

CHAPTER 184

[Engrossed Third Substitute Senate Bill No. 2940]

COMMERCIAL SALMON LICENSES AND VESSEL
DELIVERY PERMITS—LIMITATION

AN ACT Relating to food fish and shellfish; conserving the salmon resources by limiting the number of commercial licenses and vessel delivery permits valid for salmon; adding new sections to chapter 75.28 RCW; providing for the expiration of the act; and making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the protection, welfare, and economic good of the commercial salmon fishing industry is of paramount importance to the people of this state. Scientific advancement has increased the efficiency of salmon fishing gear. There presently exists an overabundance of commercial salmon fishing gear in our state waters which causes great pressure on the salmon fishery resource. This situation results in great economic waste to the state and prohibits conservation programs from achieving their goals. The public welfare requires that the number of commercial salmon fishing licenses and vessel delivery permits issued by the state be limited to insure that sound conservation programs can be scientifically carried out. It is the intention of the legislature to preserve this valuable natural resource so that our food supplies from such resource can continue to meet the ever increasing demands placed on it by the people of this state.

NEW SECTION. Sec. 2. On and after the effective date of sections 1 through 9 of this act, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area by issuing licenses and vessel delivery permits to fish for salmon only to those vessels holding such licenses or permits in any year between January 1, 1970 and the effective date of this act: PROVIDED, That only those vessels which held commercial gear fishing licenses or vessel delivery permits valid for salmon during such period and can prove by means of a valid fish receiving document that salmon were caught and landed during such period shall be entitled to a valid commercial fishing license or vessel delivery permit to fish for or possess salmon for the same type of gear and area for each year of a period extending from January 1, 1975 through December 31, 1977: PROVIDED, HOWEVER, That nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder. All such licenses or vessel delivery permits shall be transferable.

NEW SECTION. Sec. 3. Any commercial salmon fishing vessel not qualified for a commercial salmon fishing license or vessel delivery permit under section 2 of this act and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able to obtain a single delivery vessel delivery permit. The fee for such permit shall be the same as the annual vessel delivery permits.

NEW SECTION. Sec. 4. In addition to the commercial salmon fishing licenses and vessel delivery permits issued pursuant to section 2 of this act the department shall issue the required license to any commercial fishing vessel which is under construction or purchased in good faith between April 16, 1973, and the effective date of this act.

NEW SECTION. Sec. 5. No person, sole proprietorship, partnership, or any other profit or nonprofit entity of any kind shall increase the number of licenses held, as shown by the records of the department, beyond the number held in 1973 for each type of gear.

NEW SECTION. Sec. 6. Charter fishing vessels may be licensed for commercial trolling during the salmon trolling season if the director finds that the charter industry in this state is suffering economic hardship due to a national or state fuel crisis.

NEW SECTION. Sec. 7. The director shall appoint three man advisory boards of review to hear cases as provided for in section 9 of this act. The members of such a review board shall be from the commercial salmon fishing industry, shall serve without pay, and shall serve at the discretion of the director of the department of fisheries. The members of such a review board shall be reimbursed for subsistence and travel expenses pursuant to RCW 43.03.050 and 43.03.060 for each day or major portion thereof spent in the performance of their duty. The director shall promulgate regulations concerning the operation of such review boards in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 8. In addition to the licenses and permits authorized by this act the boards of review sitting jointly with the director shall have discretionary power to issue additional licenses and permits in number not to exceed a figure equal to three percent of the total number of permits and licenses issued in the previous year for each designated license and permit classification. In issuing such additional licenses and permits the board of review and the director of fisheries shall give special consideration to the previous training and commercial fishing experience of the applicant.

NEW SECTION. Sec. 9. Any person aggrieved by a decision of the department pursuant to sections 2 through 7 of this act may voluntarily request that a board of review be impaneled to hear his

case. Such a hearing before a board shall be informal and the rules of evidence shall not be applicable to the proceedings and a record shall be kept thereof as provided by chapter 34.04 RCW. After the presentation of a case such a review board shall inform in writing both the director and the initiating party of whether or not the board agrees or disagrees with the department's decision and the reasons for such agreement or disagreement. Upon receipt of the board's findings the director, at his discretion, may either uphold or reverse the department's action.

Nothing in this section shall be construed: (1) to impair an aggrieved person's right to proceed under chapter 34.04 RCW; or (2) to impose any liability on members of a review board for their actions pursuant to this section.

NEW SECTION. Sec. 10. On and after the effective date of this act the department of fisheries in cooperation with representatives of the commercial salmon fishing industry shall continually evaluate the provisions of sections 1 through 6 of this act and recommend to the legislature prior to January 1, 1977, a phase II approach to limit gear entry into this state's commercial salmon fisheries.

NEW SECTION. Sec. 11. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. The provisions of sections 1 through 9 of this act shall expire on December 31, 1977, and shall be null and void and without any further force and effect on such date without any further action by the legislature.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act shall be added to chapter 75.28 RCW.

NEW SECTION. Sec. 14. To carry out the provisions of this act there is appropriated to the department of fisheries from the general fund for the biennium ending June 30, 1975, the sum of ten thousand dollars, or so much thereof as may be necessary.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 23, 1974.

Passed the House April 23, 1974.

Approved by the Governor May 6, 1974, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 6, 1974.

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

"I am returning herewith without my approval as to certain sections Engrossed Third Substitute Senate Bill No. 2940 entitled:

"AN ACT Relating to food fish and shellfish; conserving the salmon resources by limiting the

Veto
Message

number of commercial licenses and vessel delivery permits valid for salmon." Veto
Message

Section 5 restricts the number of commercial salmon fishing licenses held by any licensee to the number of licenses held in 1973 for each type of commercial gear. This restriction contradicts and is inconsistent with other provisions pertaining to the limitation on issuance of licenses appearing in sections 2, 4, and 6. Accordingly, I have vetoed section 5.

Section 8 authorizes issuance of additional licenses and permits in a number not exceeding three percent of the total number issued the previous year. Based on present licensing figures, the potential number of additional commercial licenses over a three year period at this rate of increase would be in excess of four hundred. This result would be inconsistent with the basic aim of the bill to impose a moratorium on the issuance of new licenses. Section 10 of the bill also directs the Department of Fisheries and the industry to evaluate continually the status of our commercial salmon resources and the fishing industry as affected by the provisions of this act. If there is reason to allow an increased number of licenses, such action should accordingly be recommended to the Legislature. For these reasons, I have determined to veto section 8.

With the foregoing exceptions, the remainder of Engrossed Third Substitute Senate Bill No. 2940 is approved."

CHAPTER 185

[House Bill No. 1]

SALES AND USE TAXES--PRESCRIPTION DRUGS,
RETURNABLE CONTAINERS, EXEMPTIONS

AN ACT Relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961, as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030; and prescribing an effective date.

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

Section 1. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales