

SUBSTITUTE HOUSE BILL 1597

State of Washington

65th Legislature

2017 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, and Doglio; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to increasing revenue to the state wildlife
2 account by increasing commercial fishing license fees and
3 streamlining wholesale fish dealing, buying, and selling
4 requirements; amending RCW 77.12.170, 77.12.177, 77.15.096,
5 69.04.933, 69.04.934, 77.15.110, 77.15.170, 77.15.500, 77.15.565,
6 77.15.568, 77.15.620, 77.15.630, 77.15.640, 77.65.010, 77.65.020,
7 77.65.090, 77.65.110, 77.65.120, 77.65.150, 77.65.160, 77.65.170,
8 77.65.190, 77.65.200, 77.65.240, 77.65.280, 77.65.310, 77.65.320,
9 77.65.330, 77.65.340, 77.65.350, 77.65.390, 77.65.440, 77.65.480,
10 77.65.490, 77.65.500, 77.65.510, 77.65.580, 77.65.590, 77.70.150,
11 77.70.190, 77.70.220, 77.70.280, 77.70.290, 77.70.300, 77.70.340,
12 77.70.430, 77.70.490, 82.27.020, 82.27.070, 69.07.100, and 36.71.090;
13 reenacting and amending RCW 77.08.010, 77.65.210, 77.65.220, and
14 77.65.370; adding a new section to chapter 77.65 RCW; creating new
15 sections; repealing RCW 77.65.290, 77.65.300, 77.65.360, 77.65.515,
16 77.65.520, and 77.65.900; and providing an effective date.

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

18 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
19 commercial fishing industry is a benefit to the state as a whole, but
20 particularly to coastal communities where it creates and sustains

1 opportunities for employment. Maintaining a stable and economically
2 viable commercial fishing industry requires:

3 (a) Preserving fishing opportunities by providing a fee structure
4 for all commercial fishing permits that is not overly burdensome on
5 the fishing industry; and

6 (b) Avoiding a strain on fish resources beyond sustainable
7 spawning needs.

8 (2) The legislature intends to balance those needs by making
9 certain adjustments to commercial fishing fees.

10 **Sec. 2.** RCW 77.08.010 and 2016 c 2 s 2 (Initiative Measure No.
11 1401) are each reenacted and amended to read as follows:

12 The definitions in this section apply throughout this title or
13 rules adopted under this title unless the context clearly requires
14 otherwise.

15 (1) (~~("Anadromous game fish buyer" means a person who purchases~~
16 ~~or sells steelhead trout and other anadromous game fish harvested by~~
17 ~~Indian fishers lawfully exercising fishing rights reserved by federal~~
18 ~~statute, treaty, or executive order, under conditions prescribed by~~
19 ~~rule of the director.~~

20 (+2)) "Angling gear" means a line attached to a rod and reel
21 capable of being held in hand while landing the fish or a handheld
22 line operated without rod or reel.

23 ((+3)) (2) "Bag limit" means the maximum number of game animals,
24 game birds, or game fish which may be taken, caught, killed, or
25 possessed by a person, as specified by rule of the commission for a
26 particular period of time, or as to size, sex, or species.

27 ((+4)) (3) "Building" means a private domicile, garage, barn, or
28 public or commercial building.

29 ((+5)) (4) "Closed area" means a place where the hunting of some
30 or all species of wild animals or wild birds is prohibited.

31 ((+6)) (5) "Closed season" means all times, manners of taking,
32 and places or waters other than those established by rule of the
33 commission as an open season. "Closed season" also means all hunting,
34 fishing, taking, or possession of game animals, game birds, game
35 fish, food fish, or shellfish that do not conform to the special
36 restrictions or physical descriptions established by rule of the
37 commission as an open season or that have not otherwise been deemed
38 legal to hunt, fish, take, harvest, or possess by rule of the
39 commission as an open season.

1 (~~(7)~~) (6) "Closed waters" means all or part of a lake, river,
2 stream, or other body of water, where fishing or harvesting is
3 prohibited.

4 (~~(8)~~) (7) "Commercial" means related to or connected with
5 buying, selling, or bartering.

6 (~~(9)~~) (8) "Commission" means the state fish and wildlife
7 commission.

8 (~~(10)~~) (9) "Concurrent waters of the Columbia river" means
9 those waters of the Columbia river that coincide with the Washington-
10 Oregon state boundary.

11 (~~(11)~~) (10) "Contraband" means any property that is unlawful to
12 produce or possess.

13 (~~(12)~~) (11) "Covered animal species" means any species of
14 elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine
15 turtle, shark, or ray either: (a) Listed in appendix I or appendix II
16 of the convention on international trade in endangered species of
17 wild flora and fauna; or (b) listed as critically endangered,
18 endangered, or vulnerable on the international union for conservation
19 of nature and natural resources red list of threatened species.

20 (~~(13)~~) (12) "Covered animal species part or product" means any
21 item that contains, or is wholly or partially made from, any covered
22 animal species.

23 (~~(14)~~) (13) "Deleterious exotic wildlife" means species of the
24 animal kingdom not native to Washington and designated as dangerous
25 to the environment or wildlife of the state.

26 (~~(15)~~) (14) "Department" means the department of fish and
27 wildlife.

28 (~~(16)~~) (15) "Director" means the director of fish and wildlife.

29 (~~(17)~~) (16) "Distribute" or "distribution" means either a
30 change in possession for consideration or a change in legal
31 ownership.

32 (~~(18)~~) (17) "Endangered species" means wildlife designated by
33 the commission as seriously threatened with extinction.

34 (~~(19)~~) (18) "Ex officio fish and wildlife officer" means:

35 (a) A commissioned officer of a municipal, county, or state
36 agency having as its primary function the enforcement of criminal
37 laws in general, while the officer is acting in the respective
38 jurisdiction of that agency;

39 (b) An officer or special agent commissioned by one of the
40 following: The national marine fisheries service; the Washington

1 state parks and recreation commission; the United States fish and
2 wildlife service; the Washington state department of natural
3 resources; the United States forest service; or the United States
4 parks service, if the agent or officer is in the respective
5 jurisdiction of the primary commissioning agency and is acting under
6 a mutual law enforcement assistance agreement between the department
7 and the primary commissioning agency;

8 (c) A commissioned fish and wildlife peace officer from another
9 state who meets the training standards set by the Washington state
10 criminal justice training commission pursuant to RCW 10.93.090,
11 43.101.080, and 43.101.200, and who is acting under a mutual law
12 enforcement assistance agreement between the department and the
13 primary commissioning agency; or

14 (d) A Washington state tribal police officer who successfully
15 completes the requirements set forth under RCW 43.101.157, is
16 employed by a tribal nation that has complied with RCW 10.92.020(2)
17 (a) and (b), and is acting under a mutual law enforcement assistance
18 agreement between the department and the tribal government.

19 ~~((+20))~~ (19) "Fish" includes all species classified as game fish
20 or food fish by statute or rule, as well as all fin fish not
21 currently classified as food fish or game fish if such species exist
22 in state waters. The term "fish" includes all stages of development
23 and the bodily parts of fish species.

24 ~~((+21))~~ (20) "Fish and wildlife officer" means a person
25 appointed and commissioned by the director, with authority to enforce
26 this title and rules adopted pursuant to this title, and other
27 statutes as prescribed by the legislature. Fish and wildlife officer
28 includes a person commissioned before June 11, 1998, as a wildlife
29 agent or a fisheries patrol officer.

30 ~~((+22))~~ (21) "Fish broker" means a person ~~((whose business it is
31 to bring a seller of fish and shellfish and a purchaser of those fish
32 and shellfish together.~~

33 ~~(23) "Fish buyer" means:~~

34 ~~(a) A wholesale fish dealer or a retail seller who directly
35 receives fish or shellfish from a commercial fisher or receives fish
36 or shellfish in interstate or foreign commerce; or~~

37 ~~(b) A person engaged by a wholesale fish dealer who receives fish
38 or shellfish from a commercial fisher))~~ who facilitates the sale or
39 purchase of raw or frozen fish or shellfish on a fee or commission
40 basis, without assuming title to the fish or shellfish.

1 ~~((24))~~ (22) "Fish dealer" means a person who engages in any
2 activity that triggers the need to obtain a fish dealer license under
3 RCW 77.65.280.

4 (23) "Fishery" means the taking of one or more particular species
5 of fish or shellfish with particular gear in a particular
6 geographical area.

7 ~~((25))~~ (24) "Food, food waste, or other substance" includes
8 human and pet food or other waste or garbage that could attract large
9 wild carnivores.

10 ~~((26))~~ (25) "Freshwater" means all waters not defined as
11 saltwater including, but not limited to, rivers upstream of the river
12 mouth, lakes, ponds, and reservoirs.

13 ~~((27))~~ (26) "Fur-bearing animals" means game animals that shall
14 not be trapped except as authorized by the commission.

15 ~~((28))~~ (27) "Fur dealer" means a person who purchases,
16 receives, or resells raw furs for commercial purposes.

17 ~~((29))~~ (28) "Game animals" means wild animals that shall not be
18 hunted except as authorized by the commission.

19 ~~((30))~~ (29) "Game birds" means wild birds that shall not be
20 hunted except as authorized by the commission.

21 ~~((31))~~ (30) "Game farm" means property on which wildlife is
22 held, confined, propagated, hatched, fed, or otherwise raised for
23 commercial purposes, trade, or gift. The term "game farm" does not
24 include publicly owned facilities.

25 ~~((32))~~ (31) "Game reserve" means a closed area where hunting
26 for all wild animals and wild birds is prohibited.

27 ~~((33))~~ (32) "Illegal items" means those items unlawful to be
28 possessed.

29 ~~((34))~~ (33)(a) "Intentionally feed, attempt to feed, or
30 attract" means to purposefully or knowingly provide, leave, or place
31 in, on, or about any land or building any food, food waste, or other
32 substance that attracts or could attract large wild carnivores to
33 that land or building.

34 (b) "Intentionally feed, attempt to feed, or attract" does not
35 include keeping food, food waste, or other substance in an enclosed
36 garbage receptacle or other enclosed container unless specifically
37 directed by a fish and wildlife officer or animal control authority
38 to secure the receptacle or container in another manner.

39 ~~((35))~~ (34) "Large wild carnivore" includes wild bear, cougar,
40 and wolf.

1 (~~(36)~~) (35) "License year" means the period of time for which a
2 recreational license is valid. The license year begins April 1st, and
3 ends March 31st.

4 (~~(37)~~) (36) "Limited-entry license" means a license subject to
5 a license limitation program established in chapter 77.70 RCW.

6 (37) "Limited fish seller" means a licensed commercial fisher who
7 sells his or her fish or shellfish to anyone other than a wholesale
8 fish buyer thereby triggering the need to obtain a limited fish
9 seller endorsement under RCW 77.65.510.

10 (38) "Money" means all currency, script, personal checks, money
11 orders, or other negotiable instruments.

12 (39) "Natural person" means a human being.

13 (40)(a) "Negligently feed, attempt to feed, or attract" means to
14 provide, leave, or place in, on, or about any land or building any
15 food, food waste, or other substance that attracts or could attract
16 large wild carnivores to that land or building, without the awareness
17 that a reasonable person in the same situation would have with regard
18 to the likelihood that the food, food waste, or other substance could
19 attract large wild carnivores to the land or building.

20 (b) "Negligently feed, attempt to feed, or attract" does not
21 include keeping food, food waste, or other substance in an enclosed
22 garbage receptacle or other enclosed container unless specifically
23 directed by a fish and wildlife officer or animal control authority
24 to secure the receptacle or container in another manner.

25 (41) "Nonresident" means a person who has not fulfilled the
26 qualifications of a resident.

27 (42) "Offshore waters" means marine waters of the Pacific Ocean
28 outside the territorial boundaries of the state, including the marine
29 waters of other states and countries.

30 (43) "Open season" means those times, manners of taking, and
31 places or waters established by rule of the commission for the lawful
32 hunting, fishing, taking, or possession of game animals, game birds,
33 game fish, food fish, or shellfish that conform to the special
34 restrictions or physical descriptions established by rule of the
35 commission or that have otherwise been deemed legal to hunt, fish,
36 take, or possess by rule of the commission. "Open season" includes
37 the first and last days of the established time.

38 (44) "Owner" means the person in whom is vested the ownership
39 dominion, or title of the property.

1 (45) "Person" means and includes an individual; a corporation; a
2 public or private entity or organization; a local, state, or federal
3 agency; all business organizations, including corporations and
4 partnerships; or a group of two or more individuals acting with a
5 common purpose whether acting in an individual, representative, or
6 official capacity.

7 (46) "Personal property" or "property" includes both corporeal
8 and incorporeal personal property and includes, among other property,
9 contraband and money.

10 (47) "Personal use" means for the private use of the individual
11 taking the fish or shellfish and not for sale or barter.

12 (48) "Predatory birds" means wild birds that may be hunted
13 throughout the year as authorized by the commission.

14 (49) "Protected wildlife" means wildlife designated by the
15 commission that shall not be hunted or fished.

16 (50) "Raffle" means an activity in which tickets bearing an
17 individual number are sold for not more than twenty-five dollars each
18 and in which a permit or permits are awarded to hunt or for access to
19 hunt big game animals or wild turkeys on the basis of a drawing from
20 the tickets by the person or persons conducting the raffle.

21 (51) "Resident" has the same meaning as defined in RCW 77.08.075.

22 (~~(52) ("Retail-eligible species" means commercially harvested~~
23 ~~salmon, crab, and sturgeon.~~

24 ~~(53))~~ "Saltwater" means those marine waters seaward of river
25 mouths.

26 ~~((54))~~ (53) "Seaweed" means marine aquatic plant species that
27 are dependent upon the marine aquatic or tidal environment, and exist
28 in either an attached or free floating form, and includes but is not
29 limited to marine aquatic plants in the classes Chlorophyta,
30 Phaeophyta, and Rhodophyta.

31 ~~((55))~~ (54) "Senior" means a person seventy years old or older.

32 ~~((56))~~ (55) "Shark fin" means a raw, dried, or otherwise
33 processed detached fin or tail of a shark.

34 ~~((57))~~ (56)(a) "Shark fin derivative product" means any product
35 intended for use by humans or animals that is derived in whole or in
36 part from shark fins or shark fin cartilage.

37 (b) "Shark fin derivative product" does not include a drug
38 approved by the United States food and drug administration and
39 available by prescription only or medical device or vaccine approved
40 by the United States food and drug administration.

1 (~~(58)~~) (57) "Shellfish" means those species of marine and
2 freshwater invertebrates that have been classified and that shall not
3 be taken or possessed except as authorized by rule of the
4 commission. The term "shellfish" includes all stages of development
5 and the bodily parts of shellfish species.

6 (~~(59)~~) (58) "State waters" means all marine waters and fresh
7 waters within ordinary high water lines and within the territorial
8 boundaries of the state.

9 (~~(60)~~) (59) "Taxidermist" means a person who, for commercial
10 purposes, creates lifelike representations of fish and wildlife using
11 fish and wildlife parts and various supporting structures.

12 (~~(61)~~) (60) "To fish" and its derivatives means an effort to
13 kill, injure, harass, harvest, or capture a fish or shellfish.

14 (~~(62)~~) (61) "To hunt" and its derivatives means an effort to
15 kill, injure, harass, harvest, or capture a wild animal or wild bird.

16 (~~(63)~~) (62) "To process" and its derivatives mean preparing or
17 preserving fish, wildlife, or shellfish.

18 (~~(64)~~) (63) "To take" and its derivatives means to kill,
19 injure, harvest, or capture a fish, shellfish, wild animal, bird, or
20 seaweed.

21 (~~(65)~~) (64) "To trap" and its derivatives means a method of
22 hunting using devices to capture wild animals or wild birds.

23 (~~(66)~~) (65) "To waste" or "to be wasted" means to allow any
24 edible portion of any game bird, food fish, game fish, shellfish, or
25 big game animal other than cougar to be rendered unfit for human
26 consumption, or to fail to retrieve edible portions of such a game
27 bird, food fish, game fish, shellfish, or big game animal other than
28 cougar from the field. For purposes of this chapter, edible portions
29 of game birds must include, at a minimum, the breast meat of those
30 birds. Entrails, including the heart and liver, of any wildlife
31 species are not considered edible.

32 (~~(67)~~) (66) "Trafficking" means offering, attempting to engage,
33 or engaging in sale, barter, or purchase of fish, shellfish,
34 wildlife, or deleterious exotic wildlife.

35 (~~(68)~~) (67) "Unclaimed" means that no owner of the property has
36 been identified or has requested, in writing, the release of the
37 property to themselves nor has the owner of the property designated
38 an individual to receive the property or paid the required postage to
39 effect delivery of the property.

1 ~~((69))~~ (68) "Unclassified wildlife" means wildlife existing in
2 Washington in a wild state that have not been classified as big game,
3 game animals, game birds, predatory birds, protected wildlife,
4 endangered wildlife, or deleterious exotic wildlife.

5 ~~((70))~~ (69) "Wholesale fish ~~((dealer))~~ buyer" means a person
6 who ~~((, acting for commercial purposes, takes possession or ownership
7 of fish or shellfish and sells, barter, or exchange or attempts to
8 sell, barter, or exchange fish or shellfish that have been landed
9 into the state of Washington or entered the state of Washington in
10 interstate or foreign commerce))~~ engages in any fish buying or
11 selling activity that triggers the need to obtain a wholesale fish
12 buyer endorsement under RCW 77.65.340.

13 ~~((71))~~ (70) "Wild animals" means those species of the class
14 Mammalia whose members exist in Washington in a wild state. The term
15 "wild animal" does not include feral domestic mammals or old world
16 rats and mice of the family Muridae of the order Rodentia.

17 ~~((72))~~ (71) "Wild birds" means those species of the class Aves
18 whose members exist in Washington in a wild state.

19 ~~((73))~~ (72) "Wildlife" means all species of the animal kingdom
20 whose members exist in Washington in a wild state. This includes but
21 is not limited to mammals, birds, reptiles, amphibians, fish, and
22 invertebrates. The term "wildlife" does not include feral domestic
23 mammals, old world rats and mice of the family Muridae of the order
24 Rodentia, or those fish, shellfish, and marine invertebrates
25 classified as food fish or shellfish by the director. The term
26 "wildlife" includes all stages of development and the bodily parts of
27 wildlife members.

28 ~~((74))~~ (73) "Wildlife meat cutter" means a person who packs,
29 cuts, processes, or stores wildlife for consumption for another for
30 commercial purposes.

31 ~~((75))~~ (74) "Youth" means a person fifteen years old for
32 fishing and under sixteen years old for hunting.

33 **Sec. 3.** RCW 77.12.170 and 2016 c 30 s 5 are each amended to read
34 as follows:

35 (1) There is established in the state treasury the state wildlife
36 account which consists of moneys received from:

37 (a) Rentals or concessions of the department;

1 (b) The sale of real or personal property held for department
2 purposes, unless the property is seized or recovered through a fish,
3 shellfish, or wildlife enforcement action;

4 (c) The assessment of administrative penalties;

5 (d) The sale of licenses, permits, tags, and stamps required by
6 chapters 77.32, 77.65, and 77.70 RCW(~~(, RCW 77.65.490,~~) and
7 application fees;

8 (e) Fees for informational materials published by the department;

9 (f) Fees for personalized vehicle, Wild on Washington, and
10 Endangered Wildlife license plates, Washington's Wildlife license
11 plate collection, and Washington's fish license plate collection as
12 provided in chapter 46.17 RCW;

13 (g) Articles or wildlife sold by the director under this title;

14 (h) Compensation for damage to department property or wildlife
15 losses or contributions, gifts, or grants received under RCW
16 77.12.320. However, this excludes fish and shellfish overages, and
17 court-ordered restitution or donations associated with any fish,
18 shellfish, or wildlife enforcement action, as such moneys must be
19 deposited pursuant to RCW 77.15.425;

20 (i) Excise tax on (~~anadromous game~~) enhanced food fish
21 collected under chapter 82.27 RCW;

22 (j) The department's share of revenues from auctions and raffles
23 authorized by the commission;

24 (k) The sale of watchable wildlife decals under RCW 77.32.560;

25 (l) Moneys received from the recreation access pass account
26 created in RCW 79A.80.090 must be dedicated to stewardship,
27 operations, and maintenance of department lands used for public
28 recreation purposes; and

29 (m) Donations received by the director under RCW 77.12.039.

30 (2) State and county officers receiving any moneys listed in
31 subsection (1) of this section shall deposit them in the state
32 treasury to be credited to the state wildlife account.

33 **Sec. 4.** RCW 77.12.177 and 2015 c 225 s 114 are each amended to
34 read as follows:

35 (1) Except as provided in this title, state and county officers
36 receiving the following moneys shall deposit them in the state
37 (~~general fund~~) wildlife account:

38 (a) The sale of commercial licenses required under this title(~~(,~~
39 ~~except for licenses issued under RCW 77.65.490)~~); and

1 (b) Moneys received for damages to ~~((food))~~ fish ~~((or))~~,
2 shellfish, or wildlife.

3 ~~((The director shall make weekly remittances to the state~~
4 ~~treasurer of moneys collected by the department.~~

5 ~~(3))~~ All fines and forfeitures collected or assessed by a
6 district court for a violation of this title or rule of the
7 department shall be remitted as provided in chapter 3.62 RCW.

8 ~~((4))~~ (3) Proceeds from the sale of ~~((food))~~ fish or shellfish
9 taken in test fishing conducted by the department, to the extent that
10 these proceeds exceed the estimates in the budget approved by the
11 legislature, may be allocated as unanticipated receipts under RCW
12 43.79.270 to reimburse the department for unanticipated costs for
13 test fishing operations in excess of the allowance in the budget
14 approved by the legislature.

15 ~~((5))~~ (4) Proceeds from the sale of salmon carcasses and salmon
16 eggs from state general funded hatcheries by the department shall be
17 deposited in the regional fisheries enhancement group account
18 established in RCW 77.95.090.

19 ~~((6))~~ (5) Proceeds from the sale of herring spawn on kelp
20 fishery licenses by the department, to the extent those proceeds
21 exceed estimates in the budget approved by the legislature, may be
22 allocated as unanticipated receipts under RCW 43.79.270. Allocations
23 under this subsection shall be made only for herring management,
24 enhancement, and enforcement.

25 **Sec. 5.** RCW 77.15.096 and 2002 c 128 s 5 are each amended to
26 read as follows:

27 (1) Fish and wildlife officers may inspect without warrant at
28 reasonable times and in a reasonable manner:

29 (a) The premises, containers, fishing equipment, fish, seaweed,
30 shellfish, and wildlife~~((, and records required by the department))~~
31 of any commercial fisher or wholesale dealer or fish ~~((buyer))~~
32 dealer; and

33 (b) Records required by the department of any commercial fisher
34 or wholesale fish buyer or fish dealer.

35 (2) Fish and wildlife officers and ex officio fish and wildlife
36 officers may ~~((similarly))~~ inspect without warrant at reasonable
37 times and in a reasonable manner:

38 (a) The premises, containers, fishing equipment, fish, shellfish,
39 ((and)) wildlife,~~((and records required by the department))~~ or

1 covered animal species of any (~~shipping agent or other person~~
2 ~~placing or attempting to place fish, shellfish, or wildlife into~~
3 ~~interstate commerce,)~~ person trafficking or otherwise distributing
4 or receiving fish, shellfish, wildlife, or covered animal species;

5 (b) Records required by the department of any person trafficking
6 or otherwise distributing or receiving fish, shellfish, wildlife, or
7 covered animal species;

8 (c) Any cold storage plant that (~~the department~~) a fish and
9 wildlife officer has probable cause to believe contains fish,
10 shellfish, or wildlife(~~, or~~);

11 (d) The premises, containers, fish, shellfish, wildlife, or
12 covered animal species of any taxidermist or fur buyer; or

13 (e) The records required by the department of any taxidermist or
14 fur buyer.

15 (3) Fish and wildlife officers may inspect without warrant, at
16 reasonable times and in a reasonable manner, the records required by
17 the department of any retail outlet selling fish, shellfish, or
18 wildlife, and, if the officers have probable cause to believe a
19 violation of this title or rules of the commission has occurred, they
20 may inspect without warrant the premises, containers, and fish,
21 shellfish, and wildlife of any retail outlet selling fish, shellfish,
22 or wildlife.

23 (4) Authority granted under this section does not extend to
24 quarters in a boat, building, or other property used exclusively as a
25 private domicile, does not extend to transitory residences in which a
26 person has a reasonable expectation of privacy, and does not allow
27 search and seizure without a warrant if the thing or place is
28 protected from search without warrant within the meaning of Article
29 I, section 7 of the state Constitution.

30 **Sec. 6.** RCW 69.04.933 and 2013 c 290 s 4 are each amended to
31 read as follows:

32 (1) It is unlawful to knowingly sell or offer for sale at
33 wholesale or retail any fresh, frozen, or processed (~~food~~) fish or
34 shellfish without identifying for the buyer at the point of sale the
35 species of (~~food~~) fish or shellfish by its common name, such that
36 the buyer can make an informed purchasing decision for his or her
37 protection, health, and safety.

38 (2) It is unlawful to knowingly label or offer for sale any
39 (~~food~~) fish designated as halibut, with or without additional

1 descriptive words, unless the (~~food~~) fish product is *Hippoglossus*
2 *hippoglossus* or *Hippoglossus stenolepsis*.

3 (3) This section does not apply to salmon that is minced,
4 pulverized, coated with batter, or breaded.

5 (4) This section does not apply to a commercial fisher properly
6 licensed under chapter 77.65 or 77.70 RCW and engaged in sales of
7 fish to a wholesale fish buyer.

8 (5) A violation of this section constitutes misbranding under RCW
9 69.04.938 and is punishable as a misdemeanor, gross misdemeanor, or
10 felony depending on the fair market value of the fish or shellfish
11 involved in the violation.

12 (6)(a) The common names for salmon species are as listed in RCW
13 69.04.932.

14 (b) The common names for all other (~~food~~) fish and shellfish
15 are the common names for (~~food~~) fish and shellfish species as
16 defined by rule of the (~~director~~) department of fish and wildlife.
17 If the common name for a species is not defined by rule of the
18 (~~director~~) department of fish and wildlife, then the common name is
19 the acceptable market name or common name as provided in the United
20 States food and drug administration's publication "Seafood list -
21 FDA's guide to acceptable market names for seafood sold in interstate
22 commerce," as the publication existed on July 28, 2013.

23 (7) For the purposes of this section, "processed" means (~~food~~)
24 fish or shellfish processed by heat for human consumption, such as
25 (~~food~~) fish or shellfish that is kippered, smoked, boiled, canned,
26 cleaned, portioned, or prepared for sale or attempted sale for human
27 consumption.

28 (8) Nothing in this section precludes using additional
29 descriptive language or trade names to describe (~~food~~) fish or
30 shellfish as long as the labeling requirements in this section are
31 met.

32 **Sec. 7.** RCW 69.04.934 and 2013 c 290 s 5 are each amended to
33 read as follows:

34 (1) It is unlawful to knowingly sell or offer for sale at
35 wholesale or retail any fresh, frozen, or processed salmon without
36 identifying private sector cultured aquatic salmon or salmon products
37 as farm-raised salmon, or identifying commercially caught salmon or
38 salmon products as commercially caught salmon.

1 (2) Identification of the products under subsection (1) of this
2 section must be made to the buyer at the point of sale such that the
3 buyer can make an informed purchasing decision for his or her
4 protection, health, and safety.

5 (3) A violation of this section constitutes misbranding under RCW
6 69.04.938 and is punishable as a misdemeanor, gross misdemeanor, or
7 felony depending on the fair market value of the fish or shellfish
8 involved in the violation.

9 (4) This section does not apply to salmon that is minced,
10 pulverized, coated with batter, or breaded.

11 (5) This section does not apply to a commercial fisher properly
12 licensed under chapter 77.65 or 77.70 RCW and lawfully engaged in the
13 sale of fish to a wholesale fish buyer.

14 (6) Nothing in this section precludes using additional
15 descriptive language or trade names to describe (~~food~~) fish or
16 shellfish as long as the labeling requirements of this section are
17 met.

18 **Sec. 8.** RCW 77.15.110 and 2012 c 176 s 13 are each amended to
19 read as follows:

20 (1) For purposes of this chapter, a person acts for commercial
21 purposes if the person engages in conduct that relates to commerce in
22 fish, seaweed, shellfish, or wildlife or any parts thereof.
23 Commercial conduct may include taking, delivering, selling, buying,
24 brokering, or trading fish, seaweed, shellfish, or wildlife where
25 there is present or future exchange of money, goods, or any valuable
26 consideration. Evidence that a person acts for commercial purposes
27 includes, but is not limited to, the following conduct:

28 (a) Using gear typical of that used in commercial fisheries;

29 (b) Exceeding the bag or possession limits for personal use by
30 taking or possessing more than three times the amount of fish,
31 seaweed, shellfish, or wildlife allowed;

32 (c) Delivering or attempting to deliver fish, seaweed, shellfish,
33 or wildlife to a person who sells or resells (~~fish, seaweed,~~
34 ~~shellfish, or wildlife including any licensed or unlicensed~~
35 ~~wholesaler~~) it;

36 (d) Taking fish or shellfish using a vessel designated on a
37 commercial fishery license or using gear not authorized in a personal
38 use fishery;

39 (e) Using a commercial fishery license;

1 (f) Selling or dealing in raw furs for a fee or in exchange for
2 goods or services;

3 (g) Performing taxidermy service on fish, shellfish, or wildlife
4 belonging to another person for a fee or receipt of goods or
5 services; or

6 (h) Packs, cuts, processes, or stores the meat of wildlife for
7 consumption, for a fee or in exchange for goods or services.

8 (2) For purposes of this chapter, the value of any fish, seaweed,
9 shellfish, or wildlife may be proved based on evidence of legal or
10 illegal sales involving the person charged or any other person, of
11 offers to sell or solicitation of offers to sell by the person
12 charged or by any other person, or of any market price for the fish,
13 seaweed, shellfish, or wildlife including market price for farm-
14 raised game animals. The value assigned to specific fish, seaweed,
15 shellfish, or wildlife by RCW 77.15.420 may be presumed to be the
16 value of such fish, seaweed, shellfish, or wildlife. It is not
17 relevant to proof of value that the person charged misrepresented
18 that the fish, seaweed, shellfish, or wildlife was taken in
19 compliance with law if the fish, seaweed, shellfish, or wildlife was
20 unlawfully taken and had no lawful market value.

21 **Sec. 9.** RCW 77.15.170 and 2014 c 48 s 8 are each amended to read
22 as follows:

23 (1) A person is guilty of waste of fish and wildlife if the
24 person:

25 (a) Takes or possesses wildlife classified as food fish, game
26 fish, shellfish, or game birds having a value of two hundred fifty
27 dollars or more, or wildlife classified as big game; and

28 (b) Recklessly allows such fish, shellfish, or wildlife to be
29 wasted.

30 (2) Waste of fish and wildlife is a gross misdemeanor. Upon
31 conviction, the department shall revoke any license or tag used in
32 the crime and shall order suspension of the person's privileges to
33 engage in the activity in which the person committed waste of fish
34 and wildlife for a period of one year.

35 (3) It is prima facie evidence of waste if:

36 (a) A (~~processor~~) fish dealer purchases or engages a quantity
37 of food fish, shellfish, or game fish that cannot be processed within
38 sixty hours after the food fish, game fish, or shellfish are taken

1 from the water, unless the food fish, game fish, or shellfish are
2 preserved in good marketable condition; or

3 (b) A person brings a big game animal to a wildlife meat cutter
4 and then abandons the animal. For purposes of this subsection (3)(b),
5 a big game animal is deemed to be abandoned when its carcass is
6 placed in the custody of a wildlife meat cutter for butchering and
7 processing and:

8 (i) Having been placed in such custody for an unspecified period
9 of time, the meat is not removed within thirty days after the
10 wildlife meat cutter gives notice to the person who brought in the
11 carcass or, having been so notified, the person who brought in the
12 carcass refuses or fails to pay the agreed upon or reasonable charges
13 for the butchering or processing of the carcass; or

14 (ii) Having been placed in such custody for a specified period of
15 time, the meat is not removed at the end of the specified period or
16 the person who brought in the carcass refuses to pay the agreed upon
17 or reasonable charges for the butchering or processing of the
18 carcass.

19 **Sec. 10.** RCW 77.15.500 and 2000 c 107 s 248 are each amended to
20 read as follows:

21 (1) A person is guilty of commercial fishing without a license in
22 the second degree if the person fishes for, takes, or delivers
23 (~~((food))~~) fish(~~((,))~~) or shellfish(~~((, or game fish))~~) while acting for
24 commercial purposes and:

25 (a) The person does not hold a fishery license or delivery
26 license under chapter 77.65 RCW for the (~~((food))~~) fish or shellfish;
27 (~~((or))~~)

28 (b) The person is not a licensed operator designated as an
29 alternate operator on a fishery or delivery license under chapter
30 77.65 RCW for the (~~((food))~~) fish or shellfish; or

31 (c) The person does not hold a crewmember license when required
32 under section 16 of this act.

33 (2) A person is guilty of commercial fishing without a license in
34 the first degree if the person commits the act described by
35 subsection (1) of this section and:

36 (a) The violation involves taking, delivery, or possession of
37 (~~((food))~~) fish or shellfish with a value of two hundred fifty dollars
38 or more; or

1 (b) The violation involves taking, delivery, or possession of
2 ((~~feed~~)) fish or shellfish from an area that was closed to the taking
3 of ((~~such feed~~)) the fish or shellfish by any statute or rule.

4 (3)(a) Commercial fishing without a license in the second degree
5 is a gross misdemeanor.

6 (b) Commercial fishing without a license in the first degree is a
7 class C felony.

8 **Sec. 11.** RCW 77.15.565 and 2002 c 301 s 6 are each amended to
9 read as follows:

10 Since violation of the rules of the department relating to the
11 accounting of the commercial harvest of ((~~feed~~)) fish and shellfish
12 results in damage to the resources of the state, liability for damage
13 to ((~~feed~~)) fish and shellfish resources is imposed on a wholesale
14 fish ((~~dealer or the holder of a direct retail endorsement~~)) buyer or
15 a limited fish seller for violation of a provision in chapters 77.65
16 and 77.70 RCW or a rule of the department related to the accounting
17 of the commercial harvest of ((~~feed~~)) fish and shellfish and shall be
18 for the actual damages or for damages imposed as follows:

19 (1) For violation of rules requiring the timely presentation to
20 the department of documents relating to the accounting of commercial
21 harvest, fifty dollars for each of the first fifteen documents in a
22 series and ten dollars for each subsequent document in the same
23 series. If documents relating to the accounting of commercial harvest
24 of ((~~feed~~)) fish and shellfish are lost or destroyed and the
25 wholesale ((~~dealer or holder of a direct retail endorsement~~)) fish
26 buyer or limited fish seller notifies the department in writing
27 within seven days of the loss or destruction, the director shall
28 waive the requirement for timely presentation of the documents.

29 (2) For violation of rules requiring accurate and legible
30 information relating to species, value, harvest area, or amount of
31 harvest, twenty-five dollars for each of the first five violations of
32 this subsection ((~~following July 28, 1985~~)) per calendar year, and
33 fifty dollars for each violation after the first five violations.

34 (3) For violations of rules requiring certain signatures, fifty
35 dollars for each of the first two violations and one hundred dollars
36 for each subsequent violation. For the purposes of this subsection,
37 each signature is a separate requirement.

38 (4) For other violations of rules relating to the accounting of
39 the commercial harvest, fifty dollars for each separate violation.

1 **Sec. 12.** RCW 77.15.568 and 2016 sp.s. c 21 s 1 are each amended
2 to read as follows:

3 (1) A person is guilty of a secondary commercial fish receiver's
4 failure to account for commercial harvest if:

5 (a) The person sells fish or shellfish at retail, stores or holds
6 fish or shellfish for another in exchange for valuable consideration,
7 ships fish or shellfish in exchange for valuable consideration, or
8 brokers fish or shellfish in exchange for valuable consideration;

9 (b) The fish or shellfish were required to be entered on a
10 Washington fish-receiving ticket or a Washington aquatic farm
11 production annual report; and

12 (c) The person fails to maintain records of each receipt of fish
13 or shellfish, as required under subsections (3) through (5) of this
14 section, at:

15 (i) The location where the fish or shellfish are being sold or at
16 the location where the fish or shellfish are being stored or held; or

17 (ii) The principal place of business of the shipper or broker if
18 the fish or shellfish are not in possession.

19 (2) (~~This section applies to a wholesale fish dealer acting in~~
20 ~~the capacity of a broker. However, this section does not apply to a~~
21 ~~wholesale fish dealer acting in the capacity of a wholesale fish~~
22 ~~dealer, to a fisher selling under a direct retail sale endorsement,~~
23 ~~or to a registered aquatic farmer.)) Wholesale fish buyers, limited
24 fish sellers, and registered aquatic farmers are not required to
25 comply with this section for those fish or shellfish that they have
26 documented on fish tickets or aquatic farm production reports.~~

27 (3) Records of the receipt of fish or shellfish required to be
28 kept under this section must be in the English language and be
29 maintained for three years from the date fish or shellfish are
30 received, shipped, or brokered.

31 (4) Records maintained by persons that retail or broker must
32 include the following:

33 (a) The name, address, and phone number of the wholesale fish
34 dealer, fisher selling under a direct retail sale endorsement, or
35 aquatic farmer or shellstock shipper from whom the fish or shellfish
36 were purchased or received;

37 (b) The Washington fish-receiving ticket number documenting
38 original receipt or aquatic farm production quarterly report
39 documenting production, if available;

40 (c) The date of purchase or receipt; and

1 (d) The amount and species of fish or shellfish purchased or
2 received.

3 (5) Records maintained by persons that store, hold, or ship fish
4 or shellfish for others must state the following:

5 (a) The name, address, and phone number of the person and
6 business from whom the fish or shellfish were received;

7 (b) The date of receipt; and

8 (c) The amount and species of fish or shellfish received.

9 (6) A secondary commercial fish receiver's failure to account for
10 commercial harvest is a misdemeanor.

11 **Sec. 13.** RCW 77.15.620 and 2012 c 176 s 30 are each amended to
12 read as follows:

13 (1) A person is guilty of engaging in fish dealing activity
14 without a license in the second degree if the activity involves fish
15 or shellfish worth less than two hundred fifty dollars and the
16 person:

17 (a) Engages in (~~the commercial processing of fish or shellfish,~~
18 ~~including custom canning or processing of personal use fish or~~
19 ~~shellfish and does not hold a wholesale dealer's license required by~~
20 ~~RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct~~
21 ~~retail endorsement under RCW 77.65.510)) any fish dealing activity
22 requiring a fish dealer license under RCW 77.65.280 without first
23 obtaining the license;~~

24 (b) Engages in (~~the wholesale selling, buying, or brokering of~~
25 ~~food fish or shellfish and does not hold a wholesale dealer's or~~
26 ~~buying license required by RCW 77.65.280(2) or 77.65.480 for~~
27 ~~anadromous game fish)) any fish buying or selling activity requiring
28 a wholesale fish buyer endorsement under RCW 77.65.340 without first
29 obtaining the endorsement; or~~

30 (c) (~~Is a fisher who lands and sells his or her catch or harvest~~
31 ~~in the state to anyone other than a licensed wholesale dealer within~~
32 ~~or outside the state and does not hold a direct retail endorsement~~
33 ~~required by RCW 77.65.510; or~~

34 (~~Engages in the commercial manufacture or preparation of~~
35 ~~fertilizer, oil, meal, caviar, fish bait, or other by-products from~~
36 ~~food fish or shellfish and does not hold a wholesale dealer's license~~
37 ~~required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.))
38 Engages in any fish selling activity as a fisher that requires a~~

1 limited fish seller endorsement under RCW 77.65.510 without first
2 obtaining the endorsement.

3 (2) A person is guilty of engaging in fish dealing activity
4 without a license in the first degree if the person commits the act
5 described by subsection (1) of this section and the violation
6 involves fish or shellfish worth two hundred fifty dollars or more.

7 (3)(a) Engaging in fish dealing activity without a license in the
8 second degree is a gross misdemeanor.

9 (b) Engaging in fish dealing activity without a license in the
10 first degree is a class C felony.

11 **Sec. 14.** RCW 77.15.630 and 2014 c 48 s 21 are each amended to
12 read as follows:

13 (1) A person licensed as a commercial fisher, wholesale fish
14 (~~dealer, direct retail seller, anadromous game fish buyer, or a~~
15 ~~fish~~) buyer, or limited fish seller, or a person not so licensed but
16 acting in such a capacity, is guilty of unlawful fish and shellfish
17 catch accounting in the second degree if he or she receives or
18 delivers for commercial purposes fish or shellfish worth less than
19 two hundred fifty dollars; and

20 (a) Fails to document such fish or shellfish with a fish-
21 receiving ticket or other documentation required by statute or
22 department rule;

23 (b) Fails to sign the fish-receiving ticket or other required
24 documentation, fails to provide all of the information required by
25 statute or department rule on the fish-receiving ticket or other
26 documentation, or both; or

27 (c) Fails to submit the fish-receiving ticket to the department
28 as required by statute or department rule.

29 (2) A person is guilty of unlawful fish and shellfish catch
30 accounting in the first degree if the person commits an act described
31 by subsection (1) of this section and:

32 (a) The violation involves fish or shellfish worth two hundred
33 fifty dollars or more;

34 (b) The person acted with knowledge that the fish or shellfish
35 were taken from a closed area, at a closed time, or by a person not
36 licensed to take such fish or shellfish for commercial purposes; or

37 (c) The person acted with knowledge that the fish or shellfish
38 were taken in violation of any tribal law.

1 (3)(a) Unlawful fish and shellfish catch accounting in the second
2 degree is a gross misdemeanor.

3 (b) Unlawful fish and shellfish catch accounting in the first
4 degree is a class C felony. Upon conviction, the department shall
5 suspend all privileges to engage in wholesale fish buying or dealing
6 for two years.

7 (4) For the purposes of this section:

8 (a) A person "receives" fish or shellfish when title or control
9 of the fish or shellfish is transferred or conveyed to the person.

10 (b) A person "delivers" fish or shellfish when title or control
11 of the fish or shellfish is transferred or conveyed from the person.

12 **Sec. 15.** RCW 77.15.640 and 2012 c 176 s 32 are each amended to
13 read as follows:

14 (1) A person who holds a (~~wholesale~~) fish (~~dealer's~~) dealer
15 license required by RCW 77.65.280, (~~an anadromous game fish buyer's~~
16 ~~license required by RCW 77.65.480,~~) a wholesale fish (~~buyer's~~
17 ~~license~~) buyer endorsement required by RCW 77.65.340, or a (~~direct~~
18 ~~retail~~) limited fish seller endorsement under RCW 77.65.510 is
19 guilty of unlawful wholesale fish buying and dealing if the person:

20 (a) Fails to possess or display his or her license when engaged
21 in any act requiring the license; or

22 (b) Fails to display or uses the license in violation of any
23 department rule.

24 (2) Unlawful wholesale fish buying and dealing is a gross
25 misdemeanor.

26 NEW SECTION. **Sec. 16.** A new section is added to chapter 77.65
27 RCW to read as follows:

28 (1)(a) An individual age sixteen and older who works on board any
29 vessel while operating in a commercial fishery regulated by the state
30 must obtain a crewmember license from the department. However, an
31 individual on the vessel designated as the primary or alternate
32 operator on the commercial fishing license and an individual on the
33 vessel licensed and working as a geoduck diver do not also need a
34 crewmember license. Crewmembers working for licensed charters or
35 guides are not required to have a crewmember license.

36 (b) A crewmember license is required for each individual who
37 participates in the operation of the vessel or the harvest. For the
38 purposes of this section, the term "harvest" includes participation

1 in tending, deploying, retrieving, or baiting fishing gear,
2 harvesting, or placing fish or shellfish in holds.

3 (2) A crewmember license must be purchased in the name of the
4 individual working as the crewmember. The license holder may use the
5 license aboard any commercial fishing vessel. A crewmember license
6 purchased by a crewmember may not be transferred to another
7 individual.

8 (3) A crewmember license may be purchased and held by a
9 commercial fishing license holder for use by any individual working
10 on the vessel named in the commercial fishing license. Each
11 crewmember license held by a commercial fishing license holder covers
12 one crewmember per trip, but the same crewmember license may be used
13 to authorize a different individual to act as a crewmember on a
14 subsequent trip.

15 (4) The fee for an annual crewmember license is thirty-five
16 dollars for residents and nonresidents. Additional application fees
17 and surcharges do not apply except that if the license is purchased
18 through the automated licensing system the fees authorized in RCW
19 77.32.050 apply.

20 (5) The licenses must be available through the automated
21 licensing system and transaction fees and dealer fees apply, except
22 as provided in subsection (4) of this section. The annual crewmember
23 license is valid for a calendar year.

24 (6) A five consecutive day crewmember license may be purchased
25 for a fee of twenty-five dollars. The license must be available
26 through the automated licensing system and transaction fees and
27 dealer fees apply.

28 (7) Family members of the commercial license holder or alternate
29 operators are exempt from the requirements of this section. For
30 purposes of this section, family members include children,
31 grandchildren, spouse, parents, or siblings of the commercial license
32 holder.

33 **Sec. 17.** RCW 77.65.010 and 2015 c 97 s 3 are each amended to
34 read as follows:

35 (1) Except as otherwise provided by this title, a person must
36 have a license (~~or permit~~) issued by the director in order to
37 engage in any of the following activities:

38 (a) Commercially fish for or take food fish or shellfish;

1 (b) Deliver from a commercial fishing vessel food fish or
2 shellfish taken for commercial purposes in offshore waters. As used
3 in this subsection, "deliver" means arrival at a place or port, and
4 includes arrivals from offshore waters to waters within the state and
5 arrivals from state or offshore waters;

6 (c) Operate a charter boat or commercial fishing vessel engaged
7 in a fishery;

8 (d) Engage in ~~((processing or wholesaling food))~~ wholesale
9 buying, selling, dealing, processing, or brokering of raw or frozen
10 fish or shellfish; ((or))

11 (e) Sell his or her commercially harvested catch of fish or
12 shellfish to anyone other than a licensed wholesale fish buyer within
13 or outside the state; or

14 (f) Act as a food fish guide or game fish guide for personal use,
15 except that a charter boat license is required to operate a vessel
16 from which a person may for a fee fish for food fish in state waters
17 listed in RCW 77.65.150(4)(b).

18 (2) No person may engage in the activities described in
19 subsection (1) of this section unless the licenses ~~((or permits))~~
20 required by this title are in the person's possession, and the person
21 is the named license holder or an alternate operator designated on
22 the license and the person's license is not suspended.

23 (3) A valid Oregon license that is equivalent to a license under
24 this title is valid in the concurrent waters of the Columbia river if
25 the state of Oregon recognizes as valid the equivalent Washington
26 license. The director may identify by rule what Oregon licenses are
27 equivalent.

28 (4) No license ~~((or permit))~~ is required for the production or
29 harvesting of private sector cultured aquatic products as defined in
30 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
31 aquatic products. However, if a means of identifying such products is
32 required by rules adopted under RCW 15.85.060, the exemption from
33 licensing ~~((or permit))~~ requirements established by this subsection
34 applies only if the aquatic products are identified in conformance
35 with those rules.

36 **Sec. 18.** RCW 77.65.020 and 2011 c 339 s 15 are each amended to
37 read as follows:

1 (1) Unless otherwise provided in this title, a license issued
2 under this chapter is not transferable from the license holder to any
3 other person.

4 (2) The following restrictions apply to transfers of commercial
5 fishery licenses, salmon delivery licenses, and salmon charter
6 licenses that are transferable between license holders:

7 (a) The license holder shall surrender the previously issued
8 license to the department.

9 (b) The department shall complete no more than one transfer of
10 the license in any seven-day period.

11 (c) The fee to transfer a license from one license holder to
12 another is:

13 (i) The same as the (~~resident~~) license renewal fee if the
14 license is not limited under chapter 77.70 RCW;

15 (ii) Three and one-half times the (~~resident~~) renewal fee if the
16 license is not a commercial salmon license and the license is limited
17 under chapter 77.70 RCW;

18 (iii) Fifty dollars if the license is a commercial salmon license
19 and is limited under chapter 77.70 RCW; or

20 (iv) Five hundred dollars if the license is a Dungeness crab-
21 coastal fishery license(~~;~~~~or~~

22 ~~(v) If a license is transferred from a resident to a nonresident,~~
23 ~~an additional fee is assessed that is equal to the difference between~~
24 ~~the resident and nonresident license fees at the time of transfer, to~~
25 ~~be paid by the transferee)).~~

26 (d) In addition to the fees under (c) of this subsection, an
27 application fee of one hundred five dollars applies to all commercial
28 license transfers.

29 (3) A commercial license that is transferable under this title
30 survives the death of the holder. Though such licenses are not
31 personal property, they shall be treated as analogous to personal
32 property for purposes of inheritance and intestacy. Such licenses are
33 subject to state laws governing wills, trusts, estates, intestate
34 succession, and community property, except that such licenses are
35 exempt from claims of creditors of the estate and tax liens. The
36 surviving spouse, estate, or beneficiary of the estate may apply for
37 a renewal of the license. There is no fee for transfer of a license
38 from a license holder to the license holder's surviving spouse or
39 estate, or to a beneficiary of the estate.

1 **Sec. 19.** RCW 77.65.090 and 2011 c 339 s 16 are each amended to
2 read as follows:

3 This section applies to all commercial fishery licenses, delivery
4 licenses, and charter licenses, except for emergency salmon delivery
5 licenses.

6 (1) The holder of a license subject to this section may
7 substitute the vessel designated on the license or designate a vessel
8 if none has previously been designated if the license holder:

9 (a) Surrenders the previously issued license to the department;

10 (b) Submits to the department an application that identifies the
11 currently designated vessel, the vessel proposed to be designated,
12 and any other information required by the department; and

13 (c) Pays to the department a fee of thirty-five dollars and an
14 application fee of one hundred five dollars.

15 (2) Unless the license holder owns all vessels identified on the
16 application described in subsection (1)(b) of this section or unless
17 the vessel is designated on a Dungeness crab-coastal (~~(or a Dungeness~~
18 ~~crab-coastal-class B~~)) fishery license, the following restrictions
19 apply to changes in vessel designation:

20 (a) The department shall change the vessel designation on the
21 license no more than four times per calendar year.

22 (b) The department shall change the vessel designation on the
23 license no more than once in any seven-day period.

24 **Sec. 20.** RCW 77.65.110 and 2011 c 339 s 17 are each amended to
25 read as follows:

26 This section applies to all commercial fishery licenses(~~(~~
27 ~~charter boat licenses,~~)) and delivery licenses.

28 (1) A person designated as an alternate operator must possess an
29 alternate operator license issued under RCW 77.65.130, and be
30 designated on the fishery license prior to engaging in the activities
31 authorized by the license. The holder of the commercial fishery
32 license(~~(~~~~charter boat license,~~)) or delivery license may designate
33 up to two alternate operators for the license, except:

34 (a) Whiting—Puget Sound fishery licensees may not designate
35 alternate operators;

36 (b) Emergency salmon delivery licensees may not designate
37 alternate operators;

38 (c) Shrimp pot—Puget Sound fishery licensees may designate no
39 more than one alternate operator at a time; and

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

3 (2) The fee to change the alternate operator designation is
4 twenty-two dollars in addition to the application fee of one hundred
5 five dollars.

6 (3) An alternate operator license is not required for an
7 individual to operate a vessel designated as a charter boat under a
8 charter boat license.

9 **Sec. 21.** RCW 77.65.120 and 2000 c 107 s 33 are each amended to
10 read as follows:

11 (1) Only the fishery license holder and any alternate operators
12 designated on the license may sell or deliver ~~((food))~~ fish or
13 shellfish under a commercial fishery license or delivery license. A
14 commercial fishery license or delivery license authorizes no taking
15 or delivery of ~~((food))~~ fish or shellfish unless the license holder
16 or an alternate operator designated on the license is present or
17 aboard the vessel.

18 ~~((Notwithstanding RCW 77.65.010(1)(c), an alternate operator~~
19 ~~license is not required for an individual to operate a vessel as a~~
20 ~~charter boat.))~~ Only the fishery license holder and any alternate
21 operator designated on a license with a limited fish seller
22 endorsement under RCW 77.65.510 may sell the licensee's commercially
23 harvested catch directly to consumers at retail.

24 **Sec. 22.** RCW 77.65.150 and 2011 c 339 s 18 are each amended to
25 read as follows:

26 ~~((The director shall issue the charter licenses and angler~~
27 ~~permits listed in this section according to the requirements of this~~
28 ~~title.))~~ The licenses and permits and their annual license fees,
29 application fees, and surcharges are:

License	Annual Fee	Appli-	Governing
or	(RCW 77.95.090 Surcharge)	cation	Section
Permit	(RCW 77.12.702 Surcharge)	Fee	
	Resident	Nonresident	

1	(a) Non-	\$225	\$375	\$ 70
2	salmon	(plus \$35 for	(plus \$35 for	
3	charter	RCW 77.12.702	RCW 77.12.702	
4		Surcharge)	Surcharge)	
5	(b) Salmon	(\$380) \$460	(\$685) \$510	\$105 RCW 77.70.050
6	charter	(plus \$100)	(plus \$100)	
7		(plus \$35 for	(plus \$35 for	
8		RCW 77.12.702	RCW 77.12.702	
9		Surcharge)	Surcharge)	
10	(c) Salmon	\$ 0	\$ 0	\$ 0 RCW 77.70.060
11	angler			
12	(d) Salmon	\$ 95	\$ 95	\$ 70 RCW 77.65.350
13	roe			

14 (2) A salmon charter license designating a vessel is required to
15 operate a charter boat from which persons may, for a fee, fish for
16 salmon, other (~~food~~) fish, and shellfish. The director may issue a
17 salmon charter license only to a person who meets the qualifications
18 of RCW 77.70.050.

19 (3) A nonsalmon charter license designating a vessel is required
20 to operate a charter boat from which persons may, for a fee, fish for
21 (~~food~~) shellfish and fish other than salmon(~~(-)~~) or albacore
22 tuna(~~(-, and shellfish)~~).

23 (4)(a) "Charter boat" means a vessel from which persons may, for
24 a fee, fish for food fish or shellfish for personal use in those
25 state waters set forth in (b) of this subsection. "Charter boat" also
26 means a vessel from which persons may, for a fee, fish for (~~food~~)
27 fish or shellfish for personal use in offshore waters or in the
28 waters of other states. The director may specify by rule when a
29 vessel is a "charter boat" within this definition.

30 (b) A person may not operate a vessel from which persons may, for
31 a fee, fish for food fish or shellfish in Puget Sound, Grays Harbor,
32 Willapa Bay, Pacific Ocean waters, Lake Washington, or the Columbia
33 river below the bridge at Longview unless the vessel is designated on
34 a charter boat license.

35 (5) A charter boat licensed in Oregon may fish without a
36 Washington charter license under the same rules as Washington charter
37 boat operators in ocean waters within the jurisdiction of Washington
38 state from the southern border of the state of Washington to

1 Leadbetter Point, as long as the Oregon vessel does not take on or
 2 discharge passengers for any purpose from any Washington port, the
 3 Washington shore, or a dock, landing, or other point in Washington.
 4 The provisions of this subsection shall be in effect as long as the
 5 state of Oregon has reciprocal laws and regulations.

6 (6) A salmon charter license under subsection (1)(b) of this
 7 section may be renewed if the license holder notifies the department
 8 by May 1st of that year that he or she will not participate in the
 9 fishery during that calendar year. The license holder must pay the
 10 one hundred dollar enhancement surcharge, a thirty-five dollar
 11 surcharge to be deposited in the rockfish research account created in
 12 RCW 77.12.702, plus a one hundred five dollar application fee, in
 13 order to be considered a valid renewal and eligible to renew the
 14 license the following year.

15 **Sec. 23.** RCW 77.65.160 and 2011 c 339 s 19 are each amended to
 16 read as follows:

17 (1) The following commercial salmon fishery licenses are required
 18 for the license holder to use the specified gear to fish for salmon
 19 in state waters. Only a person who meets the qualifications of RCW
 20 77.70.090 may hold a license listed in this subsection. The licenses
 21 and their annual license fees, application fees, and surcharges under
 22 RCW 77.95.090 are:

Fishery	Resident	Nonresident	Surcharge	Application
License	Fee	Fee		Fee
(a) Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
—Grays		<u>\$430</u>		
Harbor-				
Columbia				
river				
(b) Salmon Gill Net	\$380	\$685	plus \$100	\$105
—Puget				
Sound				
(c) Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
—Willapa		<u>\$430</u>		
Bay-				
Columbia				
river				

1	(d) Salmon purse	(\$530)	(\$985)	plus \$100	\$105
2	seine	<u>\$545</u>	<u>\$595</u>		
3	(e) Salmon reef net	\$380	\$685	plus \$100	\$105
4	(f) Salmon troll	\$380	(\$685)	plus \$100	\$105
5			<u>\$430</u>		

6 (2) A license issued under this section authorizes no taking or
7 delivery of salmon or other food fish unless a vessel is designated
8 under RCW 77.65.100.

9 (3) Holders of commercial salmon fishery licenses may retain
10 incidentally caught food fish other than salmon, subject to rules of
11 the department.

12 (4) A salmon troll license includes a salmon delivery license.

13 (5) A salmon gill net license authorizes the taking of salmon
14 only in the geographical area for which the license is issued. The
15 geographical designations in subsection (1) of this section have the
16 following meanings:

17 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
18 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
19 sounds, and estuaries lying easterly and southerly of the
20 international boundary line and a line at the entrance to the Strait
21 of Juan de Fuca projected northerly from Cape Flattery to the
22 lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver
23 Island.

24 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
25 and tributary estuaries lying easterly of a line projected northerly
26 from Point Chehalis Light to Point Brown and those waters of the
27 Columbia river and tributary sloughs and estuaries easterly of a line
28 at the entrance to the Columbia river projected southerly from the
29 most westerly point of the North jetty to the most westerly point of
30 the South jetty.

31 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay
32 and tributary estuaries and easterly of a line projected northerly
33 from Leadbetter Point to the Cape Shoalwater tower and those waters
34 of the Columbia river and tributary sloughs described in (b) of this
35 subsection.

36 (6) A commercial salmon troll fishery license may be renewed
37 under this section if the license holder notifies the department by
38 May 1st of that year that he or she will not participate in the
39 fishery during that calendar year. A commercial salmon gill net, reef

1 net, or seine fishery license may be renewed under this section if
2 the license holder notifies the department before the third Monday in
3 September of that year that he or she will not participate in the
4 fishery during that calendar year. The license holder must pay the
5 one hundred dollar enhancement surcharge, plus a one hundred five
6 dollar application fee before the third Monday in September, in order
7 to be considered a valid renewal and eligible to renew the license
8 the following year.

9 (7) Notwithstanding the annual license fees and surcharges
10 established in subsection (1) of this section, a person who holds a
11 resident commercial salmon fishery license shall pay an annual
12 license fee of one hundred dollars plus the surcharge and application
13 fee if all of the following conditions are met:

14 (a) The license holder is at least seventy-five years of age;

15 (b) The license holder owns a fishing vessel and has fished with
16 a resident commercial salmon fishery license for at least thirty
17 years; and

18 (c) The commercial salmon fishery license is for a geographical
19 area other than the Puget Sound.

20 An alternate operator may not be designated for a license renewed
21 at the one hundred dollar annual fee under this subsection (7).

22 **Sec. 24.** RCW 77.65.170 and 2011 c 339 s 20 are each amended to
23 read as follows:

24 (1) A salmon delivery license is required for a commercial
25 fishing vessel to deliver salmon taken for commercial purposes in
26 offshore waters to a place or port in the state. As used in this
27 section, "deliver" and "delivery" mean arrival at a place or port,
28 and include arrivals from offshore waters to waters within the state
29 and arrivals ashore from offshore waters. The annual fee for a salmon
30 delivery license is three hundred eighty dollars for residents and
31 ((~~six~~)) four hundred ((~~eighty-five~~)) thirty dollars for nonresidents.
32 The application fee for a salmon delivery license is one hundred five
33 dollars. The annual surcharge under RCW 77.95.090 is one hundred
34 dollars for each license. Holders of nonlimited entry delivery
35 licenses issued under RCW 77.65.210 may apply the nonlimited entry
36 delivery license fee against the salmon delivery license fee.

37 (2) Only a person who meets the qualifications established in RCW
38 77.70.090 may hold a salmon delivery license issued under this
39 section.

1 (3) A salmon delivery license authorizes no taking of salmon or
2 other (~~food~~) fish or shellfish from the waters of the state.

3 (4) If the director determines that the operation of a vessel
4 under a salmon delivery license results in the depletion or
5 destruction of the state's salmon resource or the delivery into this
6 state of salmon products prohibited by law, the director may revoke
7 the license under the procedures of chapter 34.05 RCW.

8 **Sec. 25.** RCW 77.65.190 and 2011 c 339 s 21 are each amended to
9 read as follows:

10 A person who does not qualify for a license under RCW 77.70.090
11 shall obtain a nontransferable emergency salmon delivery license to
12 make one delivery from a commercial fishing vessel of salmon taken
13 for commercial purposes in offshore waters. As used in this section,
14 "delivery" means arrival at a place or port, and include arrivals
15 from offshore waters to waters within the state and arrivals ashore
16 from offshore waters. The director shall not issue an emergency
17 salmon delivery license unless, as determined by the director, a bona
18 fide emergency exists. The license fee is two hundred twenty-five
19 dollars (~~for residents and four hundred seventy five dollars for~~
20 ~~nonresidents~~). The application fee is one hundred five dollars. An
21 applicant for an emergency salmon delivery license shall designate no
22 more than one vessel that will be used with the license. Alternate
23 operator licenses are not required of persons delivering salmon under
24 an emergency salmon delivery license. Emergency salmon delivery
25 licenses are not renewable.

26 **Sec. 26.** RCW 77.65.200 and 2011 c 339 s 22 are each amended to
27 read as follows:

28 (1) This section establishes commercial fishery licenses required
29 for food fish fisheries and the annual fees for those licenses. As
30 used in this section, "food fish" does not include salmon. The
31 director may issue a limited-entry commercial fishery license only to
32 a person who meets the qualifications established in applicable
33 governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Application Fee	Vessel Required?	Limited Entry?
	Resident	Nonresident			
(a) Baitfish Lampara	(\$185) \$305	(\$295) \$355	\$ 70	Yes	No

1	(b) Baitfish purse seine	\$530	\$985	\$ 70	Yes	No
2	(c) Bottom fish jig	\$130	\$185	\$ 70	Yes	No
3	(d) Bottom fish pot	\$130	\$185	\$ 70	Yes	No
4	(e) Bottom fish troll	\$130	\$185	\$ 70	Yes	No
5	(f) Carp	\$130	\$185	\$ 70	No	No
6	(g) Columbia river smelt	\$380	\$685	\$ 70	No	No
7	(h) ((Dog fish set net	\$130	\$185	\$ 70	Yes	No
8	(i)) Emerging commercial	\$185	\$295	\$105	Determined by rule	Determined by rule
9	fishery (RCW 77.70.160					
10	and 77.65.400)					
11	((i)) (i) Food fish drag seine	\$130	\$185	\$ 70	Yes	No
12	((k)) (j) Food fish set line	\$130	\$185	\$ 70	Yes	No
13	((l)) Food fish trawl-	\$240	\$405	\$ 70	Yes	No
14	Non-Puget Sound					
15	(m)) Food fish trawl-	\$185	\$295	\$ 70	Yes	No
16	Puget Sound					
17	((n)) (k) Herring dip bag net	\$175	\$275	\$ 70	Yes	Yes
18	(RCW 77.70.120)					
19	((o)) (l) Herring drag seine	\$175	\$275	\$ 70	Yes	Yes
20	(RCW 77.70.120)					
21	((p)) (m) Herring gill net	\$175	\$275	\$105	Yes	Yes
22	(RCW 77.70.120)					
23	((q)) (n) Herring Lampara	\$175	\$275	\$ 70	Yes	Yes
24	(RCW 77.70.120)					
25	((r)) (o) Herring purse seine	\$175	\$275	\$105	Yes	Yes
26	(RCW 77.70.120)					
27	((s)) (p) Herring spawn-on-kelp	N/A	N/A	N/A	Yes	Yes
28	(RCW 77.70.210)					
29	((t)) (q) Sardine purse seine	\$185	\$295	\$105	Yes	Yes
30	(RCW 77.70.480)					
31	((u)) (r) Sardine purse seine	(\$185) \$295	(\$295) \$345	\$105	Yes	No
32	temporary (RCW 77.70.480)					
33	((v)) (s) Smelt dip bag net	\$130	\$185	\$ 70	No	No
34	((w)) (t) Smelt gill net	\$380	\$685	\$ 70	Yes	No

1	(((*))) (v) Whiting-Puget Sound	\$295	\$520	\$105	Yes	Yes
2	(RCW 77.70.130)					
3						

4 (2) The director may by rule determine the species of food fish
5 that may be taken with the commercial fishery licenses established in
6 this section, the gear that may be used with the licenses, and the
7 areas or waters in which the licenses may be used. Where a fishery
8 license has been established for a particular species, gear,
9 geographical area, or combination thereof, a more general fishery
10 license may not be used to take food fish in that fishery.

11 **Sec. 27.** RCW 77.65.210 and 2011 c 339 s 23 and 2011 c 147 s 3
12 are each reenacted and amended to read as follows:

13 (1) Except as provided in subsection (2) of this section, a
14 person may not use a commercial fishing vessel to deliver food fish
15 or shellfish taken for commercial purposes in offshore waters to a
16 port in the state without a nonlimited entry delivery license. As
17 used in this section, "deliver" and "delivery" mean arrival at a
18 place or port, and include arrivals from offshore waters to waters
19 within the state and arrivals ashore from offshore waters. As used in
20 this section, "food fish" does not include salmon. As used in this
21 section, "shellfish" does not include ocean pink shrimp, coastal
22 crab, coastal spot shrimp, or fish or shellfish taken under an
23 emerging commercial fisheries license if taken from off-shore waters.
24 The annual license fee for a nonlimited entry delivery license is
25 ~~((one hundred ten dollars for residents and))~~ two hundred sixty
26 dollars ~~((for nonresidents))~~, and an additional thirty-five dollar
27 surcharge ~~((for both residents and nonresidents))~~ to be deposited in
28 the rockfish research account created in RCW 77.12.702. The
29 application fee for a nonlimited entry delivery license is one
30 hundred five dollars.

31 (2) Holders of the following licenses may deliver food fish or
32 shellfish taken in offshore waters without a nonlimited entry
33 delivery license: Salmon troll fishery licenses issued under RCW
34 77.65.160; salmon delivery licenses issued under RCW 77.65.170; crab
35 pot fishery licenses issued under RCW 77.65.220; food fish trawl—Non-
36 Puget Sound fishery licenses, and emerging commercial fishery
37 licenses issued under RCW 77.65.200; Dungeness crab—coastal fishery
38 licenses; ocean pink shrimp delivery licenses; ~~((shrimp trawl Non-~~

1 ~~Puget Sound fishery licenses,~~) Washington coastal spot shrimp pot
 2 fishery licenses issued under chapter 77.70 RCW; and emerging
 3 commercial fishery licenses issued under RCW 77.65.220.

4 (3) A nonlimited entry delivery license authorizes no taking of
 5 (~~food~~) fish or shellfish from state waters.

6 **Sec. 28.** RCW 77.65.220 and 2011 c 339 s 24 and 2011 c 147 s 4
 7 are each reenacted and amended to read as follows:

8 (1) This section establishes commercial fishery licenses required
 9 for shellfish fisheries and the annual fees for those licenses. The
 10 director may issue a limited-entry commercial fishery license only to
 11 a person who meets the qualifications established in applicable
 12 governing sections of this title.

13 Fishery	14 Annual Fee		15 Application Fee	16 Vessel 17 Required?	18 Limited 19 Entry?
	20 Resident	21 Nonresident			
22 (a) Burrowing shrimp	\$185	\$295	\$105	Yes	No
23 (b) ((Crab ring net-	\$130	\$185	\$70	Yes	No
24 Non-Puget Sound					
25 (e)) Crab ring net-	\$130	\$185	\$70	Yes	No
26 Puget Sound					
27 ((d)) (c) Dungeness crab-coastal	(((\$295)) <u>\$325</u>	(((\$520)) <u>\$600</u>	\$105	Yes	Yes
28 (RCW 77.70.280)					
29 ((e) Dungeness crab-	\$295	\$520	\$105	Yes	Yes
30 coastal, class B					
31 (RCW 77.70.280)					
32 (f)) (d) Dungeness crab-	(((\$130)) <u>\$145</u>	(((\$185)) <u>\$195</u>	\$105	Yes	Yes
33 Puget Sound					
34 (RCW 77.70.110)					
35 ((g)) (e) Emerging commercial	\$185	\$295	\$105	Determined	Determined
36 fishery (RCW 77.70.160 and				by rule	by rule
37 77.65.400)					
38 ((h)) (f) Geoduck (RCW	\$ 0	\$ 0	\$ 70	Yes	Yes
39 77.70.220)					
40 ((i)) (g) Hardshell clam	\$530	\$985	\$ 70	Yes	No
41 mechanical					
42 harvester					

1	(RCW 77.65.250)					
2	((f)) (h) Oyster reserve	(\$130) \$155	(\$185) \$205	\$ 70	No	No
3	(RCW 77.65.260)					
4	((k)) (i) Razor clam	\$130	\$185	\$105	No	No
5	((h)) (j) Sea cucumber dive	\$130	\$185	\$105	Yes	Yes
6	(RCW 77.70.190)					
7	((m)) (k) Sea urchin dive	\$130	\$185	\$105	Yes	Yes
8	(RCW 77.70.150)					
9	((n)) (l) Shellfish dive	\$130	\$185	\$ 70	Yes	No
10	((o)) (m) Shellfish pot	\$130	\$185	\$ 70	Yes	No
11	((p)) (n) Shrimp pot-	\$185	\$295	\$105	Yes	Yes
12	Puget Sound					
13	(RCW 77.70.410)					
14	((q)) Shrimp trawl-	\$240	\$405	\$105	Yes	No
15	Non-Puget Sound					
16	((r)) (o) Shrimp trawl-	\$185	\$295	\$105	Yes	Yes
17	Puget Sound					
18	(RCW 77.70.420)					
19	((s)) (p) Spot shrimp-coastal	(\$185) \$100	(\$295) \$150		Yes	Yes
20	((t)) (q) Squid	\$185	\$295	\$ 70	Yes	No

21 (2) The director may by rule determine the species of shellfish
22 that may be taken with the commercial fishery licenses established in
23 this section, the gear that may be used with the licenses, and the
24 areas or waters in which the licenses may be used. Where a fishery
25 license has been established for a particular species, gear,
26 geographical area, or combination thereof, a more general fishery
27 license may not be used to take shellfish in that fishery.

28 **Sec. 29.** RCW 77.65.240 and 2000 c 107 s 45 are each amended to
29 read as follows:

30 A surcharge of one hundred twenty dollars shall be collected with
31 each Dungeness crab-coastal fishery license (~~and with each Dungeness~~
32 ~~crab-coastal class B fishery license)) issued under RCW 77.65.220.
33 Moneys collected under this section shall be placed in the coastal
34 crab account created under RCW 77.70.320.~~

1 **Sec. 30.** RCW 77.65.280 and 2014 c 48 s 27 are each amended to
2 read as follows:

3 (1) A (~~wholesale~~) fish (~~dealer's~~) dealer license is required
4 for(~~+~~

5 ~~(a) A business in the state to engage in the commercial~~
6 ~~processing of food fish or shellfish, including custom canning or~~
7 ~~processing of personal use food fish or shellfish.~~

8 ~~(b) A business in the state to engage in the wholesale selling,~~
9 ~~buying, or brokering of food fish or shellfish. A wholesale fish~~
10 ~~dealer's license is not required of those businesses which buy~~
11 ~~exclusively from Washington licensed wholesale dealers and sell~~
12 ~~solely at retail.~~

13 ~~(c) Fishers who land and sell their catch or harvest in the state~~
14 ~~to anyone other than a licensed wholesale dealer within or outside~~
15 ~~the state, unless the fisher has a direct retail endorsement.~~

16 ~~(d) A business to engage in the commercial manufacture or~~
17 ~~preparation of fertilizer, oil, meal, caviar, fish bait, or other by-~~
18 ~~products from food fish or shellfish.~~

19 ~~(e) A business engaging a fish buyer as defined under RCW~~
20 ~~77.65.340.~~

21 ~~(2))~~ a person in the state who:

22 (a) Takes possession of raw or frozen fish or shellfish, in whole
23 or in parts, to prepare, repackage, process, or preserve. This
24 includes, but is not limited to:

25 (i) Canning or processing of fish or shellfish for payment,
26 whether the fish or shellfish is commercially harvested or taken for
27 personal use; and

28 (ii) The commercial manufacture or preparation of fertilizer,
29 oil, meal, caviar, fish bait, or any other by-products from fish or
30 shellfish;

31 (b) Engages in the wholesale selling, buying, or brokering of raw
32 or frozen fish or shellfish. Certain buyers may be additionally
33 required to obtain a wholesale fish buyer endorsement as specified in
34 RCW 77.65.340.

35 (2) A fish dealer license is not required for:

36 (a) Licensed commercial fish or shellfish harvesters who either
37 sell only to licensed wholesale fish buyers or who possess a limited
38 fish seller endorsement;

1 (b) Retail businesses that purchase exclusively from Washington
2 licensed wholesale fish buyers or from limited fish sellers for sale
3 to end consumers.

4 (3) A business engaged in any activity requiring a fish dealer
5 license only needs to purchase one fish dealer license to cover the
6 actions of all employees.

7 (4) The annual license fee for a ((wholesale)) resident fish
8 dealer is ((two)) three hundred ((fifty)) forty-five dollars. The fee
9 for a nonresident fish dealer license is three hundred ninety-five
10 dollars. The application fee for both resident and nonresident
11 licenses is one hundred five dollars. ((A wholesale fish dealer's
12 license is not required for persons engaged in the processing,
13 wholesale selling, buying, or brokering of private sector cultured
14 aquatic products as defined in RCW 15.85.020. However, if a means of
15 identifying such products is required by rules adopted under RCW
16 15.85.060, the exemption from licensing requirements established by
17 this subsection applies only if the aquatic products are identified
18 in conformance with those rules.))

19 **Sec. 31.** RCW 77.65.310 and 1996 c 267 s 29 are each amended to
20 read as follows:

21 Wholesale fish ((dealers)) buyers and limited fish sellers are
22 ((responsible for documenting)) required to document the commercial
23 harvest of ((food)) fish and shellfish according to the rules of the
24 department. ((The director may allow only wholesale fish dealers or
25 their designees to receive the forms necessary for the accounting of
26 the commercial harvest of food fish and shellfish.))

27 **Sec. 32.** RCW 77.65.320 and 2000 c 107 s 49 are each amended to
28 read as follows:

29 (1) A wholesale fish ((dealer shall not take possession of food
30 fish or shellfish until the dealer has deposited)) buyer or limited
31 fish seller must deposit with the department an acceptable
32 performance bond on forms prescribed and furnished by the department
33 before engaging in fish selling or buying activities. This
34 performance bond shall be a corporate surety bond executed in favor
35 of the department by a corporation authorized to do business in the
36 state of Washington under chapter 48.28 RCW and approved by the
37 department.

1 (a) For wholesale fish buyers, the bond shall be filed and
2 maintained in an amount equal to ~~((one))~~ two thousand dollars. For
3 each additional buyer engaged by the wholesale ~~((dealer. In no case~~
4 ~~shall the bond be less than two thousand dollars nor more than fifty~~
5 ~~thousand dollars))~~ business, the bond must be increased an additional
6 one thousand dollars.

7 (b) For limited fish sellers, the bond shall be filed and
8 maintained in an amount equal to one thousand dollars.

9 (c) The department may increase the bond amount for persons who
10 have violated rules relating to the accounting of commercial harvest.

11 ~~((A wholesale dealer shall, within seven days of engaging~~
12 ~~additional fish buyers, notify the department and increase the amount~~
13 ~~of the bonding required in subsection (1) of this section.~~

14 ~~(3))~~ The director may suspend and refuse to reissue a wholesale
15 fish ~~((dealer's license))~~ buyer endorsement of a ~~((dealer))~~ person
16 who has taken possession of ~~((food))~~ fish or shellfish without an
17 acceptable performance bond on deposit with the department.

18 (3) The director may suspend and refuse to reissue a limited fish
19 seller endorsement to a commercial fisher who has sold fish or
20 shellfish without an acceptable performance bond on deposit with the
21 department.

22 (4) The bond shall be conditioned upon the compliance with the
23 requirements of this chapter and rules of the department relating to
24 the payment of fines for violations of rules for the accounting of
25 the commercial harvest of ~~((food))~~ fish or shellfish. In lieu of the
26 surety bond required by this section, the wholesale fish ~~((dealer))~~
27 buyer or limited fish seller may file with the department a cash
28 deposit, negotiable securities acceptable to the department, or an
29 assignment of a savings account or of a savings certificate in a
30 Washington bank on an assignment form prescribed by the department.

31 ~~((Liability under the bond shall be maintained as long as the~~
32 ~~wholesale fish dealer engages in activities under RCW 77.65.280~~
33 ~~unless released.))~~ Liability under the bond may be released only upon
34 written notification from the department. Notification shall be given
35 upon acceptance by the department of a substitute bond or forty-five
36 days after the expiration of the wholesale fish ~~((dealer's annual~~
37 ~~license))~~ buyer or limited fish seller annual endorsement. In no
38 event shall the liability of the surety exceed the amount of the
39 surety bond required under this chapter.

1 **Sec. 33.** RCW 77.65.330 and 1985 c 248 s 7 are each amended to
2 read as follows:

3 The director shall promptly notify by order a wholesale
4 (~~dealer~~) fish buyer or limited fish seller and the appropriate
5 surety when a violation of rules relating to the accounting of
6 commercial harvest has occurred. The notification shall specify the
7 type of violation, the liability to be imposed for damages caused by
8 the violation, and a notice that the amount of liability is due and
9 payable to the department by the wholesale fish (~~dealer~~) buyer or
10 limited fish seller and the surety.

11 If the amount specified in the order is not paid within thirty
12 days after receipt of the notice, the prosecuting attorney for any
13 county in which the persons to whom the order is directed do
14 business, or the attorney general upon request of the department, may
15 bring an action on behalf of the state in the superior court for
16 Thurston county or any county in which the persons to whom the order
17 is directed do business to recover the amount specified in the final
18 order of the department. The surety shall be liable to the state to
19 the extent of the bond.

20 **Sec. 34.** RCW 77.65.340 and 2014 c 48 s 28 are each amended to
21 read as follows:

22 (1) A (~~fish buyer's license is required of and shall be carried~~
23 ~~by each individual engaged by a wholesale fish dealer to purchase~~
24 ~~food fish or shellfish from a commercial fisher. A fish buyer may~~
25 ~~represent only one wholesale fish dealer.~~

26 (2)) wholesale fish buyer endorsement is required for a licensed
27 fish dealer:

28 (a) To take first possession or ownership of fish or shellfish
29 directly from a commercial fisher that is landed into the state of
30 Washington;

31 (b) To take first possession or ownership of raw or frozen fish
32 or shellfish in the state of Washington from interstate or foreign
33 commerce; or

34 (c) To engage in the wholesale buying or selling of fish or
35 shellfish harvested by Indian fishers lawfully exercising fishing
36 rights reserved by federal statute, treaty, or executive order, and
37 the dealer is also responsible for documenting the commercial harvest
38 and sales according to the rules of the department.

1 (2) A business licensed as a fish dealer must purchase at least
2 one wholesale fish buyer endorsement to engage in the activities in
3 subsection (1) of this section, which allows the business to buy or
4 sell on its premises and which allows one named employee to buy and
5 sell off premises. A business must obtain an additional wholesale
6 fish buyer endorsement for each additional employee who buys and
7 sells fish or shellfish off premises.

8 (3) The annual fee for a resident wholesale fish buyer's
9 ((license is ninety-five)) endorsement is one hundred seventy
10 dollars. The annual fee for a nonresident wholesale fish buyer's
11 endorsement is two hundred twenty dollars. The application fee for
12 both resident and nonresident endorsements is one hundred five
13 dollars.

14 **Sec. 35.** RCW 77.65.350 and 1996 c 267 s 31 are each amended to
15 read as follows:

16 (1) ((A salmon roe license is required for a)) Crew members on a
17 boat designated on a salmon charter license ((to)) may sell salmon
18 roe ((as provided in subsection (2) of this section. An individual
19 under sixteen years of age may hold a salmon roe license.

20 (2) A crew member on a boat designated on a salmon charter
21 license may sell salmon roe taken from fish caught for personal use,
22 subject to rules of the department and the following conditions))
23 subject to rules of the department as long as:

24 (a) The salmon is taken by an angler fishing on the charter boat
25 and recorded on the angler's catch record card;

26 (b) The roe is the property of the angler until the roe is given
27 to the crew member. The crew member shall notify the charter boat's
28 passengers of this fact;

29 (c) The crew member sells the roe to a licensed wholesale
30 ((dealer)) fish buyer; and

31 (d) The crew member is ((licensed as provided in subsection (1)
32 of this section and has the license in possession whenever the crew
33 member sells salmon roe)) employed on a salmon charter boat
34 designated on a valid license at the time of the sale.

35 **Sec. 36.** RCW 77.65.370 and 2015 c 103 s 2 and 2015 c 97 s 4 are
36 each reenacted and amended to read as follows:

37 (1) A person shall not offer or perform the services of a food
38 fish guide without a food fish guide license in the taking of food

1 fish for personal use, except that a charter boat license is required
2 to operate a vessel from which a person may for a fee fish for food
3 fish in state waters listed in RCW 77.65.150(4)(b).

4 (2) A person shall not offer or perform the services of a game
5 fish guide without a game fish guide license in the taking of game
6 fish for personal use.

7 (3) Only an individual at least sixteen years of age may hold a
8 food fish guide or game fish guide license. No individual may hold
9 more than one food fish guide or game fish guide license.

10 (4) An application for a food fish guide or game fish guide
11 license must include the information required in RCW 77.65.560.

12 (5) A food fish guide license purchased by a person, firm, or
13 business on behalf of an employee is subject to RCW 77.65.600.

14 (6) A food fish guide, a game fish guide, or a combination guide
15 may sell recreational one-day temporary combination fishing licenses
16 as described in RCW 77.32.470.

17 **Sec. 37.** RCW 77.65.390 and 2011 c 339 s 27 are each amended to
18 read as follows:

19 An ocean pink shrimp delivery license is required for a
20 commercial fishing vessel to deliver ocean pink shrimp taken for
21 commercial purposes in offshore waters and delivered to a port in the
22 state. As used in this section, "deliver" and "delivery" mean arrival
23 at a place or port, and include arrivals from offshore waters to
24 waters within the state and arrivals from state or offshore waters.
25 The annual license fee is one hundred (~~(fifty))~~ ninety-five dollars
26 for residents and (~~(three))~~ two hundred forty dollars for
27 nonresidents. The application fee is one hundred five dollars. Ocean
28 pink shrimp delivery licenses are transferable.

29 **Sec. 38.** RCW 77.65.440 and 2011 c 339 s 28 are each amended to
30 read as follows:

31 The director shall issue the personal licenses listed in this
32 section according to the requirements of this title. The licenses and
33 their annual fees are:

34	Personal	Annual Fee	Applica- Governing
35	License	(RCW 77.95.090 Surcharge)	tion Fee Section
36		Resident	Nonresident

1	(1) Alternate	\$ 35	(\$ 35) <u>\$ 85</u>	\$ 70	RCW 77.65.130
2	Operator				
3	(2) Geoduck Diver	\$185	\$295	\$ 70	RCW 77.65.410
4	(3) Food Fish Guide	\$130	\$630	\$ 70	RCW 77.65.370
5		(plus	(plus		
6		\$20)	\$100)		

7 **Sec. 39.** RCW 77.65.480 and 2015 c 103 s 3 are each amended to
8 read as follows:

9 (1) A taxidermy license allows the holder to practice taxidermy
10 for commercial purposes, as that term is defined in RCW 77.15.110.
11 The fee for this license is one hundred eighty dollars. The
12 application fee is seventy dollars.

13 (2) A fur dealer's license allows the holder to purchase,
14 receive, or resell raw furs for commercial purposes, as that term is
15 defined in RCW 77.15.110. The fee for this license is one hundred
16 eighty dollars. The application fee is seventy dollars.

17 (3)(a) A game fish guide license allows the holder to offer or
18 perform the services of a game fish guide in the taking of game fish.
19 The fee for this license is ~~((one hundred eighty dollars for a~~
20 ~~resident and six))~~ four hundred ten dollars ~~((for a nonresident))~~.
21 The application fee is seventy dollars. An application for a game
22 fish guide license must include the information required in RCW
23 77.65.560.

24 (b) A game fish guide license purchased by a person, firm, or
25 business on behalf of an employee is subject to RCW 77.65.600.

26 (4) A game farm license allows the holder to operate a game farm
27 to acquire, breed, grow, keep, and sell wildlife under conditions
28 prescribed by the rules adopted pursuant to this title. The fee for
29 this license is seventy-two dollars for the first year and forty-
30 eight dollars for each following year. The application fee is seventy
31 dollars.

32 (5) A game fish stocking permit allows the holder to release game
33 fish into the waters of the state as prescribed by rule of the
34 commission. The fee for this permit is twenty-four dollars. The
35 application fee is seventy dollars.

36 (6) A fishing or field trial permit allows the holder to promote,
37 conduct, hold, or sponsor a fishing or field trial contest in
38 accordance with rules of the commission. The fee for a fishing

1 contest permit is twenty-four dollars. The fee for a field trial
2 contest permit is twenty-four dollars. The application fee is seventy
3 dollars.

4 ~~((7)(a) An anadromous game fish buyer's license allows the
5 holder to purchase or sell steelhead trout and other anadromous game
6 fish harvested by Indian fishers lawfully exercising fishing rights
7 reserved by federal statute, treaty, or executive order, under
8 conditions prescribed by rule of the director. The fee for this
9 license is one hundred eighty dollars. The application fee is one
10 hundred five dollars.~~

11 ~~(b) An anadromous game fish buyer's license is not required for
12 those businesses that buy steelhead trout and other anadromous game
13 fish from Washington licensed game fish dealers and sell solely at
14 retail.)~~

15 **Sec. 40.** RCW 77.65.490 and 2001 c 253 s 56 are each amended to
16 read as follows:

17 (1) A license issued by the director is required to:

18 (a) Practice taxidermy for commercial purposes;

19 (b) Deal in raw furs for commercial purposes;

20 (c) Act as a fishing guide; or

21 (d) Operate a game farm(~~;~~ ~~or~~

22 ~~(e) Purchase or sell anadromous game fish)).~~

23 (2) A permit issued by the director is required to:

24 (a) Conduct, hold, or sponsor hunting or fishing contests or
25 competitive field trials using live wildlife;

26 (b) Collect wild animals, wild birds, game fish, food fish,
27 shellfish, or protected wildlife for research or display;

28 (c) Stock game fish; or

29 (d) Conduct commercial activities on department-owned or
30 controlled lands.

31 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the
32 requirements of this section, except when being stocked in public
33 waters under contract with the department.

34 **Sec. 41.** RCW 77.65.500 and 2015 c 97 s 9 are each amended to
35 read as follows:

36 Licensed taxidermists, fur dealers, (~~anadromous game fish~~
37 ~~buyers~~) fishing guides, game farmers, and persons stocking game fish

1 or conducting a hunting, fishing, or field trial contest shall make
2 reports as required by rules of the director.

3 **Sec. 42.** RCW 77.65.510 and 2011 c 339 s 31 are each amended to
4 read as follows:

5 (1) The ~~((department must establish and administer a direct~~
6 ~~retail endorsement to serve as a single license that))~~ limited fish
7 seller endorsement permits a ~~((Washington))~~ license holder or
8 alternate operator to ~~((commercially harvest retail-eligible species~~
9 ~~and to))~~ clean, dress, and sell his or her commercially harvested
10 catch directly to consumers at retail~~((, including over the~~
11 internet)). The ~~((direct retail endorsement must be issued as an~~
12 optional addition to all holders of: (a) A commercial fishing license
13 for retail-eligible species that the department offers under this
14 chapter; and (b) an alternate operator license who are designated as
15 an alternate operator on a commercial fishing license for retail
16 eligible species)) limited seller endorsement may be issued as an
17 optional addition to all holders of a commercial fishing license
18 issued by the department and may be purchased at the time of the
19 underlying license sale or any time thereafter.

20 (2) ~~((The direct retail endorsement must be offered at the time~~
21 ~~of application for the qualifying commercial fishing license.~~
22 Individuals in possession of a qualifying commercial fishing license
23 issued under this chapter, and alternate operators designated on such
24 a license, may add a direct retail endorsement to their current
25 license at any time. Individuals who do not have a commercial fishing
26 license for retail-eligible species issued under this chapter, and
27 who are not designated as alternate operators on such a license, may
28 not receive a direct retail endorsement. The costs, conditions,
29 responsibilities, and privileges associated with the endorsed
30 commercial fishing license is not affected or altered in any way by
31 the addition of a direct retail endorsement. These costs include the
32 base cost of the license and any revenue and excise taxes.)) A
33 licensed commercial fisher holding a limited fish seller endorsement
34 may allow a designated alternate to sell under the authority of that
35 endorsement.

36 (3) An individual need only add one ~~((direct retail))~~ limited
37 fish seller endorsement to his or her license portfolio. If a
38 ~~((direct retail))~~ limited fish seller endorsement is selected by an
39 individual holding more than one commercial fishing license issued

1 (~~((under this chapter, a single direct retail))~~) by the department, an
2 endorsement is considered to be added to all ~~((qualifying))~~
3 commercial fishing licenses held by that individual, and is the only
4 ~~((license))~~ endorsement required for the individual to sell at retail
5 any ~~((retail-eligible))~~ species permitted by ~~((all))~~ any of the
6 underlying endorsed licenses. ~~((If a direct retail endorsement is
7 selected by an individual designated as an alternate operator on more
8 than one commercial license issued under this chapter, a single
9 direct retail endorsement is the only license required for the
10 individual to sell at retail any retail-eligible species permitted by
11 all of the underlying endorsed licenses on which the individual is
12 designated as an alternate operator. The direct retail endorsement
13 applies only to the Washington license holder or alternate operator
14 obtaining the endorsement.))~~

15 (4) ~~((In addition to any fees charged for the endorsed licenses
16 and harvest documentation as required by this chapter or the rules of
17 the department, the department may set a reasonable annual fee not to
18 exceed the administrative costs to the department for a direct retail
19 endorsement.))~~ The fee for a resident limited fish seller endorsement
20 is seventy dollars. The fee for a nonresident limited fish seller
21 endorsement is one hundred twenty dollars. The application fee for
22 both a resident and nonresident endorsement is one hundred five
23 dollars.

24 (5) The holder of a ~~((direct retail))~~ limited fish seller
25 endorsement is responsible for documenting the commercial harvest
26 ~~((of salmon and crab))~~ and sales according to ~~((the provisions of
27 this chapter,))~~ the rules of the department ~~((for a wholesale fish
28 dealer, and the reporting requirements of the endorsed license. Any
29 retail-eligible species caught by the holder of a direct retail
30 endorsement must be documented on fish tickets)).~~

31 (6) ~~((The direct retail endorsement must be displayed in a
32 readily visible manner by the seller wherever and whenever a sale to
33 someone other than a licensed wholesale dealer occurs. The commission
34 may require that the holder of a direct retail endorsement notify the
35 department up to eighteen hours before conducting an in-person sale
36 of retail-eligible species, except for in-person sales that have a
37 cumulative retail sales value of less than one hundred fifty dollars
38 in a twenty-four hour period that are sold directly from the vessel.
39 For sales occurring in a venue other than in person, such as over the
40 internet, through a catalog, or on the phone, the direct retail~~

1 ~~endorsement number of the seller must be provided to the buyer both~~
2 ~~at the time of sale and the time of delivery. All internet sales must~~
3 ~~be conducted in accordance with federal laws and regulations.~~

4 ~~(7))~~ The ~~((direct retail))~~ limited fish seller endorsement is to
5 be held by a natural person and is not transferable or assignable. If
6 the endorsed license is transferred, the ~~((direct retail))~~ limited
7 fish seller endorsement immediately becomes void, and the transferor
8 is not eligible for a full or prorated reimbursement of the annual
9 fee paid for the ~~((direct retail))~~ limited fish seller endorsement.
10 Upon becoming void, the holder of a ~~((direct retail))~~ limited fish
11 seller endorsement must surrender the physical endorsement to the
12 department.

13 ~~((8) The holder of a direct retail endorsement must abide by the~~
14 ~~provisions of Title 69 RCW as they apply to the processing and retail~~
15 ~~sale of seafood. The department must distribute a pamphlet, provided~~
16 ~~by the department of agriculture, with the direct retail endorsement~~
17 ~~generally describing the labeling requirements set forth in chapter~~
18 ~~69.04 RCW as they apply to seafood.~~

19 ~~(9))~~ (7) The holder of a qualifying commercial fishing license
20 ~~((issued under this chapter,))~~ or an alternate operator designated on
21 such a license, must either possess a ~~((direct retail))~~ limited fish
22 seller endorsement or a wholesale ~~((dealer license))~~ fish buyer
23 endorsement provided for in RCW ~~((77.65.280))~~ 77.65.340 in order to
24 lawfully sell their catch or harvest in the state to anyone other
25 than a licensed wholesale ~~((dealer))~~ fish buyer.

26 ~~((10) The direct retail endorsement entitles the holder to sell~~
27 ~~a retail-eligible species only at a temporary food service~~
28 ~~establishment as that term is defined in RCW 69.06.045, or directly~~
29 ~~to a restaurant or other similar food service business.))~~

30 **Sec. 43.** RCW 77.65.580 and 2015 c 97 s 5 are each amended to
31 read as follows:

32 (1) The department must issue a department vessel registration
33 number decal and an identifying decal to all food fish guides, game
34 fish guides, and charter boat operators licensed under RCW 77.65.010.
35 ~~((The identifying decal must display the license number~~
36 ~~prominently.))~~

37 (2) Any person who acts or offers to act as a food fish guide,
38 game fish guide, or charter boat operator must display ~~((the~~

1 identifying)) both decals on vessels in a location easily visible to
2 customers and adjacent vessels.

3 **Sec. 44.** RCW 77.65.590 and 2015 c 97 s 7 are each amended to
4 read as follows:

5 (1) A fish guide combination license allows the holder to offer
6 or perform the services of a food fish guide(~~(7)~~) and game fish
7 guide(~~(, salmon charter boat operator, and nonsalmon charter boat~~
8 ~~operator)~~).

9 (2) The commission must adopt rules to create and sell a fish
10 guide combination license. (~~The commission may adopt rules to create~~
11 ~~and sell separate combination licenses, one for food fish and game~~
12 ~~fish guide activities only and another combination license for all~~
13 ~~food fish guide, game fish guide, salmon charter boat operator, and~~
14 ~~nonsalmon charter boat operator activities.) The cost of the fish
15 guide combination license or licenses must be below a fee equal to
16 the total cost of the individual licenses contained within the
17 combination.~~

18 **Sec. 45.** RCW 77.70.150 and 2010 c 193 s 14 are each amended to
19 read as follows:

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

27 (2) Except as provided in subsection (~~(6)~~) (5) of this section,
28 the director shall issue no new sea urchin dive fishery licenses. For
29 licenses issued for the year 2000 and thereafter, the director shall
30 renew existing licenses only to a natural person who held the license
31 at the end of the previous year. If a sea urchin dive fishery license
32 is not held by a natural person as of December 31, 1999, it is not
33 renewable. However, if the license is not held because of revocation
34 or suspension of licensing privileges, the director shall renew the
35 license in the name of a natural person at the end of the revocation
36 or suspension if the license holder applies for renewal of the
37 license before the end of the year in which the revocation or
38 suspension ends.

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

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

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

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

33 ~~(5)) Sea urchin dive fishery licenses are transferable subject
34 to the fees and restrictions in RCW 77.65.020(2). ((For licenses
35 issued for license years 2000 through 2013, or whenever the number of
36 licenses is reduced to twenty, whichever occurs first, there is a
37 surcharge to transfer a sea urchin dive fishery license. The
38 surcharge is five hundred dollars for the first transfer of a license
39 valid for license year 2000, and two thousand five hundred dollars
40 for any subsequent transfer, occurring in the license years 2000~~

1 through 2013, or whenever the number of licenses is reduced to
2 twenty, whichever occurs first. Notwithstanding this subsection, a
3 one-time transfer exempt from surcharge applies for a transfer from
4 the natural person licensed on January 1, 2000, to that person's
5 spouse or child.

6 ~~(6))~~ (5) If fewer than twenty natural persons are eligible for
7 sea urchin dive fishery licenses, the director may accept
8 applications for new licenses. The additional licenses may not cause
9 more than twenty natural persons to be eligible for a sea urchin dive
10 fishery license. New licenses issued under this section shall be
11 distributed according to rules of the department that recover the
12 value of such licensed privilege.

13 **Sec. 46.** RCW 77.70.190 and 2011 c 339 s 33 are each amended to
14 read as follows:

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

22 (2) Except as provided in subsection ~~((6))~~ (5) of this section,
23 the director shall issue no new sea cucumber dive fishery licenses.
24 For licenses issued for the year 2000 and thereafter, the director
25 shall renew existing licenses only to a natural person who held the
26 license at the end of the previous year. If a sea cucumber dive
27 fishery license is not held by a natural person as of December 31,
28 1999, it is not renewable. However, if the license is not held
29 because of revocation or suspension of licensing privileges, the
30 director shall renew the license in the name of a natural person at
31 the end of the revocation or suspension if the license holder applies
32 for renewal of the license before the end of the year in which the
33 revocation or suspension ends.

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

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

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

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

28 ~~(5)) Sea cucumber dive fishery licenses are transferable subject~~
29 ~~to the fees and restrictions in RCW 77.65.020(2). ((For licenses~~
30 ~~issued for license years 2000 through 2013, or whenever the number of~~
31 ~~licenses is reduced to twenty, whichever occurs first, there is a~~
32 ~~surcharge to transfer a sea cucumber dive fishery license. The~~
33 ~~surcharge is five hundred dollars for the first transfer of a license~~
34 ~~valid for license year 2000 and two thousand five hundred dollars for~~
35 ~~any subsequent transfer, occurring in the license years 2000 through~~
36 ~~2013, or whenever the number of licenses is reduced to twenty,~~
37 ~~whichever occurs first. The application fee to transfer a sea~~
38 ~~cucumber dive fishery license is one hundred five dollars.~~
39 ~~Notwithstanding this subsection, a one-time transfer exempt from~~

1 ~~surcharge applies for a transfer from the natural person licensed on~~
2 ~~January 1, 2000, to that person's spouse or child.~~

3 ~~(6))~~ (5) If fewer than twenty persons are eligible for sea
4 cucumber dive fishery licenses, the director may accept applications
5 for new licenses. The additional licenses may not cause more than
6 twenty natural persons to be eligible for a sea cucumber dive fishery
7 license. New licenses issued under this section shall be distributed
8 according to rules of the department that recover the value of such
9 licensed privilege.

10 **Sec. 47.** RCW 77.70.220 and 2011 c 339 s 34 are each amended to
11 read as follows:

12 (1) A person shall not harvest geoduck clams commercially without
13 a geoduck fishery license. This section does not apply to the harvest
14 of private sector cultured aquatic products as defined in RCW
15 15.85.020. The geoduck fishery license fee and the application fee
16 ~~((is seventy dollars))~~ are specified in RCW 77.65.220.

17 (2) Only a person who has entered into a geoduck harvesting
18 agreement with the department of natural resources under RCW
19 79.135.210 may hold a geoduck fishery license.

20 (3) A geoduck fishery license authorizes no taking of geoducks
21 outside the boundaries of the public lands designated in the
22 underlying harvesting agreement, or beyond the harvest ceiling set in
23 the underlying harvesting agreement.

24 (4) A geoduck fishery license expires when the underlying geoduck
25 harvesting agreement terminates.

26 (5) The director shall determine the number of geoduck fishery
27 licenses that may be issued for each geoduck harvesting agreement,
28 the number of units of gear whose use the license authorizes, and the
29 type of gear that may be used, subject to RCW 77.60.070. In making
30 those determinations, the director shall seek to conserve the geoduck
31 resource and prevent damage to its habitat.

32 (6) The holder of a geoduck fishery license and the holder's
33 agents and representatives shall comply with all applicable
34 commercial diving safety regulations adopted by the federal
35 occupational safety and health administration established under the
36 federal occupational safety and health act of 1970 as such law exists
37 on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A
38 violation of those regulations is a violation of this subsection. For
39 the purposes of this section, persons who dive for geoducks are

1 "employees" as defined by the federal occupational safety and health
2 act. A violation of this subsection is grounds for suspension or
3 revocation of a geoduck fishery license following a hearing under the
4 procedures of chapter 34.05 RCW. The director shall not suspend or
5 revoke a geoduck fishery license if the violation has been corrected
6 within ten days of the date the license holder receives written
7 notice of the violation. If there is a substantial probability that a
8 violation of the commercial diving standards could result in death or
9 serious physical harm to a person engaged in harvesting geoduck
10 clams, the director shall suspend the license immediately until the
11 violation has been corrected. If the license holder is not the
12 operator of the harvest vessel and has contracted with another person
13 for the harvesting of geoducks, the director shall not suspend or
14 revoke the license if the license holder terminates its business
15 relationship with that person until compliance with this subsection
16 is secured.

17 (7) A person using a vessel in the geoduck fishery is required to
18 apply for and obtain a vessel identification number from the
19 department. The application fee for the vessel identification number
20 is one hundred five dollars.

21 **Sec. 48.** RCW 77.70.280 and 2003 c 174 s 5 are each amended to
22 read as follows:

23 (1) A person shall not commercially fish for coastal crab in
24 Washington state waters without a Dungeness crab—coastal ((~~or a~~
25 ~~Dungeness crab—coastal class B~~)) fishery license. Gear used must
26 consist of one buoy attached to each crab pot. Each crab pot must be
27 fished individually.

28 (2) A Dungeness crab—coastal fishery license is transferable.
29 Except as provided in subsections (3) and ((+8+)) (7) of this
30 section, such a license shall only be issued to a person who proved
31 active historical participation in the coastal crab fishery by having
32 designated, after December 31, 1993, a vessel or a replacement vessel
33 on the qualifying license that singly or in combination meets the
34 following criteria:

35 (a) Made a minimum of eight coastal crab landings totaling a
36 minimum of five thousand pounds per season in at least two of the
37 four qualifying seasons identified in subsection ((+5+)) (4) of this
38 section, as documented by valid Washington state shellfish receiving

1 tickets; and showed historical and continuous participation in the
2 coastal crab fishery by having held one of the following licenses or
3 their equivalents each calendar year beginning 1990 through 1993, and
4 was designated on the qualifying license of the person who held one
5 of the following licenses in 1994:

6 (i) Crab pot—Non-Puget Sound license, issued under RCW
7 77.65.220(1)(b);

8 (ii) Nonsalmon delivery license, issued under RCW 77.65.210;

9 (iii) Salmon troll license, issued under RCW 77.65.160;

10 (iv) Salmon delivery license, issued under RCW 77.65.170;

11 (v) Food fish trawl license, issued under RCW 77.65.200; or

12 (vi) Shrimp trawl license, issued under RCW 77.65.220; or

13 (b) Made a minimum of four Washington landings of coastal crab
14 totaling two thousand pounds during the period from December 1, 1991,
15 to March 20, 1992, and made a minimum of eight crab landings totaling
16 a minimum of five thousand pounds of coastal crab during each of the
17 following periods: December 1, 1991, to September 15, 1992; December
18 1, 1992, to September 15, 1993; and December 1, 1993, to September
19 15, 1994. For landings made after December 31, 1993, the vessel shall
20 have been designated on the qualifying license of the person making
21 the landings; or

22 (c) Made any number of coastal crab landings totaling a minimum
23 of twenty thousand pounds per season in at least two of the four
24 qualifying seasons identified in subsection (~~((5))~~) (4) of this
25 section, as documented by valid Washington state shellfish receiving
26 tickets, showed historical and continuous participation in the
27 coastal crab fishery by having held one of the qualifying licenses
28 each calendar year beginning 1990 through 1993, and the vessel was
29 designated on the qualifying license of the person who held that
30 license in 1994.

31 (3) A Dungeness crab-coastal fishery license shall be issued to a
32 person who had a new vessel under construction between December 1,
33 1988, and September 15, 1992, if the vessel made coastal crab
34 landings totaling a minimum of five thousand pounds by September 15,
35 1993, and the new vessel was designated on the qualifying license of
36 the person who held that license in 1994. All landings shall be
37 documented by valid Washington state shellfish receiving tickets.
38 License applications under this subsection may be subject to review
39 by the advisory review board in accordance with RCW 77.70.030. For
40 purposes of this subsection, "under construction" means either:

1 (a)(i) A contract for any part of the work was signed before
2 September 15, 1992; and

3 (ii) The contract for the vessel under construction was not
4 transferred or otherwise alienated from the contract holder between
5 the date of the contract and the issuance of the Dungeness crab-
6 coastal fishery license; and

7 (iii) Construction had not been completed before December 1,
8 1988; or

9 (b)(i) The keel was laid before September 15, 1992; and

10 (ii) Vessel ownership was not transferred or otherwise alienated
11 from the owner between the time the keel was laid and the issuance of
12 the Dungeness crab-coastal fishery license; and

13 (iii) Construction had not been completed before December 1,
14 1988.

15 (4) (~~A Dungeness crab coastal class B fishery license is not~~
16 ~~transferable. Such a license shall be issued to persons who do not~~
17 ~~meet the qualification criteria for a Dungeness crab coastal fishery~~
18 ~~license, if the person has designated on a qualifying license after~~
19 ~~December 31, 1993, a vessel or replacement vessel that, singly or in~~
20 ~~combination, made a minimum of four landings totaling a minimum of~~
21 ~~two thousand pounds of coastal crab, documented by valid Washington~~
22 ~~state shellfish receiving tickets, during at least one of the four~~
23 ~~qualifying seasons, and if the person has participated continuously~~
24 ~~in the coastal crab fishery by having held or by having owned a~~
25 ~~vessel that held one or more of the licenses listed in subsection (2)~~
26 ~~of this section in each calendar year subsequent to the qualifying~~
27 ~~season in which qualifying landings were made through 1994. Dungeness~~
28 ~~crab coastal class B fishery licenses cease to exist after December~~
29 ~~31, 1999, and the continuing license provisions of RCW 34.05.422(3)~~
30 ~~are not applicable.~~

31 (+5)) The four qualifying seasons for purposes of this section
32 are:

33 (a) December 1, 1988, through September 15, 1989;

34 (b) December 1, 1989, through September 15, 1990;

35 (c) December 1, 1990, through September 15, 1991; and

36 (d) December 1, 1991, through September 15, 1992.

37 ((+6)) (5) For purposes of this section and RCW 77.70.340,
38 "coastal crab" means Dungeness crab (cancer magister) taken in all
39 Washington territorial and offshore waters south of the United

1 States-Canada boundary and west of the Bonilla-Tatoosh line (a line
2 from the western end of Cape Flattery to Tatoosh Island lighthouse,
3 then to the buoy adjacent to Duntz Rock, then in a straight line to
4 Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and
5 the Columbia river.

6 ~~((+7))~~ (6) For purposes of this section, "replacement vessel"
7 means a vessel used in the coastal crab fishery in 1994, and that
8 replaces a vessel used in the coastal crab fishery during any period
9 from 1988 through 1993, and which vessel's licensing and catch
10 history, together with the licensing and catch history of the vessel
11 it replaces, qualifies a single applicant for a Dungeness crab—
12 coastal ~~((or Dungeness crab coastal class B fishery))~~ license. A
13 Dungeness crab—coastal ~~((or Dungeness crab coastal class B fishery))~~
14 license may only be issued to a person who designated a vessel in the
15 1994 coastal crab fishery and who designated the same vessel in 1995.

16 ~~((+8))~~ (7) A Dungeness crab—coastal fishery license may not be
17 issued to a person who participates in the federal fleet reduction
18 program created in RCW 77.70.460 within ten years of that person's
19 participation in the federal program, if reciprocal restrictions are
20 imposed by the states of Oregon and California on persons
21 participating in the federal fleet reduction program.

22 **Sec. 49.** RCW 77.70.290 and 1997 c 418 s 2 are each amended to
23 read as follows:

24 (1) The director shall allow the landing into Washington state of
25 crab taken in offshore waters only if:

26 (a) The crab are legally caught and landed by fishers with a
27 valid Washington state Dungeness crab-coastal fishery license ~~((or a
28 valid Dungeness crab coastal class B fishery license))~~; or

29 (b)(i) The director determines that the landing of offshore
30 Dungeness crab by fishers without a Washington state Dungeness crab-
31 coastal fishery license ~~((or a valid Dungeness crab coastal class B
32 fishery license))~~ is in the best interest of the coastal crab
33 processing industry; (ii) the director has been requested to allow
34 such landings by at least three Dungeness crab processors; (iii) the
35 landings are permitted only between the dates of December 1st to
36 February 15th inclusively; (iv) only crab fishers commercially
37 licensed to fish by Oregon or California are permitted to land, if
38 the crab was taken with gear that consisted of one buoy attached to

1 each crab pot, and each crab pot was fished individually; (v) the
2 fisher landing the crab has obtained a valid delivery license; and
3 (vi) the decision is made on a case-by-case basis for the sole reason
4 of improving the economic stability of the commercial crab fishery.

5 (2) Nothing in this section allows the commercial fishing of
6 Dungeness crab in waters within three miles of Washington state by
7 fishers who do not possess a valid Dungeness crab-coastal fishery
8 license (~~((or a valid Dungeness crab-coastal class B fishery~~
9 ~~license))~~). Landings of offshore Dungeness crab by fishers without a
10 valid Dungeness crab-coastal fishery license (~~((or a valid Dungeness~~
11 ~~crab-coastal class B fishery license))~~) do not qualify the fisher for
12 such licenses.

13 **Sec. 50.** RCW 77.70.300 and 2000 c 107 s 77 are each amended to
14 read as follows:

15 A person commercially fishing for Dungeness crab in offshore
16 waters outside of Washington state jurisdiction shall obtain a
17 Dungeness crab offshore delivery license from the director if the
18 person does not possess a valid Dungeness crab-coastal fishery
19 license (~~((or a valid Dungeness crab-coastal class B fishery license))~~)
20 and the person wishes to land Dungeness crab into a place or a port
21 in the state. The annual fee for a Dungeness crab offshore delivery
22 license is two hundred fifty dollars. The director may specify
23 restrictions on landings of offshore Dungeness crab in Washington
24 state as authorized in RCW 77.70.290.

25 Fees from the offshore Dungeness crab delivery license shall be
26 placed in the coastal crab account created in RCW 77.70.320.

27 **Sec. 51.** RCW 77.70.340 and 2000 c 107 s 80 are each amended to
28 read as follows:

29 (1) An Oregon resident who can show historical and continuous
30 participation in the Washington state coastal crab fishery by having
31 held a nonresident non-Puget Sound crab pot license issued under RCW
32 77.65.220 each year from 1990 through 1994, and who has delivered a
33 minimum of eight landings totaling five thousand pounds of crab into
34 Oregon during any two of the four qualifying seasons as provided in
35 RCW 77.70.280(~~((+5))~~) (4) as evidenced by valid Oregon fish-receiving
36 tickets, shall be issued a (~~(nonresident)~~) Dungeness crab-coastal
37 fishery license valid for fishing in Washington state waters north
38 from the Oregon-Washington boundary to United States latitude forty-

1 six degrees thirty minutes north. Such license shall be issued upon
2 application and submission of proof of delivery.

3 (2) This section shall become effective contingent upon
4 reciprocal statutory authority in the state of Oregon providing for
5 equal access for Washington state coastal crab fishers to Oregon
6 territorial coastal waters north of United States latitude forty-five
7 degrees fifty-eight minutes north, and Oregon waters of the Columbia
8 river.

9 **Sec. 52.** RCW 77.70.430 and 2006 c 143 s 1 are each amended to
10 read as follows:

11 (1) In order to administer a Puget Sound crab pot buoy tag
12 program, the department may charge a fee to holders of a Dungeness
13 crab—Puget Sound fishery license to reimburse the department for the
14 production of Puget Sound crab pot buoy tags and the administration
15 of a Puget Sound crab pot buoy tag program.

16 (2) In order to administer a Washington coastal Dungeness crab
17 pot buoy tag program, the department may charge a fee to holders of a
18 Dungeness crab—coastal ((~~or a Dungeness crab coastal class B~~))
19 fishery license and to holders of out-of-state licenses who are
20 issued a pot certificate by the department to reimburse the
21 department for the production of Washington coastal crab pot buoy
22 tags and the administration of a Washington coastal crab pot buoy tag
23 program.

24 (3) The department shall annually review the costs of crab pot
25 buoy tag production under this section with the goal of minimizing
26 the per tag production costs. Any savings in production costs shall
27 be passed on to the fishers required to purchase crab pot buoy tags
28 under this section in the form of a lower tag fee.

29 **Sec. 53.** RCW 77.70.490 and 2011 c 339 s 36 are each amended to
30 read as follows:

31 (1) A Washington Pacific sardine purse seine fishery license:

32 (a) May only be issued to a person that held a coastal pilchard
33 experimental fishery permit in 2008, except as otherwise provided in
34 this section;

35 (b) Must be renewed annually to remain active; and

36 (c) Subject to the restrictions of subsections (6) and (7) of
37 this section and RCW 77.65.040, is transferable.

1 (2) A Washington Pacific sardine purse seine fishery license may
2 be issued to any person that held a coastal pilchard experimental
3 fishery permit in 2005, 2006, or 2007 and is precluded from
4 qualifying under subsection (1) of this section because the vessel
5 designated on the permit sank prior to 2008.

6 (3) Beginning in 2010, after taking into consideration the status
7 of the Pacific sardine population, the impact of removal of sardines
8 and other forage fish to the marine ecosystem, including the effect
9 on endangered marine species, and the market for Pacific sardines in
10 the state, the director may issue:

11 (a) A Washington Pacific sardine purse seine fishery license to
12 any person provided that the issuance would not raise the number of
13 licenses beyond the number initially issued in 2009;

14 (b) A Washington Pacific sardine purse seine temporary annual
15 fishery permit to any person if the combined number of active
16 Washington Pacific sardine purse seine fishery licenses and annual
17 temporary permits already issued during the year is less than twenty-
18 five.

19 (4) The annual fee for a Washington Pacific sardine purse seine
20 fishery license (~~((is one hundred eighty five dollars for residents
21 and two hundred ninety five dollars for nonresidents.))~~) and the
22 application fee ((is one hundred five dollars)) are specified in RCW
23 77.65.200.

24 (5) The fee for a Washington Pacific sardine purse seine
25 temporary annual fishery permit (~~((is one hundred eighty five dollars
26 for residents and two hundred ninety five dollars for nonresidents.))~~)
27 and the application fee ((is one hundred five dollars)) are specified
28 in RCW 77.65.200. A temporary annual fishery permit expires at the
29 end of the calendar year in which the permit is issued.

30 (6) Only a person who owns or operates the vessel designated on
31 the license or permit may hold a Washington Pacific sardine purse
32 seine fishery license or temporary annual fishery permit.

33 (7) A person may not own or hold an ownership interest in more
34 than two Washington Pacific sardine purse seine fishery licenses.

35 (8) The director shall adopt rules that require a person fishing
36 under a Washington Pacific sardine purse seine fishery license or a
37 temporary annual permit to minimize bycatch, and to the extent
38 bycatch cannot be avoided, to minimize the mortality of such bycatch.

1 **Sec. 54.** RCW 82.27.020 and 2010 c 193 s 16 are each amended to
2 read as follows:

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

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

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

19 (4) The tax shall be equal to the measure of the tax multiplied
20 by the rates for enhanced food fish as follows:

21 (a) Puget Sound Chinook, coho, and chum salmon and anadromous
22 game fish: Five and twenty-five one-hundredths percent;

23 (b) Ocean waters, Columbia river, Willapa Bay, and Grays Harbor
24 Chinook, coho, and chum salmon and anadromous game fish: Six and
25 twenty-five one-hundredths percent;

26 (c) Pink and sockeye salmon: Three and fifteen one-hundredths
27 percent;

28 ~~((e))~~ (d) Other food fish and shellfish, except oysters, sea
29 urchins, and sea cucumbers: Two and one-tenth percent;

30 ~~((d))~~ (e) Oysters: Eight one-hundredths of one percent;

31 ~~((e))~~ (f) Sea urchins: ~~((Four and six tenths percent through~~
32 ~~December 31, 2013, or until the department of fish and wildlife~~
33 ~~notifies the department that the number of sea urchin licenses has~~
34 ~~been reduced to twenty licenses, whichever occurs first, and))~~ Two
35 and one-tenth percent ((thereafter)); and

36 ~~((f))~~ (g) Sea cucumbers: ~~((Four and six tenths percent through~~
37 ~~December 31, 2013, or until the department of fish and wildlife~~
38 ~~notifies the department that the number of sea cucumber licenses has~~
39 ~~been reduced to twenty licenses, whichever occurs first, and))~~ Two
40 and one-tenth percent ((thereafter)).

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

4 **Sec. 55.** RCW 82.27.070 and 2010 c 193 s 17 are each amended to
5 read as follows:

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

19 **Sec. 56.** RCW 69.07.100 and 2011 c 281 s 13 are each amended to
20 read as follows:

21 (1) The provisions of this chapter shall not apply to
22 establishments issued a permit or licensed under the provisions of:

23 (a) Chapter 69.25 RCW, the Washington wholesome eggs and egg
24 products act;

25 (b) Chapter 69.28 RCW, the Washington state honey act;

26 (c) Chapter 16.49 RCW, the meat inspection act;

27 (d) ~~((Chapter 77.65 RCW, relating to the direct retail
28 endorsement for wild caught seafood;~~

29 ~~(+e))~~ Chapter 69.22 RCW, relating to cottage food operations;

30 ~~((+f))~~ (e) Title 66 RCW, relating to alcoholic beverage control;

31 and

32 ~~((+g))~~ (f) Chapter 69.30 RCW, the sanitary control of shellfish
33 act.

34 (2) If any such establishments process foods not specifically
35 provided for in the above entitled acts, the establishments are
36 subject to the provisions of this chapter.

37 (3) The provisions of this chapter do not apply to restaurants or
38 food service establishments.

1 **Sec. 57.** RCW 36.71.090 and 2003 c 387 s 5 are each amended to
2 read as follows:

3 ~~((1))~~ It shall be lawful for any farmer, gardener, or other
4 person, without license, to sell, deliver, or peddle any fruits,
5 vegetables, berries, eggs, or any farm produce or edibles raised,
6 gathered, produced, or manufactured by such person and no city or
7 town shall pass or enforce any ordinance prohibiting the sale by or
8 requiring license from the producers and manufacturers of farm
9 produce and edibles as defined in this section. However, nothing in
10 this section authorizes any person to sell, deliver, or peddle,
11 without license, in any city or town, any dairy product, meat,
12 poultry, eel, fish, mollusk, or shellfish where a license is required
13 to engage legally in such activity in such city or town.

14 ~~((2) It is lawful for an individual in possession of a valid
15 direct retail endorsement, as established in RCW 77.65.510, to sell,
16 deliver, or peddle any legally harvested retail-eligible species, as
17 that term is defined in RCW 77.08.010, that is caught, harvested, or
18 collected under rule of the department of fish and wildlife by such a
19 person at a temporary food service establishment, as that term is
20 defined in RCW 69.06.045, and no city, town, or county may pass or
21 enforce an ordinance prohibiting the sale by or requiring additional
22 licenses or permits from the holder of the valid direct retail
23 endorsement. However, this subsection does not prohibit a city, town,
24 or county from inspecting an individual displaying a direct retail
25 endorsement to verify that the person is in compliance with state
26 board of health and local rules for food service operations.))~~

27 NEW SECTION. **Sec. 58.** The code reviser's office is directed to
28 move the definitions of "to fish," "to hunt," "to process," "to
29 take," "to trap," and "to waste" or "to be wasted," by reordering
30 them within RCW 77.08.010 in alphabetical order by the spelling of
31 the main verb word.

32 NEW SECTION. **Sec. 59.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 77.65.290 (Wholesale fish dealer licenses—Display) and
35 1993 c 340 s 52, 1983 1st ex.s. c 46 s 110, & 1955 c 12 s 75.28.070;

36 (2) RCW 77.65.300 (Wholesale fish dealer may be a fish buyer) and
37 1985 c 248 s 3;

1 (3) RCW 77.65.360 (License fee increases—Disposition) and 1989 c
2 316 s 20;

3 (4) RCW 77.65.515 (Direct retail endorsement—Requirements) and
4 2003 c 387 s 3 & 2002 c 301 s 3;

5 (5) RCW 77.65.520 (Direct retail endorsement—Compliance—
6 Violations—Suspension) and 2003 c 387 s 4 & 2002 c 301 s 4; and

7 (6) RCW 77.65.900 (Effective date—1989 c 316) and 1989 c 316 s
8 22.

9 NEW SECTION. **Sec. 60.** This act takes effect January 1, 2018.

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