

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1770

Chapter 418, Laws of 1997

55th Legislature
1997 Regular Session

DUNGENESS CRAB« COASTAL FISHERY FEES

EFFECTIVE DATE: 7/27/97

Passed by the House April 21, 1997
Yeas 98 Nays 0

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

Passed by the Senate April 14, 1997
Yeas 42 Nays 0

BRAD OWEN
President of the Senate

Approved May 19, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1770** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 19, 1997 - 7:27 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1770

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Alexander, Linville, Hatfield, Anderson, Doumit, Buck, Chandler and Kessler)

Read first time 03/03/97.

1 AN ACT Relating to the Dungeness crab coastal fishery; amending RCW
2 75.28.011, 75.30.360, 75.30.380, and 75.30.390; adding a new section to
3 chapter 75.28 RCW; and decodifying RCW 75.30.400.

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

5 **Sec. 1.** RCW 75.28.011 and 1995 c 228 s 1 are each amended to read
6 as follows:

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

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

13 (a) The license holder shall surrender the previously issued
14 license to the department.

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

17 (c) The fee to transfer a license from one license holder to
18 another is:

1 (i) The same as the resident license renewal fee if the license is
2 not limited under chapter 75.30 RCW;

3 (ii) Three and one-half times the resident renewal fee if the
4 license is not a commercial salmon license and the license is limited
5 under chapter 75.30 RCW;

6 (iii) Fifty dollars if the license is a commercial salmon license
7 and is limited under chapter 75.30 RCW; (~~or~~)

8 (iv) Five hundred dollars if the license is a Dungeness crab
9 coastal fishery license; or

10 (v) If a license is transferred from a resident to a nonresident,
11 an additional fee is assessed that is equal to the difference between
12 the resident and nonresident license fees at the time of transfer, to
13 be paid by the transferee.

14 (3) A commercial license that is transferable under this title
15 survives the death of the holder. Though such licenses are not
16 personal property, they shall be treated as analogous to personal
17 property for purposes of inheritance and intestacy. Such licenses are
18 subject to state laws governing wills, trusts, estates, intestate
19 succession, and community property, except that such licenses are
20 exempt from claims of creditors of the estate and tax liens. The
21 surviving spouse, estate, or beneficiary of the estate may apply for a
22 renewal of the license. There is no fee for transfer of a license from
23 a license holder to the license holder's surviving spouse or estate, or
24 to a beneficiary of the estate.

25 **Sec. 2.** RCW 75.30.360 and 1994 c 260 s 3 are each amended to read
26 as follows:

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

29 (a) The crab are legally caught and landed by fishers with a valid
30 Washington state Dungeness crab coastal fishery license or a valid
31 Dungeness crab coastal class B fishery license; or

32 (b) (~~The crab are legally caught and landed by fishers with a~~
33 ~~valid Oregon or California commercial crab fishing license during the~~
34 ~~calendar year between the dates of February 15th and September 15th~~
35 ~~inclusive, if the crab were caught in offshore waters beyond the~~
36 ~~jurisdiction of Washington state, if the crab were taken with crab gear~~
37 ~~that consisted of one buoy attached to each crab pot, if each crab pot~~

1 was fished individually, and if the fisher landing the crab has
2 obtained a valid delivery license; or
3 (e)) (i) The director determines that the landing of offshore
4 Dungeness crab by fishers without a Washington state Dungeness crab
5 coastal fishery license or a valid Dungeness crab coastal class B
6 fishery license is in the best interest of the coastal crab processing
7 industry ((and)); (ii) the director has been requested to allow such
8 landings by at least three Dungeness crab processors((, and if)); (iii)
9 the landings are permitted only between the dates of December 1st to
10 February 15th inclusively((, if)); (iv) only crab fishers commercially
11 licensed to fish by Oregon or California are permitted to land, if the
12 crab was taken with gear that consisted of one buoy attached to each
13 crab pot, ((if)) and each crab pot was fished individually, ((if)); (v)
14 the fisher landing the crab has obtained a valid delivery license((,));
15 and ((if)) (vi) the decision is made on a case-by-case basis for the
16 sole reason of improving the economic stability of the commercial crab
17 fishery.

18 (2) Nothing in this section allows the commercial fishing of
19 Dungeness crab in waters within three miles of Washington state by
20 fishers who do not possess a valid Dungeness crab coastal fishery
21 license or a valid Dungeness crab coastal class B fishery license.
22 Landings of offshore Dungeness crab by fishers without a valid
23 Dungeness crab coastal fishery license or a valid Dungeness crab
24 coastal class B ({{fishery}}) fishery license do not qualify the fisher
25 for such licenses.

26 **Sec. 3.** RCW 75.30.380 and 1994 c 260 s 5 are each amended to read
27 as follows:

28 Dungeness crab coastal fishery licenses are freely transferable on
29 a willing seller-willing buyer basis((, if upon each sale of a
30 Dungeness crab coastal fishery license, twenty percent of the sale
31 proceeds are remitted to the department and deposited in the coastal
32 crab account. Funds shall be used for license purchase as provided in
33 RCW 75.30.400 or for coastal crab management activities as provided in
34 RCW 75.30.410)) after paying the transfer fee in RCW 75.28.011.

35 ((For any license transfer that includes the transfer of the
36 designated vessel and associated business, the seller must sign a
37 notarized affidavit that the value of the vessel and associated
38 business was not inflated. A marine survey documenting the value of

1 the vessel and associated business shall be filed with the department
2 along with the affidavit and the application to transfer the Dungeness
3 crab~~coastal~~ fishery license. The cost of the survey shall be paid by
4 the purchaser.))

5 **Sec. 4.** RCW 75.30.390 and 1994 c 260 s 6 are each amended to read
6 as follows:

7 ((~~(1)~~)) The coastal crab account is created in the custody of the
8 state treasurer. The account shall consist of revenues from fees from
9 the transfer of each Dungeness crab~~coastal~~ fishery license assessed
10 under RCW 75.28.011, delivery fees assessed under RCW 75.30.370, and
11 the license surcharge under section 5 of this act. Only the director
12 or the director's designee may authorize expenditures from the account.
13 The account is subject to allotment procedures under chapter 43.88 RCW
14 but no appropriation is required for expenditures. Funds may be used
15 for (~~license purchase as provided in RCW 75.30.400, or for~~) coastal
16 crab management activities as provided in RCW 75.30.410. ((The
17 appropriate standing committees of the legislature shall review the
18 status and expenditures of the coastal crab account yearly.

19 (2) ~~A surcharge of two hundred fifty dollars shall be collected~~
20 ~~with each Dungeness crab~~coastal~~ fishery license and Dungeness crab~~coastal~~~~
21 ~~coastal class B fishery license for 1995 and 1996, for the purposes of~~
22 ~~purchasing Dungeness crab~~coastal~~ class B fishery licenses as provided~~
23 ~~in RCW 75.30.400. The moneys shall be deposited into the coastal crab~~
24 ~~account.))~~

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 75.28 RCW
26 to read as follows:

27 A surcharge of one hundred twenty dollars shall be collected with
28 each Dungeness crab~~coastal~~ fishery license and with each Dungeness
29 crab~~coastal~~ class B fishery license issued under RCW 75.28.130.
30 Moneys collected under this section shall be placed in the coastal crab
31 account created under RCW 75.30.390.

32 NEW SECTION. **Sec. 6.** RCW 75.30.400 is decodified.

Passed the House April 21, 1997.

Passed the Senate April 14, 1997.

Approved by the Governor May 19, 1997.

Filed in Office of Secretary of State May 19, 1997.