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**SENATE BILL 5980**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senators Owen, Spanel and Rinehart; by request of Office of Financial Management

Read first time 04/08/93. Referred to Committee on Ways & Means.

1 AN ACT Relating to fishing licenses; amending RCW 75.25.005,  
2 75.25.080, 75.25.110, 75.25.120, 75.25.140, 75.25.150, 75.25.180,  
3 75.50.100, and 82.27.020; adding new sections to chapter 75.25 RCW;  
4 creating a new section; and repealing RCW 75.25.015, 75.25.040,  
5 75.25.090, 75.25.100, and 75.25.126.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that additional cost  
8 savings can be realized by simplifying the department of fisheries  
9 recreational licensing system. The legislature finds that significant  
10 benefits will accrue to recreational fishers from streamlining the  
11 department of fisheries recreational licensing system. The legislature  
12 finds recreational license fees and commercial landing taxes have not  
13 been increased in recent years. The legislature finds that reduction  
14 in important department of fisheries programs can be avoided by  
15 increasing recreational license fees and commercial landing taxes. The  
16 legislature finds that it is in the best interest of the state to avoid  
17 significant reductions in current department of fisheries activities.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 75.25 RCW  
2 to read as follows:

3        (1) A personal use food fish license is required for all persons  
4 other than residents under fifteen years of age to fish for, take, or  
5 possess food fish for personal use from state waters or offshore  
6 waters. A personal use food fish license is not required under this  
7 section to fish for, take, or possess carp, smelt, or albacore.

8        (2) The fees for personal use food fish licenses are:

9        (a) For a resident fifteen years of age or older and under seventy  
10 years of age, nine dollars;

11        (b) For a resident seventy years of age or older, two dollars; and

12        (c) For a nonresident, nineteen dollars.

13        (3) The fee for a two-consecutive-day personal use food fish  
14 license is four dollars.

15        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 75.25 RCW  
16 to read as follows:

17        (1) A personal use shellfish license is required for all persons  
18 other than residents under fifteen years of age to fish for, take, dig  
19 for, or possess shellfish for personal use from state waters or  
20 offshore waters including national park beaches.

21        (2) The fees for personal use shellfish licenses are:

22        (a) For a resident fifteen years of age or older and under seventy  
23 years of age, ten dollars;

24        (b) For a resident seventy years of age or older, three dollars;  
25 and

26        (c) For a nonresident, twenty dollars.

27        (3) The fee for a two-consecutive-day personal use shellfish  
28 license is five dollars.

29        **Sec. 4.**    RCW 75.25.005 and 1989 c 305 s 1 are each amended to read  
30 as follows:

31        The following recreational fishing licenses are administered and  
32 issued by the department of fisheries under authority of the director  
33 of fisheries:

34        (1) (~~Hood Canal shrimp license~~) Personal use food fish license;  
35 and

36        (2) (~~Razor clam license;~~

37        ~~(3) Personal use fishing license;~~

1       ~~(4) Salmon license; and~~  
2       ~~(5) Sturgeon license))~~ Personal use shellfish license.

3       **Sec. 5.** RCW 75.25.080 and 1989 c 305 s 4 are each amended to read  
4 as follows:

5       (1) It is lawful to ~~((dig))~~ fish for, take, or possess the  
6 personal-use daily bag limit of ~~((razor clams))~~ shellfish or food fish  
7 for ~~((another))~~ a disabled person if ~~((that person has))~~ the harvester  
8 is licensed and if the disabled person is licensed and on site while in  
9 possession of a physical disability permit issued by the director.

10       (2) An application for a physical disability permit must be  
11 submitted on a department of fisheries official form and must be  
12 accompanied by a licensed medical doctor's certification of disability.

13       **Sec. 6.** RCW 75.25.110 and 1989 c 305 s 8 are each amended to read  
14 as follows:

15       (1) Any of the recreational fishing licenses required by this  
16 chapter shall, upon request, be issued without charge to the following  
17 individuals upon request:

18       (a) Residents under fifteen years of age ~~((and residents seventy~~  
19 ~~years of age or older))~~;

20       (b) Residents who submit applications attesting that they are a  
21 person sixty-five years of age or older who is an honorably discharged  
22 veteran of the United States armed forces with a service-connected  
23 disability and who has been a resident of this state for the preceding  
24 ninety days;

25       (c) A blind person;

26       (d) A person with a developmental disability as defined in RCW  
27 71A.10.020 with documentation of the disability from the department of  
28 social and health services; and

29       (e) A person who is physically handicapped and confined to a  
30 wheelchair.

31       (2) ~~((Personal use licenses, salmon licenses, and sturgeon licenses~~  
32 ~~shall, upon request, be issued to nonresidents under fifteen years of~~  
33 ~~age.~~

34       ~~(3))~~ A blind person or a physically handicapped person confined to  
35 a wheelchair who has been issued a card for a permanent disability  
36 under RCW 46.16.381 may use that card in place of a fishing license  
37 ~~((unless a punchcard is required by the director)).~~

1       **Sec. 7.** RCW 75.25.120 and 1989 c 305 s 9 are each amended to read  
2 as follows:

3       In concurrent waters of the Columbia river and in Washington  
4 coastal territorial waters from the Oregon-Washington boundary to a  
5 point five nautical miles north, an Oregon angling license comparable  
6 to the Washington personal use food fish license((~~τ~~)) or two-  
7 consecutive-day personal use food fish license((~~τ~~, ~~salmon license~~, ~~or~~  
8 ~~sturgeon license~~)) is valid if Oregon recognizes as valid the  
9 Washington personal use food fish license((~~τ~~)) or two-consecutive-day  
10 personal use food fish license((~~τ~~, ~~salmon license~~, ~~or~~ ~~sturgeon license~~))  
11 in comparable Oregon waters.

12       If Oregon recognizes as valid the Washington personal use food fish  
13 license((~~τ~~)) or two-consecutive-day personal use food fish license((~~τ~~  
14 ~~salmon license~~, ~~or~~ ~~sturgeon license~~)) southward to Cape Falcon in the  
15 coastal territorial waters from the Washington-Oregon boundary and in  
16 concurrent waters of the Columbia river then Washington shall recognize  
17 a valid Oregon license comparable to the Washington personal use food  
18 fish license((~~τ~~)) or two-consecutive-day personal use food fish  
19 license((~~τ~~, ~~salmon license~~, ~~or~~ ~~sturgeon license~~)) northward to  
20 Leadbetter Point.

21       Oregon licenses are not valid for the taking of food fish when  
22 angling in concurrent waters of the Columbia river from the Washington  
23 shore.

24       **Sec. 8.** RCW 75.25.140 and 1989 c 305 s 12 are each amended to read  
25 as follows:

26       (1) Recreational licenses are not transferable. Upon request of a  
27 fisheries patrol officer, ex officio fisheries patrol officer, or  
28 authorized fisheries employee, a person digging for, fishing for, or  
29 possessing ((~~razor clams~~)) shellfish or fishing for or possessing  
30 ((~~Hood Canal shrimp or~~)) food fish for personal use shall exhibit the  
31 required recreational license and write his or her signature for  
32 comparison with the signature on the license. Failure to comply with  
33 the request is prima facie evidence that the person does not have a  
34 license or is not the person named on the license.

35       (2) The ((~~razor clam~~)) personal use shellfish license shall be  
36 visible on the licensee while ((~~digging for razor clams~~)) harvesting  
37 shellfish.

1       **Sec. 9.** RCW 75.25.150 and 1989 c 305 s 13 are each amended to read  
2 as follows:

3       It is unlawful to dig for, fish for, or possess (~~(razor clams, fish~~  
4 ~~for)) shellfish or (~~(possess))~~ food fish(~~(, or take or possess Hood~~  
5 ~~Canal shrimp)) without the licenses required by this chapter.~~~~

6       **Sec. 10.** RCW 75.25.180 and 1989 c 305 s 14 are each amended to  
7 read as follows:

8       Recreational licenses issued by the department of fisheries under  
9 this chapter are valid for the following periods:

10       (1) Recreational licenses issued without charge to persons  
11 designated by this chapter are valid for a period of five years:

12       (a) For (~~(life for))~~ blind persons;

13       (b) For the period of continued state residency for qualified  
14 disabled veterans;

15       (c) (~~(For the period of continued state residency for persons~~  
16 ~~sixty-five years of age or more;~~

17       ~~(d))~~ For (~~(the period of the disability for))~~ persons with a  
18 developmental disability; and

19       ~~((e))~~ (d) For (~~(life for))~~ handicapped persons confined to a  
20 wheelchair who have been issued a permanent disability card(~~(; and~~

21       ~~(f) Until a child reaches fifteen years of age)).~~

22       (2) Two-consecutive-day personal use food fish and shellfish  
23 licenses expire at midnight on the day following the validation date  
24 written on the license by the license dealer, except two-consecutive-  
25 day personal use food fish and shellfish licenses validated for  
26 December 31 expire at midnight on that date.

27       (3) (~~(An annual salmon))~~ A personal use food fish license is valid  
28 for a maximum catch of fifteen salmon, after which another (~~(salmon))~~  
29 personal use food fish license may be purchased. A (~~(salmon))~~ personal  
30 use food fish license is valid only for the calendar year for which it  
31 is issued.

32       (4) (~~(An annual sturgeon))~~ A personal use food fish license is  
33 valid for (~~(a))~~ an annual maximum catch of fifteen sturgeon. (~~(A~~  
34 ~~sturgeon license is valid only for the calendar year for which it is~~  
35 ~~issued.))~~

36       (5) (~~(All other recreational))~~ Personal use shellfish licenses are  
37 valid for the calendar year for which they are issued.

1       **Sec. 11.** RCW 75.50.100 and 1990 c 58 s 3 are each amended to read  
2 as follows:

3       The dedicated regional fisheries enhancement group account is  
4 created in the custody of the state treasurer. Only the director or  
5 the director's designee may authorize expenditures from the account.  
6 The account is subject to allotment procedures under chapter 43.88 RCW,  
7 but no appropriation is required for expenditures.

8       A surcharge of one dollar shall be collected on each recreational  
9 (~~salmon~~) personal use food fish license sold in the state. A  
10 surcharge of one hundred dollars shall be collected on each commercial  
11 salmon fishing license and each charter boat "salmon and other food  
12 fish" license sold in the state. The department shall study methods  
13 for collecting and making available, an annual list, including names  
14 and addresses, of all persons who obtain recreational and commercial  
15 salmon fishing licenses. This list may be used to assist formation of  
16 the regional fisheries enhancement groups and allow the broadest  
17 participation of license holders in enhancement efforts. The results  
18 of the study shall be reported to the house of representatives  
19 fisheries and wildlife committee and the senate environment and natural  
20 resources committee by October 1, 1990. All receipts shall be placed  
21 in the regional fisheries enhancement group account and shall be used  
22 exclusively for regional fisheries enhancement group projects for the  
23 purposes of RCW 75.50.110. Funds from the regional fisheries  
24 enhancement group account shall not serve as replacement funding for  
25 department operated salmon projects that exist on January 1, 1991.

26       All revenue from the department's sale of salmon carcasses and eggs  
27 that return to group facilities shall be deposited in the regional  
28 fisheries enhancement group account for use by the regional fisheries  
29 enhancement group that produced the surplus. The department shall  
30 adopt rules to implement this section pursuant to chapter 34.05 RCW.

31       **Sec. 12.** RCW 82.27.020 and 1985 c 413 s 2 are each amended to read  
32 as follows:

33       (1) In addition to all other taxes, licenses, or fees provided by  
34 law there is established an excise tax on the commercial possession of  
35 enhanced food fish as provided in this chapter. The tax is levied upon  
36 and shall be collected from the owner of the enhanced food fish whose  
37 possession constitutes the taxable event. The taxable event is the  
38 first possession in Washington by an owner. Processing and handling of

1 enhanced food fish by a person who is not the owner is not a taxable  
2 event to the processor or handler.

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

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

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

11 (a) Chinook, coho, and chum salmon and anadromous game fish:  
12 (~~Five~~) Nine and five-tenths percent.

13 (b) Pink and sockeye salmon: (~~Three~~) Five and seven-tenths  
14 percent.

15 (c) Other food fish and shellfish, except oysters: (~~Two~~) Three  
16 and eight-tenths percent.

17 (d) Oysters: (~~Seven~~) Thirteen one-hundredths of one percent.

18 (5) An additional tax is imposed equal to the rate specified in RCW  
19 82.02.030 multiplied by the tax payable under subsection (4) of this  
20 section.

21 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 75.25.015 and 1989 c 305 s 2, 1984 c 80 s 6, & 1983 1st  
24 ex.s. c 31 s 1;

25 (2) RCW 75.25.040 and 1989 c 305 s 3, 1983 1st ex.s. c 46 s 91,  
26 1980 c 81 s 1, & 1979 ex.s. c 243 s 4;

27 (3) RCW 75.25.090 and 1989 c 305 s 5 & 1987 c 87 s 1;

28 (4) RCW 75.25.100 and 1989 c 305 s 6, 1987 c 87 s 2, 1983 1st ex.s.  
29 c 46 s 94, & 1977 ex.s. c 327 s 11; and

30 (5) RCW 75.25.126 and 1989 c 305 s 7.

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