

SHB 2593 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 03/02/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW
4 to read as follows:

5 (1) A person is guilty of the unlawful use of shellfish gear for
6 commercial purposes if the person:

7 (a) Takes, fishes for, or possesses crab, shrimp, or crawfish for
8 commercial purposes with shellfish gear that is constructed or altered
9 in a manner that violates any rule of the commission relating to
10 required gear design specifications; or

11 (b) Is found in possession of, upon any vessel located on the
12 waters of the state, shellfish gear that is constructed or altered in
13 a manner that violates any rule of the commission relating to required
14 gear design specifications, unless a person holds a valid crab pot
15 removal permit under RCW 77.70.500 and is in the process of
16 transporting removed crab pots as part of the Dungeness crab pot
17 removal program.

18 (2) The unlawful use of shellfish gear for commercial purposes is
19 a gross misdemeanor.

20 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.15 RCW
21 to read as follows:

22 (1) A person is guilty of the unlawful use of shellfish gear for
23 personal use purposes if the person:

24 (a) Takes, fishes for, or possesses crab, shrimp, or crawfish for
25 personal use purposes with shellfish gear that is constructed or
26 altered in a manner that violates any rule of the commission relating
27 to required gear design specifications; or

28 (b) Is found in possession of, upon any vessel located on the
29 waters of the state, shellfish gear that is constructed or altered in

1 a manner that violates any rule of the commission relating to required
2 gear design specifications, unless a person holds a valid crab pot
3 removal permit under RCW 77.70.500 and is in the process of
4 transporting removed crab pots as part of the Dungeness crab pot
5 removal program.

6 (2) The unlawful use of shellfish gear for personal use purposes is
7 a misdemeanor.

8 **Sec. 3.** RCW 77.70.500 and 2009 c 355 s 1 are each amended to read
9 as follows:

10 (1)(a) As part of a coastal commercial Dungeness crab pot removal
11 program, the department shall issue a crab pot removal permit that
12 allows the participants in the Dungeness crab-coastal fishery created
13 in RCW 77.70.280 to remove crab pots belonging to state commercial
14 licensed crab fisheries from coastal marine waters after the close of
15 the primary commercial Dungeness crab-coastal harvest season,
16 regardless of whether the crab pot was originally set by the
17 participant or not.

18 (b) Beginning fifteen days after the close of the primary
19 commercial Dungeness crab-coastal harvest season, any individual with
20 a current commercial Dungeness crab-coastal license and a valid crab
21 pot removal permit issued by the department may remove a crab pot or
22 crab pots used to harvest Dungeness crabs remaining in coastal marine
23 waters after the close of the primary commercial Dungeness crab-coastal
24 harvest season.

25 (c) In cooperation with individuals with a current commercial
26 Dungeness crab-coastal license, the department may expand the coastal
27 commercial Dungeness crab pot removal program to those areas closed to
28 commercial Dungeness crab harvest prior to the end of the primary
29 season.

30 (d) Nothing in this section prohibits the department from exempting
31 certain crab pots from the coastal commercial Dungeness crab pot
32 removal program or from restricting crab pot removal activities to
33 specific geographic areas.

34 ~~((e) The department may adopt rules to implement this subsection~~
35 ~~(1).))~~

36 (2)(a) The department may expand the crab pot removal program to
37 allow for the removal of shellfish pots belonging to state commercial

1 or recreational licensed shellfish fisheries from Puget Sound waters
2 during shellfish harvest closures, regardless of whether the shellfish
3 pot was originally set by the permittee or not.

4 (b) If the department expands the program to Puget Sound waters,
5 the department shall limit the program as necessary to streamline
6 implementation, minimize the oversight burden on fish and wildlife
7 enforcement officers, minimize interference with lawful fisheries and
8 other user groups, minimize administrative overhead cost, and avoid the
9 collection of shellfish pots that are not abandoned. The program may
10 be limited as deemed appropriate by the department, including
11 limitations on:

12 (i) The number of participants;

13 (ii) The eligible geographic areas in Puget Sound where shellfish
14 pots may be recovered;

15 (iii) The types of shellfish pots that may be recovered;

16 (iv) The maximum or minimum depth where a shellfish pot must be
17 located to be eligible for recovery; and

18 (v) The ports through which the vessels collecting the abandoned
19 shellfish pots may operate.

20 (3) The department may adopt rules to implement subsections (1) and
21 (2) of this section.

22 (4)(a) The following are exempt from complying with the lost and
23 found property provisions in chapter 63.21 RCW:

24 (i) An individual participating in permitted crab pot removal
25 activities in coastal marine waters who has a valid crab pot removal
26 permit, and who adheres to the provisions of the permit as they relate
27 to crab pot removal(~~(, is exempt from complying with the lost and found~~
28 ~~property provisions in chapter 63.21 RCW.)~~); and

29 (ii) An individual participating in permitted shellfish pot removal
30 activities in Puget Sound waters who has a valid shellfish pot removal
31 permit and who adheres to the provisions of the permit as they relate
32 to shellfish pot removal.

33 (b) The individual who removes (~~the crab~~) a shellfish pot under
34 a valid crab pot removal permit or a valid shellfish pot removal permit
35 takes the property free and clear of all claims of the owner or
36 previous holder and free and clear of all individuals claiming
37 ownership under the previous owner.

1 ~~((3)(a) A person is guilty of unlawful use of a crab pot removal~~
2 ~~permit if the person:~~

3 ~~(i) Violates any terms or conditions of the permit issued under~~
4 ~~this section; or~~

5 ~~(ii) Violates any rule of the department applicable to the~~
6 ~~requirement for, issuance of, or use of the permit.~~

7 ~~(b) Unlawful use of a crab pot removal permit is a misdemeanor.))~~

8 (5) A violation of this section, or any rules or permit conditions
9 provided under this section, is punishable as provided in RCW
10 77.15.750.

11 (6) Individuals who remove shellfish pots under a valid crab pot
12 removal permit or a valid shellfish pot removal permit in accordance
13 with this section are not subject to permitting under RCW 77.55.021.

14 **Sec. 4.** RCW 77.15.520 and 1998 c 190 s 37 are each amended to read
15 as follows:

16 (1) Except for actions involving shellfish gear punishable under
17 section 1 of this act, a person is guilty of commercial fishing using
18 unlawful gear or methods if the person acts for commercial purposes and
19 takes or fishes for any fish or shellfish using any gear or method in
20 violation of a rule of the ((department)) commission specifying,
21 regulating, or limiting the gear or method for taking, fishing, or
22 harvesting of such fish or shellfish.

23 (2) Commercial fishing using unlawful gear or methods is a gross
24 misdemeanor.

25 **Sec. 5.** RCW 77.15.380 and 2001 c 253 s 39 are each amended to read
26 as follows:

27 (1) A person is guilty of unlawful recreational fishing in the
28 second degree if the person fishes for, takes, possesses, or harvests
29 fish or shellfish and:

30 (a) The person does not have and possess the license or the catch
31 record card required by chapter 77.32 RCW for such activity; or

32 (b) The action violates any rule of the commission or the director
33 regarding seasons, bag or possession limits but less than two times the
34 bag or possession limit, closed areas, closed times, or any other rule
35 addressing the manner or method of fishing or possession of fish,

1 except for use of a net to take fish as provided for in RCW 77.15.580
2 and the unlawful use of shellfish gear for personal use as provided in
3 section 2 of this act.

4 (2) Unlawful recreational fishing in the second degree is a
5 misdemeanor.

6 **Sec. 6.** RCW 63.21.080 and 2009 c 355 s 2 are each amended to read
7 as follows:

8 This chapter shall not apply to:

- 9 (1) Motor vehicles under chapter 46.52 RCW;
- 10 (2) Unclaimed property in the hands of a bailee under chapter 63.24
11 RCW;
- 12 (3) Uniform disposition of unclaimed property under chapter 63.29
13 RCW;
- 14 (4) Secured vessels under chapter 79A.65 RCW; and
- 15 (5) Crab or other shellfish pots in coastal marine or Puget Sound
16 waters under RCW 77.70.500.

17 **Sec. 7.** RCW 77.12.865 and 2005 c 146 s 1004 are each amended to
18 read as follows:

19 (1) As used in this section and RCW 77.12.870, "derelict fishing
20 gear" includes lost or abandoned fishing nets, fishing lines, (~~crab~~
21 ~~pots, shrimp pots,~~) and other commercial and recreational fishing
22 equipment. The term does not include lost or abandoned vessels or
23 shellfish pots.

24 (2) The department, in partnership with the Northwest straits
25 commission, the department of natural resources, and other interested
26 parties, must publish guidelines for the safe removal and disposal of
27 derelict fishing gear. The guidelines (~~must be completed by August~~
28 ~~31, 2002, and~~) may be updated as deemed necessary by the department.
29 The guidelines must be made available to any person interested in
30 derelict fishing gear removal.

31 (3) Derelict fishing gear removal conducted in accordance with the
32 guidelines prepared in subsection (2) of this section is not subject to
33 permitting under RCW 77.55.021.

34 **Sec. 8.** RCW 77.12.870 and 2009 c 333 s 21 are each amended to read
35 as follows:

1 (1) The department, in (~~consultation with the Northwest straits~~
2 ~~commission, the department of natural resources, and other interested~~
3 ~~parties, must create and maintain a database of known derelict fishing~~
4 ~~gear~~) partnership with the Northwest straits commission, the
5 department of natural resources, and other interested parties, must
6 create and ensure the maintenance of a database of known derelict
7 fishing gear and shellfish pots, including the type of gear and its
8 location.

9 (2) A person who loses or abandons commercial fishing gear or
10 shellfish pots within the waters of the state is encouraged to report
11 the location of the loss and the type of gear lost to the department
12 within forty-eight hours of the loss.

13 **Sec. 9.** RCW 77.15.750 and 2009 c 333 s 14 are each amended to read
14 as follows:

15 (1) A person is guilty of unlawful use of a department permit if
16 the person:

17 (a) Violates any terms or conditions of the permit issued by the
18 department or the director; or

19 (b) Violates any rule of the commission or the director applicable
20 to the requirement for, issuance of, or use of the permit.

21 (2)(a) Permits covered under subsection (1) of this section
22 include, but are not limited to, master hunter permits, crab pot
23 removal permits and shellfish pot removal permits under RCW 77.70.500,
24 depredation permits, landowner hunting permits, commercial carp license
25 permits, permits to possess or dispense beer or malt liquor pursuant to
26 RCW 66.28.210, and permits to hold, sponsor, or attend an event
27 requiring a banquet permit from the liquor control board.

28 (b) Permits excluded from subsection (1) of this section include
29 fish and wildlife lands vehicle use permits, commercial use or activity
30 permits, noncommercial use or activity permits, parking permits,
31 experimental fishery permits, trial commercial fishery permits, and
32 scientific collection permits.

33 (3) Unlawful use of a department permit is a misdemeanor.

34 (4) A person is guilty of unlawful use of an experimental fishery
35 permit or a trial commercial fishery permit if the person:

36 (a) Violates any terms or conditions of the permit issued by the
37 department or the director; or

1 (b) Violates any rule of the commission or the director applicable
2 to the issuance or use of the permit.

3 (5) Unlawful use of an experimental fishery permit or a trial
4 commercial fishery permit is a gross misdemeanor.

5 (6) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise.

7 (a) "Experimental fishery permit" means a permit issued by the
8 director for either:

9 (i) An "emerging commercial fishery," defined as a fishery for a
10 newly classified species for which the department has determined that
11 there is a need to limit participation; or

12 (ii) An "expanding commercial fishery," defined as a fishery for a
13 previously classified species in a new area, by a new method, or at a
14 new effort level, for which the department has determined that there is
15 a need to limit participation.

16 (b) "Trial commercial fishery permit" means a permit issued by the
17 department for trial harvest of a newly classified species or harvest
18 of a previously classified species in a new area or by a new means.

19 **Sec. 10.** RCW 77.55.041 and 2005 c 146 s 302 are each amended to
20 read as follows:

21 (1) The removal of derelict fishing gear does not require a permit
22 under this chapter if the gear is removed according to the guidelines
23 described in RCW 77.12.865.

24 (2) The removal of crab and other shellfish gear does not require
25 a permit under this chapter if the gear is removed under a permit
26 issued pursuant to RCW 77.70.500.

27 **Sec. 11.** RCW 77.32.430 and 2009 c 333 s 40 are each amended to
28 read as follows:

29 (1) Catch record card information is necessary for proper
30 management of the state's food fish and game fish species and shellfish
31 resources. Catch record card administration shall be under rules
32 adopted by the commission. There is no charge for an initial catch
33 record card. Each subsequent or duplicate catch record card costs ten
34 dollars.

35 (2) A license to take and possess Dungeness crab is only valid in
36 Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has

1 in possession a valid catch record card officially endorsed for
2 Dungeness crab. The endorsement shall cost no more than three dollars,
3 including any or all fees authorized under RCW 77.32.050, when
4 purchased for a personal use saltwater, combination, or shellfish and
5 seaweed license. The endorsement shall cost no more than one dollar,
6 including any or all fees authorized under RCW 77.32.050, when
7 purchased for a temporary combination fishing license authorized under
8 RCW 77.32.470(3)(a).

9 (3) Catch record cards issued with affixed temporary short-term
10 charter stamp licenses are not subject to the ten-dollar charge nor to
11 the Dungeness crab endorsement fee provided for in this section.
12 Charter boat or guide operators issuing temporary short-term charter
13 stamp licenses shall affix the stamp to each catch record card issued
14 before fishing commences. Catch record cards issued with a temporary
15 short-term charter stamp are valid for one day.

16 (4) The department shall include provisions for recording marked
17 and unmarked salmon in catch record cards issued after March 31, 2004.

18 (5)(a) The funds received from the sale of catch record cards and
19 the Dungeness crab endorsement must be deposited into the state
20 wildlife account created in RCW 77.12.170. The funds received from the
21 Dungeness crab endorsement may be used only for the sampling,
22 monitoring, and management of catch associated with the Dungeness crab
23 recreational fisheries. Until June 30, 2011, funds received from the
24 Dungeness crab endorsement may be used for the removal and disposal of
25 derelict shellfish gear either directly by the department or under
26 contract with a third party.

27 (b) Moneys allocated under this section shall supplement and not
28 supplant other federal, state, and local funds used for Dungeness crab
29 recreational fisheries management.

30 NEW SECTION. **Sec. 12.** (1) The department of fish and wildlife
31 shall, in cooperation with stakeholders in the recreational and
32 commercial crab fisheries and other knowledgeable individuals, as
33 deemed appropriate by the director of the department, deliver to the
34 appropriate committees of the legislature findings and recommendations
35 relating to the following topics:

36 (a) The scope of the derelict shellfish gear problem in Washington

1 waters, including estimates of the existing quantity of derelict gear
2 and estimates of annual shellfish gear loss;

3 (b) The cost of recovering and disposing of derelict shellfish
4 gear;

5 (c) Technical and legal barriers to recovering and disposing of
6 derelict shellfish gear;

7 (d) Possible public education efforts to prevent future shellfish
8 gear loss and to promote compliance with required gear specifications;

9 (e) Possible changes to the current funding structure for derelict
10 shellfish gear removal and Dungeness crab sampling, monitoring, and
11 management, which may include the termination or alteration of the
12 existing Dungeness crab endorsement required under RCW 77.32.430 and
13 the identification of possible new funding sources.

14 (2) If deemed practicable by the director of the department of fish
15 and wildlife, the findings and recommendations included in the report
16 required in this section should be informed by the actual collection of
17 derelict shellfish pots.

18 (3) Findings and recommendations required under this section must
19 be submitted consistent with RCW 43.01.036 by December 31, 2010.

20 (4) This section expires July 31, 2011.

21 **Sec. 13.** RCW 77.70.350 and 2006 c 159 s 1 are each amended to read
22 as follows:

23 (1) The following restrictions apply to vessel designations and
24 substitutions on Dungeness crab-coastal fishery licenses:

25 (a) The holder of the license may not:

26 (i) Designate on the license a vessel the hull length of which
27 exceeds ninety-nine feet; or

28 (ii) Change vessel designation if the hull length of the vessel
29 proposed to be designated exceeds the hull length designated on the
30 license on June 7, 2006, by more than ten feet. However, if such
31 vessel designation is the result of an emergency transfer, the
32 applicable vessel length would be the most recent permanent vessel
33 designation on the license prior to June 7, 2006;

34 (b) If the hull length of the vessel proposed to be designated is
35 comparable to or exceeds by up to one foot the hull length of the
36 currently designated vessel, the department may change the vessel
37 designation no more than once in any ~~((two consecutive Washington state~~

1 ~~coastal crab seasons~~) one-year period, measured from September 15th to
2 September 15th of the following year, unless the currently designated
3 vessel is lost or in disrepair such that it does not safely operate, in
4 which case the department may allow a change in vessel designation;

5 (c) If the hull length of the vessel proposed to be designated
6 exceeds by between one and ten feet the hull length of the designated
7 vessel on June 7, 2006, the department may change the vessel
8 designation no more than once on or after June 7, 2006, unless a
9 request is made by the license holder during a Washington state coastal
10 crab season for an emergency change in vessel designation. If such an
11 emergency request is made, the director may allow a temporary change in
12 designation to another vessel, if the hull length of the other vessel
13 does not exceed by more than ten feet the hull length of the currently
14 designated vessel.

15 (2) For the purposes of this section, "hull length" means the
16 length overall of a vessel's hull as shown by marine survey or by
17 manufacturer's specifications.

18 (3) By December 31, 2010, the department must, in cooperation with
19 the coastal crab fishing industry, evaluate the effectiveness of this
20 section and, if necessary, recommend any statutory changes to the
21 appropriate committees of the senate and house of representatives.

22 **Sec. 14.** RCW 77.70.150 and 2005 c 110 s 1 are each amended to read
23 as follows:

24 (1) A sea urchin dive fishery license is required to take sea
25 urchins for commercial purposes. A sea urchin dive fishery license
26 authorizes the use of only one diver in the water at any time during
27 sea urchin harvest operations. If the same vessel has been designated
28 on two sea urchin dive fishery licenses, two divers may be in the
29 water. A natural person may not hold more than two sea urchin dive
30 fishery licenses.

31 (2) Except as provided in subsection (6) of this section, the
32 director shall issue no new sea urchin dive fishery licenses. For
33 licenses issued for the year 2000 and thereafter, the director shall
34 renew existing licenses only to a natural person who held the license
35 at the end of the previous year. If a sea urchin dive fishery license
36 is not held by a natural person as of December 31, 1999, it is not
37 renewable. However, if the license is not held because of revocation

1 or suspension of licensing privileges, the director shall renew the
2 license in the name of a natural person at the end of the revocation or
3 suspension if the license holder applies for renewal of the license
4 before the end of the year in which the revocation or suspension ends.

5 (3) Where a licensee failed to obtain the license during the
6 previous year because of a license suspension or revocation by the
7 director or the court, the licensee may qualify for a license by
8 establishing that the person held such a license during the last year
9 in which the person was eligible.

10 (4) Surcharges as provided for in this section shall be collected
11 and deposited into the sea urchin dive fishery account hereby created
12 in the custody of the state treasurer. The collections and deposits
13 must continue, as set forth in (a) and (b) of this subsection, through
14 license year 2013, or until the number of licenses is reduced to
15 twenty, whichever occurs first. Only the director or the director's
16 designee may authorize expenditures from the account. The sea urchin
17 dive fishery account is subject to allotment procedures under chapter
18 43.88 RCW, but no appropriation is required for expenditures.
19 Expenditures from the account shall only be used to retire sea urchin
20 licenses until the number of licenses is reduced to ((~~twenty-five~~))
21 twenty, and thereafter shall only be used for sea urchin management and
22 enforcement. The director or the director's designee shall notify the
23 department of revenue within thirty days when the number of licenses is
24 reduced to twenty.

25 (a) A surcharge of one hundred dollars shall be charged with each
26 sea urchin dive fishery license renewal for licenses issued ((~~in~~)) for
27 license years 2000 through ((2010)) 2013, or until the number of
28 licenses is reduced to twenty, whichever occurs first.

29 (b) For licenses issued for ((~~the year~~)) license years 2000 ((and
30 thereafter,)) through 2013, or until the number of licenses is reduced
31 to twenty, whichever occurs first, a surcharge shall be charged on the
32 sea urchin dive fishery license for designating an alternate operator.
33 The surcharge shall be as follows: Five hundred dollars for the first
34 year or each of the first two consecutive years after 1999 that any
35 alternate operator is designated and two thousand five hundred dollars
36 each year thereafter that any alternate operator is designated.

37 (5) Sea urchin dive fishery licenses are transferable. ((~~After~~
38 ~~December 31, 1999,~~)) For licenses issued for license years 2000 through

1 2013, or whenever the number of licenses is reduced to twenty,
2 whichever occurs first, there is a surcharge to transfer a sea urchin
3 dive fishery license. The surcharge is five hundred dollars for the
4 first transfer of a license valid for (~~calendar~~) license year 2000,
5 and two thousand five hundred dollars for any subsequent transfer,
6 (~~whether~~) occurring in the (~~year~~) license years 2000 (~~or~~
7 ~~thereafter~~) through 2013, or whenever the number of licenses is
8 reduced to twenty, whichever occurs first. Notwithstanding this
9 subsection, a one-time transfer exempt from surcharge applies for a
10 transfer from the natural person licensed on January 1, 2000, to that
11 person's spouse or child.

12 (6) If fewer than (~~twenty-five~~) twenty natural persons are
13 eligible for sea urchin dive fishery licenses, the director may accept
14 applications for new licenses. The additional licenses may not cause
15 more than (~~twenty-five~~) twenty natural persons to be eligible for a
16 sea urchin dive fishery license. New licenses issued under this
17 section shall be distributed according to rules of the department that
18 recover the value of such licensed privilege.

19 **Sec. 15.** RCW 77.70.190 and 2005 c 110 s 2 are each amended to read
20 as follows:

21 (1) A sea cucumber dive fishery license is required to take sea
22 cucumbers for commercial purposes. A sea cucumber dive fishery license
23 authorizes the use of only one diver in the water at any time during
24 sea cucumber harvest operations. If the same vessel has been
25 designated on two sea cucumber dive fishery licenses, two divers may be
26 in the water. A natural person may not hold more than two sea cucumber
27 dive fishery licenses.

28 (2) Except as provided in subsection (6) of this section, the
29 director shall issue no new sea cucumber dive fishery licenses. For
30 licenses issued for the year 2000 and thereafter, the director shall
31 renew existing licenses only to a natural person who held the license
32 at the end of the previous year. If a sea cucumber dive fishery
33 license is not held by a natural person as of December 31, 1999, it is
34 not renewable. However, if the license is not held because of
35 revocation or suspension of licensing privileges, the director shall
36 renew the license in the name of a natural person at the end of the

1 revocation or suspension if the license holder applies for renewal of
2 the license before the end of the year in which the revocation or
3 suspension ends.

4 (3) Where a licensee failed to obtain the license during either of
5 the previous two years because of a license suspension by the director
6 or the court, the licensee may qualify for a license by establishing
7 that the person held such a license during the last year in which the
8 person was eligible.

9 (4) Surcharges as provided for in this section shall be collected
10 and deposited into the sea cucumber dive fishery account hereby created
11 in the custody of the state treasurer. The collections and deposits
12 must continue, as set forth in (a) and (b) of this subsection, through
13 license year 2013, or until the number of licenses is reduced to
14 twenty, whichever occurs first. Only the director or the director's
15 designee may authorize expenditures from the account. The sea cucumber
16 dive fishery account is subject to allotment procedures under chapter
17 43.88 RCW, but no appropriation is required for expenditures.
18 Expenditures from the account shall only be used to retire sea cucumber
19 licenses until the number of licenses is reduced to (~~twenty-five~~)
20 twenty, and thereafter shall only be used for sea cucumber management
21 and enforcement. The director or the director's designee shall notify
22 the department of revenue within thirty days when the number of
23 licenses is reduced to twenty.

24 (a) A surcharge of one hundred dollars shall be charged with each
25 sea cucumber dive fishery license renewal for licenses issued in 2000
26 through (~~2010~~) 2013, or until the number of licenses is reduced to
27 twenty, whichever occurs first.

28 (b) For licenses issued for (~~the year~~) license years 2000 (~~and~~
29 ~~thereafter,~~) through 2013, or until the number of licenses is reduced
30 to twenty, whichever occurs first, a surcharge shall be charged on the
31 sea cucumber dive fishery license for designating an alternate
32 operator. The surcharge shall be as follows: Five hundred dollars for
33 the first year or each of the first two consecutive years after 1999
34 that any alternate operator is designated and two thousand five hundred
35 dollars each year thereafter that any alternate operator is designated.

36 (5) Sea cucumber dive fishery licenses are transferable. (~~After~~
37 ~~December 31, 1999,~~) For licenses issued for license years 2000 through
38 2013, or whenever the number of licenses is reduced to twenty,

1 whichever occurs first, there is a surcharge to transfer a sea cucumber
2 dive fishery license. The surcharge is five hundred dollars for the
3 first transfer of a license valid for (~~calendar~~) license year 2000
4 and two thousand five hundred dollars for any subsequent transfer
5 (~~whether~~), occurring in the (~~year~~) license years 2000 (~~or~~
6 ~~thereafter~~) through 2013, or whenever the number of licenses is
7 reduced to twenty, whichever occurs first. Notwithstanding this
8 subsection, a one-time transfer exempt from surcharge applies for a
9 transfer from the natural person licensed on January 1, 2000, to that
10 person's spouse or child.

11 (6) If fewer than (~~twenty-five~~) twenty persons are eligible for
12 sea cucumber dive fishery licenses, the director may accept
13 applications for new licenses. The additional licenses may not cause
14 more than (~~twenty-five~~) twenty natural persons to be eligible for a
15 sea cucumber dive fishery license. New licenses issued under this
16 section shall be distributed according to rules of the department that
17 recover the value of such licensed privilege.

18 **Sec. 16.** RCW 82.27.020 and 2005 c 110 s 3 are each amended to read
19 as follows:

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

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

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

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

1 (a) Chinook, coho, and chum salmon and anadromous game fish: Five
2 and twenty-five one-hundredths percent;

3 (b) Pink and sockeye salmon: Three and fifteen one-hundredths
4 percent;

5 (c) Other food fish and shellfish, except oysters, sea urchins, and
6 sea cucumbers: Two and one-tenth percent;

7 (d) Oysters: Eight one-hundredths of one percent;

8 (e) Sea urchins: Four and six-tenths percent through December 31,
9 ((2010)) 2013, or until the department of fish and wildlife notifies
10 the department that the number of sea urchin licenses has been reduced
11 to twenty licenses, whichever occurs first, and two and one-tenth
12 percent thereafter; and

13 (f) Sea cucumbers: Four and six-tenths percent through December
14 31, ((2010)) 2013, or until the department of fish and wildlife
15 notifies the department that the number of sea cucumber licenses has
16 been reduced to twenty licenses, whichever occurs first, and two and
17 one-tenth percent thereafter.

18 (5) An additional tax is imposed equal to the rate specified in RCW
19 82.02.030 multiplied by the tax payable under subsection (4) of this
20 section.

21 **Sec. 17.** RCW 82.27.070 and 2005 c 110 s 4 are each amended to read
22 as follows:

23 All taxes collected by the department of revenue under this chapter
24 shall be deposited in the state general fund except for the excise tax
25 on anadromous game fish, which shall be deposited in the state wildlife
26 ((fund, and, during the period)) account. From January 1, 2000, to
27 December 31, ((2010)) 2013, or until the department of fish and
28 wildlife notifies the department that the license reduction goals of
29 the sea urchin or sea cucumber fishery have been met, whichever occurs
30 first, twenty-five forty-sixths of the revenues derived from the excise
31 tax on sea urchins collected under RCW 82.27.020 shall be deposited
32 into the sea urchin dive fishery account created in RCW 77.70.150, and
33 twenty-five forty-sixths of the revenues derived from the excise tax on
34 sea cucumbers collected under RCW 82.27.020 shall be deposited into the
35 sea cucumber dive fishery account created in RCW 77.70.190."

ADOPTED 03/02/2010

1 On page 1, line 2 of the title, after "resources;" strike the
2 remainder of the title and insert "amending RCW 77.70.500, 77.15.520,
3 77.15.380, 63.21.080, 77.12.865, 77.12.870, 77.15.750, 77.55.041,
4 77.32.430, 77.70.350, 77.70.150, 77.70.190, 82.27.020, and 82.27.070;
5 adding new sections to chapter 77.15 RCW; prescribing penalties; and
6 providing an expiration date."

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