

SENATE BILL REPORT

2SHB 1764

As of April 9, 2013

Title: An act relating to geoduck diver licenses.

Brief Description: Concerning geoduck diver licenses.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Chandler, Stanford, Blake, Appleton and Dunshee).

Brief History: Passed House: 3/06/13, 95-0.

Committee Activity: Natural Resources & Parks: 3/28/13, 4/02/13 [DPA-WM].
Ways & Means: 4/08/13.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Smith, Vice Chair; Rolfes, Ranking Member; Hewitt, Kline and Parlette.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Sherry McNamara (786-7402)

Background: The Department of Natural Resources (DNR) manages state-owned aquatic lands and is responsible for designating the areas of such lands that are available for geoduck harvest. Geoducks are sold as valuable materials by DNR and, after a sale, DNR may enter into a geoduck harvesting agreement with the purchaser.

The Department of Fish and Wildlife (DFW) is responsible for managing the state's fishery resources, including the time, place, and manner in which shellfish are harvested. Once a purchaser has entered into a geoduck harvesting agreement with DNR, the purchaser may receive a geoduck fishery license from DFW. DFW also calculates the total allowable catch for commercial geoduck harvest each year, which is roughly 2.7 percent of the geoduck biomass on a tract. The state's portion of the total geoduck catch averages approximately 2 million pounds per year.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A diver who harvests geoducks commercially must purchase a geoduck diver license, which is nontransferable. The license is \$185 for residents and \$295 for nonresidents.

Summary of Bill (Recommended Amendments): Provides Limitations on Geoduck Diver Licenses. Limits the number of nontransferable geoduck diver licenses issued annually to 77 beginning January 1, 2015.

For the 2015 license year, DFW must provide a right of first refusal to those who (1) held a license in either 2011, 2012, 2013, or 2014 and (2) were listed on a DNR harvest agreement plan during that period. Those interested must make their intent to purchase a license in 2015 known to DFW within six months of the effective date of the bill.

Geoduck diver licenses expire on December 31 of each year. In order to renew a license, a diver must be included on a DNR harvest agreement plan during that license year. DFW is authorized to conduct rulemaking if deemed necessary to implement the new geoduck diver licensing provisions.

Additionally, anyone wishing to apply for or renew a geoduck diver license must complete a diver safety program.

Provides for License Revocation Under Certain Circumstances. DFW must revoke a geoduck diver license if the diver violates a DNR harvest agreement two or more times. A diver whose license is revoked cannot hold another geoduck diver license for at least one year.

Establishes a Geoduck Diver Safety Program. DNR must by rule create a diver safety program that includes safety requirements for geoduck divers. The rules must be adopted and modified to ensure a successful and effective program. In doing so, DNR must act in coordination with recommendations from a geoduck harvest safety committee. The initial rules must be adopted by December 1, 2014. The program may not conflict with federal commercial diving safety standards and rules.

The geoduck harvest safety committee is made up of one member each representing DNR, DNR's geoduck diver advisory committee, geoduck harvesters, and geoduck divers. The committee must meet at least four times per year, and provide recommendations on the establishment of and any necessary modifications to the geoduck diver safety program.

Actions taken under the geoduck diver safety program do not subject the state to civil liability.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Amendments):

- Modifies a reference from state safety standards to federal safety standards;
- Authorizes rulemaking if deemed necessary to implement the new geoduck diver licensing provisions; and
- Makes technical changes.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Second Substitute House Bill (Natural Resources & Parks): PRO: This bill allows for increased efficiency within Washington State's geoduck industry by preserving resources and increasing safety in the diving community. This version of the bill eliminates the possibility of permit transferring.

Persons Testifying (Natural Resources & Parks): PRO: Representative Chandler, prime sponsor; Gordon Baxter, WA Harvesters Assn.; Sam Swanson, Harvest Divers Union.

Staff Summary of Public Testimony (Ways & Means): PRO: This bill streamlines and updates the licensing process for geoduck divers and harvesting. This bill is more aligned to the industry and the safety needs of the geoduck divers. Two divers were tragically lost and it is important for this bill to provide this risky industry a strong safety program.

Persons Testifying (Ways & Means): PRO: Representative Chandler, prime sponsor; Gordon Baxter, WA Harvesters Assn. and Harvest Divers Union.