

FURTHER, That over-expenditures made in violation of this statute shall not be a liability of said district. Directors, officers or employees who knowingly or negligently violate or participate in a violation of this statute by the making of expenditures, incurring of liabilities, or issuing of warrants in excess of appropriations may be held civilly liable jointly and severally for all consequential damages, or not less than three hundred dollars as liquidated damages, for each such violation. If as a result of a civil or criminal action the violation is found to have been done knowingly, such director, officer or employee who is found to have participated in such breach shall immediately forfeit his office or employment and the judgment in such action shall so provide. Nothing in this section shall be construed to limit the duty of the attorney general to recover from any director, officer, employee, or other person in a civil action under RCW 43.09.260 as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.65 RCW a new section to read as follows:

If for any reason the preliminary or final budget of a school district has not been adopted or approved on or before the time limits provided for in this chapter, the board of directors of the school districts nevertheless may make expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for the district's participation in joint purchasing agencies authorized by RCW 28A.58.107 during the interim period while the budget is being settled.

Passed the House May 1, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 152

[Substitute House Bill No. 932]

COMMERCIAL FISHING—FEDERAL COURT DECISION IMPACT—LOAN ASSISTANCE

AN ACT Relating to commercial fishing; amending section 75.04.010, chapter 12, Laws of 1955 and RCW 75.04.010; adding a new chapter to Title 75 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the economic health and stability of the commercial fishing industry is of paramount importance to the people of this state. The recent federal court decision, *United States of America et al v. State of Washington et al*, Civil No. 9213, United States District Court for the Western District of Washington, February 12, 1974, together with department of fisheries compliance therewith, have had an adverse impact on this economic health and stability. The public welfare requires that the state have the authority to transmit federal funds in the form of loans to eligible productive commercial fishermen.

Retaining productive commercial fishermen in the state's fishery will enhance productivity by the fishing industry, will improve economic opportunity for those

fishermen dependent upon the resource as a source of income, and will contribute to sound conservation and harvesting programs affecting this important state fishery resource. It is the intention of the legislature to provide assistance to productive commercial fishermen who are adversely affected by the current economic situation in the state's commercial fishery.

Sec. 2. Section 75.04.010, chapter 12, Laws of 1955 and RCW 75.04.010 are each amended to read as follows:

Terms used in this title or in any rule or regulation of the director of fisheries shall have the meaning given to them in this chapter unless the context clearly indicates otherwise.

NEW SECTION. Sec. 3. As used in this chapter the terms in this section shall have the meanings indicated unless the context indicates otherwise.

(1) "Case area" shall have the meaning as defined in *United States of America, et al v. State of Washington, et al, Civil No. 9213, United States District Court for the Western District of Washington, February 12, 1974*, which is: "That portion of the State of Washington west of the Cascade Mountains and north of the Columbia River drainage area, and includes the American portion of the Puget Sound watershed, the watersheds of the Olympic Peninsula north of the Grays Harbor watershed, and the offshore waters adjacent to those areas". The director is authorized to modify the definition of "case area" to correspond to any subsequent definition included in a relevant decision of the same court, or in appellate review thereof, or where fishing rights are affected by some other court decision in a manner consistent with the above-mentioned decision.

(2) "Department" means the department of general administration.

(3) "Director" means the director of the department of general administration.

NEW SECTION. Sec. 4. The department is empowered to make loans which the department determines to be necessary and appropriate to commercial fishermen. To be eligible a commercial fisherman shall:

(1) Own a commercial fishing vessel;

(2) Have been licensed to fish or deliver fish in 1974 in the case area;

(3) Have been adversely affected by a fishing season in 1974 in the case area which was substantially restricted by the department of fisheries as a result of compliance with the federal court decision;

(4) Be currently licensed to fish or deliver fish;

(5) Be determined to be a productive commercial fisherman by the department in cooperation with the department of fisheries by an analysis of individual fish catch records for the calendar years 1972, 1973, 1974, and/or 1975; and

(6) Be determined by the department to have been primarily dependent on commercial fishing for his or her earned income during at least one of the calendar years 1972, 1973, 1974, or 1975.

NEW SECTION. Sec. 5. (1) Loans made pursuant to section 4 of this 1975 amendatory act shall be used only to pay accrued and past due interest payments owing on obligations whose proceeds were used for the construction, reconstruction, or purchase of a commercial fishing vessel and shall not exceed the amount of such interest payments falling due during 1974 and 1975.

(2) No loan assistance provided under this chapter shall be made available to any fisherman who participates or seeks to participate in any aspect of the program administered through funds made available from the "vessel, gear, and permit reduction fund" if such fund is established pursuant to separate legislation.

(3) The provisions of subsections (1) and (2) of this section shall be subject to the following additional restrictions and limitations:

(a) No financial assistance shall be extended pursuant to this chapter unless the financial assistance applied for is not otherwise available on reasonable terms.

(b) No loan under this chapter shall be made if the total amount outstanding and committed to the borrower from the interest payment loan fund established by section 8 of this 1975 amendatory act would exceed ten thousand dollars or is less than five hundred dollars.

(c) The rate of interest to be charged by the department for any such loan shall be at the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eighth of one percent, plus one-quarter of one percent per annum.

(d) No such loan, including renewals or extensions thereof, may be made for a period or periods exceeding two years.

(e) All loans made pursuant to this chapter shall be of such sound value or so secured as reasonably to assure repayment.

(4) The director may establish priority classes of persons who might first qualify for loans under the provisions of this chapter in order that the purposes and objectives of the chapter shall be accomplished.

NEW SECTION. Sec. 6. The director shall promulgate rules and regulations concerning the operation of such program in accordance with the provisions of chapter 34.04 RCW. The director may enlist the aid of such other state agencies to assist the department in the administration of the provisions of this chapter. To minimize the impact of this program on other ongoing state activities as well as on current staffing levels, the director shall have the authority to contract with persons or entities not employed by the state to assist in the administration of the provisions of this chapter.

NEW SECTION. Sec. 7. The provisions of this chapter shall become effective only upon receipt by the department from the federal government of funds in an amount sufficient to administer such provisions and to accomplish the purposes of this chapter. If such funds are not received or authorized prior to January 1, 1976, this chapter shall expire on said date, and shall be null and void and without any further force and effect on such date without any further action by the legislature.

NEW SECTION. Sec. 8. The department is empowered to receive and accept funds from the federal government for the administration of this program as authorized in the provisions of this chapter. There is created within the department a fund to be known as the "interest payment loan fund", which shall be used for the disbursement of loan moneys as provided in this chapter, and for the administration of the provisions of this chapter. This fund shall be credited with any federal funds received to carry out the purposes of this chapter and shall also be credited with all repayments of loans, payments of interest, and other receipts arising out

of transactions entered into by the department pursuant to the provisions of this chapter. The director shall have the full power to invest and reinvest such funds in those classes of securities described in the provisions of RCW 43.84.150.

NEW SECTION. Sec. 9. No application for participation in the program provided for in this chapter shall be accepted by the department later than December 31, 1976.

NEW SECTION. Sec. 10. Section 1 and sections 3 through 9 of this 1975 amendatory act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 11. This 1975 amendatory 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.

Passed the House May 15, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.

CHAPTER 153

[House Bill No. 1031]

LINCOLN COUNTY JUSTICES OF THE PEACE— REDUCTION IN NUMBER

AN ACT Relating to justices of the peace; and amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.010.

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

Section 1. Section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.010 are each amended to read as follows:

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, ~~((two))~~ one; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

Passed the House May 12, 1975.

Passed the Senate May 23, 1975.

Approved by the Governor June 2, 1975.

Filed in Office of Secretary of State June 2, 1975.