
HOUSE BILL 2472

State of Washington

61st Legislature

2010 Regular Session

By Representatives Quall, Blake, and Morris; by request of Department of Fish and Wildlife

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1 AN ACT Relating to fishery license limitation programs; and
2 amending RCW 77.70.150, 77.70.190, 82.27.020, and 82.27.070.

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

4 **Sec. 1.** RCW 77.70.150 and 2005 c 110 s 1 are each amended to read
5 as follows:

6 (1) A sea urchin dive fishery license is required to take sea
7 urchins for commercial purposes. A sea urchin dive fishery license
8 authorizes the use of only one diver in the water at any time during
9 sea urchin harvest operations. If the same vessel has been designated
10 on two sea urchin dive fishery licenses, two divers may be in the
11 water. A natural person may not hold more than two sea urchin dive
12 fishery licenses.

13 (2) Except as provided in subsection (6) of this section, the
14 director shall issue no new sea urchin dive fishery licenses. For
15 licenses issued for the year 2000 and thereafter, the director shall
16 renew existing licenses only to a natural person who held the license
17 at the end of the previous year. If a sea urchin dive fishery license
18 is not held by a natural person as of December 31, 1999, it is not
19 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. 2.** 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. 3.** 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. 4.** 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.

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