

CHAPTER 162.

[S. B. 367.]

FISHERIES AND FOOD FISH.

AN ACT relating to fisheries and food fish, providing for an excise tax and poundage fee thereon, creating a lien on canneries, packing plants, scows, boats and their fishing equipment for such taxes and fees, amending section 51a of chapter 31 of the Laws of 1915, amended by section 2 of chapter 63 of the Laws of 1921 as amended by section 1 of chapter 121 of the Laws of 1931, and amending section 9 of chapter 90 of the Laws of 1923 as amended by section 2 of chapter 156 of the Laws of the Extraordinary Session of 1925 (being section 5704a of Remington's Compiled Statutes of Washington, 1927 Supplement), defining offenses, providing penalties, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 5704-a of Remington's Compiled Statutes of Washington, as enacted by section 9 of chapter 90 of the Laws of 1923, as amended by section 2 of chapter 156 of the Laws of the Extraordinary Session of 1925, be amended to read as follows:

Amends § 5704-a, Rem. Comp. Stat.; § 9, ch. 90, Laws of 1923; § 2, ch. 156, Ex. Laws of 1925.

Section 5704-a. There shall be paid to the state treasurer of the State of Washington the following license fees and taxes in the Columbia River district or the Columbia river or the waters of the Columbia river over which the State of Washington has jurisdiction or concurrent jurisdiction:

Columbia river.  
License fees:

For each gill net license for the taking of salmon, smelt or herring, seven and fifty one hundredths dollars (\$7.50);

gill nets,

For each boat puller license for the taking of salmon, smelt or herring, one dollar (\$1.00);

boat pullers,

*Provided, however,* That no such gill net licenses or boat puller licenses shall be issued in the name of or to any applicant unless the said applicant is to be engaged personally in the operation of said gill net or boat used in the operation thereof.

fish caught.

Every person, firm or corporation operating as a canner, receiver, buyer, or wholesaler of salmon, shad or sturgeon shall pay in addition to all other licenses or fees provided by law, the following poundage fees on all such fish caught in the Columbia river district or the waters of the Columbia river over which the State of Washington has jurisdiction or concurrent jurisdiction, to-wit:

Poundage fees.

On all sturgeon, one-half cent ( $\frac{1}{2}c$ ) per pound;

On all chinook salmon caught between August 11 and September 30, both inclusive, in any year, one-eighth cent ( $\frac{1}{8}c$ ) per pound;

On all chinook salmon caught between September 30 in any year and August 11 of the following year, one-half cent ( $\frac{1}{2}c$ ) per pound;

On all silver-side salmon caught between May 1 and September 30, both inclusive, in any year, one-fourth cent ( $\frac{1}{4}c$ ) per pound;

On all silver-side salmon caught between September 30 in any year and May 1 of the following year, one-half cent ( $\frac{1}{2}c$ ) per pound;

On all other species of salmon, except dog or chum salmon, one-half cent ( $\frac{1}{2}c$ ) per pound;

On all dog and chum salmon and shad, one-eighth cent ( $\frac{1}{8}c$ ) per pound.

For all smelt caught in the Columbia river district, at the rate of ten cents (10c) per 100 pounds.

For all smelt caught in the Puget Sound district, at the rate of twenty-five cents (25c) per 100 pounds.

Salmon for canning.

There shall be paid to the treasurer of the State of Washington by every person, firm or corporation engaged in packing and/or canning within the districts of Puget Sound, Willapa Harbor and Grays Harbor the sums herein mentioned which shall be in addition to licenses and other fees provided by this act, upon all salmon received, purchased for canning, or canned by such firms, persons or cor-

porations within such districts aforementioned, as follows: on pink or humpback salmon, six cents (6c) per case; on chums or dog salmon, five cents (5c) per case; and on each and every specie of salmon, twenty cents (20c) per case. A case for the purposes of this act shall be held to contain forty-eight (48) one-pound cans.

There shall also be paid to the treasurer of the State of Washington by every person, firm or corporation, operating within the aforesaid districts as a receiver, buyer, or wholesaler of salmon, the sum of six cents (6c) on each Puget Sound spring salmon; four-fifths cent ( $\frac{4}{5}c$ ) on each dog or chum salmon; three-fourths cent ( $\frac{3}{4}c$ ) on each pink or humpback salmon; one and one-half cents ( $1\frac{1}{2}c$ ) on each silver salmon; two cents (2c) on each sock-eye salmon; and four and one-third cents ( $4\frac{1}{3}c$ ) on each steelhead salmon received or purchased for purposes other than canning by such receiver, buyer or wholesaler.

Salmon,  
buying and  
selling of.

It is the intention of this act that the poundage fee herein provided for shall be collected for each and every pound of fish received or purchased by any person, firm or corporation within the State of Washington, whether for the purpose of canning or to be sold on the fresh-fish market in a frozen state or as otherwise prepared.

Scope of act.

The poundage fee herein required shall be paid to the state treasurer on March first and September first or at such other times as the director of fisheries may order and direct, and the fee shall be accompanied by a report showing the total number of pounds of all varieties of fish, stated separately upon blanks furnished by the director of fisheries.

Payment  
of fee.

It is the intention of this act that only one poundage fee shall be collected for each and every pound of fish purchased or received and in order that this end may be accomplished, the director of

One pound-  
age fee  
collected.

fisheries and the state treasurer are hereby authorized to determine finally any dispute arising out of the operation and enforcement of this section.

Lien for.

The poundage fee herein required shall constitute a first lien upon the cannery, packing plant, scow, boat and its equipment used in the canning, receiving or transporting of the said fish.

Rules and regulations.

The state treasurer and the director of fisheries shall have and hereby are granted the right and power to make such rules, regulations and orders and require such reports to be made as in their judgment shall be necessary to insure the collection and payment of the poundage fee herein required, and may in their discretion require a bond from any person, firm, or corporation licensed, guaranteeing the payment of said poundage fee.

It shall be unlawful for any person to falsify any of the reports or to violate any of the rules, regulations or orders made or required by the state treasurer or the director of fisheries, or to violate any of the provisions of this section. Every person, firm or corporation licensed to operate as a canner, packer, buyer, receiver or wholesaler by the director of licenses shall keep a record in triplicate in such form so that the following information and facts shall be found thereon:

Triplicate record.

1. Name of person from whom any of said fish are obtained.

2. The license number and kind of gear operated by said person.

3. The license number shall be preceded by the letter "W" in case the license has been issued by the State of Washington, and the letter "O" in case the license has been issued by the State of Oregon.

4. The number of pounds of each variety of fish purchased or received from said person, said

weights to be the gross weight, figured in the whole or round.

5. The date when said fish was purchased or received.

6. The name of the purchaser or receiver.

At least one copy of this record must be kept on each scow, pick-up boat or other craft used in buying, receiving or transporting said fish and by the canner, or packer and the wholesaler or his buyer or receiver, and shall be subject to inspection by the director of fisheries and the state treasurer or their deputies or agents.

Failure on the part of any person, firm or corporation to keep the record herein required shall be good and sufficient reason for the director of licenses to suspend or revoke the license granted to said person, firm or corporation, and any person, firm or corporation failing to pay the poundage fee required herein shall be denied a renewal of said license or the issuance of any other license which may be issued by the director of licenses hereunder.

Any tax received hereunder shown by the reports to have been collected under a license issued by the State of Oregon shall not be deposited in the state treasury, but shall be deposited in a fund to be known as the Oregon license fund; and the state treasurer of the State of Washington shall, each month, make a statement of all such tax received by him, and shall pay the same to the state fish commission of Oregon. This provision shall not become effective, however, unless a similar and reciprocal statute of the State of Oregon shall become effective in favor of the state fisheries board of the State of Washington.

It shall be unlawful to take or catch any food fish with a gill net or to operate as a boat puller in the Columbia river district, or in the waters in

Failure to  
keep record.

To pay fees.

Oregon  
license fund.

Operation  
without  
license.

the Columbia river, over which the State of Washington has jurisdiction or concurrent jurisdiction without first obtaining the license as in this section provided.

Whip seine.

No license shall be granted to any person, firm or corporation to operate a whip seine in the Columbia river district or in the waters of the Columbia river, over which the State of Washington has jurisdiction or concurrent jurisdiction.

Violations.

Any person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall

Penalty.

be fined not less than \$250 nor more than \$1,000, or imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Purpose.

SEC. 2. The purpose of this provision is to insure that any person taking any of the salmon or other food or shell-fish from the waters of the State of Washington or those over which it has jurisdiction, or taking any salmon or other food fish from the waters of the Pacific Ocean off the western territorial limits of the State of Washington, shall pay to the state the catch tax by this act provided (Laws of 1921, page 188, pp. 2).

Effective immediately.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 3, 1933.

Passed the House March 8, 1933.

Approved by the Governor March 18, 1933.