

to his own use fees arising from any legal action in his court, but may engage in another profession, business, or other means of livelihood. Other activities.

Passed the House February 26, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 19, 1953.

## CHAPTER 207.

[ Sub. H. B. 331. ]

### FOOD FISH AND SHELLFISH.

AN ACT relating to the department of fisheries, food fish and shellfish; prescribing the licensing and fees therefor; amending sections of chapters 43.25, 75.08, 75.28, and 75.32, RCW; adding new sections; repealing sections 43.25.050 and 75.32-.075, RCW; and declaring an emergency.

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

SECTION 1. Section 75.28.080, RCW, as derived from section 66, chapter 112, Laws of 1949, as last amended by section 1, chapter 7, Laws of 1951, first extraordinary session, 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, except razor and hard shell clams, from the waters or beaches of the state for commercial purposes. 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*, That this section does not apply to those persons engaged solely as employees of any person holding a valid oyster or clam farm license. Carried on person.  
Employees of licensed oyster or clam farms excepted.

SEC. 2. Section 75.28.030, RCW, as derived from section 65, chapter 112, Laws of 1949, is amended to read as follows: Amendment.

Issuance of licenses.

The director shall issue licenses herein required to any qualified person, upon the receipt of a lawful application therefor upon a blank to be furnished for that purpose, accompanied by the required fee. Applicants for fishing gear licenses shall indicate at the time of application the species of food fish or shellfish that they intend to take with said gear. The director shall make weekly remittances of the fees collected to the state treasurer.

Fee remitted to state treasurer.

Amendment.

SEC. 3. Section 75.28.310, RCW, as derived from section 72 (2), chapter 112, Laws of 1949, is amended to read as follows:

Retail fish dealer's license.

A retail fish dealer's license is required for any business in the state engaged in the selling of fresh, frozen, or cured food fish or shellfish directly to the consumer whether or not such business involves the taking or catching of such food fish or shellfish, and the fee for said license is five dollars per annum for the principal place of business of such retail fish dealer, and five dollars per annum for each branch retail operation or business of such retail fish dealer: *Provided*, That this section shall not apply to businesses primarily engaged in serving food fish or shellfish for consumption on the business premises.

New section.

SEC. 4. Chapter 75.28, RCW, is amended by adding thereto a new section to read as follows:

Custom canning for personal use; license.

A person engaged in canning for hire shellfish or food fish taken by others for their personal use is engaged in the business of custom canning for personal use and shall pay a license fee of thirty-seven dollars and fifty cents per annum: *Provided*, That each and every can or container used in canning or preserving personal use caught fish or shellfish have been embossed in a permanent and legible manner on the lid or cover thereof the words "Personal Use Only—Not for Sale". It shall be unlawful to commingle personal use caught fish or shellfish at any

Identification of containers.

Commingle.

time prior to or during the period of canning or processing.

SEC. 5. Chapter 75.28, RCW, is amended by adding thereto a new section to read as follows: New section.

A license is required for each and every reel purse seine or drum purse seine used in the taking or catching of salmon in the waters of the state for which license there shall be paid a fee of seventy-five dollars. Reel purse seine or drum purse seine salmon license.

SEC. 6. Section 75.32.030, RCW, as derived from section 1 (1), chapter 107, Laws of 1949, as last amended by section 34, chapter 271, Laws of 1951, 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 percent 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 percent 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: *Provided*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided. Privilege fees.

SEC. 7. Section 75.32.075, RCW, as derived from section 45, chapter 271, Laws of 1951, is repealed. Repealing clause.

SEC. 8. Section 75.32.080, RCW, as derived from section 1 (5), chapter 107, Laws of 1949, as last amended by section 36, chapter 271, Laws of 1951, is amended to read as follows: Amendment.

Catch fees; collection and payment.

The catch 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 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: *Provided further*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

Privilege fees; collection and payment.

Amendment.

SEC. 9. Section 75.28.020, RCW, as derived from section 63, chapter 112, Laws of 1949, is amended to read as follows:

Qualifications for licenses.

No license provided for in this title shall be issued to any person who is not a citizen of the United States, or who is not a bona fide resident of the United States, or who is not of the age of sixteen years or over; nor shall any license be issued to any corporation unless it is authorized to do business in this state: *Provided*, That all gear licenses, personal licenses and boat licenses issued by the state of Oregon shall be recognized by this state as valid in the concurrent waters of the Columbia river.

Oregon licenses recognized on Columbia river.

SEC. 10. Section 43.25.010, RCW, as derived from section 116, chapter 7, Laws of 1921, as last amended by chapter 112, Laws of 1949, is amended to read as follows: Amendment.

The director of fisheries shall have charge and general supervision of the department of fisheries, and shall exercise all the powers and perform all the duties prescribed by law with respect to food fish and shellfish. Director of fisheries; powers and duties.

No person shall be eligible to appoint as, or to hold the office of, director of fisheries, unless he has general knowledge of commercial fishing conditions and of the fishing industry in this state, and has no financial interest in the fishing industry or any industry directly connected therewith. Qualifications.

SEC. 11. Chapter 75.08, RCW, is amended by adding thereto a new section to read as follows: New section.

The authority of the director under the provisions of this title shall extend to negotiating agreements with the department of defense of the United States, or representatives thereof, for the purpose of coordinating and correlating the control of fishing in the waters of the state over which the department of defense, for national defense purposes, has assumed control, to the end that such waters may be utilized for fishing consistent with the safety of fishermen, personnel of the department of defense, and the public; to promulgate and enforce regulations for restricted fishing in said areas and to provide for such patrol of said areas as may be necessary. Director of fisheries; authority to negotiate with U. S. department of defense.

SEC. 12. Section 43.25.050, RCW, as derived from section 12, chapter 112, Laws of 1949, is repealed. Repealing clause.

SEC. 13. Chapter 43.25, RCW, is amended by adding thereto a new section to read as follows: New section.

The director of fisheries, and all appointees and employees of the department of fisheries who have powers of arrest shall, at the direction of the director Insurance against false arrest.

of fisheries, be insured against actions for false arrest arising from arrests made while in the act of carrying out their assigned duties. The premiums on all such policies issued are to be paid for out of the state of Washington department of fisheries fund.

New section.

SEC. 14. Chapter 43.25, RCW, is amended by adding thereto a new section to read as follows:

Peace officers; compensation insurance.

The director of fisheries shall procure compensation insurance for all employees of the department of fisheries engaged as peace officers, insuring such employees against injury or death incurred in the course of their employment as such peace officers when such employment involves the performance of duties not covered under the workmen's compensation act of the state of Washington. The beneficiaries and the compensation and benefits under such insurance shall be the same as provided in sections 51.32.005 to 51.32.170, RCW, and said insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in sections 51.36.010 and 51.36.020, RCW.

Amendment.

SEC. 15. Section 75.28.370, as derived from section 72 (8), chapter 112, [Laws of] 1949, as last amended by section 33, chapter 271, Laws of 1951, is amended to read as follows:

Branch plant license.

A branch license is required for each branch plant in the state of any 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.

Director may issue and publish regulations.

SEC. 16. Nothing herein shall be construed to restrict or impair the authority of the director of fisheries consistent with and pursuant to the provisions of this act from issuing and publishing such regula-

tions as, after investigation, he may deem necessary to administer this act and to effectuate its purposes, or to administer and effectuate all other acts governing or affecting the department of fisheries, nor shall anything herein be construed to restrict or impair the authority of the director to issue and publish regulations he may find necessary under the provisions of the Pacific marine fisheries compact.

Same:  
enforcement  
of Pacific  
marine  
fisheries  
compact.

SEC. 17. The several provisions of this act are hereby declared to be separate and severable and if any clause, sentence, paragraph, subdivision, section or part thereof shall, for any reason, be adjudged invalid, or the applicability thereof to any person, circumstance or product adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of the act, and the applicability thereof to other persons, circumstances or products shall not thereby be affected, but such clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Severability  
clause.

SEC. 18. This act is necessary for the immediate preservation of the public health, peace and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the House March 4, 1953.

Passed the Senate March 11, 1953.

Approved by the Governor March 19, 1953.