

CHAPTER 108.

[H. B. 327.]

SALMON CONSERVATION.

AN ACT relating to salmon conservation; adding eight new sections to chapter 12, Laws of 1955 and to chapter 75.12 RCW; providing penalties; and declaring an emergency.

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

New sections.

SECTION 1. There is added to chapter 12, Laws of 1955 and to chapter 75.12 RCW eight new sections to read as set forth in sections 2 through 9 of this act.

Declaration of purpose.

SEC. 2. The state has a vital interest in the salmon resources of the Pacific Ocean both within and beyond the territorial limits of the state, in that a large number of such salmon spawn in its fresh water streams, migrate to the waters of the Pacific Ocean and, in response to their anadromous cycle, return to the fresh water streams to spawn.

Expansion of fishing for salmon by the use of nets in waters of the eastern Pacific Ocean, which has occurred in the past year, will result in a substantial depletion of salmon originating within the state because the salmon runs are intercepted before they separate to move in toward the rivers of their origin. Oregon, California and Canada, through their respective fisheries agencies, have likewise expressed a deep concern over this problem since portions of such salmon originate within their respective jurisdictions. Short of absolute prohibition, it appears to be presently impracticable to regulate salmon net fishing in such waters of the Pacific Ocean by any known scientific fisheries management techniques in order to insure adequate salmon escapement to the three Pacific Coast states and Canada, the reason being that salmon stocks and races are so commingled in such Pacific Ocean waters that they are indistinguishable as to origin until they enter the harbors,

bays, straits and estuaries of the respective jurisdictions.

Declaration
of purpose.

Canada, through its authorized officials, has proposed to prohibit its nationals from net fishing for salmon in Pacific Ocean waters provided the United States or the three Pacific Coast states apply such appropriate conservation measures to their respective citizens. Inasmuch as there is presently no congressional legislation prohibiting such fishing, and inasmuch as authorized officials of the state department of the United States have expressed a desire to have the states act in this area, the Pacific Marine Fisheries Commission has proposed and recommended appropriate legislation to the three Pacific Coast states to insure the survival of their valuable salmon resources.

SEC. 3. It shall be unlawful for any person to fish for or take, by the use of any type of net, any salmon within the waters of the Pacific Ocean, over which the state has jurisdiction, lying westerly of the following described line: Commencing at the point of intersection of the international boundary line in the Strait of Juan de Fuca and a line drawn between the lighthouse on Tatoosh Island in Clallam County, Washington, and Bonilla Point on Vancouver Island; thence southerly along a line projected therefrom to the lighthouse on Tatoosh Island; thence southerly along a line projected therefrom to the most westerly point of Cape Flattery; thence southerly along the state shoreline of the Pacific Ocean, crossing any river mouths at their most westerly points of land, to Point Brown at the entrance to Grays Harbor; thence southerly along a line projected therefrom to Point Chehalis Light on Point Chehalis; thence southerly from Point Chehalis along the state shoreline of the Pacific Ocean to Cape Shoalwater Light at the entrance to Willapa Bay; thence southerly along a line projected therefrom to Leadbetter Point;

Taking salmon
by net, unlaw-
ful. Pacific
ocean, terri-
torial waters.

thence southerly along the state shoreline of the Pacific Ocean to the inshore end of the North jetty at the entrance to the Columbia River; thence southerly along a line projected therefrom to the knuckle of the South jetty at the entrance to said river.

Taking salmon by net, unlawful. Pacific ocean, international waters.

SEC. 4. It shall be unlawful for any citizen of this state to fish for or take, by the use of any type of net, any salmon within the international waters of the Pacific Ocean.

Transport or possession of certain salmon, unlawful.

SEC. 5. It shall be unlawful for any person to transport through the waters of the state wherein salmon net fishing is prohibited, or to have in his possession anywhere within the state, any salmon which were taken by any type of net within the international waters of the Pacific Ocean or within the territorial waters of this state or of another state, territory or country where such fishing is unlawful: It shall further be unlawful for any person, within the territorial waters of the Pacific Ocean where salmon net fishing is prohibited, to possess any salmon on board any vessel carrying a net of a type named in chapter 75.28 RCW, unless accompanied by a certificate issued under the authority of this state or of another state, territory, or country showing that such salmon have been lawfully taken therein.

Certain acts in territorial waters, unlawful.

"International waters" defined.

SEC. 6. "International waters" means waters outside the territorial boundaries of any state, territory, or country.

"Citizen of this state" defined.

SEC. 7. A "citizen of this state" means a person who maintains his usual place of abode within the state or who otherwise qualifies as a citizen of the state under the applicable laws of the state.

Operation of act conditional.

SEC. 8. This act shall become inoperative one year from its effective date unless laws or regulations are in effect in Canada, Oregon and California which, in substance or effect are similar either to sections 3 or 4 herein or to one of the two provisions

of section 5 herein, exclusive of boundary line descriptions, or which otherwise effectuate the purposes of this act. Such laws or regulations shall be considered to be in effect upon receipt by the secretary of state of this state of a certificate from each of the respective secretaries of state of Oregon and California, and, on behalf of Canada, from the Department of State of the United States setting forth copies of such laws or regulations and the date of their enactment. In any prosecution under this act, proof of the existence of such laws or regulations may be made by filing copies of such certificates, certified by the director to be true copies, with the court. In any such prosecution, if written demand for proof of the existence of such laws or regulations is not made by the defendant prior to commencement of trial, he shall be deemed to have waived his right to make such demand, and thereafter such laws or regulations shall be presumed to exist.

Prosecutions
under act—
Proof of laws.

SEC. 9. Nothing in this act shall be construed to restrict or impair the authority of the director, consistent with and pursuant to the provisions of this title, to promulgate such regulations as he may deem necessary to administer this act and to effectuate its purposes, to administer and effectuate all other acts relating to food fish or shell fish, or to regulate or prohibit salmon net fishing in waters not covered under this act; nor shall anything herein be construed to restrict or impair the authority of the director to authorize the use of nets for the taking of salmon in waters of the Pacific Ocean for purposes of scientific investigation, or to promulgate regulations he may deem necessary under the provisions of the Pacific Marine Fisheries Compact.

Director's
powers as
affected by act.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1957.

Passed the Senate March 6, 1957.

Approved by the Governor March 18, 1957.

CHAPTER 109.

[H. B. 389.]

MOTOR VEHICLE FUND—DISTRIBUTION OF COUNTY ALLOCATION.

AN ACT relating to the motor vehicle fund; providing for payments and allocations to counties therefrom; prescribing duties of the highway commission, joint fact-finding committee on highways, streets and bridges, superintendent of public instruction, director of licenses, state treasurer and state tax commission; and amending section 5, chapter 181, Laws of 1939 as last amended by section 1, chapter 243, Laws of 1955, and RCW 46.68.120.

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

RCW 46.68.120 amended.

SECTION 1. Section 5, chapter 181, Laws of 1939 as last amended by section 1, chapter 243, Laws of 1955, and RCW 46.68.120 are each amended to read as follows:

Disposition of revenue. Distribution of amount allocated to counties.

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

Proviso.

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the director of highways for the supervision of work and expenditures of such counties on the county roads thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of coun-