

place of abode within this state with the intent to permanently reside within this state. Definitions.

An "alien" means any person who is not a citizen of the United States and has not in good faith declared his intention of becoming a citizen of the United States. "Alien."

A "nonresident" means any person who is neither a "resident" nor an "alien" as defined in this section. "Nonresident."

SEC. 15. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 13 above shall become effective on January 1, 1958. Effective date.

Passed the House February 21, 1957.

Passed the Senate March 13, 1957.

Approved by the Governor March 21, 1957.

CHAPTER 177.

[Sub. H. B. 395.]

STATE GAME COMMISSION—POWERS AND DUTIES.

AN ACT relating to game and game fish; amending sections 77.12.280, 77.12.290 and 77.12.300, chapter 36, Laws of 1955 and RCW 77.12.280 through 77.12.300.

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

SECTION 1. Section 77.12.280, chapter 36, Laws of 1955 and RCW 77.12.280 are each amended to read as follows: RCW 77.12.280 amended.

No payment of any such claim shall be made in excess of one thousand dollars, and in the event any claim is not adjusted, compromised, or settled and paid by the commission for a sum up to such amount, and within one year from the filing of such claim the same may be filed with the state auditor and referred to the legislature for settlement. The payment of any claim by the commission shall be full and final payment upon such claim. Damages caused by game—Maximum payment—Settlement final—Arbitration of award.

In the event that any valid claim for damages as provided for in RCW 77.12.270 has been refused or

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has not been compromised, adjusted, settled and paid by the commission within one hundred and twenty days of the filing of the claim for damages with the commission as provided for in RCW 77.12.290, either the claimant or the commission may serve upon the other personally or by registered mail a notice of an intention to arbitrate; said notice shall contain the name of a person, selected as one arbitrator. Within ten days of receiving such a notice to arbitrate the person upon whom such notice was served shall serve personally or by registered mail upon the other party the name of an arbitrator. The two arbitrators, within seven days of the naming of the second arbitrator shall select a third arbitrator, said arbitrator not to be an employee or commissioner of the state game department. In the event that the two arbitrators as selected by the parties to the dispute cannot agree upon a third arbitrator, either party to the dispute may petition the superior court in the county in which the claim arose, asking said court to select the third arbitrator and upon receiving such a petition the court shall appoint a third arbitrator. Any filing fee or court costs arising from the foregoing petition shall be shared equally by the claimant and the department of game.

The award of the arbitrators shall be advisory only; it shall be written and filed with the department of game at its office in Seattle, King county, Washington, not later than ninety days following the naming of the third arbitrator.

In the event that the parties arbitrate no payment shall be made by the commission until the arbitrators shall have made their advisory award. The payment of any claim by the commission shall be full and final payment of the claim.

In the event that any claim is not adjusted, compromised, settled and paid through arbitration or otherwise within one year from the filing of said

claim the same may be filed with the state auditor and referred to the legislature for settlement.

SEC. 2. Section 77.12.290, chapter 36, Laws of 1955 and RCW 77.12.290 are each amended to read as follows:

RCW 77.12.290 amended.

Notice of all claims for damages caused by beaver, deer, or elk shall be filed in writing with the commission in the offices of the department of game, Seattle, King county, Washington, within ninety days after the claimed damage has occurred, or within ninety days following the discovery of the claimed damage. In the event the damages are unascertainable within such ninety day period, the notice shall so state. The failure to file notice of any claim or pending claim shall bar payment thereof. No payment shall be made to any claimant for damages occurring on lands leased by claimant from any public agency.

Damages caused by game—Notice of claim required—Damages on public lands excluded.

SEC. 3. Section 77.12.300, chapter 36, Laws of 1955 and RCW 77.12.300 are each amended to read as follows:

RCW 77.12.300 amended.

The commission may promulgate rules and regulations requiring affidavits and prescribing the forms thereof to be furnished in proof of all claims and providing for the time for making of any examination, appraisal, or ascertainment of any damages. The commission may by rule and regulation provide that it may refuse to consider and pay any claims of claimants who have posted the property whereon the claimed damages have occurred, against hunting during the season immediately preceding the time when said damages occurred.

Damages caused by game—Rules and regulations as to claims.

Passed the House March 5, 1957.

Passed the Senate March 12, 1957.

Approved by the Governor March 21, 1957.