

- (2) The superintendent shall ensure that the model program includes:
- (a) An initial evaluation by an indoor air quality expert of the current indoor air quality in the school district. The evaluation shall be completed within ninety days after the beginning of the school year;
 - (b) Establishment of procedures to ensure the maintenance and operation of any ventilation and filtration system used. These procedures shall be implemented within thirty days of the initial evaluation;
 - (c) A reevaluation by an indoor air quality expert, to be conducted approximately two hundred seventy days after the initial evaluation; and
 - (d) The implementation of other procedures or plans that the superintendent deems necessary to implement the model program.
- (3) The superintendent shall make a report by December 1, 1990, to the appropriate committees of the legislature that includes:
- (a) A summary and evaluation of the model program;
 - (b) An evaluation of the adequacy of mechanical ventilation and filtration systems used in public schools; and
 - (c) Recommendations to ensure acceptable indoor air quality in all public schools.

NEW SECTION. Sec. 7. 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. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW.

Passed the House March 8, 1989.

Passed the Senate April 14, 1989.

Approved by the Governor May 11, 1989.

Filed in Office of Secretary of State May 11, 1989.

CHAPTER 316

[Substitute House Bill No. 2011]

COMMERCIAL FISHING LICENSES—RATES AND REQUIREMENTS

AN ACT Relating to commercial fishing licenses; amending RCW 75.28.035, 75.28.095, 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.134, 75.28.140, 75.28.255, 75.28.280, 75.28.287, 75.28.290, 75.28.340, and 75.28.690; reenacting and amending RCW 75.28.300; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.081, 75.28.123, 75.28.285, and 75.28.370; and providing an effective date.

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

Sec. 1. Section 75.28.100, chapter 12, Laws of 1955 as last amended by section 107, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.035 are each amended to read as follows:

An application for issuance or renewal of a commercial fishing license ((or permit)) shall contain the name and address of the vessel owner, the

name and address of the vessel operator, the name and number of the vessel, a description of the vessel and fishing gear to be carried on the vessel, and other information required by the department.

At the time of issuance of a commercial fishing license (~~(or permit)~~) the director shall furnish the licensee with a vessel registration and two license decals.

Vessel registrations and license (~~(and permit)~~) decals issued by the director shall be displayed as provided by rule of the director.

A commercial fishing license (~~(or permit)~~) is not valid if the vessel is operated by a person other than the operator listed on the license (~~(or permit)~~). The director may authorize additional operators for the license (~~(or permit)~~). Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the fee for an additional operator is (~~(ten)~~) twenty dollars.

The vessel owner shall notify the director on forms provided by the department of changes of ownership or operator and a new license (~~(or permit)~~) shall be issued upon payment of a fee of (~~(ten)~~) twenty dollars.

A defaced, mutilated, or lost license or license decal shall be replaced immediately. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the replacement fee is (~~(two)~~) ten dollars.

Sec. 2. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 9, Laws of 1988 and RCW 75.28.095 are each amended to read as follows:

(1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(a) Food fish other than salmon	\$((+00)) <u>135</u>	\$((200)) <u>270</u>
(b) Salmon and other food fish	\$((200)) <u>275</u>	\$((200)) <u>550</u>

(2) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish, and which delivers food fish into state ports or delivers food fish taken from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for food fish for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

(3) A vessel shall not engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time. ~~((The license or delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.))~~

Sec. 3. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 1, chapter 107, Laws of 1985 and RCW 75.28.110 are each amended to read as follows:

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(a) Purse seine	\$(300) 410	\$(600) 820
(b) Gill net	\$(200) 275	\$(400) 550
(c) Troll	\$(200) 275	\$(400) 550
(d) Reef net	\$(200) 275	\$(400) 550

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license allows fishing in all licensing districts and includes a salmon delivery ~~((permit))~~ license.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

Sec. 4. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 115, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.113 are each amended to read as follows:

(1) A person operating a commercial fishing vessel used in taking salmon in offshore waters and delivering the salmon to a place or port in the state shall obtain a salmon delivery ~~((permit))~~ license from the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a salmon delivery ~~((permit))~~ license is two hundred ~~seventy-five~~ dollars for residents and five hundred fifty dollars for nonresidents. Persons operating fishing vessels licensed under RCW 75.28.125 may apply the delivery ~~((permit))~~ license fee of ~~((ten))~~ fifty dollars against the salmon delivery ~~((permit))~~ license fee.

(2) If the director determines that the operation of a vessel under a salmon delivery ~~((permit))~~ license results in the depletion or destruction of

the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the ((permit)) license.

Sec. 5. Section 1, chapter 80, Laws of 1984 and RCW 75.28.116 are each amended to read as follows:

The owner of a commercial salmon fishing vessel which is not qualified for a license ((or permit)) under RCW 75.30.120 is required to obtain a salmon single delivery ((permit)) license in order to make one landing of salmon taken in offshore waters. The director shall not issue a salmon single delivery ((permit)) license unless, as determined by the director, a bona fide emergency exists. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the ((permit)) license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

Sec. 6. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 117, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.120 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Jig	\$((27.50)) <u>50</u>	\$((55)) <u>100</u>
(2) Set line	\$((35)) <u>50</u>	\$((70)) <u>100</u>
(3) Set net	\$((35)) <u>50</u>	\$((70)) <u>100</u>
(4) Drag seine	\$((45)) <u>50</u>	\$((70)) <u>100</u>
(5) Gill net	\$((200)) <u>275</u>	\$((400)) <u>550</u>
(6) Purse seine	\$((300)) <u>410</u>	\$((600)) <u>820</u>
(7) Troll	\$((27.50)) <u>50</u>	\$((55)) <u>100</u>
(8) Bottom fish pots	\$((35)) <u>50</u>	\$((60)) <u>100</u>
((Each pot over 100	\$0.25	\$0.50)
(9) Lampara	\$((57.50)) <u>100</u>	\$((115)) <u>200</u>
(10) Dip bag net	\$((27.50)) <u>50</u>	\$((55)) <u>100</u>
(11) Brush weir	\$((85)) <u>100</u>	\$((160)) <u>200</u>
(12) Other gear	\$100	\$200

Sec. 7. Section 5, chapter 309, Laws of 1959 as last amended by section 119, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.125 are each amended to read as follows:

A delivery ((permit)) license is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual ((permit)) license fee is ((ten)) fifty dollars for residents and ((twenty)) one hundred dollars for nonresidents.

~~((A permittee))~~ Licenses issued under RCW 75.28.113 (salmon delivery ((permit) is not required to obtain)) license, RCW 75.28.130(4) (crab pot, other than Puget Sound), or RCW 75.28.140(2) (trawl, other than Puget Sound) shall include a delivery ((permit under this section)) license.

Sec. 8. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 120, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.130 are each amended to read as follows: ·

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Ring net	\$(27.50)) <u>50</u>	\$(45)) <u>100</u>
(2) Shellfish pots (excluding crab)	\$(35)) <u>50</u>	\$(60)) <u>100</u>
((Each pot over 100	\$0.25	\$0.50))
(3) Crab pots (<u>Puget Sound</u>)	\$(35)) <u>50</u>	\$(60)) <u>100</u>
((Each pot over 100	\$0.25	\$0.50))
(4) Crab pots (other than Puget Sound)	\$200	\$400
(5) Shellfish diver (excluding clams)	\$(27.50)) <u>50</u>	\$(55)) <u>100</u>
(6) Squid gear, all types	\$100	\$200
(7) Ghost shrimp gear	\$100	\$200
(8) Commercial razor clam license	\$50	\$100
(9) Geoduck diver license	\$100	\$200
(10) Other shellfish gear	\$100	\$200

Sec. 9. Section 2, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.28.134 are each amended to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual endorsement fee is ((one)) two hundred ((sixty-five)) twenty-five dollars for a resident and ((three)) four hundred ((forty)) fifty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 10. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 121, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.140 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Gear	Resident Fee	Nonresident Fee
(1) Trawl (Puget Sound)	\$(87.50) <u>100</u>	\$(135.00) <u>200</u>
(2) Trawl (other than Puget Sound)	<u>\$150</u>	<u>\$300</u>

Sec. 11. Section 5, chapter 212, Laws of 1955 as amended by section 122, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.255 are each amended to read as follows:

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fees are:

Species	Resident Fee	Nonresident Fee
(1) Columbia River smelt	\$(200) <u>275</u>	\$(200) <u>550</u>
(2) Carp	\$(5) <u>50</u>	\$(5) <u>100</u>

Sec. 12. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 19, chapter 457, Laws of 1985 and RCW 75.28.280 are each amended to read as follows:

A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm unless the requirements of RCW 75.20.100 are fulfilled for the proposed activity. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ~~((three))~~ four hundred ten dollars for residents and eight hundred twenty dollars for nonresidents.

Sec. 13. Section 4, chapter 253, Laws of 1969 ex. sess. as last amended by section 130, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal tract for which harvest rights have been granted by the department of natural resources. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is one hundred thirty-five dollars for residents and two hundred seventy dollars for nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a nontransferable geoduck diver license. (~~The annual license fee is fifty dollars for residents and nonresidents.~~)

Sec. 14. Section 75.28.290, chapter 12, Laws of 1955 as last amended by section 131, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required for the commercial taking of shellfish from state oyster reserves. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((fifteen)) fifty dollars for residents and one hundred dollars for nonresidents.

NEW SECTION. Sec. 15. A new section is added to chapter 75.28 RCW to read as follows:

An oyster cultch permit is required for commercial cultching of oysters on state oyster reserves. The director shall require that ten percent of the cultch bags or other collecting materials be provided to the state after the oysters have set, for the purposes of increasing the supply of oysters on state oyster reserves and enhancing oyster supplies on public beaches.

Sec. 16. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 248, Laws of 1985 and by section 20, chapter 457, Laws of 1985 and RCW 75.28.300 are each reenacted and amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under RCW 75.28.340.

Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((thirty=seven)) one hundred dollars ((and fifty cents)). A wholesale fish dealer's license is not required for persons engaged in the processing, wholesale selling, buying, or brokering of private sector cultured aquatic products as

defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 17. Section 2, chapter 248, Laws of 1985 and RCW 75.28.340 are each amended to read as follows:

(1) A fish buyer's ((permit)) license is required of and shall be carried by each individual engaged by a wholesale fish dealer ((as a fish buyer)) to purchase food fish or shellfish from a licensed commercial fisherman. A fish buyer may represent only one wholesale fish dealer.

(2) Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual fee for a fish buyer's ((permit)) license is ((seven)) twenty dollars ((and fifty cents)).

((3) As used in this chapter, "fish-buyer" means an individual who purchases food fish or shellfish and is a permit holder under this section:))

Sec. 18. Section 2, chapter 227, Laws of 1981 as amended by section 137, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in subsection (2) of this section. Unless adjusted by the director pursuant to the director's authority granted in section 19 of this 1989 act, the annual license fee is ((ten)) twenty dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

NEW SECTION. Sec. 19. A new section is added to chapter 75.28 RCW to read as follows:

On January 1, 1993, the director shall adjust all fees under this chapter in accordance with the implicit price deflator published by the United States department of commerce. This section shall cease to exist on January 1, 1994, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 20. A new section is added to chapter 75.28 RCW to read as follows:

All revenues generated from the license fee increases in sections 1 through 14 and 16 through 19 of this act shall be deposited in the general

fund and shall be appropriated for the food fish and shellfish enhancement programs.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 14, chapter 283, Laws of 1971 ex. sess., section 2, chapter 40, Laws of 1975-'76 2nd ex. sess., section 111, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.081;

(2) Section 2, chapter 300, Laws of 1983 and RCW 75.28.123;

(3) Section 75.28.285, chapter 12, Laws of 1955, section 1, chapter 27, Laws of 1965 ex. sess., section 3, chapter 31, Laws of 1983 1st ex. sess., section 127, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.285; and

(4) Section 75.28.370, chapter 12, Laws of 1955, section 2, chapter 66, Laws of 1979, section 134, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.370.

NEW SECTION. Sec. 22. This act shall take effect on January 1, 1990. The director of fisheries may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

Passed the House April 23, 1989.

Passed the Senate April 23, 1989.

Approved by the Governor May 11, 1989.

Filed in Office of Secretary of State May 11, 1989.

CHAPTER 317

[Senate Bill No. 5950]

CHILD SEXUAL ABUSE ACTIONS—TIME FOR COMMENCEMENT OF ACTION

AN ACT Relating to childhood sexual abuse; amending RCW 4.16.340 and 9A.04.080; creating a new section; and declaring an emergency.

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

NEW SECTION. Sec. 1. (1) The legislature finds that possible confusion may exist in interpreting the statute of limitations provisions for child sexual abuse civil actions in RCW 4.16.190 and 4.16.340 regarding the accrual of a cause of action for a person under age eighteen. The legislature finds that amending RCW 4.16.340 will clarify that the time limit for commencement of an action under RCW 4.16.340 is tolled until the child reaches age eighteen. The 1989 amendment to RCW 4.16.340 is intended as a clarification of existing law and is not intended to be a change in the law.

(2) The legislature further finds that the enactment of chapter 145, Laws of 1988, which deleted specific reference to RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b) from RCW 9A.04.080 and also deleted those specific referenced provisions from the laws of Washington, did not intend