

CHAPTER 79

[Senate Bill No. 4773]

SMALL BUSINESS INNOVATORS' OPPORTUNITY PROGRAM—
APPROPRIATION

AN ACT Relating to the small business innovators' opportunity program; repealing section 7, chapter 44, Laws of 1982 and RCW 43.170.900; and making an appropriation.

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

NEW SECTION. Sec. 1. There is appropriated for the biennium ending June 30, 1985, to the department of commerce and economic development, or its successor, the sum of forty-five thousand dollars, or so much thereof as may be necessary, for the purposes of the small business innovators' opportunity program.

NEW SECTION. Sec. 2. Section 7, chapter 44, Laws of 1982 and RCW 43.170.900 are each repealed.

Passed the Senate February 6, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 1, 1984.

Filed in Office of Secretary of State March 1, 1984.

CHAPTER 80

[House Bill No. 1162]

FISHERIES CODE—TECHNICAL CORRECTIONS

AN ACT Relating to technical corrections in the fisheries code; reenacting and amending section 3, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 297, Laws of 1983 and by section 116, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.116; reenacting section 1, chapter 253, Laws of 1969 ex. sess. as last amended by section 193, chapter 3, Laws of 1983 and by section 85, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.24.100; amending section 8, chapter 7, Laws of 1982 as last amended by section 77, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.20.300; amending section 7, chapter 141, Laws of 1979 ex. sess. as amended by section 45, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.10.140; amending section 1, chapter 245, Laws of 1983 and RCW 75.12.132; amending section 1, chapter 31, Laws of 1983 1st ex. sess. and RCW 75.25.015; amending section 12, chapter 327, Laws of 1977 ex. sess. as amended by section 97, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.130; amending section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 98, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.140; amending section 99, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.150; and amending section 16, chapter 327, Laws of 1977 ex. sess. as amended by section 100, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.160.

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

Sec. 1. Section 3, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 297, Laws of 1983 and by section 116, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.116 are each reenacted and 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 in order to make one landing of salmon taken in off-shore waters. The director shall not issue a salmon single delivery permit unless, as determined by the director, a bona fide emergency exists. The permit fee is one hundred dollars for residents and nonresidents.

Sec. 2. Section 1, chapter 253, Laws of 1969 ex. sess. as last amended by section 193, chapter 3, Laws of 1983 and by section 85, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.24.100 are each reenacted to read as follows:

(1) The director may issue licenses, with the approval of the commissioner of public lands, for the commercial harvesting of geoduck clams from specific tracts of beds of navigable waters for which harvest rights have been granted by the department of natural resources. The director shall not authorize commercial harvesting on bottoms which are shallower than eighteen feet below mean lower low water (0.0 ft.), or which lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. If the director determines that the number of units of gear is sufficient to harvest the known available crop and that additional units of gear might prove damaging to the resource or its habitat, the director may suspend the issuance of additional licenses until the director determines there is need for additional units of gear to achieve a sustained harvest.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the director shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The director may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

(3) A person, including the person's agents or representatives, who holds a license under subsection (1) of this section shall comply with all applicable commercial diving safety regulations adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979 (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.). A violation of these regulations is a violation of this subsection. For the purposes of this section, persons who dive for geoducks are "employees" as defined by the federal occupational safety and health act. A violation of this subsection is grounds for suspension or revocation of the license following a hearing as provided for in chapter 34.04 RCW. A license shall not be suspended or revoked if the violation has been corrected within ten days of receipt of written notice of the violation. If there is a substantial probability that a violation of the

commercial diving standards could result in death or serious physical harm to a person engaged in harvesting geoduck clams, the department shall suspend the license immediately until the violation has been corrected. If the licensee is the holder of a tract license and contracts with another person for the harvesting of geoducks, the license shall not be suspended or canceled if the licensee terminates its business relationship with such entity until compliance with this subsection is secured.

Sec. 3. Section 8, chapter 7, Laws of 1982 as last amended by section 77, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.20.300 are each amended to read as follows:

(1) The legislature intends to expedite flood-control and dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director of fisheries and director of game shall process hydraulic project applications submitted under RCW 75.20.100 within fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Toutle river, in the Cowlitz river from River Mile 22 to the confluence with the Columbia, and the volcano-affected tributaries of the Cowlitz and Toutle river and volcano-affected areas of the Columbia river.

(3) For the purposes of this section, the emergency provisions of RCW 75.20.100(~~(2)~~) may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

This section expires on June 30, 1988.

Sec. 4. Section 7, chapter 141, Laws of 1979 ex. sess. as amended by section 45, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.10.140 are each amended to read as follows:

(1) In addition to the penalties prescribed in RCW 75.10.110 and 75.10.120, the director may revoke geoduck diver licenses or geoduck tract licenses held by a person if:

(a) Within a five-year period that person is convicted or has an unvacated bail forfeiture for two or more violations of this title or rules of the director relating to geoduck licensing or harvesting; or

(b) The department of natural resources suspended or canceled the lease or harvesting agreement under RCW ((79.01.570)) 79.96.080.

(2) When a geoduck tract licensee permits a person to harvest geoducks on that tract, each violation by that person of this title or rules of the director relating to geoduck licensing or harvesting resulting in: (a) Conviction or unvacated forfeiture of bail; or (b) suspension or cancellation of the lease or harvesting agreement by the department of natural resources under RCW ((79.01.570)) 79.96.080; shall be imputed to the tract licensee for the purpose of computing the number of violations by the tract licensee under subsection (1) of this section.

(3) Except as provided in subsection (4) of this section, the director shall not issue a geoduck diver license or geoduck tract license to a person who has had a license revoked. This prohibition is effective for one year after the revocation.

(4) Appeals of revocations under this section may be taken under the judicial review provisions of chapter 34.04 RCW. If the license revocation is determined to be invalid, the director shall reissue the license to that person.

Sec. 5. Section 1, chapter 245, Laws of 1983 and RCW 75.12.132 are each amended to read as follows:

(1) It is unlawful to fish for or take salmon commercially with a net within the waters of the tributaries and sloughs described in subsection (2) of this section which flow into or are connected with the Columbia river.

(2) The director shall adopt rules defining geographical boundaries of the following Columbia river tributaries and sloughs:

- (a) Washougal river;
- (b) Camas slough;
- (c) Lewis river;
- (d) Kalama river;
- (e) Cowlitz river;
- (f) Elokomin river;
- (g) Elokomin sloughs;
- (h) Skamokawa sloughs;
- (i) Grays river;
- (j) Deep river;
- (k) Grays bay.

(3) The director may authorize commercial net fishing for salmon in the tributaries and sloughs from September 1 to November 30(~~(-PROVIDED, That)~~) if the time, areas and level of effort are regulated in order to maximize the recreational fishing opportunity while minimizing excess returns of fish to hatcheries. The director shall not authorize commercial net fishing if a significant catch of steelhead would occur.

Sec. 6. Section 1, chapter 31, Laws of 1983 1st ex. sess. and RCW 75-.25.015 are each amended to read as follows:

(1) A Hood Canal shrimp license is required to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident license, five dollars, except that a person seventy years of age or older may pay a one-time fee of five dollars;

(b) For a nonresident license, fifteen dollars.

~~((3) Hood Canal shrimp licenses shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses and collect the license fees. In addition to the license fee, license dealers may charge a dealer's fee of fifty cents. The dealer's fee may be retained by the license dealer.~~

~~(4) The director shall adopt rules for the issuance of Hood Canal shrimp licenses and for the collection, payment, and handling of license fees and dealer's fees.~~

~~(5) Notwithstanding RCW 75.04.090, for the purposes of this section, "resident" means a person who for at least ninety days immediately preceding application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents.~~

~~(6) Hood Canal shrimp licenses are not transferable.~~

~~(7) Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person taking or possessing shrimp for personal use in that portion of Hood Canal south of the Hood Canal floating bridge shall exhibit the required license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.~~

~~(8) A person who violates a provision of this section or who knowingly falsifies information required for the issuance of a Hood Canal shrimp license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.))~~

Sec. 7. Section 12, chapter 327, Laws of 1977 ex. sess. as amended by section 97, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.130 are each amended to read as follows:

Salmon angling licenses, Hood Canal shrimp licenses, and razor clam licenses shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses and collect the license fees. In addition to the license fee, license dealers may charge a dealer's fee of twenty-five cents for salmon angling licenses and fifty cents for Hood Canal shrimp licenses and razor clam licenses. The dealer's fee may be retained by the license dealer.

The director shall adopt rules for the issuance of salmon angling licenses, Hood Canal shrimp licenses, and razor clam licenses and for the collection, payment, and handling of license fees and dealers fees.

Sec. 8. Section 15, chapter 327, Laws of 1977 ex. sess. as last amended by section 98, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.140 are each amended to read as follows:

(1) Salmon angling licenses, Hood Canal shrimp licenses, and razor clam licenses are not transferable. Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person digging for or possessing razor clams or fishing for or possessing salmon for personal use or taking or possessing shrimp for personal use in that portion of Hood Canal lying south of the Hood Canal floating bridge shall exhibit the required license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

Sec. 9. Section 99, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.150 are each amended to read as follows:

It is unlawful to dig for or possess razor clams (~~and~~), fish for or possess anadromous salmon, or take or possess shrimp without the licenses required by this chapter.

Sec. 10. Section 16, chapter 327, Laws of 1977 ex. sess. as amended by section 100, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.25.160 are each amended to read as follows:

A person who violates a provision of this chapter or who knowingly falsifies information required for the issuance of a salmon angling license, Hood Canal shrimp license, or razor clam license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Passed the House January 24, 1984.

Passed the Senate February 25, 1984.

Approved by the Governor March 1, 1984.

Filed in Office of Secretary of State March 1, 1984.

CHAPTER 81

[Substitute House Bill No. 1266]

VETERANS' MEMORIAL—DIED OR MISSING-IN-ACTION IN SOUTHEAST ASIA

AN ACT Relating to a veterans' memorial; adding new sections to chapter 40.14 RCW; and making an appropriation.

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