

NEW SECTION. Sec. 47. The joint committee on education shall present to the 1973 legislature a comprehensive report on the future role of intermediate school districts in the state's common school system and on alternative methods of funding such districts or any recommended successor to such districts. The joint committee on education, in carrying forth its obligations under this section, shall seek the cooperation and advice of the legislative budget committee, the governor, the superintendent of public instruction, the state board of education, and the Washington state association of counties. Such study shall extend to the possibility of separating intermediate school districts from legal and financial ties to county government.

Passed the House May 9, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971 with the exception of one item which is vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...I am vetoing the proviso to section 2 of this bill which would require the consent of an intermediate school district prior to its elimination through consolidation by action of the State Board of Education. The intermediate school district concept is new with the adoption of the common School Code and the State Board of Education should have the power to adjust and vary school boundaries to maximize the effectiveness of our secondary school system. The proviso would hinder this needed flexibility and would detract from the ability of the State Board of Education to make necessary organizational changes as the districts gain experience through operating under the new law."

Veto
Message

CHAPTER 283

[Engrossed House Bill No. 687]

REGULATION OF COMMERCIAL FISHERIES

AN ACT Relating to commercial fisheries; increasing commercial salmon fishing license fees; amending section 75.18.080, chapter 12, Laws of 1955 and RCW 75.18.080; amending section 1, chapter 171, Laws of 1957 and RCW 75.28.012; amending section 2, chapter 171, Laws of 1957 as amended by section 3, chapter 309, Laws of 1959 and RCW 75.28.013; amending section

75.28.060, chapter 12, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1965 ex. sess. and RCW 75.28.060; amending section 5, chapter 309, Laws of 1959 as amended by section 1, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.085; amending section 6, chapter 309, Laws of 1959 and RCW 75.28.087; amending section 75.28.130, chapter 12, Laws of 1955 as last amended by section 4, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 as last amended by section 5, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.140; amending section 75.28.190, chapter 12, Laws of 1955 as last amended by section 10, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.190; amending section 75.28.220, chapter 12, Laws of 1955 as last amended by section 12, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.220; amending section 75.12.010, chapter 12, Laws of 1955 and RCW 75.12.010; amending section 1, chapter 90, Laws of 1969 and RCW 75.28.095; adding a new section to chapter 75.28 RCW; declaring an emergency; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 75.18.080, chapter 12, Laws of 1955 and RCW 75.18.080 are each amended to read as follows:

Every person or persons, firm or corporation operating a fishing vessel of any description used in the commercial taking or catching of (~~chinook or silver~~) salmon in offshore waters and the transporting or bringing the same in and through the waters of the state of Washington and delivering the same in any place or port in the state of Washington shall, as a condition of doing so, obtain a permit from the director of fisheries. The fee for said permit shall be (~~ten~~) one hundred dollars for the vessel and operator and ten dollars for each member of the crew thereof, such permit to be effective during the (~~fiscal~~) calendar year in which issued: PROVIDED, That persons operating fishing vessels licensed under RCW (~~75.28.080 and 75.28.100 shall not be required to pay any permit fees hereunder~~) 75.28.085 may apply the delivery permit fee of ten dollars against the fees outlined hereinabove except those holding a valid troll license are exempt from said fees: PROVIDED FURTHER, That if it appears to the director of fisheries, after investigation, that the operation of such vessel under such permit tends to result in the impairment, depletion, or destruction of the salmon resource and supply of this state and in bringing into this state salmon products prohibited by law, in that event, the director under such regulations and terms as he may prescribe, may revoke said permit to use and operate such boat in the waters of this state, and in the event of the revocation of such permit, the further operation of such

vessel as hereinabove set forth shall then be unlawful.

Sec. 2. Section 1, chapter 171, Laws of 1957 and RCW 75.28.012 are each amended to read as follows:

The following licensing districts are hereby created:

(1) Puget Sound licensing district shall include those waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds and estuaries lying inside, easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to Bonilla Point on Vancouver Island.

(2) Grays Harbor Columbia river licensing district shall include those waters of Grays Harbor and tributary estuaries lying inside and easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries lying inside and easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(3) Willapa Bay Columbia river licensing district shall include those waters of Willapa Bay and tributary estuaries lying inside and easterly of a line projected northerly from Leadbetter Point to Cape Shoalwater Light and those waters of the Columbia river and tributary sloughs described in subsection (2).

~~((4) Columbia River licensing district shall include those waters of the Columbia River and tributary sloughs and estuaries lying inside and easterly of a line at the entrance to the Columbia River projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.))~~

Sec. 3. Section 2, chapter 171, Laws of 1957, as amended by section 3, chapter 309, Laws of 1959 and RCW 75.28.013 are each amended to read as follows:

Every owner of a commercial fishing vessel shall obtain an annual commercial salmon fishing license, for each licensing district, used in the lawful commercial taking of salmon therein. The fees for such commercial salmon fishing license shall be in the amounts as set forth in this chapter prescribed by the type of gear employed in the taking of food fish ~~((and shellfish))~~. The license fees for such fishing in one district only shall be in the amounts as set forth in this chapter. Such license fees for such fishing in more than one district shall be, in each such additional district, ~~((three times))~~ the amounts required for fishing in one district only ~~((; except such license fees for fishing in an additional district shall be two times the amounts required for fishing in one district, where such additional district is a joint jurisdictional waters district))~~: PROVIDED, That additional licenses shall not be required

for fishing in more than one district for species of fish other than salmon.

Sec. 4. Section 75.28.060, chapter 12, Laws of 1955 as last amended by section 1, chapter 30, Laws of 1965 ex. sess. and RCW 75.28.060 are each amended to read as follows:

All commercial fishing licenses provided for in this chapter shall be transferable. It shall be unlawful for any license to be operated or caused to be operated by any person other than the ((licensee or any agent or employee of the licensee)) person listed as operator on the license. In the event gear is operated by a nonresident, the gear shall be licensed as nonresident gear. In the event a commercial license is transferred from a resident of the state of Washington to a nonresident the transferee shall be required to pay the difference between the fees for a resident and nonresident licensee.

Sec. 5. Section 5, chapter 309, Laws of 1959 as amended by section 1, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.085 are each amended to read as follows:

Every person, or persons or corporations operating a fishing vessel of any description used in the commercial taking or catching of food fish or shellfish, other than salmon, in offshore waters, and the transportation or possession of food fish or shellfish, other than salmon, through the waters of the state of Washington, and delivering the food fish or shellfish, other than salmon, in any port in the state of Washington shall as a condition of doing so, obtain a delivery permit from the director of fisheries. The fees for such permit shall be ten dollars: PROVIDED, That any permittee under RCW 75.18.080 will not be required to obtain the above prescribed permit. ((This permit can become a valid vessel delivery permit, for the landing of salmon in state ports, by the payment of an added ten dollar fee for each man aboard the fishing vessel, which payment will satisfy provisions required under RCW 75.18.080*)) Possessors of the above described permit who wish to gain a vessel delivery permit under RCW 75.18.080 as now or hereafter amended may upon application to the director of fisheries apply the ten dollar fee for the delivery permit against the cost of the vessel delivery permit set forth in RCW 75.18.080 as now or hereafter amended.

Sec. 6. Section 6, chapter 309, Laws of 1959 and RCW 75.28.087 are each amended to read as follows:

Every owner of a commercial fishing vessel shall obtain an annual commercial fishing license, not otherwise provided for in this chapter, for the taking of food fish and shellfish within the state of Washington ((, provided that)) : PROVIDED, That holders of commercial salmon fishing licenses as set forth in this chapter may retain incidently caught food fish other than salmon, and: PROVIDED

FURTHER, That licensed oyster and clam farmers are not subject to this section. The fees for commercial fishing licenses required in this section shall be in the amounts set forth in this chapter prescribed by the type gear employed in the taking of food fish and shellfish.

Sec. 7. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 4, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.130 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing troll lines in the taking of (~~fish and shellfish~~) salmon shall be (~~twenty-seven dollars and fifty cents per annum for residents and fifty-five dollars per annum for nonresidents~~) one hundred dollars per annum. Each license shall entitle the licensee to use six or less troll lines.

The fee for all licenses prescribed in this chapter employing troll lines in the taking of food fish, other than salmon, shall be twenty-seven dollars and fifty cents per annum. Each license shall entitle the licensee to use six or less troll lines.

Sec. 8. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 5, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.140 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing gill nets in the taking of food fish (~~and shellfish~~) shall be (~~thirty-five~~) one hundred dollars per annum (~~for residents and seventy dollars per annum for nonresidents. The incidental catch of sturgeon lawfully taken is permitted under the gill net license~~).

A valid Grays Harbor-Columbia River or Willapa Harbor-Columbia River commercial salmon fishing gill net license shall also be valid when lawfully fishing for sturgeon, smelt and shad in the licensing district for which said license is issued.

Sec. 9. Section 75.28.190, chapter 12, Laws of 1955 as last amended by section 10, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.190 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing purse seines (drum seines, table seines, power block seines) in the taking of food fish (~~and shellfish~~) shall be (~~one~~) two hundred (~~forty-five~~) dollars per annum (~~for residents and two hundred thirty dollars per annum for nonresidents~~).

Sec. 10. Section 75.28.220, chapter 12, Laws of 1955 as last amended by section 12, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.220 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing reef nets in the taking of food fish (~~and shellfish~~) shall be (~~sixty-two dollars and fifty cents~~) one hundred dollars per annum (~~for residents and ninety-five dollars per annum for nonresidents~~).

NEW SECTION. Sec. 11. There shall be established in the state treasury a fund known and denominated as the department of fisheries building account. Fifty percent of the revenue to be derived from this amendatory act shall be deposited in the department of fisheries building account in the general fund to be used solely for capital outlay for the department of fisheries for salmon propagation and to match federal funds for new fisheries facilities.

NEW SECTION. Sec. 12. The fees for all licenses prescribed in this act shall be double for nonresidents of the state.

Sec. 13. Section 75.12.010, chapter 12, Laws of 1955 and RCW 75.12.010 are each amended to read as follows:

It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington described as lying to the southerly, easterly and southeasterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam county, state of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point monument" in the latitude 48° 9'3" 30" true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude 122° 40' west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north 46° east true to the line of high tide at Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude 122° 40' west; thence north on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: PROVIDED, That, subject to such seasons and regulations as may be established from time to time by the director, fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the director may establish from time to time((7)). It shall be lawful to fish for salmon for commercial purposes within the above described waters with any lawful gear during the period extending from the tenth day of June to the twenty-fifth day of the following July and from the fifth

day of October to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock p.m. of Friday and ending at 4:00 o'clock a.m. of the Sunday following.

AND PROVIDED, That for the privilege of purse seining in said waters during the lawful periods a seiner's permit from the director of fisheries shall be required, which permit shall issue on application and payment of a fee of ten dollars.

AND PROVIDED, That whenever the director determines that a stock or run of salmon cannot be feasibly and properly harvested in the usual manner, and that such stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may maneuver units of lawful gill net and purse seine gear in any number or equivalents at his discretion, by time and area, to fully utilize such harvestable portions of these salmon runs for the economic well being of the citizens of this state, except that gill net and purse seine gear other than emergency and test gear authorized by the fisheries department shall not be used in Lake Washington.

AND PROVIDED, That subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for salmon for commercial purposes with any lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described line: A line commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidby Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidby Island.

NEW SECTION. Sec. 14. There is added to chapter 75.28 RCW a new section to read as follows:

A personal commercial fishing license shall be obtained by each and every person who takes or assists in taking any salmon while on board a commercially licensed trolling vessel trolling for salmon in waters within the territorial boundaries of the state of Washington or who sells his commercial catch in the state of Washington.

The fee for such license is ten dollars per annum.

The personal license shall be carried on the person whenever such person is engaged in the taking, landing, or selling of any salmon: PROVIDED, That this section does not apply to owners or operators licensed pursuant to RCW 75.28.085 or owners licensed pursuant to RCW 75.28.095.

Sec. 15. Section 1, chapter 90, Laws of 1969 and RCW

75.28.095 are each amended to read as follows:

Every owner of a vessel used as a charter boat from which food fish are taken for personal use shall obtain a yearly charter boat license for each such vessel, and the fee for said license shall be fifty dollars per annum for residents and one hundred dollars per annum for nonresidents. "Charter boat" means any vessel from which persons may, for a fee, angle for food fish, and which delivers food fish taken from waters either within or without the territorial boundaries of the state of Washington in to state ports.

((No vessel shall be licensed as a charter boat and hold a commercial salmon fishing license or vessel delivery permit at one and the same time:

A vessel may be transferred from charter boat fishing to commercial salmon fishing or vice versa by depositing the appropriate license and vessel delivery permit at the nearest office of the department of fisheries, provided that RCW 75.28.014 has been complied with))

No vessel may engage in both charter or sports fishing and commercial fishing on the same day. A vessel may be licensed for both charter boat fishing and for commercial fishing at the same time: PROVIDED, That the license and delivery permit allowing the activity not being engaged in shall be deposited with the fisheries patrol officer for that area or an agent designated by the director.

Nothing in this section shall be construed to mean that vessels not generally engaged in charter boat fishing, and under private lease or charter being operated by the lessee for the lessee's personal recreational enjoyment shall be included under the provisions of this section.

-V NEW SECTION. Sec. 16. The provisions of section 11 of this 1971 amendatory act are 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. The provisions of sections 1 to 10 inclusive of this 1971 amendatory act shall take effect on January 1, 1972.

Passed the House May 8, 1971.

Passed the Senate May 6, 1971.

Approved by the Governor May 21, 1971 with the exception of an item and a section which are vetoed.

Filed in Office of Secretary of State May 21, 1971.

Note: Governor's explanation of partial veto is as follows:

"...Certain sections of HB 687 are in conflict with ^{Veto} the provision of SHB 152, the capital appropriation act, and ^{Message} should be vetoed in order for the Department of Fisheries to

carry out their capital development program.

Veto
Message

This act provides for increases in all commercial fishing license fees. These funds would normally go to the General Fund from which the Department's operating and capital appropriations are made. However, Section 11 of this act provides for creation of a Department of Fisheries Building Account into which fifty percent of the total license revenue is to be deposited to be used for capital outlays by the Department for salmon propagation facilities. There are no appropriations made from the newly created account and while revenues would be deposited to the account, they could not be used for the purposes for which the account was created.

Further, creation of the account would negate the capital appropriation made to the Department in SHB 152. The capital appropriation in SHB 152 is made from the General Fund and contains a proviso to the effect that the major portion of it is available only to the extent increased revenues are generated to offset the amount.

Because HB 687 would require that fifty percent of all license revenue be deposited to the new account, there would be no increased amount to the General Fund to offset the appropriation; in fact, there would be a reduction. The total effect would be that the Department's capital program would be reduced by not only the \$665,000 tied to the proviso but also by \$637,000 of Federal matching funds which would be lost because of the lack of state matching. Under these circumstances, there would be no expansion of the Department's production facilities during the 1971-73 biennium.

I have vetoed section 11 and an item in section 16 of the bill to cure this defect. The veto of this item in section 16 serves a dual purpose. It will allow the immediate implementation of section 13 of the bill by the Department of Fisheries in its effort to manage properly what appears to be a massive migration of Sockeye Salmon into lower Puget Sound early this summer.

With these exceptions, the remainder of EHB 687 is approved."