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HOUSE BILL 1238

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Cooper, Sump, Dunshee, Kenney, Voloria, Haigh, Berkey, Lantz and Rockefeller

Read first time 01/21/2003.      Referred to Committee on Fisheries, Ecology & Parks.

1            AN ACT Relating to geoduck harvesting; amending RCW 77.65.410; and  
2      declaring an emergency.

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

4            **Sec. 1.** RCW 77.65.410 and 1993 c 340 s 24 are each amended to read  
5      as follows:

6            (1) Licensed geoduck harvesters bear the responsibility for  
7      providing the labor and equipment to plant geoduck seed provided by a  
8      state hatchery onto state commercial beds.

9            (2) Every diver engaged in the commercial harvest of geoduck clams  
10     shall obtain a (~~nontransferable~~) transferable geoduck diver license.

11           (3) After July 1, 2003, the director may not issue new geoduck  
12     diver licenses unless fewer than fifty persons are eligible for  
13     renewal. A person may renew an existing license only if the person:

14           (a) Held a geoduck diver license in 2002; and

15           (i) Held a geoduck diver license in 2000 and 2001; or

16           (ii) Held a geoduck diver license for five of the ten years from  
17     1992 through 2001; and

18           (b)(i) Can document active diving participation by way of dive  
19     sheet records, canceled checks, and conformation by the department; or

1        (ii) Acquired the license by transfer from another person who held  
2 it during the previous year, and the person did not subsequently  
3 transfer the license to a third party.

4        (4) If fewer than fifty persons are eligible to renew a geoduck  
5 diver license, the director may accept applications for new licenses.  
6 The department shall adopt rules and procedures to determine whether  
7 additional diver licenses will be issued, and the application  
8 procedure. The director shall determine, by random selection, from all  
9 otherwise qualified applicants, the successful applicants for any  
10 additional licenses.

11        (5) When a person fails to obtain a license during the previous  
12 year because of a license suspension, a person may qualify for a  
13 license by establishing that he or she held such a license during the  
14 last year in which the license was not suspended.

15        (6) Geoduck diver licenses are transferable only to a natural  
16 person. The license holder must perform the actual harvesting.

17        NEW SECTION. Sec. 2. This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

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