

## CHAPTER 112.

[ S. B. 216. ]

## FISHERIES CODE.

AN ACT establishing a Fisheries Code for the preservation, protection, perpetuation and management of food fish and shellfish; providing for and creating a Department of Fisheries; regulating the taking and possession of food fish and shellfish; licensing appliances therefor; providing for license fees and charges; licensing all phases of the fishing industry; providing for the acquisition of land and rights in land; providing for the construction, maintenance and operation of fish hatcheries, rearing stations, laboratories, nurseries and other installations; providing for the appointment of a Director of Fisheries and designating his authority; providing for the propagation, protection and disposition of oyster beds in the State of Washington; regulating the entire food fish and shellfish industry of the state and offshore waters; repealing certain statutes; fixing penalties for the violation of this act, and declaring an emergency.

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

## CHAPTER I.

## DEFINITIONS.

SECTION 1. As used in this act or in any rule or regulation of the Director of Fisheries: Definitions

“Director” shall be construed as the Director of Fisheries. “Director.”

“Department” shall be construed as the Department of Fisheries. “Department.”

“Person” shall be construed to include any individual, any corporation, any government agency, or any group of two or more individuals acting together to forward a common purpose. “Person.”

“Fish” and its derivatives, “fishing,” “fished,” etc., shall be construed to include any means or effort made directly or indirectly to kill, injure, disturb, capture or catch any of the various species of food fish and shellfish. “Fish,”  
“fishing,”  
“fished,” etc.

“Food fish” and “shellfish” as referred to in this act shall be construed to include any and all species “Food fish”  
and  
“shellfish.”

of marine and fresh water life classified as such by statute or by the Director of Fisheries.

"Waters of the State."

"Waters of the State" shall be construed to include all waters within the territorial limits of the state.

"Offshore waters."

"Offshore waters" shall be construed to include the waters of the Pacific Ocean and the straits, bays, inlets, coves and estuaries thereof outside the territorial limits of the state.

"Personal use."

"Personal use"—The taking or possession of food fish or shellfish "for personal use" shall be construed to mean taking or fishing for food fish and shellfish by angling or by such other means and with such gear as the Director may authorize for fishing for personal use, or possessing the same for the use of the person fishing for, taking, or possessing the same and not for sale or barter.

"Commercial purposes."

"Commercial purposes"—The taking, fishing for, possession, processing, or otherwise dealing in or disposing of food fish and shellfish for "commercial purposes" shall be construed to mean taking or fishing for food fish with any gear unlawful for fishing for personal use, or taking or possessing the food fish and shellfish in excess of the limits permitted for personal use, or taking, fishing for, handling, processing, or otherwise disposing of or dealing in food fish with the intent of disposing of such food fish, shellfish, or parts thereof for profit, or by sale, barter, trade, or in commercial channels.

"Resident."

"Resident"—A "resident" shall be construed to mean a person who for the preceding ninety (90) days has maintained a permanent place of abode within the state with the intent to permanently reside within the state.

"Angling."

"Angling" shall be construed to mean fishing for personal use with one line attached to a pole held in hand while landing the fish, or with a hand operated line without rod or reel, to which may be

attached not to exceed two single hooks, or one artificial bait with no more than four multiple hooks.

"Salmon" shall be construed to include the sockeye, silver, chinook, chum, humpback salmon and the so called salmon trout, and each and every species of the genus oncorhynchus, commonly known as salmon.

"Salmon."

## CHAPTER II.

### ADMINISTRATION AND ENFORCEMENT.

SEC. 2. This act shall be known and may be cited as the "Fisheries Code of the State of Washington."

Title of act.

SEC. 3. There is hereby created a Department of Fisheries. It shall be the duty and purpose of the Department of Fisheries to preserve, protect, perpetuate and manage the food fish and shellfish in the waters of the state and the offshore waters thereof to the end that such food fish and shellfish shall not be taken, possessed, sold or disposed of at such times and in such manner as will impair the supply thereof.

Department of Fisheries created.

Duty and purpose.

SEC. 4. The Director of Fisheries shall have charge and general supervision of the Department, and shall have power to appoint, employ or deputize superintendents, inspectors, engineers, patrolmen and such clerical, technical, scientific and other assistants as may be necessary to carry on the general administration of the Department and effect the purposes of this act. Such personnel, except the assistant director, shall be employed on a basis of merit and in accordance with the rules and regulations of the State Personnel Board as established in section 42, chapter 35, Laws of 1945.

Director of Fisheries.

Employment of personnel.

Employment on basis of merit.

SEC. 5. The Governor of the state shall have the power and it shall be his duty to appoint the Director of Fisheries, who shall serve at the pleasure of the Governor.

Governor to appoint Director.

Eligibility  
requirements  
of Director.

No person shall be eligible to appointment as, or to hold the office of, Director of Fisheries, unless he has resided within the state for at least five years immediately preceding his appointment and has general knowledge of commercial fishing conditions and of the fishing industry in this state, and has no financial interest in the fishing industry or any industry directly connected therewith.

Powers and  
duties of  
Director.

SEC. 6. The Director shall have the power and it shall be his duty to investigate the habits, supply and economic use of, and to classify, the food fish and shellfish in the waters of the State of Washington and the offshore waters, and from time to time, make, adopt, amend and promulgate rules and regulations as follows:

Rules and  
regulations.

(1) Specifying the times when the taking of any or all the various classes of food fish and shellfish is lawful or prohibited.

(2) Specifying and defining the areas, places and waters in which the taking and possession of the various classes of food fish and shellfish is lawful or prohibited.

(3) Specifying and defining the types and sizes of gear, appliances or other means that may be lawfully used in taking the various classes of food fish and shellfish, and specifying the times, places and manner in which it shall be lawful to possess or use the same.

(4) Regulating the possession, disposal and sale of food fish and shellfish within the state, whether acquired within or without the state, and specifying the times when the possession, disposal or sale of the various species of food fish or shellfish is prohibited.

(5) Regulating the prevention and suppression of all infectious, contagious, dangerous, and communicable diseases and pests affecting food fish and shellfish.

(6) The fixing of the size, sex, numbers and amounts of the various classes of food fish and shellfish that may be taken, possessed, sold or disposed of.

(7) Regulating the landing of the various classes of food fish and shellfish or parts thereof within the state.

(8) Regulating the destruction of predatory seals and sea lions and other predators destructive of food fish or shellfish, and specifying the proof of the destruction of the same that shall be required.

(9) Specifying the statistical and biological reports that shall be required from licensed or non-licensed fishermen, dealers, boathouses, handlers, or processors of food fish and shellfish.

(10) Specifying which species of marine and freshwater life are food fish and shellfish.

(11) Classifying the species of food fish and shellfish or parts thereof that may be used for purposes other than human consumption.

(12) Promulgating such other rules and regulations as may be necessary to carry out the provisions of this act and the purposes and duties of the Department.

All rules and regulations of the Director, Acting Director or such person designated by the Director, and all amendments to, or modifications or revocations of existing rules and regulations shall be made and adopted by the Director and shall be promulgated by publication in a newspaper of general circulation published at the state capitol and shall take effect and be in force at the times specified therein.

Rules and regulations to be published

Rules and regulations of the Director shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the Director or Assistant Director certifying that the rule or regulation has been lawfully adopted, promulgated, and published, and the affidavit shall be prima facie evi-

Shall be evidence in courts.

dence of proper adoption, promulgation, and publication of the rule or regulation.

Territorial authority of Director.

The authority of the Director under the provisions of this act shall extend to all areas and waters within the territorial limits of the state and to the offshore waters; and the Director is hereby authorized under the provisions of this act to promulgate and publish regulations corresponding to the recommendations and regulations of the Pacific Marine Fisheries Commission, the International Fisheries Commission, and the International Pacific Salmon Fisheries Commission.

Licensed oyster farms excluded.

The provisions of subsections (1), (2), (3), (4), (6) and (7) inclusive shall not apply to licensed oyster farms or oysters produced thereon.

Powers and duties of Director.

SEC. 7. The Director shall have the power and it shall be his duty:

Fish hatcheries, rearing ponds, etc.

(1) To establish and maintain state fish hatcheries, rearing stations, cultural stations, eyeing stations, brood ponds, trap sites, buildings, dock and harbor facilities, food fish and shellfish sanctuaries, rights-of-way, and such other installations and facilities as in his judgment may be necessary for the exercise of the powers and discharge of the duties of the Director and the Department.

Lands, water rights and rights-of-way.

(2) To select and acquire by gift or easement, or whenever funds are appropriated for such purpose, by purchase, lease, or condemnation brought in the name of the state, and by any other lawful means at his disposal, such lands, water rights, and rights-of-way, and to construct all necessary facilities thereon, as may be necessary for the exercise of the powers and discharge of the duties of the Department; and he shall have authority to sell, lease, convey or grant concessions upon any property, real or personal, heretofore or hereafter acquired for the state and under the control of the Department.

(3) To purchase, construct, charter, and operate vehicles, boats, and aircraft necessary to properly patrol the shores and waters of the state and the off-shore waters in the enforcement of this act and the regulations of the Director.

Boats,  
vehicles, and  
aircraft.

(4) To examine all oyster reserves and to do or cause to be done such things as may be deemed advisable to conserve, protect, and develop said reserves.

Oyster  
reserves.

(5) To examine the clam, mussel and oyster beds located on lands belonging to the state, and with the approval of the State Commissioner of Public Lands, to withdraw such lands from sale and lease and make reserves or public beaches thereof; to take such steps as are advisable for the conservation, protection and development of such reserves; also to do those things that may be necessary for the protection and development of the oyster, shrimp, clam and mussel beds on state lands or lands under the jurisdiction of the state.

Clam, mussel  
and oyster  
beds on  
State lands.

(6) To make an annual report on or before the 1st day of June of each year to the Governor, containing a detailed statement of his actions under this act, of the operation and result of the laws pertaining to the fish and shellfish industry, the method of taking fish and shellfish, the number of fish and shellfish propagated, and full and complete statistics of the fishing business, and suggestions as to needed legislation whenever he shall deem it necessary.

Annual  
report to  
Governor.

(7) To devote his time to the duties of his office and to enforce the laws and regulations of the Director relating to propagation, protection, conservation, preservation, and management of food fish and shellfish.

Enforcement  
of rules and  
regulations.

SEC. 8. The Director shall have authority to require that brands, tags or other devices be placed upon or attached to all food fish and shellfish sold from private hatcheries or Indian reservations, and to designate such brands, tags or devices. and the

Tags on fish  
and shellfish  
sold from  
private  
hatcheries  
and Indian  
reservations.

Fees for tags. Director shall be authorized to charge a fee for such tags.

Administra-  
tion of oaths. SEC. 9. The Director, or those authorized by him, may administer oaths in any matter connected with the duties of his office, and may require any report, statement or application made or submitted to the Department to be made under oath.

Designation  
of mouths  
and fishing  
limits of  
rivers and  
streams. SEC. 10. The Director is hereby authorized to designate the mouths and fishing limits of all rivers and streams, or other fishing areas by driving piling or by establishing monuments or by description of land marks or section lines, and his designation shall be final.

Surety  
bonds for  
employees. SEC. 11. Each employee of the Department if required by the Director, shall give a bond to the state with a surety company authorized to do business in this state as surety in the sum of two thousand dollars (\$2,000) conditioned for the faithful performance of his duties, the cost of bond to be paid by the state.

May relieve  
disabled  
employees  
from active  
duty. SEC. 12. The Director shall, and he is hereby authorized to, relieve from active duty Department employees who, while in the performance of their official duties, have been injured or may hereafter be injured to such an extent as to be incapable of active service. Such employees shall receive one-half (1/2) of their compensation at the existing wage, during the time such disability continues in effect, less any compensation received through the Department of Labor and Industries. They shall be subject to mental or physical examination under the direction of the Director at any time during their retirement from active duty for the purpose of ascertaining whether or not they are able to resume active duty.

Disability  
compensa-  
tion.

Mental and  
physical  
examina-  
tions.

SEC. 13. The Director and his duly authorized and acting assistants, fisheries inspectors, deputy



fisheries inspectors, and Department employees may, in the course of their duties, enter upon any land or waters in this state and remain thereon with any necessary equipment while performing such duties, and such action by such persons shall not constitute trespass. It shall be lawful for any aircraft operated by the Department to land and take off from any of the beaches or waters of the state and it shall be unlawful for any person to interfere with the operation of such aircraft.

Actions of Department employees not a trespass.

Aircraft may land on any beach or waters.

SEC. 14. Every person who intentionally gives false or misleading information to the Department as to the time, area, or waters in which any food fish or shellfish were taken or who shall intentionally prepare and submit a false or misleading report to the Department shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000) or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment.

Penalties for giving false information to Department.

SEC. 15. It shall be unlawful for any person to destroy, tear down, shoot at, deface, or erase any printed matter or signs placed or posted by or under the instructions of the Director.

Mutilation of Departmental signs.

SEC. 16. No person shall print or cause to be printed a booklet or pamphlet of the fisheries laws or regulations of the Director or portions thereof without the approval of the Director.

Approval of pamphlets of fishing laws.

SEC. 17. Any person deputized by the Director to issue fishing licenses may charge the sum of twenty-five cents (25¢) in addition to collecting the fee prescribed by law, for issuing each such license, which shall be retained by him for his services.

Fee for service of issuing license.

SEC. 18. It shall be unlawful for any person engaged in the fishing industry or licensed under the

Failure to make required reports.

provisions of this act to fail to make any report or return required of him by the fisheries code or by the Director.

Inspection and search without warrant.

SEC. 19. The Director and any fisheries inspector or deputy inspector shall have the power to inspect and search without warrant, any person, boat, fishing appliance, cannery, and any property used in catching, packing, curing, preparing or storing of food fish or shellfish, or any vehicle, conveyance, container, receptacle, cold storage plant, warehouse, market, tavern, restaurant, club, hotel or other place, except any private domicile used exclusively as such, or any quarters in any boat, building or other property used exclusively as a private domicile, where he has reason to believe that food fish or shellfish are kept for sale, barter, or other purpose, and which he has reason to believe contain evidence of violations of the fisheries code or of any rule, regulation or order made by the Director and any hindrance or interference with any such officer while engaged in making such search shall be prima facie evidence that the person interfering with or hindering such officer is guilty of a violation of this act. Any of the officers above named may at any time seize and take possession of any food fish or shellfish which has been unlawfully caught, taken or killed or which is unlawfully possessed in violation of the provisions of the fisheries code or of any order, rule or regulation made by the Director and the same shall be confiscated to the state.

Private domicile excepted.

Interference prima facie evidence of guilt.

Seizure of unlawfully caught fish and shellfish.

Confiscation to state.

Arrest without writ or order of process.

SEC. 20. The Director, and any fisheries inspector, or deputy fisheries inspector, shall have authority to arrest, without writ, order or process, any person in the act of violating any of the provisions of this act, or any of the rules, regulations, or orders made by the Director, and they are hereby made peace officers. If any person knowingly or willfully resists or opposes such officer in the discharge of his duties

Director and fisheries inspectors are peace officers.

or aids and abets such resistance or opposition, he shall be guilty of a gross misdemeanor and shall be fined not less than two hundred and fifty dollars (\$250).

Penalty for resisting officers.

SEC. 21. The Director, all fisheries inspectors, and all deputy fisheries inspectors may serve and execute all warrants and processes issued by the courts in enforcing the provisions of law and all rules and regulations of the Director pertaining to food fish and shellfish.

Service and execution of court warrants and processes.

For the purpose of enforcing any such law or rule or regulation, they may call to their aid any necessary equipment, boat or vehicle or airplane or any sheriff, deputy sheriff, game protector, constable, police officer, or citizen, and any such person shall render such aid.

Aid in enforcement.

SEC. 22. Every fisheries inspector, deputy fisheries inspector, game protector, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and all rules and regulations adopted by the Director for the protection of food fish and shellfish, and the police officers specified, and United States game wardens, any forest officer appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex-officio deputy fisheries inspectors within their respective jurisdictions.

Certain officers are ex-officio deputy fisheries inspectors.

SEC. 23. Any Court having jurisdiction, upon complaint showing probable cause for believing that any food fish or shellfish, or any parts thereof, caught, taken, killed, or had in possession or under control by any person, or shipped or transported contrary to law or rule or regulation of the Director, are concealed or kept in any place, shall issue a search warrant and cause a search to be made in any such place for any food fish or shellfish or any parts

Issuance of search warrants.

thereof and may cause any place or container to be entered and searched.

Attorney  
General may  
file  
information.

SEC. 24. If any person violates any of the provisions of this act or any regulation of the Director, and the Prosecuting Attorney of the county wherein such violation occurs shall, after information has been given him by the Director, refuse or neglect within thirty (30) days thereafter to file an information against such alleged violator, the Attorney General, when requested by the Director, may file an information in the Superior Court of said county in the place and stead of said Prosecuting Attorney and prosecute the case.

Disposition  
of moneys  
collected.

SEC. 25. All license fees, taxes, fines and moneys realized from the sale of property seized or confiscated under the provisions of this act, and all bail moneys forfeited under prosecutions instituted under the provisions of this act, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the Department, and all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund: *Provided*, That fifty per cent (50%) of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected. All fines collected shall be remitted monthly by the Justice of the Peace or by the Clerk of the Court collecting the same to the County Treasurer of the county in which the same shall be collected, and the County Treasurer shall at least once a month remit fifty per cent (50%) of the same to the State Treasurer and at the same time shall furnish a statement to the Director showing the amount of fines so remitted and from whom collected.

SEC. 26. All appropriations for the Department, and the Fisheries Division of the State Treasurer and all claims against those departments, shall be paid from the General Fund.

Departmental appropriations.

The Director shall make weekly remittances to the State Treasurer of all moneys collected by him from any source whatever, together with a statement showing from whence the moneys are derived. A duplicate of this statement shall be sent to the State Auditor.

Remittances to State Treasurer.

SEC. 27. All expenses incurred under the provisions of this act shall be audited by the State Auditor, upon bills presented, properly certified by the Director, or his duly authorized assistant, and the said Auditor shall draw warrants upon the State Treasurer for the amount.

Expenses incurred under act.

### CHAPTER III.

#### CONSERVATION AND PROPAGATION.

SEC. 28. It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the State of Washington described as lying to the southerly, easterly and southeasterly of a line described as follows:

Catching and taking salmon for commercial purposes.

Commencing at a concrete monument on Angeles Point in Clallam County, State of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point monument" in the latitude  $48^{\circ} 9' 3''$  north, longitude  $123^{\circ} 33' 01''$  west of Greenwich Meridian; thence running east on a line  $81^{\circ} 30'$  true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude  $122^{\circ} 40'$  west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to

Description of territorial limits.

the most easterly point thereof; thence north 46° east true to the line of high tide at Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude 122° 40' west; thence north on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: *Provided however*, That, subject to such seasons and regulations as may be established from time to time by the Director, fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six (6) hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the Director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes within the above described waters with any lawful gear during the period extending from the fifth day of October to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock P. M. of Friday and ending at 4:00 o'clock A. M. of the Sunday following.

Use of gill and round haul nets and troll lines lawful.

Dates for fishing season.

Addition fishing season in certain area.

*And provided further*, That subject to such regulations and to such shorter seasons as the Director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes with any lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described line: A line

commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidby Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidby Island.

Description of area.

SEC. 29. It shall be unlawful to construct, install, use, operate, or maintain gill nets which shall exceed 250 fathoms in length in the waters of the Columbia River in this state for the purpose of catching salmon.

Size of gill nets used in Columbia River.

SEC. 30. It shall be unlawful to construct, install, use, operate, or maintain any drag seine in the waters of the Columbia River in the state for the purpose of taking salmon, and it shall be unlawful to take salmon with such gear.

Use of drag seine in Columbia River unlawful.

SEC. 31. It shall be unlawful to construct, install, use, operate or maintain within any waters of the state any pound net, fish trap, fish wheel, scow fish wheel, set net, weir, or any fixed appliance for the purpose of catching salmon, and it shall be unlawful to take salmon by any such means.

Unlawful salmon taking devices.

SEC. 32. It shall be unlawful to use or discharge, in any of the waters of this state, any explosive substance of any kind, character or description except under permit of the Director.

Use of explosives unlawful.

SEC. 33. It shall be unlawful to take from any building, vehicle, scow, live-box, container, trap, seine, line or net, any caught or impounded fish or shellfish with the intent of depriving the rightful owner of such food fish or shellfish and it shall be unlawful to wilfully steal or otherwise molest any of the fishing or shellfishing gear operated under a license from the state. Any person violating the provisions of this section shall be guilty of a gross misdemeanor and shall be subject to a fine of not less than two hundred and fifty dollars (\$250).

Unlawful taking of fish and fishing gear.

Penalty for violations.

Possession of unlawfully procured fish and shellfish.

SEC. 34. It shall be unlawful for any person to purchase, handle, deal in, sell, or have in his possession any food fish or shellfish which were taken from any of the waters of this state contrary to the provisions of the Fisheries Code or the regulations of the Director.

Possession must be for human consumption or bait.

SEC. 35. It shall be unlawful to take or fish for or have in possession any food fish or shellfish of any kind, character or description, or parts thereof, unless the same are to be used for human consumption or bait: *Provided*, That the Director shall have the power from time to time to make, adopt, amend and promulgate in the manner provided by law, rules and regulations permitting the taking, possession, sale or use of any species of food fish or shellfish or parts thereof for uses other than human consumption and bait.

Waste or destruction of food fish and shellfish.

SEC. 36. It shall be unlawful for any person to wantonly waste or destroy food fish or shellfish taken or caught in any of the waters of the state, or the offshore waters, and no person engaged in the canning, preserving or curing of food fish and shellfish shall purchase or engage a greater quantity than he is able to can, preserve or cure within sixty (60) hours after the same are taken from the water, unless such food fish or shellfish have been kept artificially chilled and in good marketable condition.

Catching food fish within one mile below rack or dam.

SEC. 37. It shall be unlawful to catch, kill or in any manner menace, maim or destroy, any food fish at any rack, dam or other obstruction or in the waters and on the beaches within one mile below any rack, dam or other obstruction when the same are within the territorial limits of the State of Washington or in waters of the Columbia River over which this state has concurrent jurisdiction, unless otherwise specified in the orders of the Director.



SEC. 38. Unless otherwise provided for in the regulations of the Director, it shall be unlawful to shoot, gaff, snag, snare, spear, stone or otherwise molest any food fish or shellfish in any of the waters of the state.

Unlawful to shoot, gaff, etc.

SEC. 39. It shall be unlawful for any person to fish for, take, injure, kill or molest any fish in any fishway or fish ladder, fish screens, or other protective devices, or to interfere in any manner whatsoever with the proper operation of any fishway, fish ladder, fish screens or other protective devices.

Taking or molesting fish in fish ladders or screens.

SEC. 40. It shall be unlawful to liberate, release, implant, transplant or place food fish of any kind or description in any stream, river, pond, lake, or other waters of the state, either fresh or salt, without first obtaining the written consent of the Director.

Placing food fish in rivers, lakes or ponds.

SEC. 41. The Director may, for the purpose of carrying out his duties, take or remove or cause to be taken or removed in any manner, at any time, any fish or shellfish of any kind, character or description from any waters or beaches of the state.

Director may remove fish or shellfish from waters.

SEC. 42. It shall be unlawful for any person or government agency whatsoever, save the Director and those authorized by him, to take food fish or shellfish for propagation or scientific purposes within the waters of this state. The Director or those authorized by him may take salmon or other food fish or shellfish for public propagation or scientific purposes under such regulations as the Director may prescribe to safeguard the interests of the fisheries of this state.

Taking of food fish or shellfish for propagation or scientific purposes.

SEC. 43. The Director shall have general supervision of the prevention of the spread and suppression of infectious, contagious and communicable diseases and pests affecting food fish or shellfish, and shall have the power to prohibit the transportation

Control of diseases of food fish and shellfish.

or transplanting within the state from without, or from one area to another within the state, or the transportation from points in this state to points outside the state of any food fish or shellfish, or any material, organism, boats, scows, gear, or other equipment whatsoever which in his judgment may transmit any infectious or contagious disease or pests communicable to any food fish or shellfish. The Director shall have the power to make and enforce rules and regulations to prevent the spread, and effect the suppression of all infectious, contagious, dangerous and communicable diseases and pests affecting food fish or shellfish.

Director may make rules and regulations.

Destruction of fish predators.

Authority to make expenditures for purposes.

Record of seals and sea lions destroyed.

Bounties.

SEC. 44. The Director shall have the authority and it shall be his duty to cause his employees and hunters employed for the purpose, to kill and destroy seals and sea lions and other fish predators in the waters of the state and the offshore waters. He shall have the authority to expend such moneys as may from time to time be appropriated by the Legislature for such purposes and he is hereby authorized to expend such moneys as may be necessary to administer this act and to purchase firearms, ammunition, dynamite and other materials necessary to carry out the purposes hereof. He shall keep as nearly as possible an accurate record of the number of seals and sea lions that are so destroyed. Any person other than an employee of the Department killing or causing to be killed in the waters of the state, any common seal or sea lion shall be entitled to receive a bounty of not less than three dollars (\$3) nor more than ten dollars (\$10), the amount to be designated by the Director, from any moneys which may be appropriated by the Legislature for the purposes of this act. All moneys appropriated for such purposes by the Legislature of the state shall be expended under the direction of and upon vouchers approved by the Director, who shall adopt rules and regula-

tions providing for the proof of such killing and the surrender and destruction of the scalp, snout, or tail of such seal or sea lion. Any person who shall receive, or attempt to receive, any bounty for the killing of any common seal or sea lion not taken in the waters of the State of Washington shall be guilty of a gross misdemeanor and shall pay a fine of not less than two hundred and fifty dollars (\$250).

Proof of killing.

Penalty for false representation.

SEC. 45. Every ditch, channel, canal or water-pipe used for conducting water from any lake, river or stream, for irrigation, manufacturing, domestic or other purposes, shall be provided at its entrance or intake with a fish guard so fixed as to prevent the passage of fish into such ditch, channel or water-pipe and subject to the approval of the Director, which shall be constantly maintained at all times when water is taken or admitted into such ditch, channel, canal or water-pipe: *Provided*, That such fish guards and screens shall be installed at such places and times as shall be prescribed by the Director upon thirty days' notice to the owner or owners of any such water conduit. Every owner, manager, agent or person in charge of such ditch, channel, canal or water-pipe who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Fish guards on conduit intakes.

Notice to owners of conduits for installation of guards.

Penalty for failure to comply.

Each day the end of the ditch, channel, canal or water-pipe is not equipped with this covering as provided shall constitute a separate offense. If within thirty days after notice to equip any such ditch, channel, canal or water-pipe such person shall fail to do so, the Director is hereby authorized to take possession of the same in the name of the State of Washington, and to close the same to the entrance of any water until such time as the ditch shall be properly equipped, and the expense incident thereto shall constitute a lien upon the ditch, channel, canal or water-pipe and upon the real and personal property of the person owning the same. Notice of

Each day a separate offense.

Director may close intake for failure to comply.

Lien for expense.

Notice of  
lien.

such lien shall be filed and recorded in the office of the County Auditor in the county in which such action is taken.

Sufficient  
flow of water  
to be main-  
tained in  
streams to  
support fish.

SEC. 46. It is hereby declared to be the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

Notice of  
application  
for permit to  
divert water.

The Supervisor of Hydraulics shall give the Director of Fisheries and the Director of Game notice of each application for a permit to divert water, or other hydraulic permit of any nature, and the Director of Fisheries and Director of Game shall have thirty (30) days after receiving said notice in which to state their objections to the application, and the permit shall not be issued until the thirty (30) days period provided for herein has elapsed.

Objections to  
application.

Refusal of  
application  
for permit.

The Supervisor of Hydraulics may refuse to issue any permit to divert water, or any hydraulic permit of any nature, if, in the opinion of the Director of Fisheries or Director of Game, such a permit might result in lowering the flow of water in any stream below the flow necessary to adequately support food fish and game fish populations in the stream.

Existing  
water rights  
not affected.

The provisions of this section shall in no way affect existing water rights.

Dams and  
obstructions  
shall have  
fishway.

SEC. 47. Every dam or other obstruction across or in any stream shall be provided with a durable and efficient fishway, which shall be maintained in a practical and effective condition in such place, form and capacity as the Director may approve, for which plans and specification shall be furnished by the Director upon application to him, and which shall be kept open, unobstructed and supplied with a sufficient quantity of water to freely admit the passage of fish through the same. Every owner, manager, agent or person in charge of such dam or obstruction who shall fail to comply with the provisions of this section shall be guilty of a gross misdemeanor.

Penalty for  
failure to  
comply.

If any person or government agency shall fail to construct and maintain such fish ladder or fishway or to remove such dam or obstruction in a manner satisfactory to the Director, then within thirty (30) days after written notice thereof shall have been served upon the owner, his agent or the person in charge thereof, the Director may construct a suitable fish ladder or fishway, or remove such dam or obstruction, and the actual cost in case of construction of fishway thereof shall constitute a lien upon the dam and upon all the personal property of the person or government agency owning the same. Notice of such lien shall be filed and recorded in the office of the County Auditor of the county in which such dam or obstruction is situated. Such lien may be foreclosed in any action brought in the name of the state.

Failure to provide fishway.

Written notice.

Director may construct fishway.

Cost of fishway shall be lien on dam.

Notice of lien shall be filed.

Foreclosure.

If any person or government agency shall fail to make any such fishway or remove such dam or obstruction in a manner satisfactory to the Director, then within thirty (30) days after written notice thereof shall have been served on the owner, his agent, or the person in charge, such dam or obstruction shall thereby become a public nuisance and the Director may take possession of same in his own name or in the name of the state and destroy same and no liability shall attach for such destruction.

Dam or obstruction a public nuisance.

State may destroy.

SEC. 48. In the event that any person or government agency desires to construct or maintain a dam or other hydraulic [hydraulic] work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the Director, then such person or government agency, before any construction work shall commence on such dam or other hydraulic work shall at the option of the Director (1) convey to the state a site or sites of a size and dimensions satisfactory to the Director, at such place as may be selected by the Director,

Dam or hydraulic works where fishway impractical.

Conveyance of land to state and construction of hatchery.

Director to approve plans and specifications.

Bond required.

Payment of moneys to expand existing hatcheries.

Decisions of Director reviewable in Superior Court.

Penalty for violations.

Each day of violation a separate offense.

Hydraulic projects affecting natural flow.

Submission of plans and specifications.

and erect thereon a fish hatchery or fish hatcheries, rearing ponds and other buildings according to plans and specifications to be furnished by said person or government agency subject to the approval of the Director and enter into an agreement with the Director secured by good and sufficient bond, to furnish all water and lights, without expense, and necessary sums of money to operate and maintain said hatchery or hatcheries and rearing ponds or (2) enter into an agreement with the Director secured by good and sufficient bond to pay to the state such initial money and make such annual payments of additional money to the state as the Director may determine are necessary to expand, maintain and operate additional facilities at existing hatcheries within a reasonable distance of such dam or other hydraulic work to compensate for the damages sustained by the erection of any such dam or other hydraulic work. Any decision of the Director hereunder shall be subject to review in the Superior Court of the state for Thurston County. Any person or government agency who shall fail to comply with the provisions of this act shall be guilty of a gross misdemeanor and each day that such person or government agency carries on construction work on such dam or hydraulic work or operates any such dam or hydraulic work without complying with the provisions of this act shall constitute a separate offense.

Sec. 49. In the event that any person or government agency desires to construct any form of hydraulic project or other project that will use, divert, obstruct or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds, such person or government agency shall submit to the Department of Fisheries and the Department of Game full plans and specifications of the proposed construction or work, complete plans and speci-

cations for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence and shall secure the written approval of the Director of Fisheries and the Director of Game as to the adequacy of the means outlined for the protection of fishlife in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. If any person or government agency shall commence construction on any such works or projects without first providing plans and specifications subject to the approval of the Director of Fisheries and the Director of Game for the proper protection of fish life in connection therewith and without first having obtained written approval of the Director of Fisheries and the Director of Game as to the adequacy of such plans and specifications submitted for the protection of fish life, he shall be guilty of a gross misdemeanor. If any such person or government agency be convicted of violating any of the provisions of this act and continues construction on any such works or projects without fully complying with the provisions of this act, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

Written approval of Directors of Fisheries and Game.

Penalty for violations.

Public nuisance.

Abatement.

*Provided, however,* That in case of an emergency arising from weather or stream flow conditions the Department of Fisheries or Department of Game, through their authorized representatives, shall issue oral permits to a riparian owner for removing any obstructions or for repairing existing structures without the necessity of submitting prepared plans and specifications.

Oral permits in emergencies.

SEC. 50. It shall be unlawful for any person to break open, open, unlock, damage, interfere with, injure, or destroy any fish ladder, fish guard, screen,

Interference with fish protecting devices of Department.

fish stop, fish protective device, by-pass, or part thereof, or any fish trap operated by the Department.

Accepting of moneys and real property for fisheries purposes authorized.

SEC. 51. The Director is authorized to accept money or real property from the United States, counties, municipalities or other governmental units, or from any person, under conditions requiring the use of such property or money for specific purposes in furtherance of the protection, rehabilitation, preservation or conservation of the state food fish and shellfish resources or with the advice of the Attorney General, in settlement of any claim for damages to such food fish and shellfish resources. Any real property so accepted must be useful for the protection, rehabilitation, preservation or conservation of such fisheries resources.

Director is agent of state to accept funds.

The Director is hereby designated the agent of the state to accept and receive all such funds and deposit them with the State Treasurer who shall credit them to the contingent receipts fund created by chapter 243, Laws of 1945.

Statement of facts submitted to Governor.

Whenever any money has been received and is to be spent for a specific purpose, the Director shall submit to the Governor duplicate copies of a statement setting forth the facts regarding such funds and the need for such expenditure and the estimated amount to be expended.

Governor shall approve and authorize expenditure of funds.

If the Governor shall approve such estimate in whole or in part, he shall endorse on each copy of such statement his approval, with the amount approved, and transmit one copy of the same to the Director authorizing him to make the expenditure. No expenditure shall be authorized in excess of the actual amount received, nor shall funds be expended for any purpose except the specific purpose for which they were received, unless the same were received in settlement of a claim for damages to the food fish or shellfish resources of the state, and in

Limitation on expenditures.

Funds from settlement of claims for damages.



that event such funds so received may be expended for the protection, rehabilitation, preservation, or conservation of such resources.

SEC. 52. (1) Consent of the state is hereby given to the United States for the continuance of present established fish cultural stations and laboratories located in this state; for the establishment of one or more additional fish cultural stations, sub-stations or laboratories to be constructed, maintained and operated by the United States or the state, under the terms of agreements to be entered into between the United States and the Director and the State Game Commission: *Provided*, That this consent shall be effective as to additional establishments only when the location of such additional establishments has been approved in advance by the Director and the State Game Commission. The Secretary of the Interior, and his duly authorized agents are hereby accorded the right to conduct scientific investigations, fish hatching and fish cultural stations and all operations connected therewith at any and all times and in any manner that may by the Secretary be considered necessary and proper, in accordance with the provisions of certain acts of Congress entitled "An Act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries," approved May 21, 1930, and the provisions of the act of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U. S. C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof, at presently established stations and laboratories and at additional establishments when approval of the location of any such additional establishment has been given as provided in this section.

Consent of State to United States to continue present and establish future fisheries facilities.

Agreements for future facilities.

Location to be approved by Director.

Secretary of Interior granted certain rights.

Contracts with United States concerning fisheries facilities in Columbia River basin.

(2) The Director and the State Game Commission are hereby authorized to enter into agreements with the United States for the construction and installation of fish cultural stations, laboratories and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions, in accordance with the Act of Congress of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U. S. C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof.

Acquisition of lands for construction and improvement by United States.

(3) The Director and the State Game Commission may acquire by gift, purchase, lease, easement or condemnation the necessary title to, interest therein, rights of way over or licenses covering the use of lands where such construction or improvement is to be carried on by the United States.

Acceptance of Federal funds for fisheries purposes in Columbia River basin.

(4) The Director and the State Game Commission are hereby authorized to receive funds from the Federal government for the construction, maintenance and operation of fish cultural stations, substations, laboratory or fish conservation devices or for any other purpose deemed necessary by the Director or the State Game Commission for the rehabilitation and conservation of the fisheries resources of the Columbia River basin.

Operation of completed fisheries facilities.

(5) After the construction and installation of any such fish cultural station, sub-station, laboratory or fish conservation devices, the Department or the State Game Commission may maintain and operate the same in accordance with the terms of the agreement entered into with the United States in regard thereto.

SEC. 53. The Director shall have the power to enter into contracts and agreements with the United States, or any state or territory thereof, or with any foreign government, or with any person, for the purpose of securing food fish or shellfish or eggs of same, and for the erection and maintenance of eyeing stations, fish or shellfish hatcheries, rearing ponds and other appliances or installations for the propagation of fish or shellfish within or without the territorial limits of the state; and the Director shall have the power, and it shall be his duty to execute and carry out any such contracts or agreements.

Director may make contracts for purpose of propagating fish and shellfish.

#### CHAPTER IV. SHELLFISH.

SEC. 54. The following named areas constitute the existing oyster reserves of the state, said reserves being more completely described in maps and plats on file in the office of the Commissioner of Public Lands and in the office of the Auditor of the county in which the reserve is located:

State oyster reserves.

##### PUGET SOUND OYSTER RESERVES:

(a) Totten Inlet reserves (sometimes known as Oyster Bay reserves), located in Totten Inlet, Thurston County;

Puget Sound oyster reserves.

(b) Eld Inlet reserves (sometimes known as Mud Bay reserves), located in Mud Bay, Thurston County;

(c) Oakland Bay reserves, located in Oakland Bay, Mason County;

(d) North Bay reserves (sometimes known as Case Inlet reserves), located in Case Inlet, Mason County.

##### WILLAPA HARBOR OYSTER RESERVES:

(a) Nemah reserve, south and west sides of reserve located along Nemah River Channel, Pacific County;

Willapa Harbor oyster reserves.

(b) Long Island reserve, located at south end and along west side of Long Island, Willapa Harbor, Pacific County;

(c) Long Island Slough reserve, located at south end and along east side of Long Island, Willapa Harbor, Pacific County;

(d) Bay Center reserve, located in the Palix River Channel, extending from Palix River bridge to beyond Bay Center to north of Goose Point, Willapa Harbor, Pacific County;

(e) Willapa River reserve, located in the Willapa River Channel extending west and up-river from a point approximately one-quarter ( $\frac{1}{4}$ ) mile from the blinker light marking the division of Willapa River channel and the North River Channel, Willapa Harbor, Pacific County.

Sale, lease  
or disposal  
of oyster  
reserves.

SEC. 55. The oyster reserves of the state shall not be sold, leased, or otherwise disposed of: *Provided, however,* That in event the Director recommends the sale, lease, or disposal of any of the reserves, or parts thereof, the same may be sold, leased, or disposed of by the Land Commissioner in the manner provided by law for the sale, lease, or disposal of state land.

Policy of  
state in  
regard to  
oyster  
reserves.

SEC. 56. It is hereby declared to be the policy of the state to improve the oyster reserves of the state to the end that all may finally become productive, and to have these reserves yield a revenue sufficient for their maintenance and betterment, and, in fixing the price at which oysters and other shellfish shall be sold from the reserves, the Director shall take into consideration such policy; and it is further declared to be the policy of the state to maintain the oyster reserves for the purpose of furnishing a supply of shellfish to growers and processors and for the stocking of public beaches.

Duties of  
Director.

It shall be the duty of the Director to protect all reserves, re-seed, re-plant, issue cultch permits and

do such other things as in his judgment are necessary for their care and protection.

SEC. 57. The Director shall have the power to determine whether the oysters and other shellfish from the oyster reserves of the state (a) shall be sold by the bushel at a price set by such Director or (b) whether certain quantities or all of such oysters and other shellfish should be sold for cash at public auction or by sealed bids in such amounts as the Director shall from time to time determine. To maintain the permanency of local communities and industries, the prospects of fulfillment of contract requirement, and to restrain monopolistic controls endangering competition in the industry, the Director shall have the power to determine the number of bushels which shall be sold to any person, firm or corporation; and when sold at public auction, the right to reject any and all bids.

Sale of oysters from state reserves.

The Director shall have the power to determine the time, place, and manner of holding the auctions and sales provided for in this section.

Time, place and manner of holding sales and auctions.

SEC. 58. As soon as an appropriation is made therefor, the Director shall erect monuments, establishing the boundaries of the several oyster reserves in the state.

Erection of monuments establishing boundaries of reserves.

SEC. 59. The Director shall have the power to determine and designate areas in which infection or infestation of shellfish is present. These shall be called "restricted shellfish areas." No person shall transplant any shellfish within such restricted areas nor transport any shellfish, or any material, or organism, or boats, scows, or other equipment used in taking, handling or processing shellfish into or out of such restricted areas without first having obtained a permit from the Director.

Infected and infested shellfish.

"Restricted shellfish areas."

SEC. 60. It shall be unlawful to take shellfish from the oyster reserves of the state except as authorized by the Director.

Taking of shellfish from reserves.

Destruction of culled oysters and clams.

SEC. 61. It shall be unlawful for any person to destroy oysters or clams taken from their natural beds, by assorting or culling them on land or shore and leaving the culled oysters or clams there to die; but in all cases the culled oysters or clams must be returned to their natural beds, or to the private beds for cultivation; and if any person shall offend against the provisions of this section, or in any way wantonly destroy the oysters or clams, he shall be guilty of a gross misdemeanor.

Penalty for violation.

Unlawful taking of oysters and clams from reserves.

SEC. 62. If any person shall take oysters or clams from any of the state oyster reserves or any tideland under the jurisdiction of the State of Washington, contrary to statutes or orders of the director, or shall go upon said oyster or clam land and rake up, or otherwise prepare oysters or clams to facilitate the taking of same, he shall be guilty of a gross misdemeanor, and any oyster or clam taking appliance such as boats, dredges, motor vehicles or other appliances used in violation of this act or any of the orders of the Director may be seized by the Director and same shall be confiscated by the state.

Penalty for violations.

Appliances confiscated by state.

CHAPTER V.

LICENSES AND TAXES.

Qualifications for licenses.

SEC. 63. No license provided for in this act shall be issued to any person who is not a citizen of the United States, or who has not in good faith declared his intentions of becoming a citizen of the United States, or who is not of the age of 16 years or over; nor shall any license be issued to any corporation unless it is authorized to do business in this state: *Provided*, That all gear licenses, personal licenses, and boat licenses issued by the State of Oregon shall be recognized by this state as valid in the concurrent waters of the Columbia River.

Oregon licenses recognized on Columbia River.

SEC. 64. All licenses required under the provisions of this act shall expire at the close of the thirty-first

day of March following their issuance, and shall be renewed annually thereafter upon application and payment of license fees required by this act.

Expiration date of licenses and renewals.

SEC. 65. Licenses herein required shall be issued to any qualified person by the Director, upon the receipt of a lawful application therefor, upon a blank to be furnished for that purpose, accompanied by the required fee. The Director shall make weekly remittances of the fees collected to the State Treasurer.

Issuance of licenses.

Fee remitted to State Treasurer.

SEC. 66. A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any fish or shellfish from the waters or beaches of the state for commercial purposes, or who brings or assists in bringing any food fish or shellfish into the state for commercial purposes after having taken such food fish or shellfish in the offshore waters. The fee for such license shall be five dollars (\$5) per annum. The personal license shall be carried on the person whenever such person is engaged in the taking, landing or selling or any fish or shellfish: *Provided however*, That this section shall not apply to those persons engaged solely as employees of any person holding a valid oyster or clam farm license.

Personal commercial fishing license.

Fee.

License shall be carried on person.

Exception.

SEC. 67. A fishing guide license shall be obtained by every person acting as a professional guide for hire for others in the taking of food fish or shellfish from the waters or beaches of the state. The fee for such license shall be ten dollars (\$10) per annum for residents of the state and fifty dollars (\$50) per annum for non-residents.

Fishing guide license.

Fee.

SEC. 68. A license shall be required for each and every commercial vessel which delivers or lands fish or shellfish within the state, for which license there shall be paid a fee of five dollars (\$5) per annum: *Provided*, That nothing in this section shall apply to vessels operated by any person having an oyster or

Commercial fishing vessel license.

Fee.

Exception.

clam farmer's license and used exclusively for that purpose.

Contents of annual application for license.

Each annual application for a commercial fishing vessel license shall contain the name and address of the owner of the vessel, the name and address of the operator of the vessel, the name and number of the vessel, a description of the vessel and fishing gear to be carried thereon, and such information as may be required by the Department.

Certificate of registration and license plates.

At the time of issuance of such license the Director shall furnish each applicant with a certificate of registration and two license plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington license and registration number" and shall not be transferable. The registration certificate shall be carried aboard the vessel at all times and the license plates shall be affixed and carried in plain sight on each side of the vessel well forward.

Not transferable.

License plates shall be displayed.

Change in name, ownership or operator shall be reported.

Registrants shall report immediately any change of name, ownership or operator of the vessel. Defaced, mutilated or lost license plates shall be replaced immediately and a fee of two dollars (\$2) shall be charged for such new plates.

Lost license plates.

License for hand lines or jiggers.

SEC. 69. (1) A license shall be required for hand lines or jiggers used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five (\$25) per annum by non-residents: *Provided*, That not more than three (3) hooks shall be attached to any one hand line or jigger used for commercial purposes. Each license shall entitle the licensee to use two (2) or less hand lines or jiggers.

Fees.

License for set lines.

(2) A license shall be required for each and every set line used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dol-

Fees.



lars (\$50) per annum by non-residents: *Provided*, That not more than five hundred (500) hooks may be attached to any one set line.

(3) A license shall be required for troll lines used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five dollars (\$25) per annum by non-residents. Each license shall entitle the licensee to use six (6) or less troll lines.

License for commercial troll lines.

Fees.

(4) A license shall be required for each and every gill net or pole net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents.

License for gill and pole nets.

Fees.

(5) A license shall be required for each three hundred (300) fathoms or less of set nets used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents.

License for set nets.

Fees.

(6) A license shall be required for each and every dip bag net used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five dollars (\$25) per annum by non-residents.

License for dip bag nets.

Fees.

(7) A license shall be required for each and every drag seine, beach seine, or drag bag seine used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents: *Provided*, That there shall be paid an additional fee of three cents (3¢) by residents and fifteen cents (15¢) by non-residents for each foot by which any such seine exceeds three hundred (300) feet in length.

License for drag, beach, and drag bag seines.

Fees.

License for lampara or round haul nets.

(8) A license shall be required for each and every lampara or round haul net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of twenty-five dollars (\$25) per annum.

Fee.

License for purse seines.

(9) A license shall be required for each and every purse seine used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifty dollars (\$50) per annum.

Fee.

License for beam trawls.

(10) A license shall be required for each and every beam trawl used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of twenty-five dollars (\$25) per annum by residents and one hundred and twenty-five dollars (\$125) per annum by non-residents.

Fees.

License for otter trawls.

(11) A license shall be required for each and every otter trawl used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of twenty-five dollars (\$25) per annum by residents and one hundred and twenty-five dollars (\$125) per annum by non-residents.

Fees.

License for reef nets.

(12) A license shall be required for each and every reef net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifteen dollars (\$15) per annum by residents and seventy-five dollars (\$75) per annum by non-residents.

Fees.

License for fyke nets.

(13) A license shall be required for each and every fyke net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents.

Fees.

License for brush weirs.

(14) A license shall be required for each and every brush weir used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifty dollars (\$50) per

Fees.

annum by residents and two hundred and fifty dollars (\$250) per annum by non-residents.

(15) A license shall be required for ring nets used in the taking of or fishing for food fish or shellfish within the state. License for ring nets

For a license for twenty-five (25) ring nets or less there shall be paid a fee of five dollars (\$5) per annum by residents and twenty-five dollars (\$25) per annum by non-residents, and for each ring net in excess of twenty-five (25) there shall be paid an additional fee of ten cents (10¢) per annum by residents and one dollar and twenty-five cents (\$1.25) by non-residents. Fees.

(16) A license shall be required for bottom fish pots used in the taking of or fishing for food fish within the state. License for bottom fish pots.

For a license for one hundred (100) bottom fish pots or less there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents, and for each bottom fish pot in excess of one hundred (100) there shall be paid an additional fee of ten cents (10¢) per annum by residents and fifty cents (50¢) by non-residents. Fees.

(17) A license shall be required for shellfish pots used in the taking of or fishing for shellfish within the state. License for shellfish pots.

For a license for one hundred (100) shellfish pots or less there shall be paid a fee of ten dollars (\$10) per annum by residents and fifty dollars (\$50) per annum by non-residents, and for each shellfish pot in excess of one hundred (100) there shall be paid an additional fee of ten cents (10¢) per annum by residents and fifty cents (50¢) by non-residents. Fees.

SEC. 70. A license shall be required for each and every clam or oyster farm being operated for commercial purposes on privately owned or leased tide-lands in the state, for which license there shall be paid a fee of ten dollars (\$10) per annum. License for clam and oyster farms.  
Fee.

Oyster re-  
serve license.

SEC. 71. An oyster reserve license shall be required of any person taking shellfish from the reserves of this state. The fee for such license shall be ten dollars (\$10) per annum.

Fee.

Wholesale  
fish dealer's  
license.

SEC. 72. (1) A wholesale fish dealer's license shall be required for any business in the state engaged in the freezing, salting, smoking, kippering, preserving in ice or otherwise involving the dealing in or curing of any food fish or shellfish or any wholesale selling of food fish and shellfish, and for any fisherman selling his catch direct to retail fish dealers. The fee for said license shall be twenty-five dollars (\$25) per annum.

Fee.

Retail fish  
dealer's  
license.

(2) A retail fish dealer's license shall be required for any business in the state engaged in the selling of fresh, frozen, or cured food fish or shellfish directly to the consumer whether or not such business involves the taking or catching of such food fish or shellfish, and the fee for said license shall be five dollars (\$5) per annum: *Provided however*, That this section shall not apply to businesses primarily engaged in serving food fish or shellfish for consumption on the business premises.

Fee.

Fish canning  
license.

(3) A fish canning license shall be required for any business in the state engaged in the canning of food fish and shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization, and the fee for said license shall be twenty-five dollars (\$25) per annum.

Fee.

Fish by-  
products  
license.

(4) A fish by-products license shall be required for any business in the state engaged in the manufacture or preparation for commercial purposes of fertilizer, oil, meal, caviar, fish bait or other by-products from fish or shellfish and the fee for said license shall be twenty-five dollars (\$25) per annum.

Fee.

Fish brok-  
er's license.

(5) A fish broker's license shall be required for any business in the state engaged in the handling of

food fish and shellfish, whether fresh, frozen, canned or otherwise processed, for others or with others with whom such business has an interest, divisible or indivisible, for a fixed compensation or on a commission basis, or which involves the negotiating, bargaining and contracting with others relative to any such fish and with the custody of which any such business may not have any concern, and the fee for said license shall be twenty-five dollars (\$25) per annum. Fee.

(6) A fish buyer's license shall be obtained by every wholesaler, canner, by-products manufacturer, or broker for each and every fish buyer engaged as a representative in the state for such wholesaler, canner, by-products manufacturer or broker, and the fee for said license shall be five dollars (\$5) per annum. Fish buyer's license. Fee.

The term "fish buyer" as used in this section shall be interpreted to mean a buyer who ordinarily makes his purchases at a place or places other than his employers' business premises. "Fish buyer" defined.

(7) A boat house operator's license shall be required for any business engaged in the renting of boats to individuals for the purpose of taking or catching food fish or shellfish and the fee for said license shall be five dollars (\$5) per annum. Boat house operator's license. Fee.

(8) A branch license shall be required for each branch plant in the state of any retail, wholesale, canning, by-products manufacturing or boat house business enterprise having more than one place of business. One such place shall be designated as headquarters and said license shall be obtained for each and every other place of business or branch plant. The fee for said license shall be five dollars (\$5) per annum. Branch licenses. Fee.

SEC. 73. It shall be unlawful for any person to engage in any phase of the fishing industry, or to operate any fishing gear known as or classified as Unlawful to engage in fishing activities without license.

commercial fishing gear by the Director, or to fish for, take, deliver or land any fish in the state, whether taken from waters within or without the jurisdiction of the state, without first obtaining and having in possession such licenses as are herein specified.

Penalty for violation.

Any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25).

Fishing gear licenses not transferable.

SEC. 74. All fishing gear licenses issued under the provisions of this act shall be non-transferable, and it shall be unlawful for any gear which is licensed as herein specified to be operated or caused to be operated by any person other than the licensee or an agent or employee of the licensee. All licenses for fishing gear issued under the provisions of the fisheries code shall be carried in the possession of the licensee or authorized representative of the licensee who shall be in charge of the operation of such gear.

Certain licenses to be carried in possession of licensee.

Fishing guide licenses, fish buyer licenses, and personal commercial fishing licenses shall be carried on the person of the licensee. Fish broker licenses, clam or oyster farm licenses, oyster reserve licenses, wholesale fish dealer licenses, retail fish dealer licenses, fish canning licenses, fish by-products licenses, boat house operator licenses, and branch licenses shall be kept and displayed at the business premises of the licensee.

Certain licenses to be displayed at place of business of licensee.

## CHAPTER VI.

### COURTS, JURISDICTION, PENALTIES.

Penalties for violations of fisheries code.

SEC. 75. Unless otherwise provided for in the fisheries code any person who shall violate any of the provisions of the fisheries code, or any of the rules or regulations of the Director made pursuant thereto, or who shall aid or abet or assist in the violation

thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which said offense is committed for not less than thirty (30) days or more than one (1) year, or by a fine of not less than twenty-five dollars (\$25) or more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

SEC. 76. (1) The Director, fisheries inspectors, deputy fisheries inspectors, and ex-officio fisheries inspectors may seize without warrant all food fish, shellfish, or parts thereof taken, killed, transported or possessed contrary to law or rule or regulation of the Director and may seize in a similar manner any boat, vehicle, gear, appliance, or other device used in violation of the fisheries code or the regulations of the Director, or held with intent to violate the fisheries code or the regulations of the Director, and the articles seized shall be forfeited to the state, regardless of the ownership of the articles seized: *Provided*, That the owner of the boat, vehicle, gear, appliance or other device seized under the provisions of this section may recover the same by depositing into Court a cash bond equal to the value of the seized articles if the value of the same be less than five thousand dollars (\$5,000), or a cash bond in the amount of five thousand dollars (\$5,000), if the value of the seized boat, vehicle, gear, appliance or other device be in excess of five thousand dollars (\$5,000), and the cash bond shall thereafter be subject to forfeiture to the state in lieu of the seized boat, vehicle, gear, appliance, or other device.

(2) The Court shall have the power and jurisdiction in any prosecution for violation of the fisheries code or regulations of the Director, in addition to imposing any penalty provided by law, to order for-

Seizure of property without warrant.

Forfeiture to state.

Recovery of property seized.

Cash bond.

Courts have power to order forfeiture.

feited to the state any articles seized under the provisions of this section.

Seizure of property when person responsible for violation is not amenable to prosecution.

(3) In event it appears upon affidavit that the identity of the person responsible for the violation for which the seizure was made, is unknown or that for any reason the state is unable to prosecute the person responsible for the violation for which the seizure was made, the Court nevertheless shall have the power and jurisdiction to forfeit such articles so seized upon a hearing duly held after service of summons describing the articles seized and giving notice of pending forfeiture by publication in the manner provided by law for the service of summons in civil actions.

Justice and Superior Courts have concurrent jurisdiction.

(4) Justice Courts and Superior Courts shall have concurrent jurisdiction to order the forfeitures provided for in this section.

Disposal of seized articles by sale.

(5) In the event of seizure and forfeiture of any articles as provided above, the Director may sell all or any of such articles at public auction. The time, place and manner of holding such sale shall be within the discretion of the Director: *Provided*, That notice of the time and place of any such sale shall be published once a week for at least two consecutive weeks in advance of such sale, in at least one newspaper of general circulation in the county wherein the sale is to be held. The proceeds from all such sales shall be deposited with the State Treasurer to the credit of the General Fund.

Notice of sale to be published.

Disposition of proceeds of sale.

Courts may forfeit license.

SEC. 77. Upon conviction of any person of a violation of any provision of this act, or rule or regulation of the Director, the judge or justice of the peace may, in addition to the penalty imposed by law, forfeit the license of such person. Upon subsequent conviction of any such person of any violation of any provisions of this act or rule or regulation of the Director, the forfeiture of such license shall be man-

Forfeiture of license mandatory for subsequent convictions.



datory. The Director may prohibit the issuance of a license to any person convicted two or more times of any such violation or prescribe the conditions under which such license may be issued.

SEC. 78. Every justice of the peace shall have jurisdiction concurrent with the Superior Court of all misdemeanors and gross misdemeanors committed in violation of the fisheries code and of the rules, regulations and orders made by the Director in accordance with existing law and to impose any penalty or confiscation provided for such offenses.

Justice and Superior Courts have concurrent jurisdiction for violations of code.

SEC. 79. Violations of the fisheries code or the regulations of the Director occurring in the offshore waters may be prosecuted in the Superior Court or justice courts of any county bordering on the Pacific Ocean, or in any county in which the food fish or shellfish are landed.

Courts having jurisdiction of violations occurring in offshore waters.

## CHAPTER VII.

### COMPACTS.

SEC. 80. Should Congress by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between states, ratify the recommendations of the conference committees of the states of Washington and Oregon, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia River, or its tributaries, over which said states have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, said recommendation being as follows: "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the states of Washington and Oregon shall act as a treaty between said states, subject to modification only by joint agreement by

Congressional ratification of agreement between Oregon and Washington regarding protection of fish in Columbia River.

said states"; and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event, there shall exist between the states of Washington and Oregon a definite compact and agreement, the purport of which shall be substantially as follows:

Change in laws and regulations by mutual consent.

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia River, or its tributaries, over which the states of Washington and Oregon have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

Director authorized to give state's consent to change the open and closed seasons in Columbia River.

SEC. 81. The Director is hereby authorized for and on behalf of the State of Washington to give to the State of Oregon such consent and approbation of the State of Washington as is necessary under and pursuant to the compact entered into between the states of Washington and Oregon, as set out in the preceding section, to change the open and closed seasons in the Columbia River district as permitted in this act.

Congressional ratification of Pacific Marine Fisheries Compact.

SEC. 82. (1) Should Congress, by virtue of the authority vested in it under section 10, Article I, of the Constitution of the United States, providing for compacts and agreements between the states, ratify The Pacific Marine Fisheries Compact, recommended by the Interstate Committee on Offshore Fisheries of the Western Regional Legislative Conference of the Council of State Governments, after the enactment of this compact by two or more of the states of California, Oregon and Washington, then, and in that event, there shall exist between the contracting states a definite compact and agreement, the purport of which shall be substantially as follows:

## THE PACIFIC MARINE FISHERIES COMPACT.

The contracting states do hereby agree as follows:

## ARTICLE I.

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction.

Purposes  
of compact.

Nothing herein contained shall be construed so as to authorize the aforesaid states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

## ARTICLE II.

This agreement shall become operative immediately as to those states executing it whenever two or more of the states of California, Oregon and Washington have executed it in the form that is in accordance with the laws of the executing states and the Congress has given its consent.

When  
operative.

## ARTICLE III.

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as The Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be a body with the powers and duties set forth herein.

State to  
appoint rep-  
resentatives.

Pacific  
Marine  
Fisheries  
Commission.

The term of each commissioner of The Pacific Marine Fisheries Commission shall be four years.

Terms of  
Commis-  
sioners.

Vacancies. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time, to a deputy, the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers. Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

#### ARTICLE IV.

Powers and duties of Commission. The duty of the said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The Commission shall have power to recommend the co-ordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against over-fishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the Commission shall draft and, after consultation with the advisory committee hereinafter

authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell, and anadromous fisheries in all of those areas of the Pacific Ocean over which the states of California, Oregon and Washington jointly or separately now have or may hereafter acquire jurisdiction. The Commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

Shall make recommendations.

The Commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

Shall recommend regulations.

The Commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the Commission shall act as the co-ordinating agency for such stocking.

May recommend stocking of fish.

#### ARTICLE V.

The Commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said Commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within

Officers.

Rules and regulations.

Offices.

the territorial limits of the signatory states but must meet at least once a year.

ARTICLE VI.

Majority  
vote neces-  
sary for  
Commission  
to act.

No action shall be taken by the Commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the Commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

ARTICLE VII.

Official  
research  
agency.

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of The Pacific Marine Fisheries Commission.

Advisory  
committee.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the Commission deems advisable shall be established by the Commission as soon as practicable for the purpose of advising the Commission upon such recommendations as it may desire to make.

ARTICLE VIII.

Individual  
state powers  
not limited.

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

ARTICLE IX.

Absence of  
representa-  
tion.

Continued absence of representation or of any representative on the Commission from any state party hereto, shall be brought to the attention of the governor thereof.

ARTICLE X.

The states agree to make funds available annually to the support of the Commission in proportion to

the primary market value of the products of their fisheries as recorded in the latest published reports (five year average): *Provided*, No state shall contribute less than two thousand dollars (\$2,000) per annum and the annual contribution of each state above the minimum shall be figured to the nearest one hundred dollars (\$100).

Funds contributed by states.

The states agree to make available annual funds in the amounts scheduled below, which amounts are calculated in the manner set forth herein, on the basis of the latest five year catch records. Subsequent budgets shall be recommended by a majority of the Commission and the total amount thereof allocated equitably among the states in accordance with the above formula.

Schedule of contributions.

SCHEDULE OF INITIAL ANNUAL STATE CONTRIBUTIONS.

California .....	\$11,000
Oregon .....	2,000
Washington .....	2,000
	\$15,000
Total .....	\$15,000

ARTICLE XI.

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

Withdrawal from compact.

(2) In the event the compact set forth in subsection (1) of this act becomes effective, the Director of Fisheries, ex-officio, shall have the power, and it shall be his duty to act as the representative of this state on The Pacific Marine Fisheries Commission, in accordance with the provisions of, and with the powers and duties provided in said compact.

Director of Fisheries to be state representative to Commission.

(3) In the event the compact set forth in subsection (1) hereof becomes effective, the Director shall have the power and he is hereby authorized

Director of Fisheries to make regulations.

from time to time to make, adopt, amend and promulgate, governing offshore fishing in the Pacific Ocean by citizens of this state, rules and regulations, prohibiting wastage of food or shellfish, establishing open and closed season for all fishing, designating areas open or closed to fishing, setting minimum and maximum sizes of fish and shellfish that may be taken, declaring the kinds of food or shellfish that may be used for bait, and regulating fishing gear to be used as to mesh, size and length of nets and number, length and size of line and hooks: *Provided*, That no rule or regulation shall be issued governing the conduct of citizens of this state unless like rules or regulations or statutes have been made or will become effective jointly as to the citizens of the states of Oregon and California.

Regulations  
must be  
joint.

Penalty for  
violations.

(4) Any person violating any of the rules or regulations of the Director issued in accordance with this act, shall be guilty of a misdemeanor.

Adoption of  
provisions  
of conven-  
tion between  
the United  
States and  
Canada.

SEC. 83. The Director and his duly authorized agents are hereby authorized to adopt and to enforce the provisions of the convention between the United States and the Dominion of Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington, District of Columbia, on the 26th day of May, 1930, and the regulations of the Commission promulgated under authority of said convention.

## CHAPTER VIII.

### CONSTITUTIONALITY, SAVING CLAUSE, PENALTIES.

Effect of  
act as to  
prior laws.

SEC. 84. Any acts or parts of acts herein repealed, which are re-enacted in form or in substance in this act, shall not be construed as new acts, but as continuations and amendments of such acts or parts of acts. All rights of action under existing laws, which this act in any way supersedes or repeals, if the same at the time this act takes effect shall not have been



commenced, shall proceed under the provisions of this act.

Any action or proceedings pending in the Courts under existing laws, which this act in any way supercedes or repeals, shall proceed without being in any way affected by this act. All licenses heretofore issued shall continue and remain in force during the time that they should continue under existing laws, and all rights and privileges under such licenses shall rest and remain in the holders thereof until the date of their expiration, and the holders thereof shall be entitled to all property rights accruing to them thereunder, and to the renewal of such rights by the renewals of such licenses as provided in this act.

Actions  
pending in  
Courts.

Issued  
licenses.

The present Director heretofore appointed under existing laws shall continue to act as Director under the provisions of this act, until the date of the expiration of the term for which he was appointed, unless sooner removed by proper authority.

Present  
Director.

All existing rules, regulations, and orders of the Director of Fisheries shall remain in full force and effect until such a time as they are repealed, altered, or amended by regulations of the Director published pursuant to the provisions of the fisheries code.

Existing  
rules and  
regulations.

SEC. 85. If any clause, part or section of this act shall be adjudged invalid, such judgment shall not affect nor invalidate the remainder of the act but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered. If the operation of any clause, part or section of this act shall be held to impair the obligation of contract, or to deny to any person any right or protection secured to him by the Constitution of the United States of America, or by the Constitution of the State of Washington, it is hereby declared that, had the invalidity of such clause, part or section been considered at the time of the enactment of this act, the remainder of the

Partial  
invalidity.

act would nevertheless have been adopted without any and all such invalid clauses, parts or sections.

Repealing  
clause.

SEC. 86. All acts or parts of acts incorporated in the following schedule, and all acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

Emergency.

SEC. 87. This act is necessary for the immediate preservation of public peace, health and safety and for the support of the state government and its existing institutions and shall take effect April 1, 1949.

#### SCHEDULE.

Schedule of  
repealed  
laws.

Section 1, chapter 31, Laws of 1915 (sec. 5655, Rem. Rev. Stat.); sections 3 and 4, chapter 31, Laws of 1915 (secs. 5656 and 5657, Rem. Rev. Stat.); section 6, chapter 31, Laws of 1915, as amended (sec. 5658, Rem. Supp. 1943); section 7, chapter 31, Laws of 1915 (sec. 5659, Rem. Rev. Stat.); section 8, chapter 31, Laws of 1915, as amended (sec. 5660, Rem. Supp. 1943); section 2, chapter 179, Laws of 1943 (sec. 5660A, Rem. Supp. 1943); sections 9 to 11, inclusive, chapter 31, Laws of 1915 (secs. 5661 to 5663, incl., Rem. Rev. Stat.); section 8, chapter 90, Laws of 1923, as amended (sec. 5663a, Rem. Rev. Stat.); section 12, chapter 31, Laws of 1915, as amended (sec. 5664, Rem. Rev. Stat.); sections 13 to 19, inclusive, chapter 31, Laws of 1915 (secs. 5665 to 5671, incl., Rem. Rev. Stat.); chapter 1, Laws of 1935 (secs. 5671-1 to 5671-11, incl., Rem. Rev. Stat. Supp.); section 20, chapter 31, Laws of 1915 (sec. 5672, Rem. Rev. Stat.); section 21, chapter 31, Laws of 1915, as amended (sec. 5673, Rem. Rev. Stat.); section 22, chapter 31, Laws of 1915 (sec. 5674, Rem. Rev. Stat.); section 23, chapter 31, Laws of 1915, as amended (sec. 5675, Rem. Rev. Stat.); section 24, chapter 31, Laws of 1915, as amended (sec. 5676, Rem. Rev. Stat.); section 25, chapter 31, Laws of 1915, as amended (sec. 5677, Rem. Rev. Stat.); section 26, chapter 31, Laws of 1915 (sec. 5678, Rem. Rev.

Stat.); section 27, chapter 31, Laws of 1915, as amended (sec. 5679, Rem. Rev. Stat.); sections 28 and 29, chapter 31, Laws of 1915 (secs. 5680 and 5681, Rem. Rev. Stat.); section 30, chapter 31, Laws of 1915, as amended (sec. 5682, Rem. Rev. Stat.); section 31, chapter 31, Laws of 1915, as amended (sec. 5683, Rem. Rev. Stat.); sections 32 to 37, inclusive, chapter 31, Laws of 1915 (secs. 5684 to 5689, incl., Rem. Rev. Stat.); section 38, chapter 31, Laws of 1915, as amended (sec. 5690, Rem. Rev. Stat.); sections 39 to 42, inclusive, chapter 31, Laws of 1915 (secs. 5691 to 5694, incl., Rem. Rev. Stat.); section 43, chapter 31, Laws of 1915, as amended (sec. 5695, Rem. Supp. 1947); sections 44 and 45, chapter 31, Laws of 1915 (secs. 5696 and 5697, Rem. Rev. Stat.); section 46, chapter 31, Laws of 1915, as amended (sec. 5698, Rem. Rev. Stat.); section 47, chapter 31, Laws of 1915 (sec. 5699, Rem. Rev. Stat.); section 48, chapter 31, Laws of 1915, as amended (sec. 5700, Rem. Supp. 1943); section 1, chapter 175, Laws of 1945 (sec. 5700a, Rem. Supp. 1945); sections 1 and 2, chapter 63, Laws of 1939 (secs. 5700-1 and 5700-2, Rem. Rev. Stat. Supp.); sections 49 and 50, chapter 31, Laws of 1915 (secs. 5701 and 5702, Rem. Rev. Stat.); section 51, chapter 31, Laws of 1915, as amended (sec. 5703, Rem. Supp. 1947); section 2, chapter 74, Laws of 1947 (secs. 5703a to 5703h, incl., Rem. Supp. 1947); section 9, chapter 90, Laws of 1923, as amended (sec. 5704a, Rem. Rev. Stat. Supp.); section 1, chapter 150, Laws of 1937 (sec. 5704c, Rem. Rev. Stat. Supp.); section 1, chapter 125, Laws of 1941, as amended (sec. 5704-1, Rem. Supp. 1943); section 52, chapter 31, Laws of 1915, as amended (sec. 5705, Rem. Rev. Stat. Supp.); section 5, chapter 222, Laws of 1937 (sec. 5705-1, Rem. Rev. Stat. Supp.); section 53, chapter 31, Laws of 1915 (sec. 5706, Rem. Rev. Stat.); sections 1 and 2, chapter 180, Laws of 1943 (secs. 5706-1 and 5706-2, Rem. Supp. 1943); section 54, chapter 31, Laws of

Schedule of  
repealed  
laws.

Schedule of  
repealed  
laws.

1915, as amended (sec. 5707, Rem. Rev. Stat.); section 55, chapter 31, Laws of 1915 (sec. 5708, Rem. Rev. Stat.); section 56, chapter 31, Laws of 1915, as amended (sec. 5709, Rem. Rev. Stat.); section 1, chapter 123, Laws of 1937 (sec. 5709-1, Rem. Rev. Stat. Supp.); section 57, chapter 31, Laws of 1915 (sec. 5710, Rem. Rev. Stat.); section 58, chapter 31, Laws of 1915, as amended (sec. 5711, Rem. Supp. 1945); section 59, chapter 31, Laws of 1915 (sec. 5712, Rem. Rev. Stat.); sections 61 and 62, chapter 31, Laws of 1915 (secs. 5713 and 5714, Rem. Rev. Stat.); section 63, chapter 31, Laws of 1915, as amended (sec. 5715, Rem. Rev. Stat.); section 64, chapter 31, Laws of 1915 (sec. 5716, Rem. Rev. Stat.); section 65, chapter 31, Laws of 1915, as amended (sec. 5717, Rem. Rev. Stat.); section 1, chapter 181, Laws of 1943 (sec. 5717-1, Rem. Supp. 1943); section 3, chapter 181, Laws of 1943 (sec. 5717-2, Rem. Supp. 1943); sections 67 and 68, chapter 31, Laws of 1915 (secs. 5719 and 5720, Rem. Rev. Stat.); section 69, chapter 31, Laws of 1915, as amended (sec. 5721, Rem. Supp. 1943); section 1, chapter 137, Laws of 1935 (sec. 5721-1, Rem. Rev. Stat. Supp.); section 70, chapter 31, Laws of 1915 (sec. 5722, Rem. Rev. Stat.); section 71, chapter 31, Laws of 1915, as amended (sec. 5723, Rem. Rev. Stat.); section 72, chapter 31, Laws of 1915, as amended (sec. 5724, Rem. Supp. 1943); section 73, chapter 31, Laws of 1915, as amended (sec. 5725, Rem. Rev. Stat.); sections 74 to 76, inclusive, chapter 31, Laws of 1915 (secs. 5726 to 5728, incl., Rem. Rev. Stat.); section 77, chapter 31, Laws of 1915, as amended (sec. 5729, Rem. Rev. Stat.); section 78, chapter 31, Laws of 1915 (sec. 5730, Rem. Rev. Stat.); section 79, chapter 31, Laws of 1915, as amended (sec. 5731, Rem. Supp. 1943); section 1, chapter 32, Laws of 1943 (sec. 5731-1, Rem. Supp. 1943); sections 80 and 81, chapter 31, Laws of 1915 (secs. 5732 and 5733, Rem. Rev. Stat.); section 82, chapter 31, Laws of 1915 (sec.

5734, Rem. Rev. Stat.); sections 1 and 2, chapter 58, Laws of 1915, as amended (sec. 5734, Rem. Rev. Stat.); section 1, chapter 40, Laws of 1943 (sec. 5734-1, Rem. Supp. 1943); sections 83 to 87, inclusive, chapter 31, Laws of 1915 (secs. 5735 to 5739, incl., Rem. Rev. Stat.); section 88, chapter 31, Laws of 1915, as amended (sec. 5740, Rem. Rev. Stat.); sections 89 to 92, inclusive, chapter 31, Laws of 1915 (secs. 5741 to 5744, incl. Rem. Rev. Stat.); section 93, chapter 31, Laws of 1915, as amended (sec. 5745, Rem. Rev. Stat.); sections 94 and 95, chapter 31, Laws of 1915 (secs. 5746 and 5747, Rem. Rev. Stat.); section 96, chapter 31, Laws of 1915, as amended (sec. 5748, Rem. Supp. 1947; section 97, chapter 31, Laws of 1915 (sec. 5749, Rem. Rev. Stat.); section 99, chapter 31, Laws of 1915, as amended (sec. 5750, Rem. Rev. Stat.); section 1, chapter 35, Laws of 1937 (sec. 5750-1, Rem. Rev. Stat. Supp.); section 100, chapter 31, Laws of 1915, as amended (sec. 5751, Rem. Rev. Stat. Supp.); section 1, chapter 78, Extraordinary Session Laws of 1925, as amended (sec. 5751-1, Rem. Rev. Stat.); section 2, chapter 78, Laws of 1931 (sec. 5751-2, Rem. Rev. Stat.); sections 10 to 12, inclusive, chapter 180, Laws of 1921 (secs. 5752 to 5754, incl., Rem. Rev. Stat.); section 10, chapter 90, Laws of 1923 (sec. 5754a, Rem. Rev. Stat.); section 101, chapter 31, Laws of 1915, as amended (sec. 5755, Rem. Rev. Stat.); section 102, chapter 31, Laws of 1915, as amended (sec. 5756, Rem. Supp. 1947); sections 103 and 104, chapter 31, Laws of 1915 (secs. 5757 and 5758, Rem. Rev. Stat.); section 105, chapter 31, Laws of 1915, as amended (sec. 5759, Rem. Rev. Stat. Supp.); sections 2 to 5, incl., chapter 56, Laws of 1939 (secs. 5759-1 to 5759-4, incl., Rem. Rev. Stat. Supp.); section 106, chapter 31, Laws of 1915 (sec. 5760, Rem. Rev. Stat.); sections 109 to 116, incl., chapter 31, Laws of 1915 (secs. 5763 to 5770, incl., Rem. Rev. Stat.); section 2, chapter 123, Laws of 1937 (sec. 5770-1, Rem. Rev. Stat. Supp.); section

Schedule of  
repealed  
laws.

Schedule of  
repeated  
laws.

117, chapter 31, Laws of 1915 (sec. 5771, Rem. Rev. Stat.); section 1, chapter 43, Laws of 1943 (sec. 5771A, Rem. Supp. 1943); sections 119 and 120, chapter 31, Laws of 1915 (secs. 5772 and 5773, Rem. Rev. Stat.); section 1, chapter 58, Laws of 1921 (sec. 5774, Rem. Rev. Stat.); section 1, chapter 210, Laws of 1939 (sec. 5774-1, Rem. Rev. Stat. Supp.); section 1, chapter 166, Laws of 1919 (sec. 5780, Rem. Rev. Stat.); sections 1 to 6, incl., chapter 104, Laws of 1941 (secs. 5780-1 to 5780-6, incl., Rem. Supp. 1941); section 1, chapter 107, Laws of 1943 (sec. 5780-10, Rem. Supp. 1943); section 1, chapter 199, Laws of 1945 (sec. 5780-20, Rem. Supp. 1945); section 2, chapter 199, Laws of 1945, as amended (sec. 5780-21, Rem. Supp. 1947); section 3, chapter 199, Laws of 1945 (sec. 5780-22, Rem. Supp. 1945); sections 1 to 3, incl., chapter 200, Laws of 1945 (secs. 5780-30 to 5780-32, incl., Rem. Supp. 1945); sections 1 to 4, incl., chapter 29, Laws of 1947 (secs. 5780-40 to 5780-43, incl., Rem. Supp. 1947); sections 1 to 5, incl., chapter 153, Laws of 1947 (secs. 5780-50 to 5780-54, incl., Rem. Supp. 1947).

Passed the Senate March 10, 1949.

Passed the House March 10, 1949.

Approved by the Governor March 16, 1949