

NEW SECTION. Sec. 17. There is added to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW a new section to read as follows:

All applications for licenses made to the commission, with the exception of any portions of the applications describing the arrest or conviction record of any person, and all reports required by the commission to be filed by its licensees on a periodic basis concerning the operation of the licensed activity or concerning any organization, association, or business in connection with which a licensed activity is operated, in the commission files, shall be open to public inspection at the commission's offices upon a prior written request of the commission. The staff of the commission may decline to allow an inspection until such time as the inspection will not unduly interfere with the other duties of the staff. The commission may charge the person making a request for an inspection an amount necessary to offset the costs to the commission of providing the inspection and copies of any requested documents.

NEW SECTION. Sec. 18. 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 House June 17, 1977.

Passed the Senate June 16, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

CHAPTER 327

[Third Substitute House Bill No. 1188]

FOOD FISH AND SHELLFISH—LICENSES, FEES, AND TAXES—SALMON ENHANCEMENT PROGRAM

AN ACT Relating to food fish and shellfish; amending section 75.18.080, chapter 12, Laws of 1955 as amended by section 1, chapter 283, Laws of 1971 ex. sess. and RCW 75.18.080; amending section 3, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.460; amending section 1, chapter 90, Laws of 1969 as amended by section 15, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.095; amending section 75.28.130, chapter 12, Laws of 1955 as last amended by section 7, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 as last amended by section 8, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.140; amending section 75.28.190, chapter 12, Laws of 1955 as last amended by section 9, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.190; amending section 75.28.220, chapter 12, Laws of 1955 as last amended by section 10, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.220; amending section 75.32.020, chapter 12, Laws of 1955 and RCW 75.32.020; amending section 75.32.030, chapter 12, Laws of 1955 as last amended by section 1, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.030; amending section 13, chapter 212, Laws of 1955 and RCW 75.32.051; amending section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080; amending section 75.32.090, chapter 12, Laws of 1955 as last amended by section 1, chapter 193, Laws of 1967 and RCW 75.32.090; amending section 2, chapter 9, Laws of 1963 ex. sess. and RCW 75.32.101; amending section 75.32.110, chapter 12, Laws of 1955 and RCW 75.32.110; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 1, chapter 223, Laws of 1975 1st ex. sess. and RCW 75.08.230; adding a new section to chapter 12, Laws of 1955 and to chapter 75.08 RCW; adding new sections to chapter 75.18 RCW; adding new sections to chapter 75.28 RCW; adding new sections to chapter 75.32 RCW; repealing section 75.32.070, chapter 12, Laws of 1955, section 2, chapter 10, Laws of 1963 ex. sess., section 1, chapter 63, Laws of 1973 1st ex. sess. and RCW 75.32.070; prescribing penalties; and prescribing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 75.18 RCW a new section to read as follows:

The long range economic development goals for the state of Washington shall include the restoration of salmon runs to provide an increased supply of this valuable renewable resource for the benefit of commercial and recreational users and the economic well-being of the state. For the purpose of providing funds for the planning, acquisition, construction, improvement, and operation of salmon enhancement facilities within the state it is the intent of the legislature that the revenues received from fees from the issuance of vessel delivery permits, charter boat licenses, trolling gear licenses, gill net gear licenses, purse seine gear licenses, reef net gear licenses, anadromous salmon angling licenses and all moneys received from all privilege fees and fish sales taxes collected on fresh or frozen salmon or parts thereof be utilized to fund such costs.

The salmon enhancement program funded by commercial and recreational fishing fees and taxes shall be for the express benefit of all persons whose fishing activities fall under the management authority of the Washington department of fisheries and who actively participate in the funding of the enhancement costs through the fees and taxes set forth in chapters 75.28 and 75.32 RCW or through other adequate funding methods.

NEW SECTION. Sec. 2. There is added to chapter 75.18 RCW a new section to read as follows:

(1) The department shall not acquire, construct, or substantially improve any salmon enhancement facility unless the requirements of this section are met.

(a) The productivity of any salmon propagation facility is very dependent on water quantity and quality. Since there is a limited number of water sources which meet the critical needs of a facility it is imperative that these sources are acquired. Therefore, site acquisitions and preliminary design shall be considered by the department as generally having priority over project development.

(b) Prior to expending any moneys for the construction and development of any particular salmon propagation facility, except for site acquisition and preliminary design, the department shall, with the advice of the advisory council created in subsection (2) of this section, give consideration to the following factors with respect to that facility:

- (i) The department's management authority over propagated salmon;
- (ii) The level of expected Canadian interception on the propagated salmon and whether this would be acceptable;
- (iii) Whether an acceptable agreement has been reached on the status of treaty Indian salmon harvest; and
- (iv) Whether there can be a maximum harvest of propagated salmon with a tolerable impact on other salmonid stocks, both natural and artificial, and on their environment. The department shall consult on this matter with the department of game.

(2) To aid and advise the department in the performance of its functions as specified by this section with regard to the salmon enhancement program, a salmon advisory council is hereby created. The advisory council shall consist of ten members appointed by the governor; the director of the department of fisheries, who

shall be chairman; the director of the department of game, or the director's designee; one member of the senate to be appointed by the president of the senate; and one member of the house of representatives to be appointed by the speaker of the house of representatives. Of the members appointed by the governor, two shall represent troll fishermen; two shall represent gill net fishermen, of which one shall be from the Puget Sound area and one from the southwest Washington area; one shall represent purse seine fishermen; one shall represent owners of charter boats; two shall represent sportsmen; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

The advisory council shall be convened by the director prior to the decision to expend any funds for construction and development of any salmon propagation facility. The council shall advise the director with regard to the considerations listed in subsection (1)(b) of this section and any other factors the council deems relevant with respect to the proposed facility.

Vacancies shall be filled in the same manner as original appointments. Except for the director of the department of game and legislative members, members shall receive reimbursement through the department of fisheries for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

The director of the department of game, or the director's designee, shall receive reimbursement through the department of game for travel expenses incurred in the performance of his or her duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. The legislative members shall be deemed engaged in legislative business while in attendance upon the business of the council and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120 as now existing or hereafter amended.

Sec. 3. Section 75.18.080, chapter 12, Laws of 1955 as amended by section 1, chapter 283, Laws of 1971 ex. sess. 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 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 ~~((one))~~ two hundred dollars for the vessel and operator ~~((and ten dollars for each member of the crew thereof))~~, such permit to be effective during the calendar year in which issued: PROVIDED, That persons operating fishing vessels licensed under RCW 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. 4. Section 3, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.460 are each amended to read as follows:

Any commercial salmon fishing vessel not qualified for a commercial salmon fishing license or vessel delivery permit under RCW 75.28.455 and wishing to land salmon caught outside the territorial waters of the state of Washington shall be able to obtain a single delivery vessel delivery permit. The fee for such permit shall be ~~((the same as the annual vessel delivery permits))~~ one hundred dollars.

Sec. 5. Section 1, chapter 90, Laws of 1969 as amended by section 15, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.095 are each amended to read as follows:

Every owner of a vessel used as a charter boat from which salmon and other 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))~~ two hundred dollars per annum ((for residents and one hundred dollars per annum for nonresidents)); PROVIDED, That every owner of a vessel used as a charter boat from which only food fish other than salmon are taken for personal use shall obtain a yearly charter boat license for each vessel, and the fee for said license shall one hundred dollars per annum. "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 into state ports.

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 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.

Sec. 6. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 7, chapter 283, Laws of 1971 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 salmon shall be ~~((one))~~ two 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. 7. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 8, chapter 283, Laws of 1971 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 shall be ~~((one))~~ two hundred dollars per annum.

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. 8. Section 75.28.190, chapter 12, Laws of 1955 as last amended by section 9, chapter 283, Laws of 1971 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 shall be ~~((two))~~ three hundred dollars per annum.

Sec. 9. Section 75.28.220, chapter 12, Laws of 1955 as last amended by section 10, chapter 283, Laws of 1971 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 shall be ~~((one))~~ two hundred dollars per annum.

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

The legislature, recognizing that anadromous salmon within the waters of the state and offshore waters are fished for both recreational and commercial purposes and that the recreational anadromous salmon fishery is a major recreational and economic asset to the state and improves the quality of life for all residents of the state, declares that it is the policy of the state to enhance and improve recreational anadromous salmon fishing in the state.

NEW SECTION. Sec. 11. There is added to chapter 75.28 RCW a new section to read as follows:

(1) It shall be unlawful for any person sixteen years of age or older, and under seventy years of age, to take, fish for, or have in his possession any anadromous salmon that is taken for personal use from the waters or offshore waters of this state, without first having obtained and having in his possession an anadromous salmon angling license as provided in section 13 of this 1977 amendatory act, unless otherwise exempt from state licensing laws.

(2) Every violation of this section is a misdemeanor punishable by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both.

NEW SECTION. Sec. 12. There is added to chapter 75.28 RCW a new section to read as follows:

All anadromous salmon angling licenses issued under section 13 of this 1977 amendatory act shall be issued by or under authority of the director, who may deputize any reputable citizen to issue the licenses and collect the fees therefor.

The director shall adopt such rules as he deems necessary for the issuance of anadromous salmon angling licenses and for the collection, payment, and handling of fees prescribed in sections 13 and 14 of this 1977 amendatory act. The rules shall be adopted in conformity with chapter 34.04 RCW.

NEW SECTION. Sec. 13. There is added to chapter 75.28 RCW a new section to read as follows:

(1) The fees for an annual resident fresh and saltwater anadromous salmon angling license and for an annual nonresident saltwater anadromous salmon angling

license shall each be three dollars. The fees for a one day resident fresh and salt-water anadromous salmon angling license and for a one day nonresident saltwater anadromous salmon angling license shall each be one dollar. The fee for an annual nonresident freshwater anadromous salmon angling license shall be ten dollars. The fee for a three consecutive day nonresident freshwater anadromous salmon angling license shall be five dollars.

(2) Notwithstanding any other definitions in this title, the term "resident" as used in this section means any person who for at least thirty days immediately preceding any application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents.

(3) An annual license shall be effective only during the calendar year in which it is issued. An annual license shall be valid for a maximum catch of thirty salmon after which another annual license may be purchased.

(4) Any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a service-connected disability and who has been a resident of this state for five years, upon the making of an affidavit to this effect, shall be given an anadromous salmon angling license free of charge upon application therefor.

Any person who is blind shall be issued an anadromous salmon angling license free of charge upon application therefor.

Anadromous salmon angling licenses issued under this subsection shall be considered valid for the lifetime of the holder.

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

Any person deputized by the director to issue anadromous salmon angling licenses shall collect the sum of twenty-five cents in addition to the license fee, which sum shall be retained by such person.

NEW SECTION. Sec. 15. There is added to chapter 75.28 RCW a new section to read as follows:

Anadromous salmon angling licenses shall not be transferable. Any person fishing for anadromous salmon or having anadromous salmon in his or her possession that are taken for personal use from the waters of this state or offshore waters shall, upon demand of any fisheries patrol officer, fisheries inspector, deputy fisheries inspector, game protector, or law enforcement officer within their respective jurisdiction, exhibit his or her license and write his or her name for the purpose of comparison with the signature on the license. Failure to exhibit the license and to write the name upon demand shall be prima facie evidence that the person has no license or is not the person named on the license in the person's possession.

NEW SECTION. Sec. 16. There is added to chapter 75.28 RCW a new section to read as follows:

Any person who knowingly falsifies any information required for the issuance of an anadromous salmon angling license shall be guilty of a misdemeanor.

NEW SECTION. Sec. 17. There is added to chapter 75.28 RCW a new section to read as follows:

In concurrent waters of the Columbia river where the river forms the boundary between the state of Washington and the state of Oregon and in Washington coastal territorial waters from the Oregon-Washington boundary to a point five nautical miles north, an Oregon angling license comparable to the Washington anadromous salmon angling license shall be valid if the Oregon license is valid within the jurisdiction of Oregon and the state of Oregon recognizes as valid the Washington anadromous salmon angling license in comparable Oregon waters.

Nothing in this section shall be construed to mean that any Oregon licenses are valid for the taking of salmon when angling in concurrent waters of the Columbia river from the Washington shore.

NEW SECTION. Sec. 18. There is added to chapter 12, Laws of 1955 and to chapter 75.08 RCW a new section to read as follows:

The director may adopt rules to promote orderly recreational fisheries and may take into consideration factors of navigation, law enforcement, recreational fishery enhancement, environmental concerns, and public recreation. The rules shall be adopted in conformity with chapter 34.04 RCW.

Sec. 19. Section 75.32.020, chapter 12, Laws of 1955 and RCW 75.32.020 are each amended to read as follows:

In addition to all other taxes, licenses or fees provided by law there shall be paid to the state of Washington by those engaged in the fishing industry in this state the privilege fees and fish sales taxes as provided for in this chapter.

Sec. 20. Section 75.32.030, chapter 12, Laws of 1955 as last amended by section 1, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.030 are each amended to read as follows:

Canners, curers, freezers, wholesale dealers and retail dealers of food fish and shellfish, other than oysters, and manufacturers of food fish and shellfish byproducts, other than oyster byproducts, (1) shall pay a privilege fee equal to ~~((two))~~ five percent of the primary market value on all fresh or frozen chinook ~~((and silver)),~~ coho, and chum salmon, or parts thereof, which they receive, handle, deal in, or deal with as original receiver in the state~~((, and they))~~; (2) shall pay a privilege fee equal to three percent of the primary market value on all fresh or frozen pink and sockeye salmon, or parts thereof, which they receive, handle, deal in, or deal with as original receiver in the state; and (3) shall pay a privilege fee equal to ~~((one))~~ two percent of the primary market value on all other fresh or frozen food fish and shellfish, or parts thereof, except oysters, which they receive, handle, deal in or deal with, as original receiver in the state: PROVIDED, That any person or sales agency selling fresh or frozen food fish or shellfish ~~((previously landed in the state)), or parts thereof, to ((others))~~ purchasers of food fish or shellfish residing outside the state of Washington which had been previously landed in the state, shall be responsible for and shall pay the privilege ~~((taxes))~~ fees herein provided.

Sec. 21. Section 13, chapter 212, Laws of 1955 and RCW 75.32.051 are each amended to read as follows:

Canners, curers, freezers, wholesale dealers and retail dealers of oysters, and manufacturers of oyster byproducts, shall pay a privilege fee equal to one cent per gallon or bushel on Pacific oysters, and six and one-half cents per gallon or bushel on Olympia oysters, New Washington oysters, or Kumamoto oysters which they

receive, handle, deal in, or deal with as original receiver in this state: **PROVIDED**, That any person or sales agency selling fresh or frozen oysters, or parts thereof, previously taken in the state to ~~((others))~~ purchasers of food fish or shellfish residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

NEW SECTION. Sec. 22. There is added to chapter 75.32 RCW a new section to read as follows:

(1) Except as provided in subsection (2) of this section, there is hereby imposed a fish sales tax on the privilege of selling food fish or shellfish, or parts thereof, to an original receiver as defined in RCW 75.32.080, as now or hereafter amended. The tax shall be as follows:

(a) Two and one-half percent of the primary market value on all fresh or frozen chinook, coho, and chum salmon, or parts thereof;

(b) One and one-half percent of the primary market value on all fresh or frozen pink and sockeye salmon, or parts thereof;

(c) One percent of the primary market value on all other fresh or frozen food fish and shellfish, or parts thereof.

(2) The sales tax prescribed in this section shall not apply to sales of shellfish, or parts thereof, taken from a licensed oyster or clam farm or to sales of food fish or shellfish, or parts thereof, taken from a licensed fish farm.

NEW SECTION. Sec. 23. There is added to chapter 75.32 RCW a new section to read as follows:

The following amounts may be credited against the amount of privilege fees owed under RCW 75.32.030 by a canner, curer, dealer, freezer, or manufacturer:

(1) In respect to each transaction in which the fish sales tax is collected pursuant to RCW 75.32.080, as now or hereafter amended, and a privilege fee is owed, the amount of the sales tax collected shall be credited against such privilege fee.

(2) Any sales tax, catch tax, landing tax, or other tax or fee on food fish or shellfish, or parts thereof, purchased by an original receiver, as defined in RCW 75.32.080, as now or hereafter amended, in another state and imposed on the receiver by such state shall be credited against the amount of privilege fees owed in respect to such food fish or shellfish, or parts thereof.

NEW SECTION. Sec. 24. There is added to chapter 75.32 RCW a new section to read as follows:

The director shall adopt rules specifying the proof required for credits claimed under section 23 of this 1977 amendatory act and the manner in which the credits shall be taken.

NEW SECTION. Sec. 25. There is added to chapter 75.32 RCW a new section to read as follows:

As used in this chapter, the terms food fish and shellfish also include parts of food fish and shellfish.

NEW SECTION. Sec. 26. There is added to chapter 75.32 RCW a new section to read as follows:

(1) The privilege fees and fish sales taxes provided for in this chapter shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the fish or shellfish were caught: **PROVIDED**, That no fee or

tax shall be paid on frozen food fish or frozen shellfish or on food fish or shellfish which has been packaged for retail sales and that has been previously landed in another state, territory, or country.

(2) Any person or sales agency selling fresh or frozen food fish or shellfish previously landed in this state to purchasers of food fish or shellfish residing outside this state shall be responsible for and shall pay the privilege fees and fish sales taxes.

Sec. 27. Section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080 are each amended to read as follows:

The ~~((catch fees))~~ fish sales tax provided for herein shall be deducted from the payments made by the original receiver to the person ~~((catching or landing))~~ selling the food fish or shellfish to the original receiver, and the original receiver shall collect the ~~((fees))~~ taxes and remit them to the director ~~((; and in event he fails to do so he is liable for such fees as he fails to collect and remit))~~.

"Original receiver" means the person first receiving, handling, dealing in, or dealing with the fresh or frozen food fish or shellfish within the jurisdiction of the state of Washington as a canner, curer, freezer, retail dealer, wholesale dealer, by-products manufacturer, or branch plant ~~((; and the privilege fees provided for herein shall be paid on all fresh or frozen food fish or shellfish handled by the original receivers regardless of where the fish or shellfish were caught. PROVIDED, That no tax shall be paid on frozen food fish or frozen shellfish that has been previously landed in another state, territory, or country. PROVIDED FURTHER, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided))~~.

Sec. 28. Section 75.32.090, chapter 12, Laws of 1955 as last amended by section 1, chapter 193, Laws of 1967 and RCW 75.32.090 are each amended to read as follows:

The privilege ~~((or catch))~~ fees and fish sales taxes herein provided for are due and payable in quarterly installments, and the fees and taxes accruing during each quarterly period shall become due on the first day of the month immediately following the end of the quarterly period, and shall be paid on or before the last day of that month. The following shall constitute the quarterly periods to be utilized:

- (1) January, February, March;
- (2) April, May, June;
- (3) July, August, September;
- (4) October, November, December.

On or before the day payment is required as provided above, the person paying the privilege ~~((or catch))~~ fees and fish sales taxes to the department shall prepare a return under oath upon such forms and setting forth such information as the director may require, and transmit the same to the director together with a remittance for the fees and taxes which are due. Any person that is subject at any time of the year to the privilege ((or catch)) fee provisions set forth in this chapter shall file a return each quarter of the year showing whether or not any fees or taxes are due.

Sec. 29. Section 2, chapter 9, Laws of 1963 ex. sess. and RCW 75.32.101 are each amended to read as follows:

In the event payment of fees and taxes provided for under this chapter is not received by the fifteenth day of the month in which the fees and taxes become due, the fees and taxes shall become delinquent and the schedule of penalties stated below shall be invoked. A return or remittance which is transmitted to the director by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it. The following shall be the schedule of penalties to be assessed for delinquent payments of such fees and taxes:

(1) Sixteen through thirty days after due date—Add ten percent of total fees and taxes due but not less than one dollar.

(2) Thirty-one through sixty days after due date—Add twenty percent of total fees and taxes due but not less than two dollars.

(3) Sixty-one through ninety days after due date—Add twenty-five percent of total fees and taxes due but not less than three dollars.

(4) Ninety-one days or more after due date—Add twenty-five percent of total fees and taxes due (but not less than three dollars) plus eight percent interest per annum computed on the sum of the total fees and taxes due and the percentage penalty.

The delinquent fees and taxes together with the applicable penalties and accrued interest thereon shall constitute a first lien upon the cannery, packing plant, buildings, scows, boats, vehicles and other equipment used by the person or business owing the fees and taxes in the taking, handling, dealing in, dealing with, or processing of food fish or shellfish.

Sec. 30. Section 75.32.110, chapter 12, Laws of 1955 and RCW 75.32.110 are each amended to read as follows:

The director shall have the authority to promulgate such rules, regulations, and orders, and to require such reports as in his judgment shall be necessary to insure the payment of the fees and taxes herein required.

NEW SECTION. Sec. 31. There is added to chapter 75.32 RCW a new section to read as follows:

The department or its designee may audit any original receiver as defined in RCW 75.32.080, as now or hereafter amended, for the purpose of assuring the collection of privilege fees and fish sales taxes provided for in this chapter, or for the purpose of collecting unpaid fees and taxes. The director may adopt rules and procedures to govern the collection of any fees and taxes under this chapter.

NEW SECTION. Sec. 32. Section 75.32.070, chapter 12, Laws of 1955, section 2, chapter 10, Laws of 1963 ex. sess., section 1, chapter 63, Laws of 1973 1st ex. sess. and RCW 75.32.070 are each repealed.

Sec. 33. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 1, chapter 223, Laws of 1975 1st ex. sess. and RCW 75.08.230 are each amended to read as follows:

All license fees, taxes, fines, and moneys realized from the sale of property seized or confiscated under the provisions of this title, and all bail moneys forfeited

under prosecutions instituted under the provisions of this title, and all moneys realized from the sale of any of the property, real or personal, heretofore or hereafter acquired for the state and under the control of the department, such moneys as are realized from the sale of food fish or shellfish caught or taken during test fishing operations conducted by the department for the purpose of food fish or shellfish resource evaluation studies, all moneys collected for damages and injuries to any such property, and all moneys collected for rental or concessions from such property, shall be paid into the state treasury general fund unless otherwise provided by law: PROVIDED, That salmon taken in test fishing operations shall not be sold except during a season open to commercial fishing in the district (~~that~~) wherein test fishing is being conducted: PROVIDED FURTHER, That fifty percent of all money received as fines together with all of the costs shall be retained by the county in which the fine was collected.

All fines collected shall be remitted monthly by the justice of the peace or by the clerk of the court collecting the same to the county treasurer of the county in which the same shall be collected, and the county treasurer shall at least once a month remit fifty percent of the same to the state treasurer and at the same time shall furnish a statement to the director showing the amount of fines so remitted and from whom collected: PROVIDED, That in instances wherein any portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted by the county treasurer to the state treasurer and shall be credited to the general fund: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds may exceed estimates thereof in the budget approved by the legislature, may be allocated by the office of program planning and fiscal management as unanticipated receipts under such procedures as are adopted by the legislature for the allocation of such receipts to reimburse the department for any unanticipated costs for test fishing operations in excess of any allowance therefor in the budget as approved by the legislature.

Proceeds of all sales of salmon and all sales of salmon eggs by the department, to the extent these proceeds may exceed estimates in the budget as approved by the legislature, may be allocated by the office of program planning and fiscal management as unanticipated receipts under such procedures as the legislature may adopt for the allocation of such receipts.

Such allocations shall be made only for the purpose of meeting department obligations in regards to hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal as may be provided by law.

NEW SECTION. Sec. 34. 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. 35. This 1977 amendatory act shall take effect on January 1, 1978.

Passed the House June 14, 1977.

Passed the Senate June 17, 1977.

Approved by the Governor June 30, 1977.

Filed in Office of Secretary of State June 30, 1977.

CHAPTER 328

[Substitute House Bill No. 928]

ENERGY—ALERTS, EMERGENCIES—GOVERNOR—JOINT COMMITTEE

AN ACT Relating to energy; amending section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010; amending section 16, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.020; amending section 17, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.030; amending section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.040; amending section 19, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.050; amending section 20, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.060; amending section 21, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.070; amending section 22, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.080; amending section 23, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.090; amending section 43.06.010, chapter 8, Laws of 1965 as last amended by section 25, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.010; amending section 1, chapter 186, Laws of 1969 ex. sess. as amended by section 26, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.200; amending section 2, chapter 186, Laws of 1969 ex. sess. as amended by section 27, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.06.210; amending section 1, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.010; amending section 2, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.015; amending section 3, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.020; amending section 4, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.025; adding new sections to chapter 260, Laws of 1969 ex. sess. and to chapter 44.39 RCW; repealing section 5, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.030; repealing section 6, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.035; repealing section 7, chapter 260, Laws of 1969 ex. sess. and RCW 44.39.040; and declaring an emergency.

Section 1. Section 15, chapter 108, Laws of 1975-'76 2nd ex. sess. and RCW 43.21G.010 are each amended to read as follows:

The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to institute appropriate emergency measures to ~~((reduce and/or allocate the usage))~~ regulate the production, distribution, and use of energy ~~((through a program of mandatory usage curtailment and/or allocation))~~, a severe impact on the public health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation ~~((of the effects))~~ of such energy shortages or disruptions and their effects is necessary for preservation of the public health, safety, and general welfare of the citizens of this state.

It is the intent of this chapter to:

- (1) Establish necessary ~~((energy))~~ emergency powers for the governor and define the ~~((conditions))~~ situations under which such powers are to be exercised;
- (2) Provide penalties for violations of this chapter.

It is further the intent of the legislature that in developing proposed orders under the powers granted in RCW 43.21G.040 as now or hereafter amended the governor may utilize, on a temporary or ad hoc basis, the knowledge and expertise of persons experienced in the technical aspects of energy supply, distribution, or