

(d) the articles are sold and shipped outside the state.

Passed the House April 28, 1977.

Passed the Senate May 24, 1977.

Approved by the Governor May 28, 1977.

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## CHAPTER 106

[Engrossed Second Substitute Senate Bill No. 2104]

### FISHING VESSELS—LICENSES AND PERMITS—LIMITATIONS

AN ACT Relating to fishing; amending section 2, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.455; amending section 12, chapter 184, Laws of 1974 ex. sess. (uncodified); adding a new chapter to Title 75 RCW; creating new sections; repealing section 10, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.485; providing expiration dates; and declaring an emergency.

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

**NEW SECTION.** Section 1. The legislature finds that the wise management and economic health of the state's salmon fishery are of continued importance to the people of the state and to the economy of the state as a whole. The legislature finds that charter boats licensed by the state for use by the state's charter boat fishing industry have increased in quantity. The legislature finds that limitations on the number of licensed charter boats will tend to improve the management of the charter boat fishery and the economic health of the charter boat industry. The state therefore must use its authority to regulate the number of licensed boats in use by the state's charter boat industry in a manner provided in this chapter so that management and economic health of the salmon fishery may be improved.

**NEW SECTION.** Sec. 2. For the purposes of sections 1 through 6 of this act, the term "charter boat" shall refer only to those charter boats from which salmon are taken. On and after the effective date of this act, the department shall initiate a moratorium on the issuance of charter boat licenses by issuing such licenses only to those boats whose owners can prove by means of good and sufficient documentary evidence that the boat was licensed pursuant to RCW 75.28.095 between January 1, 1974, and January 1, 1977. No charter boat shall be entitled to more than one charter boat license.

Such boats shall be entitled to receive and renew the charter boat license for each year during the period from the effective date of this 1977 amendatory act through December 31, 1980. A charter boat license for which no application is made to the department or which is not renewed in any year automatically expires and shall not be renewed further.

Nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any rule promulgated thereunder. All such charter boat licenses shall be transferable.

**NEW SECTION.** Sec. 3. In addition to the charter boat licenses issued pursuant to section 2 of this 1977 amendatory act, the department shall issue a charter boat license to any charter boat which was under construction or purchased in good faith between April 16, 1976, and the effective date of this 1977 amendatory act.

NEW SECTION. Sec. 4. On and after the effective date of this act, the department, in cooperation with representatives of the charter boat industry, shall continually evaluate the provisions of sections 1, 2, and 3 of this 1977 amendatory act and recommend to the legislature prior to January 1, 1980, a phase II approach to regulate gear entry into this state's charter boat fishery.

NEW SECTION. Sec. 5. The director shall appoint a three member advisory board of review to hear cases as provided in section 6 of this 1977 amendatory act. The members of such review board shall be nominated by the charter boat fishing industry, shall serve without pay, and shall serve at the discretion of the director of the department of fisheries. The members of such review board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The director may promulgate rules concerning the operation of such review boards in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 6. Any person aggrieved by a decision of the department made pursuant to the terms of this chapter may voluntarily request that a board of review be impaneled to hear such person's case.

The board of review may make such other recommendations and determinations as are consistent with the terms of this chapter.

Hearings before review boards shall be informal, the rules of evidence shall not be applicable to the proceedings, and the records shall be kept thereof as provided by chapter 34.04 RCW. After the presentation of a case each review board shall inform the director and the initiating party in writing concerning whether or not the review board recommends that the charter boat license be issued and the reason for such recommendation. Upon receipt of the review board's findings the director may order such relief as the director deems appropriate under the circumstances.

Nothing in this section shall be construed: (1) To impair an aggrieved person's right to proceed under chapter 34.04 RCW; or (2) to impose any liability on members of a review board for their action pursuant to this section.

Sec. 7. Section 2, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.455 are each amended to read as follows:

On and after May 6, 1974, the department of fisheries of the state of Washington shall initiate a program to limit the number of commercial salmon vessels for each type of fishing gear and area by issuing licenses and vessel delivery permits to fish for salmon only to those vessels holding such licenses or permits in any year between January 1, 1970 and May 6, 1974: **PROVIDED**, That only those vessels which held commercial gear fishing licenses or vessel delivery permits valid for salmon during such period and can prove by means of a valid fish receiving document that salmon were caught and landed during such period shall be entitled to a valid commercial fishing license or vessel delivery permit to fish for or possess salmon for the same type of gear and area for each year of a period extending from January 1, 1975 through December 31, ~~((1977))~~ 1980: **PROVIDED, HOWEVER**, That nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder. All such licenses or vessel delivery permits shall be transferable : **PROVIDED**, That in order to qualify for licenses in calendar years 1979 and 1980, a vessel must prove by means of a valid fish receiving document that food fish were caught and landed by such vessel in this

state or in another state during the previous calendar year, or during the last calendar year in which the vessel was legally eligible for licenses if the vessel's licenses were suspended or revoked during the calendar year or years previous to the year for which the licenses are being sought.

Sec. 8. Section 12, chapter 184, Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

~~((The provisions of sections 1 through 9 of this act shall expire on December 31, 1977, and shall be null and void and without any further force and effect on such date without any further action by the legislature.))~~ The provisions of RCW 75.28.450, 75.28.455 as now or hereafter amended, RCW 75.28.460, 75.28.465, 75.28.470, 75.28.475, and 75.28.480 shall automatically expire on December 31, 1980, unless such expiration date be removed or extended by subsequent action of the legislature.

NEW SECTION. Sec. 9. Section 10, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.485 are each hereby repealed.

NEW SECTION. Sec. 10. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. The provisions of sections 1 through 6 of this 1977 amendatory act shall expire on December 31, 1980, 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. 12. Sections 1 through 6 of this 1977 amendatory act shall constitute a new chapter in Title 75 RCW.

NEW SECTION. Sec. 13. This 1977 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 19, 1977.

Passed the House May 18, 1977.

Approved by the Governor May 28, 1977.

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## CHAPTER 107

[Senate Bill No. 2196]

### SUPERIOR COURT CLERKS—FEES—DISPOSITION

AN ACT Relating to superior courts; amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 30, Laws of 1975 and RCW 36.18.020; and adding a new section to chapter 36.18 RCW.

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

Section 1. Section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 30, Laws of 1975 and RCW 36.18.020 are each amended to read as follows: