
SUBSTITUTE HOUSE BILL 2183

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Buck, Hatfield, Doumit, Lantz, Dunshee and Kessler)

Read first time 03/05/97.

1 AN ACT Relating to eliminating shellfish from the tax on enhanced
2 food fish; amending RCW 82.27.010 and 82.27.020; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 82.27.010 and 1995 c 372 s 4 are each amended to read
6 as follows:

7 As used in this chapter, the following terms have the meanings
8 indicated unless the context clearly requires otherwise.

9 (1) "Enhanced food fish" includes all species of food fish, except
10 all species of tuna, mackerel, and jack; shellfish except for oysters,
11 clams, and mussels; and anadromous game fish, including byproducts and
12 parts thereof, originating within the territorial and adjacent waters
13 of Washington and salmon originating from within the territorial and
14 adjacent waters of Oregon, Washington, and British Columbia, and all
15 troll-caught Chinook salmon originating from within the territorial and
16 adjacent waters of southeast Alaska. As used in this subsection,
17 "adjacent" waters of Oregon, Washington, and Alaska are those
18 comprising the United States fish conservation zone; "adjacent" waters
19 of British Columbia are those comprising the Canadian two hundred mile

1 exclusive economic zone; and "southeast Alaska" means that portion of
2 Alaska south and east of Cape Suckling to the Canadian border. For
3 purposes of this chapter, point of origination is established by a
4 document which identifies the product and state or province in which it
5 originates, including, but not limited to fish tickets, bills of
6 lading, invoices, or other documentation required to be kept by
7 governmental agencies.

8 (2) "Commercial" means related to or connected with buying,
9 selling, bartering, or processing.

10 (3) "Possession" means the control of enhanced food fish by the
11 owner and includes both actual and constructive possession.
12 Constructive possession occurs when the person has legal ownership but
13 not actual possession of the enhanced food fish.

14 (4) "Anadromous game fish" means steelhead trout and anadromous
15 cutthroat trout and Dolly Varden char and includes byproducts and also
16 parts of anadromous game fish, whether fresh, frozen, canned, or
17 otherwise.

18 (5) "Landed" means the act of physically placing enhanced food fish
19 (a) on a tender in the territorial waters of Washington; or (b) on any
20 land within or without the state of Washington including wharves,
21 piers, or any such extensions therefrom.

22 **Sec. 2.** RCW 82.27.020 and 1993 sp.s. c 17 s 12 are each amended to
23 read as follows:

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

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

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

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

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

5 (b) Pink and sockeye salmon: Three and fifteen one-hundredths
6 percent.

7 (c) Other food fish and shellfish, except oysters, clams, and
8 mussels: Two and one-tenth percent.

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

10 (5) An additional tax is imposed equal to the rate specified in RCW
11 82.02.030 multiplied by the tax payable under subsection (4) of this
12 section.

13 NEW SECTION. **Sec. 3.** The department of revenue shall conduct a
14 study identifying the impacts of exempting all other shellfish species
15 from the tax imposed on enhanced food fish pursuant to chapter 82.27
16 RCW. The study shall include an estimate of the fiscal impacts to
17 state revenues as well as an examination of how such an exemption would
18 impact shellfish-based industries and communities where shellfish-based
19 industries are located. The department shall complete this study and
20 report its findings to the legislature by December 1, 1997.

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