
HOUSE BILL 1323

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Lytton, Morris, Blake, and Takko

Read first time 01/23/13. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the sea cucumber dive fishery; and amending RCW
2 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 77.70.190 and 2011 c 339 s 33 are each amended to read
5 as follows:

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

13 (2) Except as provided in subsection (6) of this section, the
14 director shall issue no new sea cucumber 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 cucumber dive fishery
18 license is not held by a natural person as of December 31, 1999, it is
19 not renewable. However, if the license is not held because of

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

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

11 (4) Surcharges as provided for in this section shall be collected
12 and deposited into the sea cucumber dive fishery account hereby created
13 in the custody of the state treasurer. The collections and deposits
14 must continue, as set forth in (a) and (b) of this subsection, through
15 license year ((2013)) 2016, or until the number of licenses is reduced
16 to twenty, whichever occurs first. Only the director or the director's
17 designee may authorize expenditures from the account. The sea cucumber
18 dive fishery account is subject to allotment procedures under chapter
19 43.88 RCW, but no appropriation is required for expenditures.
20 Expenditures from the account shall only be used to retire sea cucumber
21 licenses until the number of licenses is reduced to twenty, and
22 thereafter shall ((only)) be ((used for sea cucumber management and
23 enforcement)) equally divided and returned to the remaining permit
24 holders. The director or the director's designee shall notify the
25 department of revenue within thirty days when the number of licenses is
26 reduced to twenty.

27 (a) A surcharge of one hundred dollars shall be charged with each
28 sea cucumber dive fishery license renewal for licenses issued in 2000
29 through ((2013)) 2016, or until the number of licenses is reduced to
30 twenty, whichever occurs first.

31 (b) For licenses issued for license years 2000 through ((2013))
32 2016, or until the number of licenses is reduced to twenty, whichever
33 occurs first, a surcharge shall be charged on the sea cucumber dive
34 fishery license for designating an alternate operator. The surcharge
35 shall be as follows: Five hundred dollars for the first year or each
36 of the first two consecutive years after 1999 that any alternate
37 operator is designated and two thousand five hundred dollars each year
38 thereafter that any alternate operator is designated.

1 (5) Sea cucumber dive fishery licenses are transferable. For
2 licenses issued for license years 2000 through ((2013)) 2016, or
3 whenever the number of licenses is reduced to twenty, whichever occurs
4 first, there is a surcharge to transfer a sea cucumber dive fishery
5 license. The surcharge is five hundred dollars for the first transfer
6 of a license valid for license year 2000 and two thousand five hundred
7 dollars for any subsequent transfer, occurring in the license years
8 2000 through ((2013)) 2016, or whenever the number of licenses is
9 reduced to twenty, whichever occurs first. The application fee to
10 transfer a sea cucumber dive fishery license is one hundred five
11 dollars. Notwithstanding this subsection, a one-time transfer exempt
12 from surcharge applies for a transfer from the natural person licensed
13 on January 1, 2000, to that person's spouse or child.

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

21 **Sec. 2.** RCW 82.27.020 and 2010 c 193 s 16 are each amended to read
22 as follows:

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

36 (3) The measure of the tax is the value of the enhanced food fish
37 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, sea urchins, and
8 sea cucumbers: Two and one-tenth percent;

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

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

15 (f) Sea cucumbers: Four and six-tenths percent through December
16 31, (~~2013~~) 2016, or until the department of fish and wildlife
17 notifies the department that the number of sea cucumber licenses has
18 been reduced to twenty licenses, whichever occurs first, and two and
19 one-tenth percent thereafter.

20 (5) An additional tax is imposed equal to the rate specified in RCW
21 82.02.030 multiplied by the tax payable under subsection (4) of this
22 section.

23 **Sec. 3.** RCW 82.27.070 and 2010 c 193 s 17 are each amended to read
24 as follows:

25 All taxes collected by the department of revenue under this chapter
26 shall be deposited in the state general fund except for the excise tax
27 on anadromous game fish, which shall be deposited in the state wildlife
28 account. From January 1, 2000, to December 31, (~~2013~~) 2016, or until
29 the department of fish and wildlife notifies the department that the
30 license reduction goals of the sea urchin or sea cucumber fishery have
31 been met, whichever occurs first, twenty-five forty-sixths of the
32 revenues derived from the excise tax on sea urchins collected under RCW
33 82.27.020 shall be deposited into the sea urchin dive fishery account
34 created in RCW 77.70.150, and twenty-five forty-sixths of the revenues
35 derived from the excise tax on sea cucumbers collected under RCW

1 82.27.020 shall be deposited into the sea cucumber dive fishery account
2 created in RCW 77.70.190.

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