

CHAPTER 183

[Engrossed Substitute Senate Bill No. 2574]

COMMERCIAL FISHING VESSELS, LICENSES, AND
GEAR—"CASE AREA"—STATE PURCHASE

AN ACT Relating to food fish and shellfish; amending section 3, chapter 112, Laws of 1949 and RCW 75.08.012; adding new sections to chapter 75.28 RCW; prescribing penalties; providing for the establishment of a revolving fund; and declaring an emergency.

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

Section 1. Section 3, chapter 112, Laws of 1949 and RCW 75.08.012 are each amended to read as follows:

It shall be the duty and purpose of the department of fisheries to preserve, protect, perpetuate and manage the food fish and shellfish in the waters of the state and the offshore waters thereof to the end that such food fish and shellfish shall not be taken, possessed, sold or disposed of at such times and in such manner as will impair the supply thereof. For the purpose of conservation, and in a manner consistent therewith, the department shall seek to maintain the economic well-being and stability of the commercial fishing industry in the state of Washington.

NEW SECTION. Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

The legislature finds that the protection, welfare, and economic well-being of the commercial fishing industry is important to the people of this state. There presently exists an overabundance of commercial fishing gear in our state waters which causes great pressure on the fishing resources. This results in great economic waste to the state and prohibits conservation and harvesting programs from achieving their goals. This adverse situation has been compounded by 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. As a result, large numbers of commercial fishermen face personal economic hardship and the state commercial fishing industry is confronted with economic difficulty. The public welfare requires that the state have the authority to purchase commercial fishing vessels, licenses, gear, and permits offered for sale, as appropriate, in a manner which will provide relief to the individual vessel owner, and which will effect a reduction in the amount of commercial fishing gear in use in the state so as to insure increased economic opportunity for those persons in the industry and to insure that sound scientific conservation and harvesting programs can be carried out. It is the intention of the legislature to provide relief to commercial fishermen adversely affected by the current economic situation in the state fishery and to preserve this valuable state industry and these natural resources.

NEW SECTION. Sec. 3. There is added to chapter 75.28 RCW a new section to read as follows:

As used in this 1975 amendatory act, unless the context indicates otherwise:

(1) "Case area" means those areas of the Western district of Washington within the watersheds of Puget Sound and the Olympic Peninsula north of Grays

Harbor and in the adjacent offshore waters which are within the jurisdiction of the state of Washington, as defined in United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, or any area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decision;

- (2) "Department" means the department of fisheries;
- (3) "Director" means the director of the department of fisheries.

NEW SECTION. Sec. 4. There is added to chapter 75.28 RCW a new section to read as follows:

The department is authorized to purchase commercial fishing vessels and appurtenant gear, and the appropriate current commercial fishing licenses and delivery permits issued by the state of Washington if the vessel, licensee or permit holder:

- (1) Was licensed to fish or deliver fish during 1974 within the case area; and
- (2) Was substantially restricted in its fishing season in 1974 by the department as a result of compliance with United States of America et al. v. State of Washington et al., Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974.

The department shall not purchase any vessel without also purchasing all appropriate current Washington commercial fishing licenses and delivery permits issued to such vessel or its owner: **PROVIDED**, That the department is authorized to purchase current licenses and delivery permits in the absence of the purchase of a vessel.

NEW SECTION. Sec. 5. There is added to chapter 75.28 RCW a new section to read as follows:

The purchase by the department of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately by the department.

The director may specify a maximum price to be paid by the department for any vessel, gear, license or delivery permit purchased pursuant to section 4 of this 1975 amendatory act. Any license or delivery permit so purchased shall be permanently retired by the department.

NEW SECTION. Sec. 6. There is added to chapter 75.28 RCW a new section to read as follows:

The department may arrange for the insurance and storage and for the resale or other disposition of all vessels and gear purchased pursuant to this 1975 amendatory act. Such vessels shall not be used by any owner or operator as a fishing vessel other than as a vessel used for angling or other personal use in waters within the state of Washington, nor shall such vessels be used by any owner or operator to deliver fish within the boundaries of the state of Washington. The department shall require that the purchasers or other users of vessels resold or otherwise disposed of by the department execute any and all suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on any such instrument in any state court of record or United States district court having jurisdiction.

NEW SECTION. Sec. 7. There is added to chapter 75.28 RCW a new section to read as follows:

Any person violating any of the provisions of this 1975 amendatory act, or of any of the rules or regulations of the director made pursuant thereto, or who aids or abets or assists in the violation thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment for not less than thirty days or more than one year, or by a fine of not less than twenty-five dollars or more than one thousand dollars, or both. Upon conviction of any person of a violation of any provision of this 1975 amendatory act, or rule or regulation of the director, the judge or justice of the peace may, in addition to the penalty imposed by law, provide for the forfeiture of the vessel and licenses and/or permits to the state of Washington.

NEW SECTION. Sec. 8. There is added to chapter 75.28 RCW a new section to read as follows:

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 1975 amendatory act. 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 1975 amendatory act.

The director shall appoint an advisory board composed of four individuals who are knowledgeable of the commercial fishing industry to assist the director, including the rendering of advice from time to time concerning the values of licenses and permits which may be purchased pursuant to the provisions of section 4 of this 1975 amendatory act, and to perform such other functions as deemed appropriate by the director. The members of such advisory board shall be reimbursed for subsistence and travel expenses pursuant to RCW 43.03.050 and 43.03.060 for each day or major portion thereof spent in the performance of their duty.

NEW SECTION. Sec. 9. There is added to chapter 75.28 RCW a new section to read as follows:

The provisions of this 1975 amendatory act 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 its purposes. If such funds are not received or authorized prior to July 1, 1976, this 1975 amendatory act shall expire on said date.

The director shall be the responsible state officer for the administration of, and the disbursement of all funds, goods, commodities, and services, which may be received by the state in connection with the provisions of this 1975 amendatory act. There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund", which shall be used for the purchase of vessels, licenses, permits, and fishing gear as provided in this 1975 amendatory act, and for the administration of the provisions of this 1975 amendatory act. This fund shall be credited with any federal or other funds received to carry out the purposes of this 1975 amendatory act and shall also be credited with all proceeds

from the sale or other disposition of any property purchased pursuant to section 4 of this 1975 amendatory act.

NEW SECTION. Sec. 10. There is added to chapter 75.28 RCW a new section to read as follows:

No application for participation in the program provided for in this 1975 amendatory act shall be accepted by the department later than June 30, 1977. The director shall provide for the expeditious completion of the program thereafter and shall notify the state legislature when such provisions might appropriately be declared null and void.

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 Senate May 28, 1975.

Passed the House May 27, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 184

[Engrossed Senate Bill No. 2611]

VOTER REGISTRATION—TRANSFERS

AN ACT Relating to elections; amending section 2, chapter 153, Laws of 1973 and RCW 29.07.092; amending section 29.10.020, chapter 9, Laws of 1965 as amended by section 24, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.020; amending section 8, chapter 156, Laws of 1965 ex. sess. as amended by section 36, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.160; and declaring an emergency.

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

Section 1. Section 2, chapter 153, Laws of 1973 and RCW 29.07.092 are each amended to read as follows:

The county auditor shall acknowledge each new voter registration or transfer by providing or sending ((to)) the voter((, ~~by first class nonforwardable mail,~~)) a card identifying his current precinct and containing such other information as may be prescribed by the secretary of state.

Sec. 2. Section 29.10.020, chapter 9, Laws of 1965 as amended by section 24, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.020 are each amended to read as follows:

Any registered voter who changes his residence from one ((precinct)) address to another within the same county, shall have his registration transferred to his new address by sending to the county auditor a signed request stating his present address and precinct, and the address and precinct from which he was last registered, or by appearing in person before him to have his registration transferred, and signing such request, or in the manner provided by RCW 29.10.160, as now or hereafter amended.