

preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 17, 1973.

Passed the Senate April 11, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 173
[Senate Bill No. 2918]
HERRING FISHING--COMMERCIAL

AN ACT Relating to food fish and shellfish; conserving the herring resources by validating commercial herring licenses; adding new sections to chapter 12, Laws of 1955 and to chapter 75.28 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

The legislature finds that a significant commercial herring fishing industry is presently developing in the state of Washington under the careful guidance of the department of fisheries. The legislature further finds that the stocks of herring within the waters of this state are limited in extent and are in need of strict preservation.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

In addition, the legislature finds that the number of commercial fishermen engaged in fishing for herring has steadily increased. This factor, combined with advances made in fishing and marketing techniques, has resulted in strong pressures on the supply of herring, unnecessary waste in one of Washington's valuable resources, and economic loss to the citizens of this state. Therefore, it is the purpose of this act to establish reasonable procedures for controlling the extent of commercial herring fishing.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

After the effective date of this act, only those persons who have obtained a validated license to fish for herring issued by the department of fisheries of the state of Washington shall engage in the commercial taking or catching of herring. Licenses issued under

this section shall be valid for one year, from January 1 through December 31. Any food fish license as stipulated in chapter 75.28 RCW intended for use in fishing for herring in the Puget Sound district must be validated for these species by the department of fisheries after proving compliance with the provisions of section 4 of this act.

NEW SECTION. Sec. 4. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

For the 1973 season and subsequent seasons, the department shall limit the number of licenses validated under section 3 of this act to those individuals who held valid commercial fishing licenses and can prove that they landed herring as documented by a Washington department of fisheries landing ticket for that type of fishing gear during the period January 1, 1971, through April 1, 1973. The validated herring license shall be required for commercial herring fishing in Puget Sound as set forth in the Washington Administrative Code under section 220-16-210. Additional licenses may be granted after the 1976 season by the department only upon a showing that the stocks of herring will not be jeopardized by the granting of such additional licenses.

NEW SECTION. Sec. 5. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

If subsequent court action requires that additional validated licenses must be permitted for the 1973 season and if such increases in a particular gear result in placing an excessive strain on herring stocks, the department shall reduce the number of validated licenses for such gear by eliminating units with the shortest history of landings as established and documented by Washington department of fisheries' landing tickets for the herring fishery. If two or more units have a similar history of landings, then such reduction for those vessels shall be by lot.

NEW SECTION. Sec. 6. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

There is hereby created a board of review to consist of three members: one of whom shall be appointed by the speaker of the house of representatives, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the governor.

The board of review shall hear and pass on applications for commercial herring licenses in each hardship or disputed case. The provisions of chapter 34.04 RCW, the administrative procedure act, shall apply to all actions taken by the board of review created by this section.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall

take effect immediately.

Passed the Senate April 13, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of
Section 6 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to
one item, Senate Bill No. 2918 entitled:

Veto
Message

"AN ACT Relating to food fish and shellfish."

This bill establishes a system of regulation of herring fishing in order to preserve this resource within the waters of the state. A major aspect of this act is the requirement that those who commercially fish for herring have a license issued by the department of fisheries. Further, section six establishes a board of review consisting of three members to hear cases of dispute with regard to licenses. Of the three members on the board, one would be appointed by the Governor, one by the President of the Senate and one by the Speaker of the House. This method of appointment exceeds the traditional limits of the doctrine of separation of powers between executive and legislative branches of government. Should the legislature have specific guidelines or requirements to be followed by a board of review they properly belong in the statute establishing such board, not in a provision giving appointing authority to members of the Legislature.

Accordingly, I have determined to veto that item consisting of section six of Senate Bill No. 2918. With that exception, I have approved the remainder of Senate Bill No. 2918."

CHAPTER 174

[Senate Bill No. 2337]

STATE HIGHWAY COMMISSION--
APPROPRIATIONS--EXPENDITURES

AN ACT Relating to expenditures by the Washington state highway
commission; making an appropriation and authorizing