CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2593

Chapter 193, Laws of 2010

61st Legislature
2010 Regular Session

SHELLFISH RESOURCE MANAGEMENT

EFFECTIVE DATE: 06/10/10

Passed by the House March 6, 2010
Yeas 63  Nays 31

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 2, 2010
Yeas 42  Nays 3

BRAD OWEN
President of the Senate
Approved March 24, 2010, 1:50 p.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2593 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
March 24, 2010

CHRISTINE GREGOIRE
Secretary of State
State of Washington
AN ACT Relating to creating tools to enhance the department of fish and wildlife's ability to manage shellfish resources; amending RCW 77.70.500, 77.15.520, 77.15.380, 63.21.080, 77.12.865, 77.12.870, 77.15.750, 77.55.041, 77.32.430, 77.70.350, 77.70.150, 77.70.190, 82.27.020, and 82.27.070; adding new sections to chapter 77.15 RCW; prescribing penalties; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2)(a) The department may expand the crab pot removal program to allow for the removal of shellfish pots belonging to state commercial or recreational licensed shellfish fisheries from Puget Sound waters during shellfish harvest closures, regardless of whether the shellfish pot was originally set by the permittee or not.

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

(i) The number of participants;
(ii) The eligible geographic areas in Puget Sound where shellfish pots may be recovered;
(iii) The types of shellfish pots that may be recovered;
(iv) The maximum or minimum depth where a shellfish pot must be located to be eligible for recovery; and
(v) The ports through which the vessels collecting the abandoned shellfish pots may operate.

(3) The department may adopt rules to implement subsections (1) and (2) of this section.
(4)(a) The following are exempt from complying with the lost and found property provisions in chapter 63.21 RCW:

(i) An individual participating in permitted crab pot removal activities in coastal marine waters who has a valid crab pot removal permit, and who adheres to the provisions of the permit as they relate to crab pot removal; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580 and the unlawful use of shellfish gear for personal use as provided in section 2 of this act.

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

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

This chapter shall not apply to:

(1) Motor vehicles under chapter 46.52 RCW;

(2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW;

(3) Uniform disposition of unclaimed property under chapter 63.29 RCW;

(4) Secured vessels under chapter 79A.65 RCW; and

(5) Crab or other shellfish pots in coastal marine or Puget Sound waters under RCW 77.70.500.

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

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

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

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

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

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

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

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

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

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

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.
Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, crab pot removal permits and shellfish pot removal permits under RCW 77.70.500, depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board.

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

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

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

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

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

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

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

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

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

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

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

Sec. 10. RCW 77.55.041 and 2005 c 146 s 302 are each amended to read as follows:
(1) The removal of derelict fishing gear does not require a permit under this chapter if the gear is removed according to the guidelines described in RCW 77.12.865.

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

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

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

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars, including any or all fees authorized under RCW 77.32.050, when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than one dollar, including any or all fees authorized under RCW 77.32.050, when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

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

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

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

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

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

(a) The scope of the derelict shellfish gear problem in Washington waters, including estimates of the existing quantity of derelict gear and estimates of annual shellfish gear loss;

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

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

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

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

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

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

(4) This section expires July 31, 2011.
Sec. 13.  RCW 77.70.350 and 2006 c 159 s 1 are each amended to read as follows:

(1) The following restrictions apply to vessel designations and substitutions on Dungeness crab-coastal fishery licenses:
   (a) The holder of the license may not:
       (i) Designate on the license a vessel the hull length of which exceeds ninety-nine feet; or
       (ii) Change vessel designation if the hull length of the vessel proposed to be designated exceeds the hull length designated on the license on June 7, 2006, by more than ten feet. However, if such vessel designation is the result of an emergency transfer, the applicable vessel length would be the most recent permanent vessel designation on the license prior to June 7, 2006;
   (b) If the hull length of the vessel proposed to be designated is comparable to or exceeds by up to one foot the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any (two consecutive Washington state coastal crab seasons) one-year period, measured from September 15th to September 15th of the following year, unless the currently designated vessel is lost or in disrepair such that it does not safely operate, in which case the department may allow a change in vessel designation;
   (c) If the hull length of the vessel proposed to be designated exceeds by between one and ten feet the hull length of the designated vessel on June 7, 2006, the department may change the vessel designation no more than once on or after June 7, 2006, unless a request is made by the license holder during a Washington state coastal crab season for an emergency change in vessel designation. If such an emergency request is made, the director may allow a temporary change in designation to another vessel, if the hull length of the other vessel does not exceed by more than ten feet the hull length of the currently designated vessel.

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

(3) By December 31, 2010, the department must, in cooperation with the coastal crab fishing industry, evaluate the effectiveness of this section and, if necessary, recommend any statutory changes to the appropriate committees of the senate and house of representatives.
Sec. 14. RCW 77.70.150 and 2005 c 110 s 1 are each amended to read as follows:

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

(2) Except as provided in subsection (6) of this section, the director shall issue no new sea urchin dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea urchin dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

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

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

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

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

(5) Sea urchin dive fishery licenses are transferable. ((After
December 31, 1999,)) For licenses issued for license years 2000 through
2013, or whenever the number of licenses is reduced to twenty, whichever occurs first, there is a surcharge to transfer a sea urchin
dive fishery license. The surcharge is five hundred dollars for the
first transfer of a license valid for ((calendar)) license year 2000,
and two thousand five hundred dollars for any subsequent transfer,
((whether)) occurring in the ((year)) license years 2000 ((or
thereafter)) through 2013, or whenever the number of licenses is
reduced to twenty, whichever occurs first. Notwithstanding this
subsection, a one-time transfer exempt from surcharge applies for a
transfer from the natural person licensed on January 1, 2000, to that
person's spouse or child.

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

Sec. 15. RCW 77.70.190 and 2005 c 110 s 2 are each amended to read
as follows:
(1) A sea cucumber dive fishery license is required to take sea cucumbers for commercial purposes. A sea cucumber dive fishery license authorizes the use of only one diver in the water at any time during sea cucumber harvest operations. If the same vessel has been designated on two sea cucumber dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea cucumber dive fishery licenses.

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

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

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

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

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

(5) Sea cucumber dive fishery licenses are transferable. (After December 31, 1999,) For licenses issued for license years 2000 through 2013, or whenever the number of licenses is reduced to twenty, whichever occurs first, there is a surcharge to transfer a sea cucumber dive fishery license. The surcharge is five hundred dollars for the first transfer of a license valid for (calendar) license year 2000 and two thousand five hundred dollars for any subsequent transfer (whether), occurring in the (year) license years 2000 (or thereafter) through 2013, or whenever the number of licenses is reduced to twenty, whichever occurs first. Notwithstanding this subsection, a one-time transfer exempt from surcharge applies for a transfer from the natural person licensed on January 1, 2000, to that person's spouse or child.

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

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

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

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

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

(4) The tax shall be equal to the measure of the tax multiplied by
the rates for enhanced food fish as follows:
   (a) Chinook, coho, and chum salmon and anadromous game fish: Five
       and twenty-five one-hundredths percent;
   (b) Pink and sockeye salmon: Three and fifteen one-hundredths
       percent;
   (c) Other food fish and shellfish, except oysters, sea urchins, and
       sea cucumbers: Two and one-tenth percent;
   (d) Oysters: Eight one-hundredths of one percent;
   (e) Sea urchins: Four and six-tenths percent through December 31,
       2013, or until the department of fish and wildlife notifies
       the department that the number of sea urchin licenses has been reduced
to twenty licenses, whichever occurs first, and two and one-tenth
       percent thereafter; and
   (f) Sea cucumbers: Four and six-tenths percent through December
       31, 2013, or until the department of fish and wildlife
       notifies the department that the number of sea cucumber licenses has
       been reduced to twenty licenses, whichever occurs first, and two and
       one-tenth percent thereafter.

(5) An additional tax is imposed equal to the rate specified in RCW
82.02.030 multiplied by the tax payable under subsection (4) of this
section.
Sec. 17. RCW 82.27.070 and 2005 c 110 s 4 are each amended to read as follows:

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

Passed by the House March 6, 2010.
Passed by the Senate March 2, 2010.
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