

militate against the licensing of such a home or institution.

Persons leaving certain minors unattended in cars, guilty of gross misdemeanor, when.

SEC. 17. Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who shall leave such children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous spirituous or malt liquors are dispensed for consumption on the premises shall be guilty of a gross misdemeanor.

Emergency.

SEC. 18. This act is necessary for the public health, welfare and safety, and shall take effect immediately.

Passed the House March 8, 1951.

Passed the Senate March 6, 1951.

Approved by the Governor March 20, 1951.

CHAPTER 271.

[H. B. 371.]

REGULATION OF FOOD FISH AND SHELLFISH.

AN ACT relating to the regulation, protection and management of food fish and shellfish, and the food fish and shellfish industry of the state; amending sections 75.04.090, 75.08.230, 75.12.060, 75.12.080, 75.28.060, 75.28.080 through 75.28.300, 75.28.320, 75.28.330, 75.28.350, 75.28.360, 75.28.370, 75.32.030, 75.32.070, 75.32.080, 75.32.100, 75.36.050, 79.20.010, and 79.20.030, R.C.W., adding new sections to chapters [79.20], 75.08, 75.28, and 75.32, R.C.W., repealing sections 75.28.340, 79.20.040, 79.20.060, and 75.32.050, R.C.W., and declaring an emergency.

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

Amendment. SECTION 1. Section 75.04.090, R.C.W., as derived from section 1, chapter 112, Laws of 1949, is amended to read as follows:

"Resident." "Resident"—A "resident" means a person who for the preceding one hundred and eighty days has main-

tained a permanent place of abode within the state with the intent to permanently reside within the state.

[R.C.W. 75.04.090 was derived from Rem. Supp. 1949, § 5780-100, part (10th para.).]

SEC. 2. Section 75.08.230, R.C.W., as derived from section 25, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, and all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund: *Provided*, That fifty per cent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected. Deposit of fees, fines and certain other moneys in general fund.
Costs and percentage of fine to county.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty per cent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected: *Provided*, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer, and shall be credited to the general fund. Remittance of fines collected.

[Am. Rem. Supp. 1949, § 5780-223.]

SEC. 3. Section 75.12.060, R.C.W., as derived from Amendment. section 31, chapter 112, Laws of 1949, is amended to read as follows:

Fixed appliance for purpose of catching salmon; unlawful.

It shall be unlawful to construct, install, use, operate, or maintain within any waters of the state any pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or any fixed appliance for the purpose of catching salmon, and it shall be unlawful to take salmon by any such means.

[Am. Rem. Supp. 1949, § 5780-305.]

SEC. 4. Section 75.12.080, R.C.W., as derived from Amendment. section 32, chapter 112, Laws of 1949, is amended to read as follows:

Use of explosives in waters; unlawful.

It shall be unlawful to use or discharge, in any of the waters of this state, any explosive substance of any kind, character or description except under permit of the director. Where explosives are discharged for the purpose of unlawfully taking or destroying food fish or shellfish the person so offending shall be

Penalty.

fined not less than two hundred and fifty dollars.

[Am. Rem. Supp. 1949, § 5780-306.]

SEC. 5. Section 75.28.060, R.C.W., as derived from Amendment. section 74, chapter 112, Laws of 1949, is amended to read as follows:

Fishing gear licenses non-transferable.

All fishing gear licenses issued under the provisions of this title shall be non-transferable, and it shall be unlawful for any gear which is licensed as herein specified to be operated or caused to be operated by any person other than the licensee or an agent or employee of the licensee. In the event the gear is operated by a non-resident, the gear shall be required to be licensed as non-resident gear and the fees provided for non-residents shall be paid for such license. All licenses for fishing gear issued under the provisions of the fisheries code shall be carried in the possession of the licensee or authorized representa-

Non-resident gear.

License to be in possession of licensee.

tive of the licensee who shall be in charge of the operation of such gear.

[R.C.W. 75.28.060 was derived from Rem. Supp. 1949, § 5780-512, part (1st para.); 2nd para. of § 5780-512 is R.C.W. 75.28.070.]

SEC. 6. Section 75.28.080, R.C.W., as derived from section 66, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any fish or shellfish from the waters or beaches of the state for commercial purposes, or who brings or assists in bringing any food fish or shellfish into the state for commercial purposes after having taken such food fish or shellfish in the off-shore waters. Personal commercial fishing license.

The fee for such license is ten dollars *per annum*. Fee.

The personal license shall be carried on the person whenever such person is engaged in the taking, landing, or selling of any fish or shellfish: *Provided, however,* That this section does not apply to those persons engaged solely as employees of any person holding a valid oyster or clam farm license.

[Am. Rem. Supp. 1949, § 5780-504.]

[This section (R.C.W. 75.28.080) was further amended by sec. 1, ch. 7, Laws of 1951, Ex. Sess.]

SEC. 7. Section 75.28.090, R.C.W., as derived from section 67, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A fishing guide license shall be obtained by every person acting as a professional guide for hire for others in the taking of food fish or shellfish from the waters or beaches of the state. The fee for such license is fifteen dollars *per annum* for residents of the state and seventy-five dollars *per annum* for non-residents. Fishing guide license.

[Am. Rem. Supp. 1949, § 5780-505.]

SEC. 8. Section 75.28.100, R.C.W., as derived from section 68, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

Commercial vessel license.

A license is required for each and every commercial vessel which delivers or lands fish or shellfish within the state, for which license there shall be paid a fee of ten dollars *per annum*: *Provided*, That nothing in this section shall apply to vessels operated by any person having an oyster or clam farmer's license and used exclusively for that purpose.

Excluded.

Application for license.

Each annual application for a commercial fishing vessel license shall contain the name and address of the owner of the vessel, the name and address of the operator of the vessel, the name and number of the vessel, a description of the vessel and fishing gear to be carried thereon, and such information as may be required by the department.

Certificate of registration and license plates.

At the time of issuance of such license the director shall furnish each applicant with a certificate of registration and two license plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington license and registration number" and shall not be transferable. The registration certificate shall be carried aboard the vessel at all times and the license plates shall be affixed and carried in plain sight on each side of the vessel well forward.

Non-transferable.

Carried aboard.

Operation by other operator; license invalid.

The license provided for herein shall be invalid in the event the vessel is operated by anyone other than the operator listed in the annual application. In the event of change of name, ownership or operator of the vessel, the director shall be notified in writing and will issue a new certificate of registration which will reflect the change of name or ownership or operator, as the case may be. A fee of one dollar shall be charged for the new certificate of registration.

Change of ownership, etc.; new certificate.

Fee.

Report of change.

Registrants shall report immediately any change of name, ownership, or operator of the vessel. Defaced, mutilated, or lost license plates shall be re-

Lost, etc., plates.

placed immediately and a fee of two dollars shall be charged for such new plates.

[Am. Rem. Supp. 1949, § 5780-506.]

SEC. 9. Section 75.28.110, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license is required for handlines or jiggers used in the taking or catching of food fish for commercial purposes in the waters of the state for which license there shall be paid a fee of seven dollars and fifty cents *per annum* by residents and thirty-seven dollars and fifty cents *per annum* by non-residents: *Provided*, That not more than three hooks shall be attached to any one handline or jigger used for commercial purposes. Each license shall entitle the licensee to use two or less handlines or jiggers. Handlines or jiggers license.

Fees.

Hook limitation.

Number of lines or jiggers permitted.

[R.C.W. 75.28.110 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 1).]

SEC. 10. Section 75.28.120, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

A license is required for each set line used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of fifteen dollars *per annum* by residents and seventy-five dollars *per annum* by non-residents: *Provided*, That not more than five hundred hooks may be attached to any one set line. Set line license.

Fees.

Hook limitation.

[R.C.W. 75.28.120 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 2).]

SEC. 11. Section 75.28.130, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

A license is required for troll lines used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of seven dollars and fifty cents *per annum* by residents and thirty-seven dollars and fifty cents *per annum* by non-residents. Troll line license.

Fees.

Number of lines permitted.

Each license shall entitle the licensee to use six or less troll lines.

[R.C.W. 75.28.130 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 3).]

Amendment.

SEC. 12. Section 75.28.140, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

Gill net or pole net license.

A license is required for each and every gill net or pole net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifteen dollars *per annum* by residents and seventy-five dollars *per annum* by non-residents.

Fees.

[R.C.W. 75.28.140 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 4).]

Amendment.

SEC. 13. Section 75.28.150, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

Set nets license.

A license is required for each three hundred fathoms or less of set nets used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of fifteen dollars *per annum* by residents and seventy-five dollars *per annum* by non-residents.

Fees.

[R.C.W. 75.28.150 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 5).]

Amendment.

SEC. 14. Section 75.28.160, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

Dip bag net license.

A license is required for each and every dip bag net used in the taking or catching of food fish for commercial purposes in the waters of the state, for which license there shall be paid a fee of seven dollars and fifty cents *per annum* by residents and thirty-seven dollars and fifty cents *per annum* by non-residents.

Fees.

[R.C.W. 75.28.160 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 6).]

SEC. 15. Section 75.28.170, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license is required for each and every drag seine, beach seine, or drag bag seine used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of fifteen dollars *per annum* by residents and seventy-five dollars *per annum* by non-residents: *Provided*, That there shall be paid an additional fee of three cents by residents and fifteen cents by non-residents for each foot by which any such seine exceeds three hundred feet in length. Drag seine, beach seine, drag bag seine license.
Fees.

[R.C.W. 75.28.170 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 7).]

SEC. 16. Section 75.28.180, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license fee is required for each and every lampara or round haul net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of thirty-seven dollars and fifty cents *per annum*. Lampara or round haul net license.
Fee.

[R.C.W. 75.28.180 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 8).]

SEC. 17. Section 75.28.190, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license is required for each and every purse seine used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of seventy-five dollars *per annum*. Purse seine license.
Fee.

[R.C.W. 75.28.190 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 9).]

SEC. 18. Section 75.28.200, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license is required for each and every beam trawl used in the taking or catching of food fish or Beam trawl license.

shellfish in the waters of the state, for which license there shall be paid a fee of thirty-seven dollars and fifty cents *per annum* by residents and one hundred eighty-seven dollars and fifty cents *per annum* by non-residents.

[R.C.W. 75.28.200 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 10).]

Amendment. SEC. 19. Section 75.28.210, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

Other trawl license. A license is required for each and every otter trawl used in the taking or catching of food fish or shellfish in the waters of the state for which license there shall be paid a fee of thirty-seven dollars and fifty cents *per annum* by residents and one hundred eighty-seven dollars and fifty cents *per annum* by non-residents.

[R.C.W. 75.28.210 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 11).]

Amendment. SEC. 20. Section 75.28.220, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

Reef net license. A license is required for each and every reef net used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of twenty-two dollars and fifty cents *per annum* by residents and one hundred twelve dollars and fifty cents *per annum* by non-residents.

[R.C.W. 75.28.220 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 12).]

Amendment. SEC. 21. Section 75.28.230, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

Fyke net license. A license is required for each and every fyke net used in the taking or catching of food fish or shellfish in the waters of the state, for which license there shall be paid a fee of fifteen dollars *per annum* by residents and seventy-five dollars *per annum* by non-residents.

[R.C.W. 75.28.230 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 13).]

SEC. 22. Section 75.28.240, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license is required for each and every brush weir used in the taking or catching of food fish in the waters of the state, for which license there shall be paid a fee of seventy-five dollars *per annum* by residents and three hundred and seventy-five dollars *per annum* by non-residents. Brush weir license.

[R.C.W. 75.28.240 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 14).]

SEC. 23. Section 75.28.250, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license is required for ring nets used in the taking of or fishing for food fish or shellfish within the state. Ring net license.

For a license for twenty-five ring nets or less there shall be paid a fee of seven dollars and fifty cents *per annum* by residents and thirty-seven dollars and fifty cents *per annum* by non-residents, and for each ring net in excess of twenty-five there shall be paid an additional fee of ten cents *per annum* by residents and one dollar and twenty-five cents by non-residents. Fees.

[R.C.W. 75.28.250 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 15).]

SEC. 24. Section 75.28.260, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

A license is required for bottom fish pots used in the taking of or fishing for food fish within the state. Bottom fish pots.

For a license for one hundred bottom fish pots or less there shall be paid a fee of fifteen dollars *per annum* by residents and seventy-five dollars *per annum* by non-residents, and for each bottom fish pot in excess of one hundred there shall be paid an Fees.

additional fee of ten cents *per annum* by residents and fifty cents by non-residents.

[R.C.W. 75.28.260 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 16).]

Amendment. SEC. 25. Section 75.28.270, R.C.W., as derived from section 69, chapter 112, Laws of 1949, is amended to read as follows:

Shellfish pots license. A license is required for shellfish pots used in the taking of or fishing for shellfish within the state.

Fees. For a license for one hundred shellfish pots or less there shall be paid a fee of fifteen dollars *per annum* by residents and seventy-five dollars *per annum* by non-residents, and for each shellfish pot in excess of one hundred there shall be paid an additional fee of ten cents *per annum* by residents and fifty cents by non-residents.

[R.C.W. 75.28.270 was derived from Rem. Supp. 1949, § 5780-507, part (subsection 17).]

Amendment. SEC. 26. Section 75.28.280, R.C.W., as derived from section 70, chapter 112, Laws of 1949, is amended to read as follows:

Clam or oyster farm license. A license is required for each and every clam or oyster farm being operated for commercial purposes on privately owned or leased tidelands in the state, for which license there shall be paid a fee of fifteen dollars *per annum*.

[Am. Rem. Supp. 1949, § 5780-508.]

Amendment. SEC. 27. Section 75.28.290, R.C.W., as derived from section 71, chapter 112, Laws of 1949, is amended to read as follows:

Oyster reserve license. An oyster reserve license is required of any person taking shellfish from the reserves of this state. The fee for such license is fifteen dollars *per annum*.

[Am. Rem. Supp. 1949, § 5780-509.]

Amendment. SEC. 28. Section 75.28.300, R.C.W., as derived from section 72, chapter 112, Laws of 1949, is amended to read as follows:

Wholesale fish dealer's license. A wholesale fish dealer's license is required for any business in the state engaged in the freezing,

salting, smoking, kippering, preserving in ice or otherwise involving the dealing in or curing of any food fish or shellfish or any wholesale selling of food fish and shellfish, and for any fisherman selling his catch direct to retail fish dealers. The fee for said license is thirty-seven dollars and fifty cents *per annum*.

Fee.

[R.C.W. 75.28.300 was derived from Rem. Supp. 1949, § 5780-510, part (subsection 1).]

SEC. 29. Section 75.28.320, R.C.W., as derived from section 72, chapter 112, Laws of 1949, is amended to read as follows:

Amendment.

A fish canning license is required for any business in the state engaged in the canning of food fish and shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization, and the fee for said license is thirty-seven dollars and fifty cents *per annum*.

Canning license.

Fee.

[R.C.W. 75.28.320 was derived from Rem. Supp. 1949, § 5780-510, part (subsection 3).]

SEC. 30. Section 75.28.330, R.C.W., as derived from section 72, chapter 112, Laws of 1949, is amended to read as follows:

Amendment.

A fish by-products license is required for any business in the state engaged in the manufacture or preparation for commercial purposes of fertilizer, oil, meal, caviar, fish bait, or other by-products from fish or shellfish and the fee for said license is thirty-seven dollars and fifty cents *per annum*.

Fish by-products license.

Fee.

[R.C.W. 75.28.330 was derived from Rem. Supp. 1949, § 5780-510, part (subsection 4).]

SEC. 31. Section 75.28.350, R.C.W., as derived from section 72, chapter 112, Laws of 1949, is amended to read as follows:

Amendment.

A fish buyer's license shall be obtained by every wholesaler, canner, by-products manufacturer, or broker for each and every fish buyer engaged as a representative in the state for such wholesaler, can-

Fish buyer's license.

ner, by-products manufacturer or broker, and the fee for said license is seven dollars and fifty cents *per annum*.

"Fish buyer;" defined.

The term "fish buyer" as used in this section means a buyer who ordinarily makes his purchases at a place or places other than his employers' business premises, and who buys for only one person. In the event the buyer buys for two or more persons, he shall be deemed a wholesale fish dealer and shall be required to be licensed as such.

Wholesale fish dealer.

[R.C.W. 75.28.350 was derived from Rem. Supp. 1949, § 5780-510, part (subsection 6).]

Amendment. SEC. 32. Section 75.28.360, R.C.W., as derived from section 72, chapter 112, Laws of 1949, is amended to read as follows:

Boat house operator's license.

A boat house operator's license is required for any business engaged in the renting of boats to individuals for the purpose of taking or catching food fish or shellfish and the fee for said license is twenty-five dollars *per annum*, plus one dollar for each boat used by the boat house operator in the operation of his business.

Fee.

[R.C.W. 75.28.360 was derived from Rem. Supp. 1949, § 5780-510, part (subsection 7).]

Amendment. SEC. 33. Section 75.28.370, R.C.W., as derived from section 72, chapter 112, Laws of 1949, is amended to read as follows:

Branch plants licenses.

A branch license is required for each branch plant in the state of any retail, wholesale, canning, by-products manufacturing or boat house business enterprise having more than one place of business. One such place shall be designated as headquarters and said license shall be obtained for each and every other place of business or branch plant. The fee for said license is seven dollars and fifty cents *per annum*.

Fee.

[R.C.W. 75.28.370 was derived from Rem. Supp. 1949, § 5780-510, part (subsection 8).]

SEC. 34. Section 75.32.030, R.C.W., as derived from section 1, chapter 107, Laws of 1949, is amended to read as follows: Amendment.

Canners, curers, freezers, wholesale fish dealers, retail fish dealers or fish by-products manufacturers of food fish or shellfish, except those located within the Columbia River district, shall pay a privilege fee equal to two per cent of the primary market value on all fresh or frozen chinook and silver salmon which they receive, handle, deal in, or deal with as original receiver in the state, and they shall pay a privilege fee equal to one per cent of the primary market value on all other fresh or frozen food fish and shellfish or parts thereof which they receive, handle, deal in or deal with, as original receiver in the state. Privilege fees.

[R.C.W. 75.32.030 was derived from Rem. Supp. 1949, § 5780-60, part (subsection 1).]

SEC. 35. Section 75.32.070, R.C.W., as derived from section 1, chapter 107, Laws of 1949, is amended to read as follows: Amendment.

A catch fee shall be paid by every person taking food fish or shellfish, or parts thereof, from the waters or beaches of this state for commercial purposes, and the fee shall be equal to two per cent of the primary market value of all fresh or frozen chinook and silver salmon so taken, and one per cent of the primary market value of all other species of food fish and shellfish, or parts thereof: *Provided*, That catch taxes shall not be paid by those taking shellfish from licensed oyster or clam farms nor by those taking food fish or shellfish from the waters of the Columbia River. Catch fee.
Amounts.
Exception.

[R.C.W. 75.32.070 was derived from Rem. Supp. 1949, § 5780-60, part (1st para. of subsection 5).]

SEC. 36. Section 75.32.080, R.C.W., as derived from section 1, chapter 107, Laws of 1949, is amended to read as follows: Amendment.

Catch and landing fees collected by original receiver.

The catch fees and landing fees provided for herein shall be deducted from the payments made by the original receiver to the person catching or landing the food fish or shellfish, and the original receiver shall collect the fees and remit them to the director, and in event he fails to do so he is liable for such fees as he fails to collect and remit.

"Original receiver;" defined.

"Original receiver" means the person first receiving, handling, dealing in, or dealing with the fresh or frozen food fish or shellfish within the state of Washington as a canner, curer, freezer, retail dealer, wholesale dealer, by-products manufacturer, or branch plant; and the privilege fees provided for herein shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the fish or shellfish were caught: *Provided*, That no tax shall be paid on frozen food fish or frozen shellfish that has been previously landed in another state, territory, or country.

[R.C.W. 75.32.080 was derived from Rem. Supp. 1949, § 5780-60, part (2nd and 3rd para. of subsection 5).]

Amendment.

SEC. 37. Section 75.32.100, R.C.W., as derived from section 3, chapter 107, Laws of 1949, is amended to read as follows:

Unpaid fees; interest; lien.

In the event the fees provided for are not paid as herein provided, interest shall accrue at the rate of eight per cent *per annum*, and the delinquent payments together with the accrued interest thereon shall constitute a first lien upon the cannery, packing plant, building, boats, scows, or other equipment used by the person owing the fees in the taking, handling, or processing of food fish or shellfish.

[Am. Rem. Supp. 1949, § 5780-62.]

Amendment.

SEC. 38. Section 75.36.050, R.C.W., as derived from section 76, chapter 112, Laws of 1949, is amended to read as follows:

Sale or destruction of articles seized or forfeited.

In the event of seizure and forfeiture of any articles as provided in this chapter, the director may sell or destroy all or any of such articles at public

auction. The time, place, and manner of holding such sale shall be within the discretion of the director. Notice of the time and place of any such sale shall be published once a week for at least two consecutive weeks in advance of such sale, in at least one newspaper of general circulation in the county wherein the sale is to be held.

Notice
of sale.

The proceeds from all such sales shall be deposited with the state treasurer to credit of the general fund.

Proceeds.

[R.C.W. 75.36.050 was derived from Rem. Supp. 1949, § 5780-602, part (subsection 5).]

SEC. 39. Section 79.20.010, R.C.W., as derived from section 142, chapter 255, Laws of 1927, is amended to read as follows:

Amendment.

The beds of all navigable tidal waters in this state lying below extreme low tide not in front of any incorporated city or town, nor within two miles on either side thereof, shall be subject to lease for the purpose of planting and cultivating thereon artificial oyster beds, for periods not to exceed twenty years and in quantities not to exceed forty acres, to any one person or corporation.

Artificial
oyster beds;
lands subject
to lease for.

Term
and area
limitation.

[Am. R.R.S § 7797-142.]

SEC. 40. Section 79.20.030, R.C.W., as derived from section 144, chapter 255, Laws of 1927, is amended to read as follows:

Amendment.

The commissioner, upon the receipt of an application for a lease for the purpose of planting and cultivating artificial oyster beds, shall notify the director of fisheries of the filing of the application, describing the lands applied for. The director of fisheries shall cause an inspection of the lands applied for to be made and shall make a full report to the commissioner of his findings as to whether it is necessary, in order to protect existing natural oyster beds, and to secure adequate seeding thereof, to retain the lands described in the application for lease or any part thereof, and in the event the director deems it

Lease
of tidelands
for artificial
oyster
production;
procedure.

advisable to retain the lands or any part thereof for the protection of existing natural oyster beds or to guarantee the continuance of an adequate seed stock for existing natural oyster beds, the same shall not be subject to lease. However, if the director determines that the land applied for or any part thereof may be leased, he shall so notify the commissioner of public lands and the director shall cause an examination of the lands to be made to determine the presence, if any, of natural oysters on said lands, and to fix the rental value of the land for use for artificial oyster cultivation. In his report to the commissioner, the director shall recommend a minimum rental price for said land and an estimation of the value of the oysters, if any, then present on the lands applied for. The lands approved by the director for lease may then be leased to the applicant for a period of not less than five years nor more than ten years at a rental not less than the minimum rental recommended by the director of fisheries. In addition, before entering upon possession of the land, the applicant shall pay the value of the oysters, if any, then present on the land as determined by the director, plus the expense incurred by the director in investigating the quantity of oysters present on the land applied for.

Same; term of lease.

Same; payment of value of existing oysters plus cost of inspection.

[Am. R.R.S. § 7797-144.]

Amendment.

SEC. 41. There is added a new section to chapter 79.20, R.C.W., as derived from chapter 255, Laws of 1927, to read as follows:

Same; applicant to have lands surveyed and marked.

Before entering into possession of the leased lands the applicant shall cause the same to be surveyed by a registered land surveyor, and he shall furnish to the commissioner of public lands and to the director of fisheries a map of the leased premises signed and certified by the registered land survey. The lessee shall also cause the boundaries of the leased premises to be marked by piling monuments or other markers

of a permanent nature as the director of fisheries may direct.

[Chapter 79.20 R.C.W. was derived from R.R.S. §§ 7797-138 to 7797-140, incl., as amended.]

SEC. 42. There is added a new section to chapter 75.08, R.C.W., as derived from chapter 112, Laws of 1949, to read as follows: New section.

The director shall have the power to promulgate regulations governing the importation of oyster seed for the purpose of planting in the waters of this state, and he shall have the duty and authority to require them to be inspected for disease, infestations and pests at such places and in such manner and at such times as he shall deem advisable in order to insure that the oysters in the waters of this state shall not be endangered by the importations of diseased or infested oysters or pests which prey on oysters, and it shall be unlawful for any person to import oysters in this state for the purpose of planting the same in the waters of this state or to plant oyster seed in the waters of this state without first having obtained the authority from the director to do so. The director shall give such authority only after an adequate inspection under his direction has been made and the seed in question has been found to be free of disease, infestation, pests and other substances which might endanger the oysters in the waters of this state. Regulations concerning importation of oyster seeds.

[Chapter 75.08 R.C.W. was derived from Rem. Supp. 1949, §§ 5780-200, 5780-205 to 5780-207 incl., 5780-209, 5780-212 to 5780-215 incl., 5780-217 to 5780-221 incl., and 5780-223 to 225 incl., 5780-601, 5780-604 and 5780-605. Importation unlawful without authority from director.

SEC. 43. There is added a new section to chapter 75.08, R.C.W., as derived from chapter 112, Laws of 1949, to read as follows: Inspection.

Persons importing oyster seed under the provisions of this act shall pay for the actual cost of inspecting the same not to exceed six cents per case. The cost shall be determined by the director of fisheries and shall be prorated among the importers Importers to pay cost of inspection.

according to the number of cases of oyster seeds each imports. The director of fisheries shall have the authority and it shall be his duty to specify the time and manner of payment.

[See note to sec. 42.]

SEC. 44. There is added a new section to chapter 75.28, R.C.W., as derived from chapter 112, Laws of 1949, to read as follows:

Clam digger's license. A clam digger's license shall be required of any person digging clams for commercial purposes from the waters or beaches of this state, and the fee for such license shall be five dollars *per annum* for hard shell clams, and five dollars per season, as defined by the director of fisheries, for razor clams: *Provided*, That such license shall not be required for licensed clam farmers or their agents or employees who dig only on licensed clam farms.

[Chapter 75.28 R.C.W. is Rem. Supp. 1949, §§ 5780-216, 5780-501 to 5780-512 incl., and 5780-603.]

SEC. 45. There is added a new section to chapter 75.32, R.C.W., as derived from chapter 107, Laws of 1949, to read as follows:

Landing fee. A landing fee shall be paid by every person landing fresh or frozen food fish or shellfish, or parts thereof, in the state after having taken the same for commercial purposes from waters outside the territorial limits of the state, and a fee shall be equal to two per cent of the primary market value of all fresh or frozen chinook and silver salmon so landed, and one per cent of the primary market value of all other fresh or frozen salmon so landed, and one-half of one per cent on all species of food fish or shellfish other than salmon so landed: *Provided, however*, That no fee shall be charged for the privilege of landing halibut in the state.

[Ch. 75.32 R.C.W. is Rem. Supp. 1949, §§ 5780-60 to 5780-65 incl.]

SEC. 46. For the protection and conservation of natural resources, the county sheriffs, the state patrol

Traffic control along beaches.

and fish and game inspectors are given authority to regulate and control traffic on and along the ocean beach highways as designated and established under sections 79.16.130, 79.16.160 and 79.16.170, R.C.W.

[R.C.W. 79.16.130 is R.R.S. § 6402-31; 79.16.160 is sec. 1 and 2, ch. 105, Laws of 1901; 79.16.170 is secs. 1 and 2, ch. 110, Laws of 1901.]

SEC. 47. Section 75.28.340, R.C.W., as derived from section 72, chapter 112, Laws of 1949, sections 79.20.040 and 79.20.060, R.C.W., as derived from sections 145 and 147, chapter 255, Laws of 1927, and section 75.32.050, R.C.W., as derived from section 1, chapter 107, Laws of 1949, are repealed. Repealing clause.

[R.C.W. 75.28.340 is Rem. Supp. 1949, § 5780-510 (subsection 5); 79.20.040 is R.R.S. § 7797-145; 79.20.060 is R.R.S. § 7797-147; 75.32.050 is Rem. Supp. 1949, § 5780-60 (subsection 3).]

SEC. 48. The provisions of this act are to be severable, and if any section, subdivision or clause of this act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of the act. Partial invalidity.

SEC. 49. 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. Emergency.

Passed the House March 8, 1951.

Passed the Senate March 8, 1951.

Approved by the Governor March 20, 1951.