

(3) Repayment of an advanced financial support payment shall be made ~~((to the public transportation account in the general fund, or, if such account does not exist,))~~ to the general fund by the municipality within two years after the date such advanced payment was received. The study shall be completed within one year after the date such advanced payment was received. The study and its recommendations shall then be presented to the legislative authority of the municipality. Within six months of its receipt of the study and its recommendations, the legislative authority shall pass a resolution adopting or rejecting all or part of the study. A copy of the resolution shall be transmitted to the state agency administering this section. Such repayment shall be waived within two years of the date such advanced payment was received if the legislative authority or the voters in such municipality do not elect to levy and collect taxes to support public transportation in their area. Such repayment shall not be waived in the event any of the provisions of this subsection are not followed;

(4) The feasibility study shall give consideration to consolidating or coordinating all or any portion of the K-12 pupil transportation system within the proposed boundaries of the municipality. Any school district lying wholly or in part within the proposed boundaries shall fully cooperate in the study unless the school board shall pass a resolution to the contrary setting forth the reasons therefor. A copy of the resolution shall be forwarded to the secretary of the department of transportation for inclusion in the municipality's application file.

The ~~((state))~~ department of transportation ~~((commission, or, if such does not exist, the planning and community affairs agency))~~ shall provide technical assistance in the preparation of feasibility studies, and shall adopt reasonable rules and regulations to carry out the provisions of this section.

Passed the Senate February 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

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CHAPTER 60

[Senate Bill No. 2045]

SALMON—CHARTER BOAT LICENSE—ADVISORY COUNCIL, TERMINATION, MEMBERS' TERMS

AN ACT Relating to food fish; amending section 1, chapter 90, Laws of 1969 as last amended by section 5, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.095; amending section 2, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.110; adding a new section to chapter 75.28 RCW; providing an expiration date; and declaring an emergency.

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

Section 1. Section 1, chapter 90, Laws of 1969 as last amended by section 5, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.095 are each amended to read as follows:

~~((Every owner of a vessel used as a charter boat from which salmon and other food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be two hundred dollars per annum. PROVIDED, That))~~ Every owner of a vessel used as a charter boat from which only food fish other than salmon are taken for personal use shall obtain a yearly charter boat license for each vessel, and the fee for said license shall be one hundred dollars per annum. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington into state ports.

No vessel may 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: PROVIDED, That the license and delivery permit allowing the the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment, shall be included under the provisions of this section.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

Every owner of a vessel used as a charter boat from which salmon and other food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, whether resident or nonresident, and the fee for the license shall be two hundred dollars per annum. However, vessels used by guides for clients seeking salmon 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, are not charter boats under this section or RCW 75.28.095.

Sec. 3. Section 2, chapter 327, Laws of 1977 ex. sess. and RCW 75.18-.110 are each amended to read as follows:

(1) The department shall not acquire, construct, or substantially improve any salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

- (i) The department's management authority over propagated salmon;
- (ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;
- (iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and
- (iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game.

(2) To aid and advise the department in the performance of its functions as specified by this section with regard to the salmon enhancement program, a salmon advisory council is hereby created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who shall be chairman; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The terms of the initial members appointed by the governor expire on December 31, 1979. Thereafter, all members appointed by the governor shall serve terms of two years.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and any other factors the council deems relevant with respect to the proposed facility.

Vacancies shall be filled in the same manner as original appointments. Except for the director of the department of game and legislative members, members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses

incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

The salmon advisory council shall cease to exist on December 31, 1989.

NEW SECTION. Sec. 4. 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. 5. 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 March 6, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 21, 1979.

Filed in Office of Secretary of State March 21, 1979.

CHAPTER 61

[Engrossed Senate Bill No. 2067]

MOTOR VEHICLES—DRIVER LICENSING

AN ACT Relating to motor vehicles; amending section 46.04.090, chapter 12, Laws of 1961 and RCW 46.04.090; amending section 5, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.041; amending section 7, chapter 121, Laws of 1965 ex. sess. as amended by section 8, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.055; amending section 46.20.070, chapter 12, Laws of 1961 as last amended by section 9, chapter 218, Laws of 1969 ex. sess. and RCW 46.20.070; amending section 46.20.102, chapter 12, Laws of 1961 as last amended by section 2, chapter 167, Laws of 1967 and RCW 46.20.102; amending section 46.20.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.120; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.270; amending section 9, chapter 167, Laws of 1967 and RCW 46.20.292; amending section 10, chapter 167, Laws of 1967 as last amended by section 2, chapter 3, Laws of 1977 ex. sess. and RCW 46.20.293; amending section 29, chapter 121, Laws of 1965 ex. sess. as last amended by section 88, chapter 154, Laws of 1973 1st ex. sess. and RCW 46.20.322; amending section 35, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.328; amending section 46.20.380, chapter 12, Laws of 1961 as amended by section 31, chapter 32, Laws of 1967 and RCW 46.20.380; amending section 1, chapter 5, Laws of 1973 and RCW 46.20.391; and amending section 39, chapter 169, Laws of 1963 as amended by section 3, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.390.

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

Section 1. Section 46.04.090, chapter 12, Laws of 1961 and RCW 46.04.090 are each amended to read as follows: