) The deckhand is licensed as provided in subsection (1) of this
7 section and has the license in possession whenever salmon roe is sold.

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

10 A professional salmon guide license is required for the holder to
11 offer or perform the services of a professional salmon guide in the
12 taking of salmon for personal use in freshwater rivers and streams,
13 other than in that part of the Columbia river below the bridge at
14 Longview. The annual license fees are (~~(fifty)~~) one hundred fifty
15 dollars for residents and (~~(five hundred)~~) seven hundred thirty dollars
16 for nonresidents. The license fees include a surcharge of twenty
17 dollars (~~(shall be)~~) assessed on each resident guide license and a
18 surcharge of one hundred dollars (~~(shall be)~~) assessed on each
19 nonresident guide license for the purposes of RCW 75.50.100.

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

22 In addition to any other license, a Puget Sound commercial whiting
23 endorsement is required to take whiting in the waters of marine fish-
24 shell fish management and catch reporting areas 24B, Port Susan; 24C,
25 Saratoga Passage; 26A, Possession Sound; or any other area designated
26 by the department. An annual endorsement fee is two hundred ninety-
27 five dollars for residents and (~~(four)~~) five hundred twenty dollars for
28 nonresidents. The license shall be affixed to the licensed vessel.

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

- 31 (1) RCW 75.25.015 and 1989 c 305 s 2, 1984 c 80 s 6, & 1983 1st
32 ex.s. c 31 s 1;
33 (2) RCW 75.25.040 and 1989 c 305 s 3, 1983 1st ex.s. c 46 s 91,
34 1980 c 81 s 1, & 1979 ex.s. c 243 s 4;
35 (3) RCW 75.25.090 and 1989 c 305 s 5 & 1987 c 87 s 1;

- 1 (4) RCW 75.25.100 and 1989 c 305 s 6, 1987 c 87 s 2, 1983 1st ex.s.
2 c 46 s 94, & 1977 ex.s. c 327 s 11;
3 (5) RCW 75.25.126 and 1989 c 305 s 7; and
4 (6) RCW 75.28.065 and 1989 c 316 s 19.

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

8 *NEW SECTION. **Sec. 33.** *This act shall expire January 1, 1998.*
9 **Sec. 33 was vetoed, see message at end of chapter.*

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

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

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

18 (a) The license holder shall surrender the previously issued
19 license to the department.

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

22 (c) The fee to transfer a license from one license holder to
23 another is: (i) The same as the resident license renewal fee if the
24 license is not limited under chapter 75.30 RCW; or (ii) three and one-
25 half times the resident renewal fee if the license is limited under
26 chapter 75.30 RCW.

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

30 (3) A commercial license that is transferable under this title
31 survives the death of the holder. Though such licenses are not
32 personal property, they shall be treated as analogous to personal
33 property for purposes of inheritance and intestacy. Such licenses are
34 subject to state laws governing wills, trusts, estates, intestate
35 succession, and community property, except that such licenses are
36 exempt from claims of creditors of the estate and tax liens. The

1 surviving spouse, estate, or beneficiary of the estate may apply for a
2 renewal of the license. There is no fee for transfer of a license from
3 a license holder to the license holder's surviving spouse or estate, or
4 to a beneficiary of the estate.

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

7 (1) The following commercial salmon (~~(fishing)~~) fishery licenses
8 are required for the (~~(licensee)~~) license holder to use the specified
9 gear to fish for salmon (~~(and other food fish)~~) in state waters.
10 (~~(Unless adjusted by the director pursuant to the director's authority~~
11 ~~granted in RCW 75.28.065,)~~) Only a person who meets the qualifications
12 of RCW 75.30.120 may hold a license listed in this subsection. The
13 licenses and their annual (~~(license)~~) fees and surcharges under RCW
14 75.50.100 are:

15	((Gear)) <u>Fishery</u>	Resident	Nonresident	<u>Surcharge</u>
16	<u>License</u>	Fee	Fee	
17	(a) <u>Salmon Gill Net--Grays</u>	\$380	\$685	plus \$100
18	<u>Harbor-Columbia river</u>			
19	(b) <u>Salmon Gill Net--Puget</u>	\$380	\$685	plus \$100
20	<u>Sound</u>			
21	(c) <u>Salmon Gill Net--Willapa</u>	\$380	\$685	plus \$100
22	<u>Bay-Columbia river</u>			
23	(d) <u>Salmon purse seine</u>	(((\$410))) \$530	(((\$820)))\$985	plus \$100
24	(((b) Gill net	\$275	\$550	
25	((c) Troll	\$275	\$550	
26	((d))) (e) <u>Salmon reef net</u>	(((\$275))) \$380	(((\$550))) \$685	plus \$100
27	(f) <u>Salmon troll</u>	\$380	\$685	plus \$100

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

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

34 (~~((3))~~) (4) A salmon troll license (~~(allows fishing in all~~
35 ~~licensing districts and)~~) includes a salmon delivery license.

36 (~~((4))~~) (5) A (~~(separate)~~) salmon gill net license (~~(is required to~~
37 ~~fish for salmon in each of the licensing districts established in RCW~~

1 75.28.012)) authorizes the taking of salmon only in the geographical
2 area for which the license is issued. The geographical designations in
3 subsection (1) of this section have the following meanings:

4 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
5 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
6 sounds, and estuaries lying easterly and southerly of the international
7 boundary line and a line at the entrance to the Strait of Juan de Fuca
8 projected northerly from Cape Flattery to the lighthouse on Tatoosh
9 Island and then to Bonilla Point on Vancouver Island.

10 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
11 and tributary estuaries lying easterly of a line projected northerly
12 from Point Chehalis Light to Point Brown and those waters of the
13 Columbia river and tributary sloughs and estuaries easterly of a line
14 at the entrance to the Columbia river projected southerly from the most
15 westerly point of the North jetty to the most westerly point of the
16 South jetty.

17 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and
18 tributary estuaries and easterly of a line projected northerly from
19 Leadbetter Point to the Cape Shoalwater tower and those waters of the
20 Columbia river and tributary sloughs described in (b) of this
21 subsection.

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

24 ~~((A person operating a commercial fishing vessel used in~~
25 ~~taking)) It is unlawful to deliver salmon taken in offshore waters
26 ~~((and delivering the salmon)) to a place or port in the state ((shall~~
27 ~~obtain)) without a salmon delivery license from the director. ~~((Unless~~
28 ~~adjusted by the director pursuant to the director's authority granted~~
29 ~~in RCW 75.28.065,)) The annual fee for a salmon delivery license is
30 ~~((two hundred seventy five)) three hundred eighty dollars for residents
31 ~~and ((five hundred fifty)) six hundred eighty-five dollars for
32 ~~nonresidents. ((Persons operating fishing vessels licensed)) The
33 annual surcharge under RCW 75.50.100 is one hundred dollars for each
34 license. Holders of nonsalmon delivery licenses issued under RCW
35 75.28.125 may apply the nonsalmon delivery license fee ((of fifty
36 ~~dollars)) against the salmon delivery license fee.~~~~~~~~~~~~~~

37 (2) Only a person who meets the qualifications established in RCW
38 75.30.120 may hold a salmon delivery license issued under this section.

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

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

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

10 ~~((The owner of a commercial salmon fishing vessel which is))~~ A
11 person who does not ~~((qualified))~~ qualify for a license under RCW
12 75.30.120 ~~((is required to))~~ shall obtain a nontransferable emergency
13 salmon ~~((single))~~ delivery license ~~((in order))~~ to make one ~~((landing))~~
14 delivery of salmon taken in offshore waters. The director shall not
15 issue ~~((a))~~ an emergency salmon ~~((single))~~ delivery license unless, as
16 determined by the director, a bona fide emergency exists. ~~((Unless~~
17 ~~adjusted by the director pursuant to the director's authority granted~~
18 ~~in RCW 75.28.065,))~~ The license fee is ~~((one hundred thirty five))~~ two
19 hundred twenty-five dollars for residents and ~~((two hundred seventy))~~
20 four hundred seventy-five dollars for nonresidents. An applicant for
21 an emergency salmon delivery license shall designate no more than one
22 vessel that will be used with the license. Alternate operator licenses
23 are not required of persons delivering salmon under an emergency salmon
24 delivery license. Emergency salmon delivery licenses are not
25 renewable.

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

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

	Gear	Resident	Nonresident
		Fee	Fee
35	(1) Jig	\$50	\$100
36	(2) Set line	\$50	\$100

1	(3) Set net	\$50	\$100
2	(4) Drag seine	\$50	\$100
3	(5) Gill net	\$275	\$550
4	(6) Purse seine	\$410	\$820
5	(7) Troll	\$50	\$100
6	(8) Bottom fish pots	\$50	\$100
7	(9) Lampara	\$100	\$200
8	(10) Dip bag net	\$50	\$100
9	(11) Brush weir	\$100	\$200
10	(12) Other gear	\$100	\$200))

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

17	<u>Fishery</u>	<u>Annual Fee</u>		<u>Vessel</u>	<u>Limited</u>
		<u>Resident</u>	<u>Nonresident</u>		
18	<u>(Governing section(s))</u>				
19	<u>(a) Baitfish Lampara</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>No</u>
20	<u>(b) Baitfish purse seine</u>	<u>\$530</u>	<u>\$985</u>	<u>Yes</u>	<u>No</u>
21	<u>(c) Bottom fish jig</u>	<u>\$130</u>	<u>\$185</u>	<u>Yes</u>	<u>No</u>
22	<u>(d) Bottom fish pot</u>	<u>\$130</u>	<u>\$185</u>	<u>Yes</u>	<u>No</u>
23	<u>(e) Bottom fish troll</u>	<u>\$130</u>	<u>\$185</u>	<u>Yes</u>	<u>No</u>
24	<u>(f) Carp</u>	<u>\$130</u>	<u>\$185</u>	<u>No</u>	<u>No</u>
25	<u>(g) Columbia river smelt</u>	<u>\$380</u>	<u>\$685</u>	<u>No</u>	<u>No</u>
26	<u>(h) Dog fish set net</u>	<u>\$130</u>	<u>\$185</u>	<u>Yes</u>	<u>No</u>
27	<u>(i) Emerging commercial</u>	<u>\$185</u>	<u>\$295</u>	<u>Determined</u>	<u>Determined</u>
28	<u>fishery (RCW 75.30.220</u>			<u>by rule</u>	<u>by rule</u>
29	<u>and 75.28.--- (section</u>				
30	<u>18 of Senate Bill No.</u>				
31	<u>5124))</u>				
32	<u>(j) Food fish drag seine</u>	<u>\$130</u>	<u>\$185</u>	<u>Yes</u>	<u>No</u>
33	<u>(k) Food fish set line</u>	<u>\$130</u>	<u>\$185</u>	<u>Yes</u>	<u>No</u>
34	<u>(l) Food fish trawl--</u>	<u>\$240</u>	<u>\$405</u>	<u>Yes</u>	<u>No</u>
35	<u>Non-Puget Sound</u>				
36	<u>(m) Food fish trawl--</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>No</u>
37	<u>Puget Sound</u>				

1	<u>(n) Herring dip bag net</u>	<u>\$175</u>	<u>\$275</u>	<u>Yes</u>	<u>Yes</u>
2	<u>(RCW 75.30.140)</u>				
3	<u>(o) Herring drag seine</u>	<u>\$175</u>	<u>\$275</u>	<u>Yes</u>	<u>Yes</u>
4	<u>(RCW 75.30.140)</u>				
5	<u>(p) Herring gill net</u>	<u>\$175</u>	<u>\$275</u>	<u>Yes</u>	<u>Yes</u>
6	<u>(RCW 75.30.140)</u>				
7	<u>(q) Herring Lampara</u>	<u>\$175</u>	<u>\$275</u>	<u>Yes</u>	<u>Yes</u>
8	<u>(RCW 75.30.140)</u>				
9	<u>(r) Herring purse seine</u>	<u>\$175</u>	<u>\$275</u>	<u>Yes</u>	<u>Yes</u>
10	<u>(RCW 75.30.140)</u>				
11	<u>(s) Herring spawn-on-kelp</u>	<u>N/A</u>	<u>N/A</u>	<u>Yes</u>	<u>Yes</u>
12	<u>(RCW 75.28.245 as</u>				
13	<u>recodified by section</u>				
14	<u>54, chapter ...</u>				
15	<u>(Senate Bill No. 5124),</u>				
16	<u>Laws of 1993)</u>				
17	<u>(t) Smelt dip bag net</u>	<u>\$130</u>	<u>\$185</u>	<u>No</u>	<u>No</u>
18	<u>(u) Smelt gill net</u>	<u>\$380</u>	<u>\$685</u>	<u>Yes</u>	<u>No</u>
19	<u>(v) Whiting--Puget Sound</u>	<u>\$295</u>	<u>\$520</u>	<u>Yes</u>	<u>Yes</u>
20	<u>(RCW 75.30.170)</u>				

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

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

30 ~~((A delivery license is required to deliver shellfish or food fish~~
31 ~~other than salmon taken in offshore waters to a port in the state.~~
32 ~~Unless adjusted by the director pursuant to the director's authority~~
33 ~~granted in RCW 75.28.065,)) (1) Except as provided in subsection (2) of~~
34 this section, it is unlawful to deliver with a commercial fishing
35 vessel food fish or shellfish taken in offshore waters to a port in the
36 state without a nonsalmon delivery license. As used in this section,
37 "food fish" does not include salmon. The annual license fee for a
38 nonsalmon delivery license is ((fifty)) one hundred ten dollars for

1 residents and ~~((one))~~ two hundred dollars for nonresidents. ~~((Licenses~~
2 ~~issued under RCW 75.28.113 (salmon delivery license), RCW 75.28.130(4)~~
3 ~~(crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other~~
4 ~~than Puget Sound) shall include a delivery license.))~~

5 (2) Holders of salmon troll fishery licenses issued under RCW
6 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab
7 pot fishery licenses issued under RCW 75.28.130, food fish trawl--Non-
8 Puget Sound fishery licenses issued under RCW 75.28.120, and shrimp
9 trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 may
10 deliver food fish or shellfish taken in offshore waters without a
11 nonsalmon delivery license.

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

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

16 ~~((The following commercial fishing licenses are required for the~~
17 ~~licensee to use the specified gear to fish for shellfish in state~~
18 ~~waters. Unless adjusted by the director pursuant to the director's~~
19 ~~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
(4) Crab pots		
(other than Puget Sound)	\$200	\$400
(5) Shellfish diver		
(excluding clams)	\$50	\$100
(6) Squid gear, all types	\$100	\$200
(7) Ghost shrimp gear	\$100	\$200
(8) Commercial razor		
clam license	\$50	\$100
(9) Geoduck diver license	\$100	\$200
(10) Other shellfish gear	\$100	\$200

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

6 <u>Fishery</u>	7 <u>Annual Fee</u>		8 <u>Vessel</u>	9 <u>Limited</u>
	10 <u>Resident</u>	11 <u>Nonresident</u>		
12 <u>(Governing section(s))</u>			13 <u>Required?</u>	14 <u>Entry?</u>
15 <u>(a) Burrowing shrimp</u>	16 <u>\$185</u>	17 <u>\$295</u>	18 <u>Yes</u>	19 <u>No</u>
20 <u>(b) Crab pot</u>	21 <u>\$295</u>	22 <u>\$520</u>	23 <u>Yes</u>	24 <u>No</u>
25 <u>(c) Crab pot--</u>	26 <u>\$130</u>	27 <u>\$185</u>	28 <u>Yes</u>	29 <u>No</u>
30 <u> <u>Puget Sound</u></u>				
31 <u>(d) Crab ring net--</u>	32 <u>\$130</u>	33 <u>\$185</u>	34 <u>Yes</u>	35 <u>No</u>
36 <u> <u>Non-Puget Sound</u></u>				
37 <u>(e) Crab ring net--</u>	38 <u>\$130</u>	39 <u>\$185</u>	40 <u>Yes</u>	41 <u>No</u>
42 <u> <u>Puget Sound</u></u>				
43 <u>(f) Dungeness crab--</u>	44 <u>\$130</u>	45 <u>\$185</u>	46 <u>Yes</u>	47 <u>Yes</u>
48 <u> <u>Puget Sound</u></u>				
49 <u> <u>(RCW 75.30.130)</u></u>				
50 <u>(g) Emerging commercial</u>	51 <u>\$185</u>	52 <u>\$295</u>	53 <u>Determined</u>	54 <u>Determined</u>
55 <u> <u>fishery (RCW 75.30.220</u></u>			56 <u>by rule</u>	57 <u>by rule</u>
58 <u> <u>and 75.28.--- (section</u></u>				
59 <u> <u>18 of Senate Bill No.</u></u>				
60 <u> <u>5124))</u></u>				
61 <u>(h) Geoduck (RCW 75.30.---</u>	62 <u>\$ 0</u>	63 <u>\$ 0</u>	64 <u>Yes</u>	65 <u>Yes</u>
66 <u> <u>(section 46 of Senate</u></u>				
67 <u> <u>Bill No. 5124))</u></u>				
68 <u>(i) Hardshell clam</u>	69 <u>\$530</u>	70 <u>\$985</u>	71 <u>Yes</u>	72 <u>No</u>
73 <u> <u>mechanical harvester</u></u>				
74 <u> <u>(RCW 75.28.280)</u></u>				
75 <u>(j) Oyster reserve</u>	76 <u>\$130</u>	77 <u>\$185</u>	78 <u>No</u>	79 <u>No</u>
80 <u> <u>(RCW 75.28.290)</u></u>				
81 <u>(k) Razor clam</u>	82 <u>\$130</u>	83 <u>\$185</u>	84 <u>No</u>	85 <u>No</u>
86 <u>(l) Sea cucumber dive</u>	87 <u>\$130</u>	88 <u>\$185</u>	89 <u>Yes</u>	90 <u>Yes</u>
91 <u> <u>(RCW 75.30.250)</u></u>				
92 <u>(m) Sea urchin dive</u>	93 <u>\$130</u>	94 <u>\$185</u>	95 <u>Yes</u>	96 <u>Yes</u>
97 <u> <u>(RCW 75.30.210)</u></u>				
98 <u>(n) Shellfish dive</u>	99 <u>\$525</u>	100 <u>\$1045</u>	101 <u>Yes</u>	102 <u>No</u>
103 <u>(o) Shellfish pot</u>	104 <u>\$130</u>	105 <u>\$185</u>	106 <u>Yes</u>	107 <u>No</u>

1	(p) <u>Shrimp pot--</u>	\$325	\$575	Yes	No
2	<u>Hood Canal</u>				
3	(q) <u>Shrimp trawl--</u>	\$240	\$405	Yes	No
4	<u>Non-Puget Sound</u>				
5	(r) <u>Shrimp trawl--</u>	\$185	\$295	Yes	No
6	<u>Puget Sound</u>				
7	(s) <u>Squid</u>	\$185	\$295	Yes	No

8 (2) The director may by rule determine the species of shellfish
9 that may be taken with the commercial fishery licenses established in
10 this section, the gear that may be used with the licenses, and the
11 areas or waters in which the licenses may be used. Where a fishery
12 license has been established for a particular species, gear,
13 geographical area, or combination thereof, a more general fishery
14 license may not be used to take shellfish in that fishery.

15 **Sec. 41.** RCW 75.28.095 and 1989 c 316 s 2, 1989 c 147 s 1, and
16 1989 c 47 s 2 are each reenacted and amended to read as follows:

17 ~~(1) ((A charter boat license is required for a vessel to be~~
18 ~~operated as a charter boat from which food fish are taken for personal~~
19 ~~use. Unless adjusted by the director pursuant to the director's~~
20 ~~authority granted in RCW 75.28.065,))~~ The director shall issue the
21 charter licenses and angler permits listed in this section according to
22 the requirements of this title. The licenses and permits and their
23 annual ((license)) fees and surcharges are:

24	<u>((Species))</u>	<u>((Resident))</u>	<u>Annual</u>	<u>((Nonresident</u>
25	<u>License or Permit</u>	<u>Fee</u>	<u>Fee))</u>	<u>Governing</u>
26		<u>(RCW 75.50.100 Surcharge)</u>		<u>Section</u>
27		<u>Resident</u>	<u>Nonresident</u>	
28	(a) ((Food fish other			
29	than salmon))			
30	<u>Nonsalmon charter</u>	(((\$135)) \$225	(((\$270)) \$375	
31	(b) <u>Salmon ((and</u>			
32	<u>other food fish))</u>			
33	<u>charter</u>	(((\$275)) \$380	(((\$550)) \$685	RCW
34		<u>(plus \$100)</u>	<u>(plus \$100)</u>	75.30.065
35	(c) <u>Salmon angler</u>	\$ 0	\$ 0	RCW
36				75.30.070
37	(d) <u>Salmon roe</u>	\$ 95	\$ 95	RCW

1
2 (2) Except as provided in subsection (5) of this section, it is
3 unlawful to operate a vessel as a charter boat from which salmon or
4 salmon and other food fish are taken without a salmon charter license
5 designating the vessel. The director may issue a salmon charter
6 license only to a person who meets the qualifications of RCW 75.30.065.

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

11 (4) "Charter boat" means a vessel from which persons may, for a
12 fee, fish for food fish or shellfish for personal use, and ((which
13 delivers)) that brings food fish or shellfish into state ports or
14 ((delivers)) brings food fish or shellfish taken from state waters into
15 United States ports. The director may specify by rule when a vessel is
16 a "charter boat" within this definition. "Charter boat" does not
17 mean((÷

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

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

25 ~~((3))~~ (5) A charter boat licensed in Oregon ((shall be permitted
26 to)) may fish without a Washington charter ((boat)) license under the
27 same rules as Washington charter boat operators in ocean waters within
28 the jurisdiction of Washington state from the southern border of the
29 state of Washington to Leadbetter Point ((under the same regulations as
30 Washington charter boat operators)), as long as the Oregon vessel does
31 not land at any Washington port with the purpose of taking on or
32 discharging passengers. The provisions of this subsection shall be in
33 effect as long as the state of Oregon has reciprocal laws and
34 regulations.

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

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

1 The director shall issue the personal licenses listed in this
2 section according to the requirements of this title. The licenses and
3 their annual fees are:

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

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

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

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

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

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

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

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

6 ~~((Unless adjusted by the director pursuant to the director's
7 authority granted in RCW 75.28.065, the annual license fee is one
8 hundred dollars.))~~ The annual license fee for a wholesale dealer is two
9 hundred fifty dollars. A wholesale fish dealer's license is not
10 required for persons engaged in the processing, wholesale selling,
11 buying, or brokering of private sector cultured aquatic products as
12 defined in RCW 15.85.020. However, if a means of identifying such
13 products is required by rules adopted under RCW 15.85.060, the
14 exemption from licensing requirements established by this subsection
15 applies only if the aquatic products are identified in conformance with
16 those rules.

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

19 (1) Except as otherwise provided in this title, the director shall
20 issue commercial licenses and permits to a qualified person~~((7))~~ upon
21 ~~((the receipt of an))~~ receiving a completed application accompanied by
22 the required fee. ~~((Applications shall be submitted on forms provided
23 by the department. Applicants for commercial licenses and permits
24 shall indicate at the time of application the species of food fish or
25 shellfish they intend to take and the type of gear they intend to
26 use.))~~

27 (2) An application submitted to the department under this chapter
28 shall contain the name and address of the applicant and any other
29 information required by the department or this title. An applicant for
30 a commercial fishery license, delivery license, or charter license may
31 designate a vessel to be used with the license and up to two alternate
32 operators.

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

36 (4) Upon issuing a commercial license under this chapter, the
37 director shall assign the license a unique number that the license
38 shall retain upon renewal. The department shall use the number to

1 record any commercial catch under the license. This does not preclude
2 the department from using other, additional, catch record methods.

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

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

7 This section applies to all commercial fishery licenses, delivery
8 licenses, and charter licenses, except for emergency salmon delivery
9 licenses.

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

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

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

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

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

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

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

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

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

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

34 NEW SECTION. Sec. 47. The following acts or parts of acts are
35 each repealed:

36 (1) 1993 c --- s 5 (section 5 of Senate Bill No. 5124);

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

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

13 NEW SECTION. **Sec. 49.** The sum of eighty-five thousand dollars of
14 the revenues derived from increases in personal use and commercial
15 license fees pursuant to sections 2, 34, 42, and 45 of this act and RCW
16 75.28.030, 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116,
17 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255,
18 75.28.280, 75.28.290, 75.28.300, 75.28.340, 75.28.690, 75.28.710, and
19 75.30.160, is appropriated for the biennium ending June 30, 1995, from
20 the general fund to Washington State University for the purposes of
21 implementation of the provision of chapter ... (House Bill No. 1309),
22 Laws of 1993.

23 *NEW SECTION. **Sec. 50.** *A new section is added to chapter 75.28*
24 *RCW to read as follows:*

25 *Unless the context clearly requires otherwise, the definition in*
26 *this section applies throughout this chapter.*

27 *"Coastal crab" means Dungeness crab (Cancer magister) taken in all*
28 *Washington territorial and offshore water south of the United States-*
29 *Canada boundary and west of the Bonilla-Tatoosh Line (a line from the*
30 *western end of Cape Flattery to Tatoosh Island Lighthouse, then to the*
31 *buoy adjacent to Duntz Rock, then in a straight line to Bonilla Point*
32 *of Vancouver Island), Grays Harbor, Willapa Bay, and the Columbia*
33 *river.*

34 **Sec. 50 was vetoed, see message at end of chapter.*

1 ***NEW SECTION.** *Sec. 51. A new section is added to chapter 75.28*
2 *RCW to read as follows:*

3 *Effective January 1, 1994, it is unlawful to fish for coastal crab*
4 *in Washington state waters or to deliver coastal crab to a port in the*
5 *state if the crab is harvested with a vessel equipped with more than*
6 *four hundred crab pots. This section shall not apply to deliveries*
7 *that are necessary due to bona fide emergencies as determined by the*
8 *director.*

9 **Sec. 51 was vetoed, see message at end of chapter.*

10 **NEW SECTION.** **Sec. 52.** If the director of the department of
11 fisheries develops proposed legislation as a result of its study on
12 coastal crab pursuant to chapter 9, Laws of 1992, the director shall
13 involve the commercial crab industry in the preparation of such
14 legislation.

15 **NEW SECTION.** **Sec. 53.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

 Passed the Senate May 6, 1993.

 Passed the House May 5, 1993.

 Approved by the Governor May 28, 1993, with the exception of
 certain items which were vetoed.

 Filed in Office of Secretary of State May 28, 1993.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 33,
3 50, and 51 of Engrossed Substitute Senate Bill No. 5980, entitled:

4 "AN ACT Relating to fishing licenses;"

5 This bill provides important new revenues to the Department of
6 Fisheries which will be used to maintain production at state salmon
7 hatcheries, and other important programs of the Department. The bill
8 also consolidates existing recreational fishing licenses. However,
9 several sections of this legislation present potential problems.

10 Section 33 provides for the act to expire on January 1, 1998.
11 Allowing this Act to expire would not only remove an important source
12 of revenue for the Department, but would also require the Department to
13 revert back to the current system of multiple recreational licenses.
14 In order to remove an undue administrative burden on the Department of
15 Fisheries and avoid consumer confusion, I am vetoing section 33.

16 Sections 50 and 51 establish a 400 crab pot limit for commercial
17 fishers of coastal crab. The Department of Fisheries, in conjunction
18 with Oregon, California, and the Pacific States Marine Fisheries
19 Commission, is to complete a report on the economic viability of the
20 coastal crab fishery. While I understand the concern of some segments

1 of the commercial crab industry, establishing such a limit before a
2 final report is completed is premature.

3 With the exception of sections 33, 50, and 51, Engrossed Substitute
4 Senate Bill No. 5980 is approved."