

all "motor carriers" and the books, documents and records of those using the service of the carriers for the purpose of discovering all discriminations and rebates and other information pertaining to the enforcement of this chapter and shall prosecute violations thereof. The commission shall employ such auditors, inspectors, clerks and assistants as it may deem necessary for the enforcement of this chapter, and it shall be the duty of the Washington state patrol to assist in the enforcement of this chapter, and the duty of the attorney general to assign at least one assistant to the exclusive duty of assisting the commission in the enforcement of this chapter, and the prosecution of persons charged with the violation thereof. It shall be the duty of the Washington state patrol and the sheriffs of the counties to make arrests and the county attorneys to prosecute violations of this chapter.

NEW SECTION. Sec. 4. This 1980 act shall take effect on July 1, 1980.

Passed the House March 3, 1980.

Passed the Senate February 18, 1980.

Approved by the Governor March 13, 1980.

Filed in Office of Secretary of State March 13, 1980.

CHAPTER 133

[Substitute House Bill No. 714]

PUGET SOUND COMMERCIAL CRAB FISHERY—LICENSE LIMITATION

AN ACT Relating to food fish and shellfish; amending section 75.28.270, chapter 12, Laws of 1955 as last amended by section 17, chapter 73, Laws of 1965 ex. sess. and RCW 75.28-.270; adding new sections to chapter 75.28 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that a significant commercial crab fishery is developing within Puget Sound. The legislature further finds that the crab fishery in Puget Sound represents a separate and distinct fishery from that of the coastal waters and is limited in quantity and is in need of conservation. The potential for depletion of the crab stocks in these waters is increasing, particularly as crab fishing becomes an attractive alternative to fishermen facing increasing restrictions on commercial salmon fishing.

The legislature finds that the number of commercial fishermen engaged in crab fishing has steadily increased. This factor, combined with advances in fishing and marketing techniques, has resulted in strong pressures on the supply of crab, unnecessary waste of an important natural resource, and economic loss to the citizens of the state.

The legislature finds that increased regulation of commercial crab fishing is necessary to preserve and efficiently manage the commercial crab fishery in the waters of Puget Sound.

Sec. 2. Section 75.28.270, chapter 12, Laws of 1955 as last amended by section 17, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.270 are each amended to read as follows:

The fee for all licenses prescribed in this chapter employing shellfish pots in the taking of fish and shellfish, excluding crab, shall be thirty-five dollars per annum for residents and sixty dollars per annum for nonresidents. For each shellfish pot in excess of one hundred there shall be paid an additional fee of twenty-five cents per annum by residents and fifty cents per annum by nonresidents.

NEW SECTION. Sec. 3. The fee for all licenses prescribed in this chapter employing shellfish pots in the taking of crab shall be thirty-five dollars per annum for residents and sixty dollars per annum for nonresidents. For each shellfish pot in excess of one hundred, there shall be paid an additional fee of twenty-five cents per annum by residents and fifty cents per annum by nonresidents.

NEW SECTION. Sec. 4. (1) After January 1, 1981, it is unlawful to take crab in the Puget Sound licensing district without first obtaining a license endorsement therefor. Commercial crab licenses issued under section 3 of this act endorsed for the Puget Sound licensing district shall be limited to those vessels which:

(a) Held a commercial shellfish pot license issued between January 1, 1975, and December 31, 1979, or had transferred to the vessel such a license;

(b) Have not transferred the license to another vessel;

(c) Can establish, by means of shellfish receiving documents issued by the department, that one thousand pounds of crab were caught and landed in the Puget Sound licensing district under the license during any one year in that period; and

(d) Held, and have not transferred, a shellfish pot license during 1980.

(2) In addition to the requirements of subsection (1) of this section, after January 1, 1982, commercial crab licenses endorsed for the Puget Sound licensing district may be issued only to vessels which held a commercial crab license during the previous year or had transferred to the vessel such a license. Where the failure to obtain the license during the previous year was the result of a license suspension or revocation by the department, the vessel may qualify for a license by establishing that the vessel held such a license during the last year in which it was eligible.

(3) The issuance of commercial crab licenses for areas other than the Puget Sound licensing district is not restricted by this section.

(4) License endorsements issued under this section are not transferable from one owner to another owner, except from parent to child or upon the death of the owner, before July 1, 1982.

NEW SECTION. Sec. 5. The director shall appoint three-member advisory boards of review to hear cases as provided in section 6 of this act. The members of the boards shall be appointed from lists furnished by commercial fishery organizations or may be any persons from the commercial crab fishing industry the director deems qualified to serve on such a board. The members shall serve at the discretion of the director and 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 adopt rules concerning the operation of the review boards.

NEW SECTION. Sec. 6. A person aggrieved by a decision of the department under section 3 or 4 of this act may request administrative review either as a contested case under chapter 34.04 RCW or under the informal review procedure provided by this section.

In an informal hearing before a board of review, the rules of evidence do not apply. A record of the proceeding shall be kept as provided in chapter 34.04 RCW. After hearing the case, the board of review shall notify in writing both the director and the initiating party as to whether the board agrees or disagrees with the decision of the department, together with the reasons for the board's findings. Upon receipt of the board's findings, the director may either uphold or reverse the department's actions.

A person aggrieved by a final decision of the director is entitled to judicial review under chapter 34.04 RCW. If the final decision of the director results in the issuance of a commercial crab license, any person holding a commercial crab license is entitled to judicial review under chapter 34.04 RCW.

Nothing in this section may be construed to impose liability on members of the board of review for their actions under this section.

NEW SECTION. Sec. 7. Sections 3 through 6 of this act are added to chapter 75.28 RCW.

NEW SECTION. Sec. 8. If any provision of this 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. 9. This 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 March 4, 1980.

Passed the Senate February 14, 1980.

Approved by the Governor March 13, 1980.

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