

CERTIFICATION OF ENROLLMENT

SENATE BILL 5531

Chapter 105, Laws of 2001

57th Legislature
2001 Regular Session

FISHERY LICENSES

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 9, 2001
YEAS 41 NAYS 0

ROSA FRANKLIN
President of the Senate

Passed by the House April 5, 2001
YEAS 97 NAYS 0

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved April 19, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5531** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

April 19, 2001 - 5:35 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5531

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senator Spanel

Read first time 01/25/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to limitations on fishery licenses; and amending
2 RCW 77.70.410, 77.70.420, 77.65.100, and 77.65.110.

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

4 **Sec. 1.** RCW 77.70.410 and 2000 c 107 s 84 are each amended to read
5 as follows:

6 (1) The shrimp pot-Puget Sound (~~((shrimp-emerging))~~) fishery
7 (~~((management-regime))~~) is (~~((converted from an emerging fishery status~~
8 ~~to))~~) a limited entry fishery (~~((status-effective January 1, 2000.~~

9 ~~((2) Effective January 1, 2000,)) and a person shall not fish for
10 shrimp taken from Puget Sound for commercial purposes with shrimp pot
11 gear except under the provisions of a shrimp pot-Puget Sound fishery
12 license issued under RCW 77.65.220.~~

13 (~~((3) Effective January 1, 2000, a shrimp pot-Puget Sound fishery~~
14 ~~license shall only be issued to a natural person who held an emerging~~
15 ~~commercial fishery license and Puget Sound shrimp pot experimental~~
16 ~~fishery permit during 1999. Beginning January 1, 2001,))~~

17 (2) A shrimp pot-Puget Sound fishery license shall only be issued
18 to a natural person who held a shrimp pot-Puget Sound fishery license
19 during the previous year, except upon the death of the licensee the

1 license shall be treated as analogous to personal property for purposes
2 of inheritance and intestacy.

3 (3) No more than two shrimp pot-Puget Sound fishery licenses may be
4 owned by a licensee. The licensee must transfer the second license
5 into the licensee's name, and designate on the second license the same
6 vessel as is designated on the first license at the time of the
7 transfer. Licensees who hold two shrimp pot-Puget Sound fishery
8 licenses may not transfer one of the two licenses for a twelve-month
9 period beginning on the date the second license is transferred to the
10 licensee, but the licensee may transfer both licenses to another
11 natural person. The nontransferability provisions of this subsection
12 start anew for the receiver of the two licenses. Licensees who hold
13 two shrimp pot-Puget sound fishery licenses may fish one and one-half
14 times the maximum number of pots allowed for Puget Sound shrimp, and
15 may retain and land one and one-half times the maximum catch limits
16 established for Puget Sound shrimp taken with shellfish pot gear.

17 (4) Through December 31, 2001, shrimp pot-Puget Sound fishery
18 licenses are ((nontransferable.

19 (5) The department, by rule, may set licensee participation
20 requirements for Puget Sound shellfish pot shrimp harvest))
21 transferable only to a current shrimp pot-Puget Sound fishery licensee,
22 or upon death of the licensee. Beginning January 1, 2002, shrimp pot-
23 Puget Sound commercial fishery licenses are transferable, except
24 holders of two shrimp pot-Puget Sound licenses are subject to
25 nontransferability provisions as provided for in this section.

26 (5) Through December 31, 2001, a shrimp pot-Puget Sound licensee
27 may designate any natural person as the alternate operator for the
28 license. Beginning January 1, 2002, a shrimp pot-Puget Sound licensee
29 may designate only an immediate family member, as defined in RCW
30 77.12.047, as the alternate operator. A licensee with a bona fide
31 medical emergency may designate a person other than an immediate family
32 member as the alternate operator for a period not to exceed two years,
33 provided the licensee documents the medical emergency with letters from
34 two medical doctors describing the illness or condition that prevents
35 the licensee from participating in the fishery. The two-year period
36 may be extended by the director upon recommendation of a department-
37 appointed Puget Sound shrimp advisory board. If the licensee has no
38 immediate family member who is capable of operating the license, the
39 licensee may make a request to the Puget Sound shrimp advisory board to

1 designate an alternate operator who is not an immediate family member,
2 and upon recommendation of the Puget Sound shrimp advisory board, the
3 director may allow designation of an alternate operator who is not an
4 immediate family member.

5 **Sec. 2.** RCW 77.70.420 and 2000 c 107 s 85 are each amended to read
6 as follows:

7 (1) The shrimp trawl-Puget Sound (~~((shrimp-emerging))~~) fishery
8 (~~((management regime))~~) is (~~((converted from an emerging fishery status~~
9 ~~to))~~) a limited entry fishery (~~((status effective January 1, 2000.~~

10 ~~(2) Effective January 1, 2000,~~) and a person shall not fish for
11 shrimp taken from Puget Sound for commercial purposes with shrimp trawl
12 gear except under the provisions of a shrimp trawl-Puget Sound fishery
13 license issued under RCW 77.65.220.

14 (~~((3) Effective January 1, 2000, a shrimp trawl Puget Sound fishery~~
15 ~~license shall only be issued to a natural person who held an emerging~~
16 ~~commercial fishery license and Puget Sound shrimp trawl experimental~~
17 ~~fishery permit during 1999. Beginning January 1, 2001,~~)

18 (2) A shrimp trawl-Puget Sound fishery license shall only be issued
19 to a natural person who held a shrimp trawl-Puget Sound fishery license
20 during the previous licensing year(~~(-~~

21 (4) ~~The department, by rule, may set licensee participation~~
22 ~~requirements for Puget Sound shellfish trawl shrimp harvest.~~

23 (5) ~~Shrimp trawl Puget Sound fishery licenses are~~
24 ~~nontransferable)),~~ except upon the death of the licensee the license
25 shall be treated as analogous to personal property for purposes of
26 inheritance and intestacy.

27 (3) No more than one shrimp trawl-Puget Sound fishery license may
28 be owned by a licensee.

29 (4) Through December 31, 2001, shrimp trawl-Puget Sound fishery
30 licenses are nontransferable, except upon death of the licensee.
31 Beginning January 1, 2002, shrimp trawl-Puget Sound licenses are
32 transferable.

33 (5) Through December 31, 2001, a shrimp trawl-Puget Sound licensee
34 may designate any natural person as the alternate operator for the
35 license. Beginning January 1, 2002, a shrimp trawl-Puget Sound
36 licensee may designate only an immediate family member, as defined in
37 RCW 77.12.047, as the alternate operator. A licensee with a bona fide
38 medical emergency may designate a person other than an immediate family

1 member as the alternate operator for a period not to exceed two years,
2 provided the licensee documents the medical emergency with letters from
3 two medical doctors describing the illness or condition that prevents
4 the immediate family member from participating in the fishery. The
5 two-year period may be extended by the director upon recommendation of
6 a department-appointed Puget Sound shrimp advisory board. If the
7 licensee has no immediate family member who is capable of operating the
8 license, the licensee may make a request to the Puget Sound shrimp
9 advisory board to designate an alternate operator who is not an
10 immediate family member, and upon recommendation of the Puget Sound
11 shrimp advisory board, the director may allow designation of an
12 alternate operator who is not an immediate family member.

13 **Sec. 3.** RCW 77.65.100 and 1998 c 190 s 94 are each amended to read
14 as follows:

15 This section applies to all commercial fishery licenses, delivery
16 licenses, and charter licenses.

17 (1) An applicant for a license subject to this section may
18 designate a vessel to be used with the license. Except for emergency
19 salmon delivery licenses, the director may issue a license regardless
20 of whether the applicant designates a vessel. An applicant may
21 designate no more than one vessel on a license subject to this section.

22 (2) A license for a fishery that requires a vessel authorizes no
23 taking or delivery of food fish or shellfish unless a vessel is
24 designated on the license. A delivery license authorizes no delivery
25 of food fish or shellfish unless a vessel is designated on the license.

26 (3) No vessel may be designated on more than one commercial fishery
27 license unless the licenses are for different fisheries, except the
28 same vessel may be designated on two of the following licenses,
29 provided the licenses are owned by the same licensee:

30 (a) Puget Sound Dungeness crab fishery license;

31 (b) Shrimp pot-Puget Sound fishery license;

32 (c) Sea cucumber dive fishery license; and

33 (d) Sea urchin dive fishery license.

34 (4) No vessel may be designated on more than one delivery license,
35 on more than one salmon charter license, or on more than one nonsalmon
36 charter license.

1 **Sec. 4.** RCW 77.65.110 and 2000 c 107 s 32 are each amended to read
2 as follows:

3 This section applies to all commercial fishery licenses, charter
4 boat license, and delivery licenses(~~(, except for whiting-Puget Sound~~
5 ~~fishery licenses and emergency salmon delivery licenses.~~

6 ~~(1) The license holder may engage in the activity authorized by a~~
7 ~~license subject to this section. With the exception of Dungeness~~
8 ~~crab-coastal fishery class B licensees licensed under RCW~~
9 ~~77.70.280(4), the holder of a license subject to this section may also~~
10 ~~designate up to two alternate operators for the license. Dungeness~~
11 ~~crab-coastal fishery class B licensees may not designate alternate~~
12 ~~operators)).~~

13 (1) A person designated as an alternate operator must possess an
14 alternate operator license issued under RCW 77.65.130, and be
15 designated on the license prior to engaging in the activities
16 authorized by the license. The holder of the commercial fishery
17 license, charter boat license, or delivery license may designate up to
18 two alternate operators for the license, except:

19 (a) Whiting--Puget Sound fishery licensees may not designate
20 alternate operators;

21 (b) Emergency salmon delivery licensees may not designate alternate
22 operators;

23 (c) Shrimp pot-Puget Sound fishery licensees may designate no more
24 than one alternate operator at a time; and

25 (d) Shrimp trawl-Puget Sound fishery licensees may designate no
26 more than one alternate operator at a time.

27 (2) The fee to change the alternate operator designation is twenty-
28 two dollars.

Passed the Senate March 9, 2001.

Passed the House April 5, 2001.

Approved by the Governor April 19, 2001.

Filed in Office of Secretary of State April 19, 2001.