

Section 1 of this 1983 act shall not result in any increase in retirement benefits. The rights extended to state officers and employees under section 1 of this 1983 act are not intended to and shall not have any effect on retirement benefits under this chapter.

NEW SECTION. Sec. 5. There is added to chapter 43.43 RCW a new section to read as follows:

Section 1 of this 1983 act shall not result in any increase in retirement benefits. The rights extended to state officers and employees under section 1 of this 1983 act are not intended to and shall not have any effect on retirement benefits under this chapter.

Passed the House April 22, 1983.

Passed the Senate April 18, 1983.

Approved by the Governor May 17, 1983.

Filed in Office of Secretary of State May 17, 1983.

CHAPTER 284

[Substitute House Bill No. 233]

ANADROMOUS GAME FISH—EXCISE TAX—COMMERCIAL LICENSE

AN ACT Relating to anadromous game fish; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 7, chapter 310, Laws of 1981 and RCW 77.32.010; amending section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 25, chapter 310, Laws of 1981 and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 as last amended by section 26, chapter 310, Laws of 1981 and RCW 77.32.220; amending section 1, chapter 98, Laws of 1980 and RCW 82.27.010; amending section 2, chapter 98, Laws of 1980 as amended by section 10, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.27.020; amending section 7, chapter 98, Laws of 1980 and RCW 82.27.070; and adding a new section.

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

Sec. 1. Section 77.12.170, chapter 36, Laws of 1955 as last amended by section 2, chapter 310, Laws of 1981 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state game fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the commission under this title;
- (g) Penalty assessments collected under RCW 77.21.050;

(h) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; (~~and~~)

(i) Fines, forfeitures, and costs collected under this title for violations of law or rules of the commission; and

(j) Excise tax on anadromous game fish collected under chapter 82.27 RCW.

(2) Courts shall collect fines and forfeitures and deposit them within fifteen days after the end of each quarter in the state treasury. Except as provided in RCW 77.12.201, the treasurer shall credit fifty percent of these fines and forfeitures to the state game fund and shall return the remainder to the county in which it was collected.

(3) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state game fund.

(4) The term "fines and forfeitures" includes amounts, by whatever name known, levied by courts for violations of this title or rules of the commission but does not include penalty assessments under RCW 77.21.050, or actual court costs.

Sec. 2. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 7, chapter 310, Laws of 1981 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the commission is required to:

(a) Hunt for wild animals or wild birds or fish for game fish;

(b) Practice taxidermy for profit;

(c) Deal in raw furs for profit;

(d) Act as a fishing guide;

(e) Operate a game farm; (~~or~~)

(f) Purchase or sell anadromous game fish; or

(g) Use department-managed lands or facilities as provided by rule of the commission.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or

(c) Stock game fish.

Sec. 3. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 25, chapter 310, Laws of 1981 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred dollars for a resident and two hundred fifty dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the commission. The fee for this license is fifty dollars for the first year and thirty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is ten dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is ten dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the commission. The fee for this license is one hundred dollars.

Sec. 4. Section 77.32.220, chapter 36, Laws of 1955 as last amended by section 26, chapter 310, Laws of 1981 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, fishing guides, game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the commission.

Sec. 5. Section 1, chapter 98, Laws of 1980 and RCW 82.27.010 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Food fish and shellfish" has the meaning ascribed to it by RCW 75.04.040 and includes byproducts and also parts of food fish and shellfish, whether fresh, frozen, canned, or otherwise.

(2) "Commercial ((purposes" has the meaning ascribed to it by RCW 75.04.080))" means related to or connected with buying, selling, bartering, or processing.

(3) "Possession" means the control of food fish ((and)), shellfish, and anadromous game fish by the owner and includes both actual and constructive possession. Constructive possession occurs when the person has legal ownership but not actual possession of the food fish ((or)), shellfish, or anadromous game fish.

(4) "Anadromous game fish" means steelhead trout and anadromous cutthroat trout and Dolly Varden char and includes byproducts and also parts of anadromous game fish, whether fresh, frozen, canned, or otherwise.

Sec. 6. Section 2, chapter 98, Laws of 1980 as amended by section 10, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.27.020 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of food fish ~~((and))~~, shellfish ~~((for commercial purposes))~~, and anadromous game fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the food fish ~~((or))~~, shellfish, or anadromous game fish whose possession constitutes the taxable event. The taxable event is the first possession by an owner after the food fish ~~((or))~~, shellfish, or anadromous game fish have been landed. Processing and handling of food fish ~~((and))~~, shellfish, and anadromous game fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of food fish ~~((and))~~, shellfish, and anadromous game fish and liable to this tax may deduct from the price paid to the person from which ~~((such))~~ the food fish ~~((or))~~, shellfish (except oysters), or anadromous game fish are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the price paid by the first person in possession of the food fish ~~((or))~~, shellfish, or anadromous game fish. If the food fish ~~((or))~~, shellfish, or anadromous game fish are acquired other than by purchase or are purchased under conditions where the purchase price does not represent the value of the food fish ~~((or))~~, shellfish, or anadromous game fish or these products are transferred outside the state without sale, the measure of the tax shall be determined as nearly as possible according to the selling price of similar products of like quality and character under rules adopted by the department of revenue.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for food fish ~~((and))~~, shellfish, and anadromous game fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five percent.

(b) Pink and sockeye salmon: Three percent.

(c) Other food fish and shellfish, except oysters: Two percent.

(d) Oysters: Seven one-hundredths of one percent.

(5) From and after the first day of July, 1982, until and including the thirtieth day of June, 1983, an additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 7. Section 7, chapter 98, Laws of 1980 and RCW 82.27.070 are each amended to read as follows:

All taxes collected by the department of revenue under this chapter shall be deposited in the state general fund except for the excise tax on anadromous game fish, which shall be deposited in the game fund.

NEW SECTION. Sec. 8. The legislature finds that there are commercial fish buyers benefiting financially from the propagation of game fish in the state. The legislature recognizes that license fees obtained from sports fishermen support the majority of the production of these game fish. The legislature finds that commercial operations which benefit from the commercial harvest of these fish should pay a tax to assist in the funding of these facilities. However, the intent of the legislature is not to support the commercial harvest of steelhead and other game fish.

Passed the House April 23, 1983.

Passed the Senate April 20, 1983.

Approved by the Governor May 17, 1983.

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CHAPTER 285

[Substitute House Bill No. 334]

HIGHER EDUCATION INSTITUTIONS—RESIDENCY REQUIREMENT MODIFIED

AN ACT Relating to residency requirements for institutions of higher education; amending section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.012; and declaring an emergency.

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

Sec. 1. Section 2, chapter 273, Laws of 1971 ex. sess. as last amended by section 1, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.012 are each amended to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean: (a) A financially independent student who has had a domicile in the state of Washington for the period of one year immediately prior to the time of commencement of the first day of the semester or quarter for which he has registered at any institution and has in fact established a bona fide domicile in this state primarily for purposes other than educational ((or)); (b) a dependent student, if one or both of his parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution; or (c) a student classified as a resident based upon domicile by an institution on or before May 31, 1982, who was enrolled at a state institution during any term of the 1982-1983 academic year, so long as such student's enrollment (excepting summer sessions) at an institution in this state is continuous: PROVIDED, That a nonresident student enrolled for more than six hours per semester or quarter shall be considered as attending for primarily educational purposes, and for tuition and fee paying