

or the application of the provision to other persons or circumstances is not affected.

Passed the House January 19, 1990.
Passed the Senate February 26, 1990.
Approved by the Governor March 13, 1990.
Filed in Office of Secretary of State March 13, 1990.

CHAPTER 34

[House Bill No. 2292]

FAMILY FISHING DAYS

AN ACT Relating to authorizing family fishing days for food fish and shellfish; creating a new section; and adding a new section to chapter 75.25 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that conservation and wise use of the state's food fish and shellfish resources are of paramount importance. The legislature finds that public awareness and enjoyment is critical to conserving the state's food fish and shellfish resources. The legislature finds that public awareness can be increased if the departments of wildlife and fisheries jointly participate in a national fishing week program by scheduling free family fishing days on the same days.

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

Notwithstanding RCW 75.25.090, the director may adopt rules designating times and places for the purposes of family fishing days when a recreational fishing license is not required to fish for food fish or shellfish. All other applicable laws and rules shall remain in effect.

Passed the House January 29, 1990.
Passed the Senate February 26, 1990.
Approved by the Governor March 13, 1990.
Filed in Office of Secretary of State March 13, 1990.

CHAPTER 35

[Substitute House Bill No. 2293]

GROUP FISHING PERMITS—HANDICAPPED PERSONS

AN ACT Relating to group fishing permits; amending RCW 75.08.011 and 77.32.235; adding a new section to chapter 75.25 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. It is the intent of the legislature to make recreational fishing opportunities more available to physically or mentally

handicapped persons, mentally ill persons, hospital patients, and senior citizens who are in the care of a state-licensed or state-operated care facility by allowing the department of fisheries to issue group fishing permits.

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

Physically or mentally handicapped persons, mentally ill persons, hospital patients, and senior citizens who are in the care of a state-licensed or state-operated care facility may fish for food fish and shellfish during open season without individual licenses or the payment of individual license fees if such fishing activity is occasional, is conducted in a group supervised by staff of the care facility, and the facility holds a group fishing permit issued by the director. The director shall issue such a permit upon application by care facility staff.

Sec. 3. Section 75.04.010, chapter 12, Laws of 1955 as last amended by section 1, chapter 218, Laws of 1989 and RCW 75.08.011 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

- (1) "Director" means the director of fisheries.
- (2) "Department" means the department of fisheries.
- (3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.
- (4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.
- (5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.
- (7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.
- (8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington–Oregon state boundary.

(10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

(19) "Open season" means those times, manners of taking, and places or waters established by rule of the director for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

Sec. 4. Section 1, chapter 33, Laws of 1984 and RCW 77.32.235 are each amended to read as follows:

Physically or mentally handicapped persons, hospital patients, and senior citizens may fish for game fish during open season without individual licenses or the payment of individual license fees if such fishing activity is occasional, is conducted in a group supervised by staff of a (~~department of social and health services~~) state-licensed or state-operated care facility, and the facility holds a group fishing permit issued by the director. The director shall issue such a permit upon application by care facility staff.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 29, 1990.

Passed the Senate February 26, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

CHAPTER 36

[House Bill No. 2294]

SALE OF SALMON TAKEN IN TEST FISHING OPERATIONS

AN ACT Relating to salmon taken in test fishing operations; and amending RCW 75.08.255.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 75.12.130, chapter 12, Laws of 1955 as last amended by section 1, chapter 28, Laws of 1985 and RCW 75.08.255 are each amended to read as follows:

(1) The director may take or remove any species of fish or shellfish from the waters or beaches of the state.

(2) The director may sell food fish or shellfish caught or taken during department test fishing operations. (~~Salmon taken in test fishing operations shall only be sold during a season open to commercial fishing in the district in which the test fishing is conducted.~~)

(3) The director shall not sell inedible salmon for human consumption. Salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless the salmon are unfit for human consumption. Salmon not fit for human consumption may be sold by the director for animal food, fish food, or for industrial purposes.

(4) In the sale of surplus salmon from state hatcheries, the division of purchasing shall require that a portion of the surplus salmon be processed and returned to the state by the purchaser. The processed salmon shall be fit for human consumption and in a form suitable for distribution to individuals. The division of purchasing shall establish the required percentage at a level that does not discourage competitive bidding for the surplus salmon.