
SENATE BILL 6248

State of Washington

55th Legislature

1998 Regular Session

By Senator Swecker

Read first time . Referred to Committee on .

1 AN ACT Relating to geoduck harvesting agreements; and amending RCW
2 79.96.080.

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

4 **Sec. 1.** RCW 79.96.080 and 1990 c 163 s 4 are each amended to read
5 as follows:

6 (1) Geoducks shall be sold as valuable materials under the
7 provisions of chapter 79.90 RCW. After confirmation of the sale, the
8 department of natural resources may enter into an agreement with the
9 purchaser for the harvesting of geoducks. The department of natural
10 resources may place terms and conditions in the harvesting agreements
11 as the department deems necessary. The department of natural resources
12 may enforce the provisions of any harvesting agreement by suspending or
13 canceling the harvesting agreement or through any other means contained
14 in the harvesting agreement. Any geoduck harvester may terminate a
15 harvesting agreement entered into pursuant to this subsection if
16 actions of a governmental agency, beyond the control of the harvester,
17 its agents, or its employees, prohibit harvesting, for a period
18 exceeding a total of thirty days during the term of the harvesting
19 agreement(~~(, except as provided within the agreement)~~). If the

1 harvesting agreement provides for discrete, separate harvest periods
2 for portions of the total harvest allowed, the harvester may terminate
3 the agreement, for any separate harvest period, if government agency
4 actions prohibit harvesting for a period exceeding a total of thirty
5 days within that harvesting period. Upon such termination of the
6 agreement by the harvester, the harvester shall be reimbursed by the
7 department of natural resources for the cost paid to the department on
8 the agreement, less the value of the harvest already accomplished by
9 the harvester under the agreement.

10 (2) Harvesting agreements under this title for the purpose of
11 harvesting geoducks shall require the harvester and the harvester's
12 agent or representatives to comply with all applicable commercial
13 diving safety standards and regulations promulgated and implemented by
14 the federal occupational safety and health administration established
15 under the federal occupational safety and health act of 1970 as such
16 law exists or as hereafter amended (84 Stat. 1590 et seq.; 29 U.S.C.
17 Sec. 651 et seq.): PROVIDED, That for the purposes of this section and
18 RCW 75.24.100 as now or hereafter amended, all persons who dive for
19 geoducks are deemed to be employees as defined by the federal
20 occupational safety and health act. All harvesting agreements shall
21 provide that failure to comply with these standards is cause for
22 suspension or cancellation of the harvesting agreement: PROVIDED
23 FURTHER, That for the purposes of this subsection if the harvester
24 contracts with another person or entity for the harvesting of geoducks,
25 the harvesting agreement shall not be suspended or canceled if the
26 harvester terminates its business relationship with such entity until
27 compliance with this subsection is secured.

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