

SHB 1323 - S COMM AMD

By Committee on Natural Resources & Parks

NOT CONSIDERED

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 77.70.190 and 2011 c 339 s 33 are each amended to  
4 read as follows:

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

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

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

29 (4) Surcharges as provided for in this section shall be collected  
30 and deposited into the sea cucumber dive fishery account hereby created

1 in the custody of the state treasurer. The collections and deposits  
2 must continue, as set forth in (a) and (b) of this subsection, through  
3 license year ((2013)) 2016, or until the number of licenses is reduced  
4 to twenty, whichever occurs first. Only the director or the director's  
5 designee may authorize expenditures from the account. The sea cucumber  
6 dive fishery account is subject to allotment procedures under chapter  
7 43.88 RCW, but no appropriation is required for expenditures.  
8 Expenditures from the account shall only be used to retire sea cucumber  
9 licenses until the number of licenses is reduced to twenty, and  
10 thereafter shall only be used for sea cucumber management and  
11 enforcement. The director or the director's designee shall notify the  
12 department of revenue within thirty days when the number of licenses is  
13 reduced to twenty.

14 (a) A surcharge of one hundred dollars shall be charged with each  
15 sea cucumber dive fishery license renewal for licenses issued in 2000  
16 through ((2013)) 2016, or until the number of licenses is reduced to  
17 twenty, whichever occurs first.

18 (b) For licenses issued for license years 2000 through ((2013))  
19 2016, or until the number of licenses is reduced to twenty, whichever  
20 occurs first, a surcharge shall be charged on the sea cucumber dive  
21 fishery license for designating an alternate operator. The surcharge  
22 shall be as follows: Five hundred dollars for the first year or each  
23 of the first two consecutive years after 1999 that any alternate  
24 operator is designated and two thousand five hundred dollars each year  
25 thereafter that any alternate operator is designated.

26 (5) Sea cucumber dive fishery licenses are transferable. For  
27 licenses issued for license years 2000 through ((2013)) 2016, or  
28 whenever the number of licenses is reduced to twenty, whichever occurs  
29 first, there is a surcharge to transfer a sea cucumber dive fishery  
30 license. The surcharge is five hundred dollars for the first transfer  
31 of a license valid for license year 2000 and two thousand five hundred  
32 dollars for any subsequent transfer, occurring in the license years  
33 2000 through ((2013)) 2016, or whenever the number of licenses is  
34 reduced to twenty, whichever occurs first. The application fee to  
35 transfer a sea cucumber dive fishery license is one hundred five  
36 dollars. Notwithstanding this subsection, a one-time transfer exempt  
37 from surcharge applies for a transfer from the natural person licensed  
38 on January 1, 2000, to that person's spouse or child.

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

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

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

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

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

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

27 (a) Chinook, coho, and chum salmon and anadromous game fish: Five  
28 and twenty-five one-hundredths percent;

29 (b) Pink and sockeye salmon: Three and fifteen one-hundredths  
30 percent;

31 (c) Other food fish and shellfish, except oysters, sea urchins, and  
32 sea cucumbers: Two and one-tenth percent;

33 (d) Oysters: Eight one-hundredths of one percent;

34 (e) Sea urchins: Four and six-tenths percent through December 31,  
35 2013, or until the department of fish and wildlife notifies the  
36 department that the number of sea urchin licenses has been reduced to

1 twenty licenses, whichever occurs first, and two and one-tenth percent  
2 thereafter; and

3 (f) Sea cucumbers: Four and six-tenths percent through December  
4 31, ((2013)) 2016, or until the department of fish and wildlife  
5 notifies the department that the number of sea cucumber licenses has  
6 been reduced to twenty licenses, whichever occurs first, and two and  
7 one-tenth percent thereafter.

8 (5) An additional tax is imposed equal to the rate specified in RCW  
9 82.02.030 multiplied by the tax payable under subsection (4) of this  
10 section.

11 **Sec. 3.** RCW 82.27.070 and 2010 c 193 s 17 are each amended to read  
12 as follows:

13 (1) All taxes collected by the department of revenue under this  
14 chapter shall be deposited in the state general fund except for the  
15 excise tax on anadromous game fish, which shall be deposited in the  
16 state wildlife account.

17 (2) From January 1, 2000, to December 31, ((2013)) 2016, or until  
18 the department of fish and wildlife notifies the department that the  
19 license reduction goals of the ((sea urchin or)) sea cucumber fishery  
20 have been met, whichever occurs first, ((twenty-five forty-sixths of  
21 the revenues derived from the excise tax on sea urchins collected under  
22 RCW 82.27.020 shall be deposited into the sea urchin dive fishery  
23 account created in RCW 77.70.150, and)) twenty-five forty-sixths of the  
24 revenues derived from the excise tax on sea cucumbers collected under  
25 RCW 82.27.020 shall be deposited into the sea cucumber dive fishery  
26 account created in RCW 77.70.190.

27 (3) From January 1, 2000, to December 31, 2013, or until the  
28 department of fish and wildlife notifies the department that the  
29 license reduction goals of the sea urchin fishery have been met,  
30 whichever occurs first, twenty-five forty-sixths of the revenues  
31 derived from the excise tax on sea urchins collected under RCW  
32 82.27.020 must be deposited into the sea urchin dive fishery account  
33 created in RCW 77.70.150."

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1        On page 1, line 1 of the title, after "fishery;" strike the  
2 remainder of the title and insert "and amending RCW 77.70.190,  
3 82.27.020, and 82.27.070."

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