
SENATE BILL 5178

State of Washington

57th Legislature

2001 Regular Session

By Senators Stevens, Morton, Oke, Hargrove, Snyder, Swecker, T. Sheldon
and B. Sheldon

Read first time 01/15/2001. Referred to Committee on Natural
Resources, Parks & Shorelines.

1 AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410;
2 and declaring an emergency.

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

4 **Sec. 1.** RCW 77.65.410 and 1993 c 340 s 24 are each amended to read
5 as follows:

6 (1) Every diver engaged in the commercial harvest of geoduck clams
7 shall obtain a (~~nontransferable~~) transferable geoduck diver license.

8 (2) After July 1, 2001, the director shall not issue new geoduck
9 diver licenses unless fewer than fifty persons are eligible for
10 renewal. A person may renew an existing license only if the person:
11 (a) Held a geoduck diver license for seven of the ten years from 1991
12 through 2000; (b) held a license for the previous three years from 1998
13 through 2000 and can document active diving participation for each of
14 the three years by way of dive sheet records, canceled checks, and
15 confirmation by the department; or (c) acquired the license by transfer
16 from another person who held it during the previous year, and the
17 person did not subsequently transfer the license to a third party.

18 (3) If fewer than fifty persons are eligible to renew a geoduck
19 diver license, the director may accept applications for new licenses.

1 The department shall adopt rules and procedures to determine whether
2 additional diver licenses will be issued and the application procedure.
3 The director shall determine by random selection, from all otherwise
4 qualified applicants, the successful applicants for any additional
5 licenses.

6 (4) When a person fails to obtain a license during the previous
7 year because of a license suspension, a person may qualify for a
8 license by establishing that he or she held such a license during the
9 last year in which the license was not suspended.

10 (5) Geoduck diver licenses are transferable only to a natural
11 person. The license holder must perform the actual harvesting.

12 (6) Licensed geoduck harvesters bear the responsibility for
13 providing the labor and equipment to plant geoduck seed provided by a
14 state hatchery onto state commercial beds.

15 NEW SECTION. Sec. 2. This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately.

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