

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.

NEW SECTION. Sec. 9. Section 4, chapter 38, Laws of 1891 and RCW 4.64.050 are each repealed.

Passed the House May 11, 1983.

Passed the Senate May 9, 1983.

Approved by the Governor May 20, 1983.

Filed in Office of Secretary of State May 20, 1983.

CHAPTER 46

[Engrossed Substitute House Bill No. 278]

FISHERIES CODE REVISIONS—REORGANIZATION

AN ACT Relating to the reorganization and revision of the fisheries code; amending section 75.08.010, chapter 12, Laws of 1955 and RCW 75.08.010; amending section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010; amending section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.08.012; amending section 10, chapter 207, Laws of 1953 and RCW 75.08.014; amending section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020; amending section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025; amending section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040; amending section 75.16.050, chapter 12, Laws of 1955 and RCW 75.16.050; amending section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060; amending section 75.16.070, chapter 12, Laws of 1955 and RCW 75.16.070; amending section 75.08.070, chapter 12, Laws of 1955 and RCW 75.08.070; amending section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080; amending section 75.08.090, chapter 12, Laws of 1955 as amended by section 1, chapter 93, Laws of 1973 and RCW 75.08.090; amending section 75.08.110, chapter 12, Laws of 1955 and RCW 75.08.110; amending section 75.08.120, chapter 12, Laws of 1955 and RCW 75.08.120; amending section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160; amending section 14, chapter 207, Laws of 1953 as amended by section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206; amending section 1, chapter 216, Laws of 1957 and RCW 75.08.024; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 and RCW 75.08.230; amending section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120; amending section 75.12.130, chapter 12, Laws of 1955 as last amended by section 382, chapter 141, Laws of 1979 and RCW 75.12.130; amending section 2, chapter 251, Laws of 1981 and RCW 75.12.310; amending section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010; amending section 75.16.030, chapter 12, Laws of 1955 and RCW 75.16.030; amending section 75.16.020, chapter 12,

Laws of 1955 and RCW 75.16.020; amending section 75.08.150, chapter 12, Laws of 1955 as amended by section 133, chapter 78, Laws of 1980 and RCW 75.08.150; amending section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170; amending section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010; amending section 75.08.200, chapter 12, Laws of 1955 as amended by section 134, chapter 78, Laws of 1980 and RCW 75.08.200; amending section 75.08.280, chapter 12, Laws of 1955 and RCW 75.08.280; amending section 75.36.040, chapter 12, Laws of 1955 and RCW 75.36.040; amending section 75.36.030, chapter 12, Laws of 1955 and RCW 75.36.030; amending section 75.36.050, chapter 12, Laws of 1955 and RCW 75.36.050; amending section 75.08.180, chapter 12, Laws of 1955 and RCW 75.08.180; amending section 24, chapter 112, Laws of 1949 and RCW 75.08.275; amending section 75.08.260, chapter 12, Laws of 1955 as amended by section 1, chapter 99, Laws of 1979 ex. sess. and RCW 75.08.260; amending section 75.28.380, chapter 12, Laws of 1955 as last amended by section 2, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.380; amending section 3, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.384; amending section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.288; amending section 75.12.010, chapter 12, Laws of 1955 as last amended by section 2, chapter 220, Laws of 1973 1st ex. sess. and RCW 75.12.010; amending section 75.18.020, chapter 12, Laws of 1955 and RCW 75.18.020; amending section 75.12.020, chapter 12, Laws of 1955 and RCW 75.12.020; amending section 75.20.070, chapter 12, Laws of 1955 and RCW 75.20.070; amending section 75.12.040, chapter 12, Laws of 1955 and RCW 75.12.040; amending section 75.12.070, chapter 12, Laws of 1955 and RCW 75.12.070; amending section 75.12.090, chapter 12, Laws of 1955 as amended by section 1, chapter 14, Laws of 1982 and RCW 75.12.090; amending section 75.12.100, chapter 12, Laws of 1955 and RCW 75.12.100; amending section 1, chapter 106, Laws of 1971 ex. sess. and RCW 75.12.115; amending section 75.12.120, chapter 12, Laws of 1955 and RCW 75.12.120; amending section 2, chapter 276, Laws of 1955 as last amended by section 1, chapter 64, Laws of 1965 and RCW 75.12.140; amending section 3, chapter 108, Laws of 1957 and RCW 75.12.210; amending section 5, chapter 108, Laws of 1957 as amended by section 2, chapter 234, Laws of 1963 and RCW 75.12.230; amending section 1, chapter 251, Laws of 1981 and RCW 75.12.300; amending section 1, chapter 197, Laws of 1982 and RCW 75.12.320; amending section 2, chapter 14, Laws of 1982 and RCW 75.12.400; amending section 75.08.130, chapter 12, Laws of 1955 and RCW 75.08.130; amending section 75.08.210, chapter 12, Laws of 1955 and RCW 75.08.210; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; amending section 1, chapter 23, Laws of 1969 ex. sess. and RCW 75.12.650; amending section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20.040; amending section 75.20.050, chapter 12, Laws of 1955 and RCW 75.20.050; amending section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060; amending section 1, chapter 153, Laws of 1963 and RCW 75.20.061; amending section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090; amending section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100; amending section 1, chapter 4, Laws of 1961 and RCW 75.20.110; amending section 8, chapter 7, Laws of 1982 and RCW 75.20.300; amending section 75.24.010, chapter 12, Laws of 1955 and RCW 75.24.010; amending section 75.24.030, chapter 12, Laws of 1955 and RCW 75.24.030; amending section 75.24.050, chapter 12, Laws of 1955 and RCW 75.24.050; amending section 75.24.060, chapter 12, Laws of 1955 as amended by section 1, chapter 91, Laws of 1969 ex. sess. and RCW 75.24.060; amending section 75.24.070, chapter 12, Laws of 1955 and RCW 75.24.070; amending section 75.24.080, chapter 12, Laws of 1955 and RCW 75.24.080; amending section 75.24.090, chapter 12, Laws of 1955 as amended by section 7, chapter 212, Laws of 1955 and RCW 75.24.090; amending section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100; amending section 75.08.054, chapter 12, Laws of 1955 and RCW 75.08.054; amending section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056; amending section 75.08.060, chapter 12, Laws of 1955 and RCW 75.08.060; amending section 2, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.020; amending section 4, chapter 243, Laws of 1979 ex. sess. as amended by section 1, chapter 81, Laws of 1980 and RCW 75.25.040; amending section 2, chapter 81, Laws of 1980 and RCW 75.25.080; amending section 11, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.610; amending section 13, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.630; amending section 17, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.670; amending

section 12, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.620; amending section 15, chapter 327, Laws of 1977 ex. sess. as amended by section 135, chapter 78, Laws of 1980 and RCW 75.28.650; amending section 16, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.660; amending section 75.28.010, chapter 12, Laws of 1955 as amended by section 2, chapter 309, Laws of 1959 and RCW 75.28.010; amending section 1, chapter 171, Laws of 1957 as amended by section 2, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.012; amending section 3, chapter 171, Laws of 1957 as last amended by section 1, chapter 201, Laws of 1981 and RCW 75.28.014; amending section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020; amending section 75.28.030, chapter 12, Laws of 1955 as amended by section 7, chapter 309, Laws of 1959 and RCW 75.28.030; amending section 75.28.100, chapter 12, Laws of 1955 as amended by section 9, chapter 309, Laws of 1959 and RCW 75.28.100; amending section 75.28.040, chapter 12, Laws of 1955 as amended by section 2, chapter 212, Laws of 1955 and RCW 75.28.040; amending section 75.28.060, chapter 12, Laws of 1955 as last amended by section 4, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.060; amending section 75.28.070, chapter 12, Laws of 1955 and RCW 75.28.070; amending section 14, chapter 283, Laws of 1971 ex. sess. as amended by section 2, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.081; amending section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 60, Laws of 1979 and RCW 75.28.095; amending section 75.28.110, chapter 12, Laws of 1955 as last amended by section 2, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.110; amending section 75.18.080, chapter 12, Laws of 1955 as last amended by section 3, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.080; amending section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460; amending section 75.28.120, chapter 12, Laws of 1955 as last amended by section 3, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.120; amending section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085; amending section 75.28.130, chapter 12, Laws of 1955 as last amended by section 6, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.130; amending section 75.28.140, chapter 12, Laws of 1955 as last amended by section 7, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.140; amending section 5, chapter 212, Laws of 1955 and RCW 75.28.255; amending section 2, chapter 35, Laws of 1971 and RCW 75.16.100; amending section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.280; amending section 10, chapter 212, Laws of 1955 and RCW 75.28.282; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; amending section 5, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.286; amending section 4, chapter 253, Laws of 1969 ex. sess. as amended by section 4, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.287; amending section 75.28.290, chapter 12, Laws of 1955 as amended by section 2, chapter 91, Laws of 1969 ex. sess. and RCW 75.28.290; amending section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 66, Laws of 1979 and RCW 75.28.300; amending section 75.28.350, chapter 12, Laws of 1955 as amended by section 1, chapter 29, Laws of 1965 ex. sess. and RCW 75.28.350; amending section 75.28.370, chapter 12, Laws of 1955 as amended by section 2, chapter 66, Laws of 1979 and RCW 75.28.370; amending section 2, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.400; amending section 1, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.450; amending section 2, chapter 227, Laws of 1981 and RCW 75.28.690; amending section 5, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.050; amending section 6, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.060; amending section 2, chapter 106, Laws of 1977 ex. sess. as last amended by section 1, chapter 202, Laws of 1981 and RCW 75.30.020; amending section 2, chapter 101, Laws of 1979 and RCW 75.30.070; amending section 4, chapter 101, Laws of 1979 and RCW 75.30.090; amending section 5, chapter 101, Laws of 1979 and RCW 75.30.100; amending section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 and RCW 75.28.455; amending section 4, chapter 133, Laws of 1980 as amended by section 1, chapter 157, Laws of 1982 and RCW 75.28.275; amending section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420; amending section 75.40.010, chapter 12, Laws of 1955 and RCW 75.40.010; amending section 75.40.020, chapter 12, Laws of 1955 and RCW 75.40.020; amending section 75.40.030, chapter 12, Laws of 1955 as last amended by section 2, chapter 101, Laws of 1969 ex. sess. and RCW 75.40.030; amending section 75.40.040,

chapter 12, Laws of 1955 as amended by section 2, chapter 171, Laws of 1963 and RCW 75.40.040; amending section 75.40.060, chapter 12, Laws of 1955 and RCW 75.40.060; amending section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505; amending section 4, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.510; amending section 5, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.515; amending section 6, chapter 183, Laws of 1975 1st ex. sess. as amended by section 2, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.520; amending section 8, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 4, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.530; amending section 9, chapter 183, Laws of 1975 1st ex. sess. as amended by section 5, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.535; amending section 10, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.540; amending section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 1, chapter 261, Laws of 1981 and RCW 75.48.020; amending section 3, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.030; amending section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.040; amending section 5, chapter 308, Laws of 1977 ex. sess. as amended by section 2, chapter 261, Laws of 1981 and RCW 75.48.050; amending section 6, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.060; amending section 7, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.070; amending section 8, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.080; amending section 9, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.090; amending section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.100; amending section 11, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.110; amending section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110; amending section 75.98.030, chapter 12, Laws of 1955 and RCW 75.98.030; amending section 171, page 279, Laws of 1860 as last amended by section 1, chapter 98, Laws of 1909 and RCW 3.20.040; amending section 117, chapter 299, Laws of 1961 as amended by section 1, chapter 150, Laws of 1982 and RCW 3.66.060; amending section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010; amending section 43.52.440, chapter 8, Laws of 1965 and RCW 43.52.440; amending section 1, chapter 39, Laws of 1975 and RCW 69.04.930; amending section 1, chapter 98, Laws of 1980 and RCW 82.27.010; amending section 124, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.390; adding a new section to chapter 75.12 RCW; adding a new section to chapter 75.25 RCW; adding a new chapter to Title 75 RCW; adding a new section to chapter 79.96 RCW; creating new sections; decodifying RCW 75.12.200, 75.12.300, 75.18.100, 75.25.010, 75.25.900, 75.25.910, 75.28.400, 75.28.450, 75.28.500, 75.28.600, 75.30.010, 75.48.010, 75.98.010, 75.98.020, 75.98.040, 75.98.050, and 75.98.060; repealing section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020; repealing section 75.04.030, chapter 12, Laws of 1955 and RCW 75.04.030; repealing section 75.04.040, chapter 12, Laws of 1955 and RCW 75.04.040; repealing section 75.04.050, chapter 12, Laws of 1955 and RCW 75.04.050; repealing section 75.04.060, chapter 12, Laws of 1955 and RCW 75.04.060; repealing section 75.04.070, chapter 12, Laws of 1955, section 3, chapter 227, Laws of 1981 and RCW 75.04.070; repealing section 75.04.080, chapter 12, Laws of 1955 and RCW 75.04.080; repealing section 75.04.090, chapter 12, Laws of 1955 and RCW 75.04.090; repealing section 75.04.100, chapter 12, Laws of 1955 and RCW 75.04.100; repealing section 75.04.110, chapter 12, Laws of 1955 and RCW 75.04.110; repealing section 9, chapter 112, Laws of 1949 and RCW 75.08.021; repealing section 4, chapter 112, Laws of 1949 and RCW 75.08.022; repealing section 1, chapter 315, Laws of 1959 and RCW 75.08.027; repealing section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030; repealing section 75.08.050, chapter 12, Laws of 1955 and RCW 75.08.050; repealing section 18, chapter 327, Laws of 1977 ex. sess. and RCW 75.08.085; repealing section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100; repealing section 75.08.140, chapter 12, Laws of 1955 and RCW 75.08.140; repealing section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190; repealing section 13, chapter 207, Laws of 1953 and RCW 75.08.203; repealing section 75.08.240, chapter 12, Laws of 1955 and RCW 75.08.240; repealing section 75.08.250, chapter 12, Laws of 1955, section 34, chapter 106, Laws of 1973 and RCW 75.08.250; repealing section 75.08.270, chapter 12, Laws of 1955 and RCW 75.08.270; repealing section 1, chapter 230, Laws of 1961 and RCW 75.08.290; repealing section 75.12.050, chapter 12, Laws of 1955 and RCW 75.12.050; repealing section 75.12.060, chapter 12, Laws of 1955 and RCW 75.12.060; repealing section 75.12.080, chapter 12,

Laws of 1955 and RCW 75.12.080; repealing section 75.12.110, chapter 12, Laws of 1955 and RCW 75.12.110; repealing section 3, chapter 276, Laws of 1955 and RCW 75.12.150; repealing section 4, chapter 276, Laws of 1955 and RCW 75.12.160; repealing section 4, chapter 108, Laws of 1957, section 1, chapter 234, Laws of 1963 and RCW 75.12.220; repealing section 3, chapter 234, Laws of 1963 and RCW 75.12.232; repealing section 6, chapter 108, Laws of 1957 and RCW 75.12.240; repealing section 7, chapter 108, Laws of 1957 and RCW 75.12.250; repealing section 8, chapter 108, Laws of 1957 and RCW 75.12.260; repealing section 9, chapter 108, Laws of 1957 and RCW 75.12.270; repealing section 26, chapter 309, Laws of 1959 and RCW 75.12.280; repealing section 1, chapter 227, Laws of 1981 and RCW 75.12.290; repealing section 75.16.040, chapter 12, Laws of 1955 and RCW 75.16.040; repealing section 3, chapter 35, Laws of 1971 and RCW 75.16.110; repealing section 75.18.005, chapter 12, Laws of 1955 and RCW 75.18.005; repealing section 75.18.010, chapter 12, Laws of 1955 and RCW 75.18.010; repealing section 75.18.030, chapter 12, Laws of 1955 and RCW 75.18.030; repealing section 75.18.040, chapter 12, Laws of 1955 and RCW 75.18.040; repealing section 75.18.050, chapter 12, Laws of 1955 and RCW 75.18.050; repealing section 75.18.060, chapter 12, Laws of 1955 and RCW 75.18.060; repealing section 75.18.070, chapter 12, Laws of 1955 and RCW 75.18.070; repealing section 75.18.090, chapter 12, Laws of 1955 and RCW 75.18.090; repealing section 75.20.010, chapter 12, Laws of 1955 and RCW 75.20.010; repealing section 75.20.020, chapter 12, Laws of 1955 and RCW 75.20.020; repealing section 75.20.030, chapter 12, Laws of 1955 and RCW 75.20.030; repealing section 75.20.080, chapter 12, Laws of 1955 and RCW 75.20.080; repealing section 2, chapter 4, Laws of 1961 and RCW 75.20.120; repealing section 75.24.020, chapter 12, Laws of 1955 and RCW 75.24.020; repealing section 75.24.040, chapter 12, Laws of 1955 and RCW 75.24.040; repealing section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030; repealing section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050; repealing section 6, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.060; repealing section 7, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.070; repealing section 2, chapter 171, Laws of 1957, section 3, chapter 309, Laws of 1959, section 3, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.013; repealing section 75.28.050, chapter 12, Laws of 1955 and RCW 75.28.050; repealing section 1, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.083; repealing section 6, chapter 309, Laws of 1959, section 6, chapter 283, Laws of 1971 ex. sess., section 2, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.087; repealing section 2, chapter 60, Laws of 1979 and RCW 75.28.097; repealing section 75.28.150, chapter 12, Laws of 1955, section 14, chapter 309, Laws of 1959, section 6, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.150; repealing section 75.28.160, chapter 12, Laws of 1955, section 15, chapter 309, Laws of 1959, section 7, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.160; repealing section 75.28.170, chapter 12, Laws of 1955, section 16, chapter 309, Laws of 1959, section 8, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.170; repealing section 75.28.180, chapter 12, Laws of 1955, section 17, chapter 309, Laws of 1959, section 9, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.180; repealing section 75.28.190, chapter 12, Laws of 1955, section 18, chapter 309, Laws of 1959, section 10, chapter 73, Laws of 1965 ex. sess., section 9, chapter 283, Laws of 1971 ex. sess., section 8, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.190; repealing section 75.28.210, chapter 12, Laws of 1955, section 19, chapter 309, Laws of 1959, section 11, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.210; repealing section 75.28.220, chapter 12, Laws of 1955, section 20, chapter 309, Laws of 1959, section 12, chapter 73, Laws of 1965 ex. sess., section 10, chapter 283, Laws of 1971 ex. sess., section 9, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.220; repealing section 75.28.230, chapter 12, Laws of 1955, section 21, chapter 309, Laws of 1959, section 13, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.230; repealing section 75.28.240, chapter 12, Laws of 1955, section 22, chapter 309, Laws of 1959, section 14, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.240; repealing section 75.28.250, chapter 12, Laws of 1955, section 23, chapter 309, Laws of 1959, section 15, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.250; repealing section 75.28.260, chapter 12, Laws of 1955, section 24, chapter 309, Laws of 1959, section 16, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.260; repealing section 75.28.270, chapter 12, Laws of 1955, section 25, chapter 309, Laws of 1959, section 17, chapter 73, Laws of 1965 ex. sess., section 2, chapter 133, Laws of 1980 and RCW 75.28.270; repealing section 3, chapter 133, Laws of 1980 and RCW 75.28.274; repealing section 5, chapter 133, Laws of 1980 and RCW 75.28.276; repealing section 6, chapter 133, Laws of 1980 and RCW 75.28.277; repealing

section 9, chapter 212, Laws of 1955, section 2, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.281; repealing section 6, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.283; repealing section 12, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.375; repealing section 3, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.377; repealing section 1, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.390; repealing section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410; repealing section 5, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.430; repealing section 2, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.440; repealing section 4, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.465; repealing section 6, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.470; repealing section 7, chapter 184, Laws of 1974 ex. sess., section 171, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.475; repealing section 9, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.480; repealing section 7, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.525; repealing section 14, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.640; repealing section 1, chapter 113, Laws of 1980 and RCW 75.28.800; repealing section 3, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.030; repealing section 4, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.040; repealing section 3, chapter 101, Laws of 1979 and RCW 75.30.080; repealing section 75.36.020, chapter 12, Laws of 1955 and RCW 75.36.020; repealing section 75.40.050, chapter 12, Laws of 1955, section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050; repealing section 75.40.070, chapter 12, Laws of 1955 and RCW 75.40.070; repealing section 1, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.010; repealing section 3, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.020; repealing section 4, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.030; repealing section 5, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.040; repealing section 6, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.050; repealing section 7, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.060; repealing section 8, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.070; repealing section 9, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.080; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. In enacting this 1983 act, it is the intent of the legislature to revise and reorganize the fisheries code of this state to clarify and improve the administration of the state's fisheries laws. Unless the context clearly requires otherwise, the revisions made to the fisheries code by this act are not to be construed as substantive.

Sec. 2. Section 75.08.010, chapter 12, Laws of 1955 and RCW 75.08.010 are each amended to read as follows:

This title (~~shall be~~) is known and may be cited as the "Fisheries Code of the State of Washington."

NEW SECTION. Sec. 3. RCW 75.04.010, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.08.011.

Sec. 4. Section 75.04.010, chapter 12, Laws of 1955 as amended by section 2, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.04.010 are each amended to read as follows:

(~~Ferms~~) As used in this title or (~~in any~~) rule (~~or regulation~~) of the director (~~of fisheries shall have the meaning given to them in this chapter~~), unless the context clearly (~~indicates~~) requires otherwise:

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

(3) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations.

(4) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(5) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(6) "To fish" and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

(7) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(8) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Resident" means a person who has for the preceding ninety days maintained a permanent abode within the state, has established by formal evidence an intent to continue residing within the state, and is not licensed to fish as a resident in another state.

(11) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(12) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that shall not be fished for except as authorized by rule of the director. The term "food fish" includes all stages of development and the bodily parts of food fish species.

(13) "Shellfish" means those species of marine and freshwater invertebrates that shall not be taken except as authorized by rule of the director. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(14) "Salmon" means species of the genus Oncorhynchus and includes:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Oncorhynchus tshawytscha</u>	<u>Chinook salmon</u>
<u>Oncorhynchus kisutch</u>	<u>Coho salmon</u>

<u>Oncorhynchus keta</u>	<u>Chum salmon</u>
<u>Oncorhynchus gorbusha</u>	<u>Pink salmon</u>
<u>Oncorhynchus nerka</u>	<u>Sockeye salmon</u>

(15) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

(16) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

(17) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

(18) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel to which are attached no more than two single hooks or one artificial bait with no more than four multiple hooks.

Sec. 5. Section 3, chapter 112, Laws of 1949 as amended by section 1, chapter 183, Laws of 1975 1st ex. sess. 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))~~ shall preserve, protect, perpetuate and manage the food fish and shellfish in ~~((the waters of the))~~ state waters 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))~~.

The department shall conserve the food fish and shellfish resources in a manner that does not impair the resource. In a manner consistent ~~((there-with;))~~ with this goal, the department shall seek to maintain the economic well-being and stability of the ~~((commercial))~~ fishing industry in the state ~~((of Washington))~~. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

Sec. 6. Section 10, chapter 207, Laws of 1953 and RCW 75.08.014 are each amended to read as follows:

The director of fisheries shall ~~((have charge and general supervision))~~ supervise the administration and operation of the department of fisheries ~~((; and shall exercise all the powers))~~ and perform ~~((all))~~ the duties prescribed by law ~~((with respect to food fish and shellfish))~~. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

~~((No person shall be eligible to appointment as, or to hold the office of, director of fisheries, unless he has))~~ Only persons having general knowledge of the fisheries resources and commercial and recreational fishing ~~((conditions and of the fishing))~~ industry in this state ~~((, and has no))~~ are eligible

for appointment as director. The director shall not have a financial interest in the fishing industry or ~~((any))~~ a directly related industry ~~((directly connected therewith))~~.

Sec. 7. Section 75.08.020, chapter 12, Laws of 1955 as amended by section 87, chapter 75, Laws of 1977 and RCW 75.08.020 are each amended to read as follows:

~~((The director shall devote his time to the duties of his office and enforce the laws and regulations of the director relating to propagation, protection, conservation, preservation, and management of food fish and shellfish.~~

~~The director shall purchase, construct, charter, and operate vehicles, boats, and aircraft necessary to properly patrol the shores and waters of the state and the offshore waters in the enforcement of this title and the regulations of the director.))~~

(1) The director shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The director shall make an annual report ~~((each year))~~ to the governor ~~((, containing a statement of his official actions, of))~~ on the operation ~~((and result of the laws pertaining to the fish and shellfish industry,))~~ of the department and the statistics of the fishing ~~((business, and suggestions as to needed legislation whenever he deems it necessary))~~ industry.

Sec. 8. Section 75.08.025, chapter 12, Laws of 1955 and RCW 75.08.025 are each amended to read as follows:

The ~~((authority of the))~~ director ~~((under the provisions of this title shall extend to negotiating))~~ may negotiate agreements with the United States department of defense ~~((of the United States, or representatives thereof, for the purpose of coordinating and correlating the control of))~~ to coordinate fishing in ~~((the))~~ state waters ~~((of the state))~~ over which the department of defense ~~((, for national defense purposes,))~~ has assumed control ~~((, to the end that such waters may be utilized for fishing consistent with the safety of fishermen, personnel of the department of defense, and the public, to promulgate and enforce regulations for restricted fishing in said areas and to provide for such patrol of said areas as may be necessary)).~~

Sec. 9. Section 75.08.040, chapter 12, Laws of 1955 as amended by section 1, chapter 212, Laws of 1955 and RCW 75.08.040 are each amended to read as follows:

The director ~~((shall select and))~~ may acquire by gift, easement, purchase, lease, or condemnation ~~((brought in the name of the state, and by any other lawful means at his disposal, such))~~ lands, water rights, and rights of way, and construct ~~((at))~~ and maintain necessary facilities ~~((thereon, as may be necessary for the exercise of the powers and discharge of the duties of the department))~~ for purposes consistent with this title.

The director (~~((shall have authority to))~~) may sell, lease, convey, or grant concessions upon (~~((any property;))~~) real or personal (~~((heretofore or hereafter acquired for the state and))~~) property under the control of the department.

NEW SECTION. Sec. 10. RCW 75.16.050, 75.16.060, and 75.16.070, each as amended by this 1983 act, are each decodified and recodified as RCW 75.08.045, 75.08.055, and 75.08.065, respectively.

Sec. 11. Section 75.16.050, chapter 12, Laws of 1955 and RCW 75.16.050 are each amended to read as follows:

The director may accept money or real property from (~~((the United States, counties, municipalities, or other governmental units, or from any person;))~~) persons under conditions requiring the use of (~~((such))~~) the property or money for (~~((specific purposes in furtherance of))~~) the protection, rehabilitation, preservation, or conservation of the state food fish and shellfish resources, or (~~((with the advice of the attorney general;))~~) in settlement of (~~((any))~~) claims for damages to (~~((such))~~) food fish and shellfish resources. (~~((Any))~~) The director shall only accept real property (~~((so accepted must be))~~) useful for the protection, rehabilitation, preservation, or conservation of (~~((such))~~) these fisheries resources.

~~((The director is hereby designated the agent of the state to accept and receive all such funds and deposit them with the state treasurer who shall credit them to the contingent receipts fund created by RCW 43.79.250.~~

~~Whenever any money has been received and is to be spent for a specific purpose, the director shall submit to the governor duplicate copies of a statement setting forth the facts regarding such funds and the need for such expenditure and the estimated amount to be expended.~~

~~If the governor approves such estimate in whole or in part, he shall endorse on each copy of such statement his approval, with the amount approved, and transmit one copy of the same to the director authorizing him to make the expenditure. No expenditure shall be authorized in excess of the actual amount received, nor shall funds be expended for any purpose except the specific purpose for which they were received, unless the same were received in settlement of a claim for damages to the food fish or shellfish resources of the state, and in that event such funds so received may be expended for the protection, rehabilitation, preservation, or conservation of such resources:))~~

Sec. 12. Section 75.16.060, chapter 12, Laws of 1955 and RCW 75.16.060 are each amended to read as follows:

(1) (~~((Consent of the state is hereby given to the United States for the continuance of present established fish cultural stations and laboratories located in this state as of April 1, 1949; for the establishment of one or more additional fish cultural stations, substations or laboratories to be constructed, maintained, and operated by the United States or the state, under the~~

~~terms of agreements to be entered into between the United States and the director and the state game commission: PROVIDED, That this consent shall be effective as to additional establishments only when the location of such additional establishments has been approved in advance by the director and the state game commission. The Secretary of the Interior, and his duly authorized agents are hereby accorded the right to conduct scientific investigations, fish hatching and fish cultural stations and all operations connected therewith at any and all times and in any manner that may by the Secretary be considered necessary and proper, in accordance with the provisions of certain acts of congress entitled: "An Act to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries," approved May 21, 1930, and the provisions of the act of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U.S.C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof, at presently established stations and laboratories and at additional establishments when approval of the location of any such additional establishment has been given as provided in this section.~~

~~((2))~~ The director and the state game commission ~~((are hereby authorized to))~~ may enter into agreements with and receive funds from the United States for the construction ((and installation)), maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions((, in accordance with the act of congress of May 11, 1938 (Ch. 193, 52 Stat. 354, 16 U.S.C. 755-757), as amended by "An Act to amend the Act of May 11, 1938, for the conservation of the Fishery Resources of the Columbia River, and for other purposes," approved August 8, 1946, or acts amendatory thereof)).

~~((3))~~ (2) The director and the state game commission may acquire by gift, purchase, lease, easement, or condemnation ~~((the necessary title to, interest therein, rights of way over or licenses covering))~~ the use of lands where ~~((such))~~ the construction or improvement is to be carried on by the United States.

~~((4))~~ The director and the state game commission are hereby authorized to receive funds from the federal government for the construction, maintenance and operation of fish cultural stations, substations, laboratory or fish conservation devices or for any other purpose deemed necessary by the director or the state game commission for the rehabilitation and conservation of the fisheries resources of the Columbia River basin:

~~(5)~~ After the construction and installation of any such fish cultural station, substation, laboratory or fish conservation devices, the department or

~~the state game commission may maintain and operate the same in accordance with the terms of the agreement entered into with the United States in regard thereto:))~~

Sec. 13. Section 75.16.070, chapter 12, Laws of 1955 and RCW 75.16.070 are each amended to read as follows:

The director ~~((shall have the power to))~~ may enter into contracts and agreements with ~~((the United States, or any state or territory thereof, or with any foreign government, or with any))~~ a person~~((, for the purpose of securing))~~ to secure food fish or shellfish ~~((or eggs of the same, and))~~ or for the ~~((erection))~~ construction, operation, and maintenance of ~~((eyeing stations, fish or shellfish hatcheries, rearing ponds, and other appliances or installations))~~ facilities for the propagation of food fish or shellfish ~~((within or without the territorial limits of the state; and the director shall execute and carry out any such contracts or agreements))~~.

Sec. 14. Section 75.08.070, chapter 12, Laws of 1955 and RCW 75.08.070 are each amended to read as follows:

Consistent with federal law, the director's authority ~~((of the director under the provisions of this title shall))~~ extends to all areas and waters within the territorial ~~((limits))~~ boundaries of the state ~~((and)), to the offshore waters((; and the director is authorized under the provisions of this title to promulgate and publish regulations corresponding to the recommendations and regulations of the Pacific Marine Fisheries Commission, the International Fisheries Commission, and the International Pacific Salmon Fisheries Commission)),~~ and to the concurrent waters of the Columbia river.

Consistent with federal law, the director's authority extends to fishing in offshore waters by residents of this state.

The director may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The director may adopt rules consistent with the recommendations or regulations of the pacific marine fisheries commission, Columbia river compact, or international pacific salmon fisheries commission as provided in chapter 75.40 RCW.

Sec. 15. Section 75.08.080, chapter 12, Laws of 1955 as amended by section 1, chapter 55, Laws of 1980 and RCW 75.08.080 are each amended to read as follows:

(1) The director ~~((shall investigate the habits, supply and economic use of, and classify, the food fish and shellfish in the waters of the state and the offshore waters, and from time to time, make,))~~ may adopt, amend, ~~((and promulgate))~~ or repeal rules ~~((and regulations))~~ as follows:

(a) Specifying the times when the taking of ~~((any or all the various classes of))~~ food fish ~~((and))~~ or shellfish is lawful or ~~((prohibited))~~ unlawful.

(b) Specifying ~~((and defining))~~ the areas ~~((, places,))~~ and waters in which the taking and possession of ~~((the various classes of))~~ food fish ~~((and))~~ or shellfish is lawful or ~~((prohibited))~~ unlawful.

(c) Specifying and defining the ~~((types and sizes of))~~ gear, appliances, or other ~~((means))~~ equipment and methods that may be ~~((lawfully))~~ used ~~((in taking the various classes of))~~ to take food fish ~~((and))~~ or shellfish, and specifying the times, places, and manner in which ~~((it shall be lawful to possess or use the same))~~ the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of food fish ~~((and))~~ or shellfish within the state, whether acquired within or without the state ~~((; and specifying the times when the possession, disposal, or sale of the various species of food fish or shellfish is prohibited))~~.

(e) Regulating the prevention and suppression of ~~((all infectious, contagious, dangerous, and communicable))~~ diseases and pests affecting food fish ~~((and))~~ or shellfish.

(f) ~~((The fixing of))~~ Regulating the size, sex, ~~((numbers, and amounts of the various classes of))~~ species, and quantities of food fish ~~((and))~~ or shellfish that may be taken, possessed, sold, or disposed of.

(g) ~~((Regulating the landing of the various classes of food fish and shellfish or parts thereof within the state.~~

~~(h) Regulating the destruction of predatory seals and sea lions and other predators destructive of food fish or shellfish, and specifying the proof of the destruction of the same that shall be required.~~

~~((i))~~ Specifying the statistical and biological reports ~~((that shall be))~~ required from ~~((licensed or nonlicensed))~~ fishermen, dealers, boathouses, ~~((handlers,))~~ or processors of food fish ~~((and))~~ or shellfish.

~~((j))~~ ~~Specifying which~~ (h) Classifying species of marine and freshwater life ~~((are))~~ as food fish ~~((and))~~ or shellfish.

~~((k))~~ (i) Classifying the species of food fish and shellfish ~~((or parts thereof))~~ that may be used for purposes other than human consumption.

~~((l))~~ ~~Promulgating such~~ (j) Other rules ~~((and regulations as may be))~~ necessary to carry out ~~((the provisions of))~~ this title and the purposes and duties of the department.

(2) Subsections (1)(a), (b), (c), (d), and (f) ~~((; and (g)))~~ of this section do not apply to:

(a) Licensed oyster farms or oysters produced thereon; or

(b) Private tideland owners and lessees of state tidelands, when ~~((taking))~~ they take or ~~((possessing))~~ possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

Sec. 16. Section 75.08.090, chapter 12, Laws of 1955 as amended by section 1, chapter 93, Laws of 1973 and RCW 75.08.090 are each amended to read as follows:

~~((A#))~~ (1) Rules (and regulations) of the director (acting director or such person designated by the director, and all amendments to, or modifications or revocations of existing rules and regulations) shall be (made and) adopted by the director (and shall be promulgated) or a designee in accordance with (the provisions of) chapter 34.04 RCW.

(2) Rules of the director shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the director or a designee certifying that the rule has been lawfully adopted and the affidavit is prima facie evidence of the adoption of the rule.

(3) The director may designate department employees to act on the director's behalf in the adoption and certification of rules.

Sec. 17. Section 75.08.110, chapter 12, Laws of 1955 and RCW 75.08.110 are each amended to read as follows:

~~((No person shall print or cause to be printed a booklet or pamphlet of the fisheries laws or regulations))~~ Provisions of this title or rules of the director ((or portions thereof without the approval of)) shall not be printed in a pamphlet unless the pamphlet is clearly marked as an unofficial version. This section does not apply to printings approved by the director.

Sec. 18. Section 75.08.120, chapter 12, Laws of 1955 and RCW 75.08.120 are each amended to read as follows:

The director ~~((is authorized to))~~ may designate the ((mouths and fishing limits of all rivers and streams, or other)) boundaries of fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines((, and his designation shall be final)) and directional headings.

Sec. 19. Section 75.08.160, chapter 12, Laws of 1955 and RCW 75.08.160 are each amended to read as follows:

The director ~~((and his duly authorized and acting assistants)), fisheries ((inspectors, deputy fisheries inspectors,))~~ patrol officers, ex officio fisheries patrol officers, and department employees may((, in the course of their duties,)) enter upon any land or waters ((in this state)) and remain ((thereon with any necessary equipment)) there while performing ((such)) their duties((, and such action by such persons shall not constitute)) without liability for trespass.

It ~~((shall be))~~ is lawful for ~~((any))~~ any aircraft operated by the department to land and take off from ~~((any of))~~ the beaches or waters of the state ~~((and)).~~ It ((shall be)) is unlawful for ~~((any))~~ any a person to interfere with the operation of ~~((such))~~ these aircraft.

Sec. 20. Section 14, chapter 207, Laws of 1953 as amended by section 73, chapter 289, Laws of 1971 ex. sess. and RCW 75.08.206 are each amended to read as follows:

The director ~~((of fisheries))~~ shall ((procure)) provide compensation insurance for ~~((all employees of the department of fisheries engaged as~~

peace)) fisheries patrol officers, insuring ((such)) these employees against injury or death ((incurred)) in the ((course of their employment as such peace officers when such employment involves the)) performance of enforcement duties not covered under the ((workmen's)) workers' compensation act of the state ((of Washington)). The beneficiaries and the compensation and benefits under ((such)) the compensation insurance shall be the same as provided in chapter 51.32 RCW ((as amended by this 1971 amendatory act)), and ((said)) the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020 ((as now or hereafter amended)).

NEW SECTION, Sec. 21. RCW 75.06.024, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.08.208.

Sec. 22. Section 1, chapter 216, Laws of 1957 and RCW 75.08.024 are each amended to read as follows:

The director shall((, and he is hereby authorized to,)) relieve from active duty fisheries patrol officers who((, while)) are injured in the performance of their official duties((, have been injured or may hereafter be injured)) to such an extent as to be incapable of active service. ((Such)) While relieved from active duty, the employees shall receive one-half of their ((compensation at the existing wage, during the time such disability continues in effect,)) salary less any compensation received through the provisions of RCW 41.40.200, ((RCW)) 41.40.220, and ((RCW)) 75.08.206.

Sec. 23. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 175, chapter 151, Laws of 1979 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 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))~~ (1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
 - (b) The sale of property seized or confiscated under this title;
 - (c) Fines and forfeitures collected under this title;
 - (d) The sale of real or personal property held for department purposes;
 - (e) Rentals or concessions of the department;
 - (f) Moneys received for damages to food fish, shellfish or department property; and
 - (g) Gifts.
- (2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) The courts may retain fifty percent of fines, forfeitures, and all costs collected under this title. The courts shall remit the remainder of the fines and forfeitures to the state treasurer monthly. Where a 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((;)) and forfeitures ((and penalties)) collected or assessed by a justice court ((because of the)) for a violation of ((a state law)) this title or rule of the director shall be remitted as provided in chapter 3.62 RCW ((as now exists or is later amended)).

(4) 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 the estimates ((thereof)) in the budget approved by the legislature, may be allocated ((by the office of financial management)) as unanticipated receipts under ((such procedures as are adopted by the legislature for the allocation of such receipts)) RCW 43.79.270 to reimburse the department for ((any)) unanticipated costs for test fishing operations in excess of ((any)) the allowance ((therefor)) in the budget ((as)) approved by the legislature.

(5) Proceeds ((of all sales)) from the sale 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 financial management)) as unanticipated receipts under ((such procedures as the legislature may adopt for the allocation of such

~~receipts)) RCW 43.79.270. ((Such)) Allocations ((shall)) under this subsection 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)).~~

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

NEW SECTION. Sec. 24. RCW 75.16.120, 75.12.130, 75.12.310, 75.16.010, 75.16.030, and 75.16.020, each as amended by this 1983 act, are hereby decodified and recodified as RCW 75.08.245, 75.08.255, 75.08.265, 75.08.274, 75.08.285, and 75.08.295, respectively.

Sec. 25. Section 4, chapter 35, Laws of 1971 as amended by section 1, chapter 23, Laws of 1974 ex. sess. and RCW 75.16.120 are each amended to read as follows:

The department may supply, at a reasonable charge, surplus salmon eggs to a person(~~, corporation or other entity~~) for use in ~~((fish farming or aquaculture: PROVIDED, That))~~ the cultivation of salmon. The department ~~((of fisheries))~~ shall not intentionally create a surplus of salmon to provide eggs for sale.

Sec. 26. Section 75.12.130, chapter 12, Laws of 1955 as last amended by section 382, chapter 141, Laws of 1979 and RCW 75.12.130 are each amended to read as follows:

(1) The director may((, for the purpose of carrying out his duties,)) take or remove ((or cause to be taken or removed in any manner, at any time,)) any species of fish or shellfish ((of any kind, character, or description)) from ((any)) the waters or beaches of the state.

(2) The director ((is authorized to)) may sell food fish or shellfish caught or taken during department test fishing operations ((conducted by the department for the purpose of food fish or shellfish resource evaluation studies)). Salmon taken in test fishing operations shall only be sold during a season open to commercial fishing in the district in which the test fishing is conducted.

(3) The director ((is prohibited from selling)) shall not sell spawned-out salmon carcasses or salmon in spawning condition for human consumption((: PROVIDED, That such)). The salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless ((such)) the salmon are ((found to be)) unfit for human consumption ((by the department of social and health services. That which is)). Salmon not fit

for human consumption may be sold by the director for animal food, fish food, or for industrial purposes.

(4) In the sale of surplus salmon from state hatcheries, the division of purchasing shall require that a portion of the surplus salmon be processed and returned to the state by the purchaser. The processed salmon shall be fit for human consumption and in a form suitable for distribution to individuals. The division of purchasing shall establish the required percentage at a level that does not discourage competitive bidding for the surplus salmon. The measure of the percentage is the combined value of all of the surplus salmon sold. The department of social and health services shall distribute the processed salmon to economically depressed individuals and state institutions pursuant to rules adopted by the department of social and health services.

Sec. 27. Section 2, chapter 251, Laws of 1981 and RCW 75.12.310 are each amended to read as follows:

The ~~((department is authorized to))~~ director may issue permits to members of the Wanapum band of Indians to take salmon for ceremonial and subsistence purposes. The department shall establish the areas in which the permits are valid and shall regulate the times for and manner of taking the salmon ~~((:PROVIDED, That nothing in RCW 75.12.300 and 75.12.310 shall be construed to create a right to fish for commercial purposes))~~. This section does not create a right to fish commercially.

Sec. 28. Section 75.16.010, chapter 12, Laws of 1955 as amended by section 1, chapter 35, Laws of 1971 and RCW 75.16.010 are each amended to read as follows:

Except by permit of the director, it ((shall be)) is unlawful ((for any person or government agency whatsoever, save the director and those authorized by him;)) to take food fish or shellfish for propagation((;)) or scientific((, or other)) purposes within ((the)) state waters ((of this state. The director or those authorized by him may take salmon or other food fish or shellfish for public propagation, scientific, or other purposes under such regulations as the director may prescribe to safeguard the interest of the fisheries of this state.

~~The director, in conjunction with the issuance of a permit and license for fish farming, may authorize taking of food fish or shellfish for propagation, under such regulations as he may prescribe to safeguard the interest of the fisheries of this state).~~

Sec. 29. Section 75.16.030, chapter 12, Laws of 1955 and RCW 75.16.030 are each amended to read as follows:

The director ~~((shall have general supervision of the prevention of the spread and suppression of infectious, contagious, and communicable diseases and pests affecting food fish or shellfish, and shall have the power to))~~ may prohibit the introduction, transportation or transplanting ((within the

~~state from without, or from one area to another within the state, or the transportation from points in this state to points outside the state)) of ((any)) food fish ((or)), shellfish, ((or any material,)) organisms, ((boats, scows, gear)) material, or other equipment ((whatsoever)) which in ((his)) the director's judgment may transmit any ((infectious or contagious)) disease or pests ((communicable to any)) affecting food fish or shellfish.~~

~~((The director shall have the power to make and enforce rules and regulations to prevent the spread, and effect the suppression of all infectious, contagious, dangerous, and communicable diseases and pests affecting food fish or shellfish:))~~

Sec. 30. Section 75.16.020, chapter 12, Laws of 1955 and RCW 75.16.020 are each amended to read as follows:

Except by permit of the director, it ((shall be)) is unlawful to ((liberate,)) release, ((implant, transplant)) plant, or place food fish ((of any kind or description in any stream, river, pond, lake, or other)) or shellfish in state waters ((of the state, either fresh or salt, without first obtaining the written consent of the director)).

NEW SECTION. Sec. 31. RCW 75.08.150, 75.08.170, 75.36.010, 75.08.200, 75.08.280, 75.36.040, 75.36.030, 75.36.050, 75.08.180, 75.08.275, 75.08.260, 75.28.380, 75.28.384, and 75.28.288, each as amended by this 1983 act, are each decodified and recodified as a new chapter in Title 75 RCW, to be codified as RCW 75.10.010, 75.10.020, 75.10.030, 75.10.040, 75.10.050, 75.10.060, 75.10.070, 75.10.080, 75.10.090, 75.10.100, 75.10.110, 75.10.120, 75.10.130, and 75.10.140, respectively.

Sec. 32. Section 75.08.150, chapter 12, Laws of 1955 as amended by section 133, chapter 78, Laws of 1980 and RCW 75.08.150 are each amended to read as follows:

((Every)) Fisheries ((inspector, deputy fisheries inspector, wildlife agent, sheriff, constable, marshal, and police officer)) patrol officers and ex officio fisheries patrol officers within ((his)) their respective jurisdictions, shall enforce ((all laws and all)) this title, rules ((and regulations adopted by)) of the director ((for the protection of food fish and shellfish, and the police officers specified, and United States game wardens, any forest officer appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex officio deputy fisheries inspectors within their respective jurisdictions)), and other statutes as prescribed by the legislature.

Sec. 33. Section 75.08.170, chapter 12, Laws of 1955 and RCW 75.08.170 are each amended to read as follows:

((The director and any)) (1) Fisheries ((inspector or deputy inspector shall have the power to)) patrol officers may inspect and search without warrant((, any)) a person, boat, fishing ((appliance, cannery, and any)) equipment, vehicle, conveyance, container, or property used in catching,

~~((packing, curing, preparing, or)) processing, storing ((of)), or marketing food fish or shellfish((, or any vehicle, conveyance, container, receptacle, cold storage plant, warehouse, market, tavern, restaurant, club, hotel, or other place, except any private domicile used exclusively as such, or any quarters in any boat, building or other property used exclusively as a private domicile, where he has reason to believe that food fish or shellfish are kept for sale, barter, or other purpose, and)) which ((he has)) they have reason to believe contain evidence of violations of ~~((the fisheries code))~~ this title or ~~((of any))~~ rules((, regulation, or order made by)) of the director. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile.~~

~~((Any hindrance or interference with any such officer while engaged in making such search shall be prima facie evidence that the person interfering with or hindering such officer is guilty of a violation of this title.~~

~~Any of the officers above named may at any time seize and take possession of any food fish or shellfish which has been unlawfully caught, taken, or killed or which is unlawfully possessed in violation of the provisions of the fisheries code or of any order, rule, or regulation made by the director and the same shall be confiscated to the state.))~~

(2) Fisheries patrol officers and ex officio fisheries patrol officers may arrest without warrant a person they have reason to believe is in violation of this title or rules of the director.

Sec. 34. Section 75.36.010, chapter 12, Laws of 1955 and RCW 75.36.010 are each amended to read as follows:

~~((The director, fisheries inspectors, deputy fisheries inspectors, and ex officio fisheries inspectors)) Fisheries patrol officers and ex officio fisheries patrol officers may seize without warrant ((a)) food fish((;)) or shellfish((; or parts thereof)) they have reason to believe have been taken, killed, transported, or possessed ((contrary to law)) in violation of this title or rule ((or regulation)) of the director and may seize ((in a similar manner any)) without warrant a boat, vehicle, gear, appliance, or other ((device)) article they have reason to believe is held with intent to violate or has been used in violation of ((the fisheries code or the regulations)) this title or rule of the director((, or held with intent to violate the fisheries code or the regulations of the director, and)). The articles seized shall be ((forfeited)) subject to forfeiture to the state, regardless of ((the)) ownership ((of the articles seized: PROVIDED, That the owner of the boat, vehicle, gear, appliance, or other device so)). Articles seized may ((recover the same)) be recovered by their owner by depositing into court a cash bond equal to the value of the seized articles ~~((if the value of the same be less))~~ but not more than five thousand dollars((, or a cash bond in the amount of five thousand dollars, if the value of the seized boat, vehicle, gear, appliance, or other device be in excess of five thousand dollars, and)). The cash bond ((shall thereafter be))~~

is subject to forfeiture to the state in lieu of the seized ~~((boat, vehicle, gear, appliance, or other device))~~ article.

Sec. 35. Section 75.08.200, chapter 12, Laws of 1955 as amended by section 134, chapter 78, Laws of 1980 and RCW 75.08.200 are each amended to read as follows:

~~((The director, all fisheries inspectors, and all deputy))~~ (1) Fisheries ((inspectors)) patrol officers and ex officio fisheries patrol officers may serve and execute ~~((all))~~ warrants and processes issued by the courts ~~((in enforcing the provisions of law))~~ to enforce this title and ((all)) rules ((and regulations)) of the director ~~((pertaining to food fish and shellfish)).~~

~~((For the purpose of enforcing any such law))~~ (2) To enforce this title or rules ((or regulations, they)) of the director, fisheries patrol officers may call to their aid any ~~((necessary))~~ equipment, boat, vehicle, or airplane, or ~~((any sheriff, deputy sheriff, wildlife agent, constable, police officer, or citizen, and any such person shall render such aid))~~ ex officio fisheries patrol officer.

(3) It is unlawful to knowingly or wilfully resist or obstruct a fisheries patrol officer in the discharge of the officer's duties.

Sec. 36. Section 75.08.280, chapter 12, Laws of 1955 and RCW 75.08.280 are each amended to read as follows:

Violations of ~~((the fisheries code))~~ this title or ~~((the regulations))~~ rules of the director occurring in the offshore waters may be prosecuted in ~~((the superior court or justice courts of any))~~ a county bordering on the Pacific Ocean, or ((in any)) a county in which the food fish or shellfish are landed.

Sec. 37. Section 75.36.040, chapter 12, Laws of 1955 and RCW 75.36.040 are each amended to read as follows:

~~((Justice))~~ Courts of limited jurisdiction, as defined in RCW 3.02.010, and superior courts ((shall)) have concurrent jurisdiction to impose penalties and order ((the)) forfeitures provided for in this ((chapter)) title.

Sec. 38. Section 75.36.030, chapter 12, Laws of 1955 and RCW 75.36.030 are each amended to read as follows:

~~((In event it appears upon affidavit that the identity of the person responsible for the violation for which the seizure was made, is unknown or that for any reason))~~ If the state is unable to prosecute the person responsible for the violation for which the seizure was made, the court ((nevertheless shall have the power and jurisdiction to)) may forfeit ((such)) the articles ((so seized)) upon a hearing ((duty)) held after service of summons as provided in RCW 4.28.100 describing the articles seized ((and giving notice of pending forfeiture by publication in the manner provided by law for the service of summons in civil actions)).

Sec. 39. Section 75.36.050, chapter 12, Laws of 1955 and RCW 75.36.050 are each amended to read as follows:

~~((In the event of seizure and forfeiture of any articles as provided in this chapter,))~~ The director may sell at public auction or destroy ~~((all or any of such))~~ articles ~~((at public auction))~~ forfeited under this chapter. The time, place, and manner of ~~((holding such))~~ sale shall be ~~((within the discretion of))~~ determined by the director. Notice of the time and place of ~~((any such))~~ sale shall be published once a week for at least two consecutive weeks ~~((in advance of such))~~ prior to the sale ~~((;))~~ in at least one newspaper of general circulation in the county ~~((wherein))~~ in which the sale is to be held.

~~((The proceeds from all such sales shall be deposited with the state treasurer to credit of the general fund:))~~

Sec. 40. Section 75.08.180, chapter 12, Laws of 1955 and RCW 75.08-.180 are each amended to read as follows:

~~((Any court having jurisdiction,))~~ Upon complaint showing probable cause ~~((for believing))~~ to believe that ~~((any))~~ food fish or shellfish ~~((; or any parts thereof,))~~ unlawfully caught, taken, killed, ~~((or had in possession or under control by any person, or shipped))~~ controlled, possessed, or transported ~~((contrary to law or rule or regulation of the director, are))~~ is concealed or kept in ~~((any))~~ a place or container, the court shall issue a search warrant and ~~((cause a search to be made in any such))~~ have the place or container searched for ~~((any))~~ food fish or shellfish ~~((or any parts thereof and may cause any place or container to be entered and searched))~~ and records pertaining to the food fish or shellfish.

Sec. 41. Section 24, chapter 112, Laws of 1949 and RCW 75.08.275 are each amended to read as follows:

If ~~((any person violates any of the provisions of the fisheries law or any regulation of the director, and))~~ the prosecuting attorney of the county ~~((wherein such))~~ in which a violation of this title or rule of the director occurs ~~((shall, after information has been given him by the director,))~~ fails ~~((within thirty days thereafter))~~ to file an information against ~~((such))~~ the alleged violator, the attorney general ~~((; when requested by))~~ upon request of the director ~~((;))~~ may file an information in the superior court of ~~((such))~~ the county and prosecute the case in ~~((the))~~ place ~~((and stand))~~ of the prosecuting attorney ~~((and prosecute the case)).~~ The director may request prosecution by the attorney general if thirty days have passed since the director informed the county prosecuting attorney of the alleged violation.

Sec. 42. Section 75.08.260, chapter 12, Laws of 1955 as amended by section 1, chapter 99, Laws of 1979 ex. sess. and RCW 75.08.260 are each amended to read as follows:

(1) Unless otherwise provided for in ~~((the fisheries code any))~~ this title, a person who violates ~~((any of the provisions of the fisheries code,))~~ this title or ~~((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)) is guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which the offense is committed 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 by both such fine and imprisonment. Food fish or shellfish involved in the violation shall be forfeited to the state. The court may forfeit seized articles involved in the violation.

~~((Any)) (2) A person taking or possessing salmon in violation of ((any of the provisions of the fisheries code;)) this title or ((any of the)) rules ((or regulations)) of the director ((made pursuant thereto, shall, in the event such salmon have a market value greater than two hundred and fifty dollars;)) shall be punished by a fine in an amount not more than five thousand dollars if the salmon involved in the violation have a market value greater than two hundred fifty dollars. ((Such)) This fine ((shall be)) is in addition to ((any other)) the punishment ((prescribed for such conduct and shall be imposed along with such punishment in the same proceedings. In addition; the food fish involved in the violation shall be forfeited to the state)) resulting under subsection (1) of this section.~~

Sec. 43. Section 75.28.380, chapter 12, Laws of 1955 as last amended by section 2, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.380 are each amended to read as follows:

(1) Upon conviction of ((any)) a person ((of)) for a violation of ((any provision of)) this title(;) or rule ((or regulation)) of the director, ((the judge or justice of the peace may;)) in addition to the penalty imposed by law, the court may forfeit the person's license ((of such person: PROVID- ED; That)).

(2) The court shall forfeit the license: (a) Upon conviction ((of any person)) for a violation of ((any statute or regulation)) this title or rule of the director prescribing the length, depth, or construction of fishing gear, or (b) upon ((subsequent)) two or more convictions in ((any)) a five-year period ((of any person)) of any violation of ((any other provisions of)) this title or rule ((or regulation)) of the director((; the forfeiture of such license shall be mandatory, and)). The license shall remain forfeited pending ((any)) appeal. The director may prohibit the issuance of a license to ((any)) a person convicted of two or more ((times of any such)) violations of this title or rule of the director in ((any)) a five-year period or prescribe the conditions under which the license may be issued.

Sec. 44. Section 3, chapter 99, Laws of 1979 ex. sess. and RCW 75.28.384 are each amended to read as follows:

Upon two or more convictions of a person in a five-year period for violating salmon fishing rules of the director which restrict fishing times or areas, the director((; subject to the provisions of chapter 34.04 RCW as now or hereafter amended;)) shall deny all salmon fishing privileges and ((shall)) suspend all salmon fishing licenses of that person for ((a period of)) one

year (~~held by any person who is convicted of two or more violations of salmon fishing regulations or rules promulgated under this title which restrict fishing times or areas, in any five-year period beginning after the effective date of this 1979 act~~). A person may not avoid ~~(the provisions of)~~ this ~~(section)~~ penalty by transferring a commercial salmon fishing license.

For the purposes of this section, the term "conviction" means a final conviction in ~~(either)~~ a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this title is equivalent to a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 45. Section 7, chapter 141, Laws of 1979 ex. sess. and RCW 75-28.288 are each amended to read as follows:

(1) In addition to the penalties prescribed in RCW ~~(75.08.260)~~ 75.10.110 and ~~(75.28.380)~~ 75.10.120, the director ~~(of fisheries)~~ may revoke ~~(all)~~ geoduck ~~(personal-commercial-fishing)~~ diver licenses or geoduck tract licenses ~~(or both)~~ held by a person if:

(a) Within (any) a five-year period (after May 8, 1979; (a)) that person is convicted or has an unvacated bail forfeiture for two or more violations of (the geoduck licensing or harvesting provisions of) this title or rules of the director relating to geoduck licensing or harvesting;
or

(b) (The department of fisheries receives a report from the department of natural resources of two or more violations by the person of the lease or harvesting agreement under chapters 79.01 or 79.20 RCW where) The department of natural resources suspended or canceled the lease or harvesting agreement under RCW 79.01.570.

~~(The director of fisheries shall not issue any geoduck personal-commercial-fishing license or geoduck tract license for a period of one year after the revocation to a person who has had a license revoked under this section except as provided under subsection (3) of this section.)~~

(2) (If, within any five-year period after May 8, 1979, any holder of) When a geoduck tract ((license)) licensee permits ((any)) a person to harvest geoducks on that tract, each violation by that person of ((the geoduck licensing or harvesting provisions of)) this title or rules of the director relating to geoduck licensing or harvesting resulting in: (a) ((Either)) Conviction or unvacated forfeiture of bail; or (b) ((a)) suspension or cancellation of the lease or harvesting agreement by the department of natural resources under RCW 79.01.570; shall be imputed to the ((holder of a)) tract ((license)) licensee for the purpose of computing the number of ((the tract holder's)) violations by the tract licensee under subsection (1) of this section.

(3) Except as provided in subsection (4) of this section, the director shall not issue a geoduck diver license or geoduck tract license to a person

who has had a license revoked. This prohibition is effective for one year after the revocation.

(4) Appeals ~~((from))~~ of revocations under this section ~~((shall))~~ may be taken ~~((pursuant to))~~ under the judicial review provisions of chapter 34.04 RCW. If the license revocation ~~((of a license))~~ is determined to be invalid, the ~~((department of fisheries))~~ director shall reissue ~~((a))~~ the license ~~((or licenses))~~ to that person.

Sec. 46. Section 75.12.010, chapter 12, Laws of 1955 as last amended by section 2, chapter 220, Laws of 1973 1st ex. sess. and RCW 75.12.010 are each amended to read as follows:

(1) Except as provided in this section, it ~~((shall be))~~ is unlawful to fish commercially ~~((, catch or take any species of))~~ salmon ~~((for commercial purposes, except as hereinafter provided;))~~ within the waters ~~((of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington))~~ described ~~((as lying to the southerly, easterly and southeasterly of a line described as follows;))~~ in subsection (2) of this section.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county~~((, state of Washington;))~~ near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" ~~((in the))~~ (latitude 48° 9'3" ~~((f))~~)north, longitude 123° 33'01" west of Greenwich Meridian); thence running east on a line 81°~~((f))~~ 30' true ~~((from said point))~~ across the flashlight and bell buoy off Partridge Point and thence continued to ~~((where said line intersects))~~ longitude 122° 40' west; thence north ~~((on said line))~~ to ~~((where said line intersects))~~ the southerly shore of Sinclair Island ~~((at high tide))~~; thence along the southerly shore of ~~((said))~~ the island to the most easterly point ~~((thereof))~~ of the island; thence ~~((north))~~ 46° ~~((east))~~ true to ~~((the line of high tide at))~~ Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line ~~((at high tide))~~ of ~~((said))~~ Lummi Island to where ~~((said))~~ the shore line ~~((at high tide))~~ intersects line of longitude 122° 40' west; thence north ~~((on said line))~~ to ~~((where said line intersects))~~ the mainland ~~((at the line of high tide;))~~, including ~~((within said area;))~~; The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and ~~((at))~~ their inlets, passages, waters, waterways, and ~~((the))~~ tributaries ~~((thereof. PROVIDED, That, subject to such seasons and regulations as may be established from time to time by)).~~

(3) The director~~((, it shall be lawful to fish for))~~ may authorize commercial ~~((purposes))~~ fishing for sockeye salmon within the ~~((above described))~~ waters ~~((with any lawful gear for sockeye salmon))~~ described in subsection (2) of this section during the period ~~((extending from the tenth day of))~~ June 10 to ~~((the twenty-fifth day of the following))~~ July 25 and for

other (~~(legal)~~) salmon from the second Monday of September (~~(to and including the thirtieth day of the following)~~) through November 30, except during the hours (~~(beginning)~~) between 4:00 (~~(o'clock)~~) p.m. of Friday and (~~(ending at)~~) 4:00 (~~(o'clock)~~) p.m. of the following Sunday (~~(following: AND PROVIDED, That)~~).

~~((It shall be lawful to fish))~~ (4) The director may authorize commercial fishing for salmon (~~(for commercial purposes)~~) with gill net gear (~~(subject to such regulations and to such shorter seasons as the director may establish from time to time)~~) prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

~~((AND PROVIDED, That))~~ (5) Whenever the director determines that a stock or run of salmon cannot be (~~(feasibly and properly)~~) harvested in the usual manner, and that (~~(such)~~) the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may (~~(maneuver)~~) authorize units of (~~(lawful)~~) gill net and purse seine gear in any number or equivalents (~~(at his discretion)~~), by time and area, to fully utilize (~~(such)~~) the harvestable portions of these salmon runs for the economic well being of the citizens of this state (~~(; except that)~~). Gill net and purse seine gear other than emergency and test gear authorized by the (~~(fisheries department)~~) director shall not be used in Lake Washington.

~~((AND PROVIDED, That subject to such regulations and to such shorter seasons as))~~ (6) The director may (~~(establish from time to time, it shall be lawful to fish)~~) authorize commercial fishing for pink salmon (~~(for commercial purposes with any lawful gear)~~) in each odd-numbered year (~~(during the period running)~~) from (~~(the first day of)~~) August (~~(to the first day of)~~) 1 through September (~~(; both dates inclusive,)~~) 1 in the waters lying inside of (~~(the following described line:)~~) a line commencing at (~~(a red wooden monument located on)~~) the most easterly point of Dungeness Spit and thence projected to (~~(a similar monument located at)~~) Point Partridge on Whidbey Island and a line commencing at (~~(a red wooden monument located on)~~) Olele Point and thence projected easterly to (~~(a similar monument located at)~~) Bush Point on Whidbey Island.

NEW SECTION. Sec. 47. RCW 75.18.020, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.12.015.

Sec. 48. Section 75.18.020, chapter 12, Laws of 1955 and RCW 75.18.020 are each amended to read as follows:

~~((It shall be unlawful for commercial purposes to fish for or take in the waters of district No. 1, as herein defined, silver salmon (Oncorhynchus kisutch) between the first day of November and the fifteenth day of June of~~

~~the year following, both dates inclusive.)~~ Except as provided in this section, it is unlawful to fish commercially for chinook or coho salmon in the Pacific Ocean and the Straits of Juan de Fuca.

(1) The director may authorize commercial fishing for coho salmon from June 16 through October 31.

(2) The director may authorize commercial fishing for chinook salmon from March 15 through October 31.

Sec. 49. Section 75.12.020, chapter 12, Laws of 1955 and RCW 75.12-.020 are each amended to read as follows:

It ~~((shall be))~~ is unlawful to ~~((catch, kill, or in any manner menace, maim or destroy, any))~~ fish for or take food fish at ~~((any))~~ a rack, dam, or other obstruction or in the waters and on the beaches within one mile below ~~((any))~~ a rack, dam, or other obstruction ~~((when the same are within the territorial limits of the state of Washington or in waters of the Columbia River over which this state has concurrent jurisdiction, unless otherwise specified in the orders of the director))~~ except as provided by rule of the director.

NEW SECTION. Sec. 50. RCW 75.20.070, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.12.031.

Sec. 51. Section 75.20.070, chapter 12, Laws of 1955 and RCW 75.20-.070 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to fish for ~~((; take, injure, kill, or molest any))~~ food fish in ~~((any))~~ a fishway ~~((or fish ladder)), fish ((screens))~~ guard, or other protective device~~((s))~~, or to break open, damage, or interfere ~~((in any manner whatsoever))~~ with the proper operation of ~~((any))~~ a fishway~~((; fish ladder)), fish ((screens, or))~~ guard, other protective device~~((s))~~ or fish collection device.

Sec. 52. Section 75.12.040, chapter 12, Laws of 1955 and RCW 75.12-.040 are each amended to read as follows:

(1) It ((shall be)) is unlawful to ~~((construct, install,))~~ use, operate, or maintain a gill net~~((s))~~ which ~~((shall))~~ exceeds 250 fathoms in length or a drag seine in the waters of the Columbia River ~~((in this state))~~ for ~~((the purpose of))~~ catching salmon.

(2) It is unlawful to construct, install, use, operate, or maintain within state waters a pound net, round haul net, lampara net, fish trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance for catching salmon. The director may authorize the use of this gear for scientific investigations.

(3) It is unlawful to fish for or take salmon within state waters with monofilament gill net webbing.

Sec. 53. Section 75.12.070, chapter 12, Laws of 1955 and RCW 75.12-.070 are each amended to read as follows:

~~((Unless otherwise))~~ (1) Except as provided ((for in the regulations)) by rule of the director, it ((shall be)) is unlawful to shoot, gaff, snag, snare,

spear, stone, or otherwise molest ~~((any))~~ food fish or shellfish in ~~((any of the))~~ state waters ~~((of the state))~~.

(2) It is unlawful to use or discharge an explosive substance in state waters, except by permit of the director.

Sec. 54. Section 75.12.090, chapter 12, Laws of 1955 as amended by section 1, chapter 14, Laws of 1982 and RCW 75.12.090 are each amended to read as follows:

(1) It is unlawful to take food fish or shellfish from a building, vehicle, vessel, ~~((live box;))~~ container, ~~((trap, seine, line;))~~ or ~~((net))~~ fishing gear thereby depriving the rightful owner of the food fish or shellfish.

(2) It is unlawful to steal or molest gear used to take food fish or shellfish for either commercial purposes or personal use.

~~((3) Any person violating this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars.))~~

Sec. 55. Section 75.12.100, chapter 12, Laws of 1955 and RCW 75.12.100 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to purchase, handle, deal in, sell, or ~~((have in his possession any))~~ possess food fish or shellfish ~~((which were taken from any of the waters of this state))~~ contrary to ~~((the provisions of the fisheries code))~~ this title or the ~~((regulations))~~ rules of the director.

Sec. 56. Section 1, chapter 106, Laws of 1971 ex. sess. and RCW 75.12.115 are each amended to read as follows:

It ~~((shall be))~~ is unlawful to ~~((take or))~~ fish commercially for ~~((crawfish for commercial purposes in any of the rivers, streams or lakes of the))~~ crayfish in state waters except ~~((under conditions))~~ where ~~((crawfish))~~ crayfish have been commercially cultured ~~((for commercial purposes))~~ or ~~((where otherwise))~~ as permitted ~~((under department of fisheries))~~ by rules ~~((or regulation))~~ of the director.

Sec. 57. Section 75.12.120, chapter 12, Laws of 1955 and RCW 75.12.120 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to ~~((wantonly))~~ waste or destroy food fish or shellfish ~~((taken or caught in any of the waters of the state, or the offshore waters, and no person engaged in the canning, preserving, or curing of food fish and shellfish))~~ wantonly.

A processor shall not purchase or engage a ~~((greater))~~ quantity ~~((than he is able to can, preserve, or cure))~~ of food fish or shellfish that cannot be processed within sixty hours after the ~~((same))~~ food fish or shellfish are taken from the water, unless ~~((such))~~ the food fish or shellfish ~~((have been kept artificially chilled and))~~ are preserved in good marketable condition.

NEW SECTION. Sec. 58. There is added to chapter 75.12 RCW a new section, to be codified as RCW 75.12.125, to read as follows:

It is unlawful to commingle food fish or shellfish taken for personal use with food fish or shellfish taken for commercial purposes prior to or during canning or processing. The words "personal use only, not for sale" shall be embossed in a legible manner on the lid or cover of each container used in canning or preserving food fish or shellfish taken for personal use.

Sec. 59. Section 2, chapter 276, Laws of 1955 as last amended by section 1, chapter 64, Laws of 1965 and RCW 75.12.140 are each amended to read as follows:

~~(The following reef net fishing areas are hereby created: PROVIDED, That nothing in this section and RCW 75.12.150 and 75.12.160 shall be interpreted as prohibiting other types of legal gear from fishing within the areas created:)~~ It is unlawful to fish for salmon with reef net fishing gear in state waters, except in the reef net areas described in this section.

(1) Point Roberts reef net fishing area includes those waters within 250 feet on each side of a line projected 129° true from a point at longitude $123^{\circ} 01' 15''$ W. latitude $48^{\circ} 58' 38''$ N. to a point one mile distant, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6300, published September, 1941, in Washington, D.C., eleventh edition.

(2) Cherry Point reef net fishing area includes those waters inland and inside the 10-fathom line between lines projected 205° true from points on the mainland at longitude $122^{\circ} 44' 54''$ latitude $48^{\circ} 51' 48''$ and longitude $122^{\circ} 44' 18''$ latitude $48^{\circ} 51' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(3) Lummi Island reef net fishing area includes those waters inland and inside a line projected from Village Point 208° true to a point 900 yards distant, thence 129° true to the point of intersection with a line projected 259° true from the shore of Lummi Island $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition, revised 11-25-57, save and except that there shall be excluded therefrom all waters lying inside of a line projected 259° true from a point at $122^{\circ} 40' 42''$ latitude $48^{\circ} 41' 32''$ to a point 300 yards distant from high tide, thence in a northerly direction to the United States Coast and Geodetic Survey reference mark number 2, 1941-1950, located on that point on Lummi Island known as Lovers Point, as such descriptions are shown upon the United States Coast and Geodetic Survey map number 6380 as aforesaid. The term "Village Point" as used herein shall be construed to mean a point of location on Village Point, Lummi Island, at the mean high tide line on a true bearing of $43^{\circ} 53'$ a distance of 457 feet to the center of the chimney of a wood frame house on the east side of the county road. Said chimney and house being described as Village Point

Chimney on page 612 of the United States Coast and Geodetic Survey list of geographic positions No. G-5455, Rosario Strait.

(4) Sinclair Island reef net fishing area includes those waters inland and inside a line projected from the northern point of Sinclair Island to Boulder reef, thence 200° true to the northwesterly point of Sinclair Island, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(5) Flat Point reef net fishing area includes those waters within a radius of 175 feet of a point off Lopez Island located at longitude $122^{\circ} 55' 24''$ latitude $48^{\circ} 32' 33''$, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(6) Lopez Island reef net fishing area includes those waters within 400 yards of shore between lines projected true west from points on the shore of Lopez Island at longitude $122^{\circ} 55' 04''$ latitude $48^{\circ} 31' 59''$ and longitude $122^{\circ} 55' 54''$ latitude $48^{\circ} 30' 55''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(7) Iceberg Point reef net fishing area includes those waters inland and inside a line projected from Davis Point on Lopez Island to the west point of Long Island, thence to the southern point of Hall Island, thence to the eastern point at the entrance to Jones Bay, and thence to the southern point at the entrance to Mackaye Harbor on Lopez Island; and those waters inland and inside a line projected 320° from Iceberg Point light on Lopez Island, a distance of 400 feet, thence easterly to the point on Lopez Island at longitude $122^{\circ} 53' 00''$ latitude $48^{\circ} 25' 39''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(8) Aleck Bay reef net fishing area includes those waters inland and inside a line projected from the southwestern point at the entrance to Aleck Bay on Lopez Island at longitude $122^{\circ} 51' 11''$ latitude $48^{\circ} 25' 14''$ southeasterly 800 yards to the submerged rock shown on U.S.G.S. map number 6380, thence northerly to the cove on Lopez Island at longitude $122^{\circ} 50' 49''$ latitude $48^{\circ} 25' 42''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(9) Shaw Island reef net fishing area number 1 includes those waters within 300 yards of shore between lines projected true south from points on Shaw Island at longitude $122^{\circ} 56' 14''$ latitude $48^{\circ} 33' 28''$ and longitude $122^{\circ} 57' 29''$ latitude $48^{\circ} 32' 58''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(10) Shaw Island reef net fishing area number 2 includes those waters inland and inside a line projected from Point George on Shaw Island to the westerly point of Neck Point on Shaw Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(11) Stuart Island reef net fishing area number 1 includes those waters within 600 feet of the shore of Stuart Island between lines projected true east from points at longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 47''$ and longitude $123^{\circ} 10' 47''$ latitude $48^{\circ} 39' 33''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(12) Stuart Island reef net fishing area number 2 includes those waters within 250 feet of Gossip Island, also known as Happy Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(13) Johns Island reef net fishing area includes those waters inland and inside a line projected from the eastern point of Johns Island to the northwestern point of Little Cactus Island, thence northwesterly to a point on Johns Island at longitude $123^{\circ} 09' 24''$ latitude $48^{\circ} 39' 59''$, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(14) Battleship Island reef net fishing area includes those waters lying within 350 feet of Battleship Island, as such description is shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(15) Open Bay reef net fishing area includes those waters lying within 150 feet of shore between lines projected true east from a point on Henry Island at longitude $123^{\circ} 11' 34 \frac{1}{2}''$ latitude $48^{\circ} 35' 27 \frac{1}{2}''$ at a point 250 feet south, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(16) Mitchell Reef net fishing area includes those waters within a line beginning at the rock shown on U.S.G.S. map number 6380 at longitude $123^{\circ} 10' 56''$ latitude $48^{\circ} 34' 49 \frac{1}{2}''$, and projected 50 feet northwesterly, thence southwesterly 250 feet, thence southeasterly 300 feet, thence northeasterly 250 feet, thence to the point of beginning, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(17) Smugglers Cove reef fishing area includes those waters within 200 feet of shore between lines projected true west from points on the shore of San Juan Island at longitude $123^{\circ} 10' 29''$ latitude $48^{\circ} 33' 50''$ and longitude $123^{\circ} 10' 31''$ latitude $48^{\circ} 33' 45''$, as such descriptions are shown upon

the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(18) Andrews Bay reef net fishing area includes those waters lying within 300 feet of the shore of San Juan Island between a line projected true south from a point at the northern entrance of Andrews Bay at longitude 123° 09' 53 1/2" latitude 48° 33' 00" and the cable crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48° 33' 04", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(19) Orcas Island reef net fishing area includes those waters inland and inside a line projected true west a distance of 1,000 yards from the shore of Orcas Island at longitude 122° 57' 40" latitude 48° 41' 06" thence northeasterly to a point 500 feet true west of Point Doughty, then true east to Point Doughty, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

Sec. 60. Section 3, chapter 108, Laws of 1957 and RCW 75.12.210 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it ~~((shall be))~~ is unlawful ~~((for any person))~~ to fish for or take ~~((, by the use of any type of net, any))~~ salmon with gear other than troll gear or angling gear within the offshore waters or the waters of the Pacific Ocean ~~((;))~~ over which the state has jurisdiction ~~((;))~~ lying ~~((westerly))~~ west of the following ~~((described))~~ line: Commencing at the point of intersection of the international boundary line in the Strait of Juan de Fuca and a line drawn between the lighthouse on Tatoosh Island in Clallam County ~~((, Washington;))~~ and Bonilla Point on Vancouver Island; thence southerly ~~((along a line projected therefrom))~~ to the lighthouse on Tatoosh Island; thence southerly ~~((along a line projected therefrom))~~ to the most westerly point of Cape Flattery; thence southerly along the state shoreline of the Pacific Ocean, crossing any river mouths at their most westerly points of land, to Point Brown at the entrance to Grays Harbor; thence southerly ~~((along a line projected therefrom))~~ to Point Chehalis Light on Point Chehalis; thence southerly from Point Chehalis along the state shoreline of the Pacific Ocean to Cape Shoalwater Light at the entrance to Willapa Bay; thence southerly ~~((along a line projected therefrom))~~ to Leadbetter Point; thence southerly along the state shoreline of the Pacific Ocean to the inshore end of the North jetty at the entrance to the Columbia River; thence southerly ~~((along a line projected therefrom))~~ to the knuckle of the South jetty at the entrance to said river.

(2) The director may authorize the use of nets for taking salmon in the waters described in subsection (1) of this section for scientific investigations.

Sec. 61. Section 5, chapter 108, Laws of 1957 as amended by section 2, chapter 234, Laws of 1963 and RCW 75.12.230 are each amended to read as follows:

~~((It shall be unlawful for any person to transport through the waters of the state wherein salmon net fishing is prohibited, or to have in his possession anywhere within the state, any salmon which were taken by any type of net within the international waters of the Pacific Ocean or within the territorial waters of this state or of another state, territory or country where such fishing is unlawful: It shall further be unlawful for any person, within the territorial waters of the Pacific Ocean where salmon net fishing is prohibited, to possess any salmon on board any vessel carrying a net of a type named in chapter 75.28 RCW, unless accompanied by a certificate issued under the authority of this state or of another state, territory, or country showing that such salmon have been lawfully taken therein: PROVIDED; That it shall be unlawful for any person to transport through the waters of the state wherein salmon fishing by the use of any type of fishing gear other than troll lines or angling gear is prohibited, or to have in his possession anywhere within the state, any salmon which were taken by any type of fishing gear other than troll lines or angling gear within the international waters of the Pacific Ocean or within the territorial waters of this state or of another state or country where such fishing is unlawful:)) Within the waters described in RCW 75.12.210, it ~~((shall further be))~~ is ~~unlawful~~ ~~((for any person, within the territorial waters of the Pacific Ocean where salmon fishing by any type of fishing gear other than troll lines or angling gear is prohibited;))~~ to transport or possess ~~((any))~~ salmon on board ~~((any))~~ a vessel carrying ~~((any))~~ fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued ~~((under authority of this state or of another))~~ by a state ~~((; territory;))~~ or country showing that ~~((such))~~ the salmon have been lawfully taken ~~((therein if California, Alaska and Oregon pass laws or regulations similarly prohibiting possession and transportation within their respective states within one year from the date of passage of this act. Such laws or regulations shall be considered to be in effect upon receipt by the secretary of state of this state a certificate from each of the respective secretaries of state of Oregon, California and Alaska setting forth copies of such laws or regulations and the date of their enactment. In any prosecution under this section, proof of the existence of such laws or regulations shall be made by filing copies of such certificates, certified by the director to be true copies, with the court. In any such prosecution, if written demand for proof of the existence of such laws or regulations is not made by the defendant prior to commencement of trial, he shall be deemed to have waived his right to make such demand, and thereafter such laws or regulations shall be presumed to exist))~~ within the territorial waters of the state or country.~~

Sec. 62. Section 1, chapter 251, Laws of 1981 and RCW 75.12.300 are each amended to read as follows:

The legislature finds that the Sokulk Indians, otherwise known as the Wanapum band of Indians, have made a significant effort to maintain their traditional tribal culture, including the activity of taking salmon for ceremonial and subsistence purposes. The legislature further finds that previously the state has encouraged ceremonial and subsistence fishing by the Wanapums by chapter 210, Laws of 1939 and other permission. Therefore, the intent of the legislature in enacting RCW (~~(75.12.310)~~) 75.08.265 is to recognize the cultural importance of salmon fishing to only the Wanapum Indians by authorizing these people a ceremonial and subsistence fishery, while also preserving the state's ability to conserve and manage the salmon resource.

Sec. 63. Section 1, chapter 197, Laws of 1982 and RCW 75.12.320 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful for a person who is not a treaty Indian fisherman to participate in the taking of food fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery.

(2) (a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe or another treaty tribe, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(3) For the purposes of this section:

(a) "Treaty Indian fisherman" means a person who may exercise treaty Indian fishing rights as determined under *United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishermen by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, or to claim possession of a share of the catch.

(4) A violation of this section involving salmon constitutes illegal fishing and is subject to the sanctions provided under RCW (~~(75.28.384)~~) 75.10.130.

Sec. 64. Section 2, chapter 14, Laws of 1982 and RCW 75.12.400 are each amended to read as follows:

It is unlawful to lift or set shellfish pots from the waters of Hood Canal south of a line between the abutments of the Hood Canal bridge from one hour after sunset until one hour before sunrise. ~~((This section does not apply to the harvesting of clams:))~~

NEW SECTION. Sec. 65. RCW 75.08.130, 75.08.210, and 75.08.220, each as amended by this 1983 act, are each decodified and recodified as RCW 75.12.410, 75.12.420, and 75.12.430, respectively.

Sec. 66. Section 75.08.130, chapter 12, Laws of 1955 and RCW 75.08-.130 are each amended to read as follows:

~~((No person shall destroy, tear down, shoot at, deface, or erase any printed matter or))~~ It is unlawful to remove, possess, alter, or damage signs ((placed or)) posted by ((or under the instructions)) authority of the director.

Sec. 67. Section 75.08.210, chapter 12, Laws of 1955 and RCW 75.08-.210 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for ~~((any person engaged in the fishing industry or licensed under this title))~~ a fisherman, dealer, or processor of food fish or shellfish to fail to make ~~((any))~~ a report or return as required ~~((of him))~~ by ~~((the fisheries code))~~ this title or ((by)) rule of the director.

Sec. 68. Section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08-.220 are each amended to read as follows:

~~((Every person who intentionally gives))~~ It is unlawful to give intentionally false or misleading information to the department as to the time, area, or waters in which ((any)) food fish or shellfish were taken ((or who shall intentionally prepare and submit a false or misleading report to the department shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred and fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment)).

Sec. 69. Section 1, chapter 23, Laws of 1969 ex. sess. and RCW 75.12-.650 are each amended to read as follows:

~~(("Angling" or "personal use" gear, in accordance with the provisions of RCW 75.04.070, RCW 75.04.080, RCW 75.04.100 and under the authority set forth in RCW 75.08.080, is prohibited for commercial salmon fishing.))~~ It is unlawful to fish commercially for salmon using fishing gear not authorized for commercial salmon fishing by rule of the director. The director shall not authorize angling gear or other personal use gear for commercial salmon fishing.

Sec. 70. Section 75.20.040, chapter 12, Laws of 1955 and RCW 75.20-.040 are each amended to read as follows:

~~((Every ditch, channel, canal or waterpipe))~~ A diversion device used for conducting water from ~~((any))~~ a lake, river, or stream ~~((; for irrigation, manufacturing, domestic or other purposes;))~~ for any purpose shall be ~~((provided at its entrance or intake))~~ equipped with a fish guard ~~((so as))~~ approved by the director to prevent the passage of fish into ~~((such ditch, channel or waterpipe and subject to the approval of the director, which))~~ the diversion device. The fish guard shall be ~~((constantly))~~ maintained at all times when water is taken ~~((or admitted))~~ into ~~((such ditch, channel, canal, or waterpipe. PROVIDED, That such))~~ the diversion device. The fish guards ~~((and screens))~~ shall be installed at ~~((such))~~ places and times ~~((as shall be))~~ prescribed by the director upon thirty days' notice to the owner ~~((or owners))~~ of ~~((any such water conduit))~~ the diversion device. ~~((Every owner, manager, agent or person in charge of such ditch, channel, canal, or waterpipe who shall))~~ It is unlawful for the owner of a diversion device to fail to comply with ~~((the provisions of))~~ this section ~~((is guilty of a gross misdemeanor))~~.

Each day the ~~((end of the ditch, channel, canal or waterpipe))~~ diversion device is not equipped with ~~((this covering as provided shall constitute))~~ an approved fish guard is a separate offense. If within thirty days after notice to equip ~~((any such ditch, channel, canal, or waterpipe such person shall fail))~~ a diversion device the owner fails to do so, the director ~~((is hereby authorized to))~~ may take possession of the ~~((same in the name of the state of Washington;))~~ diversion device and ~~((to))~~ close the ~~((same to the entrance of any water))~~ device until ~~((such time as the ditch shall be))~~ it is properly equipped ~~((; and the))~~. Expenses ~~((incident thereto))~~ incurred by the department ~~((shall))~~ constitute the value of a lien upon the ~~((ditch, channel, canal, or waterpipe))~~ diversion device and upon the real and personal property of the ~~((person owning the same))~~ owner. Notice of ~~((such))~~ the lien shall be filed and recorded in the office of the county auditor ~~((in))~~ of the county in which ~~((such))~~ the action is taken.

Sec. 71. Section 75.20.050, chapter 12, Laws of 1955 and RCW 75.20.050 are each amended to read as follows:

It is ~~((hereby declared to be))~~ the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The ~~((supervisor of hydraulics))~~ director of ecology shall give the director of fisheries and the director of game notice of each application for a permit to divert water, or other hydraulic permit ~~((of any nature, and))~~. The director of fisheries and director of game ~~((shall))~~ have thirty days after receiving ~~((such))~~ the notice ~~((in which))~~ to state their objections to the application ~~((; and))~~. The permit shall not be issued until ~~((such))~~ the thirty-day ~~((s))~~ period has elapsed.

The ~~((supervisor of hydraulics))~~ director of ecology may refuse to issue ~~((any))~~ a permit ~~((to divert water, or any hydraulic permit of any nature;))~~

if, in the opinion of the director of fisheries or director of game, ~~((such))~~ issuing the permit might result in lowering the flow of water in ~~((any))~~ a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

Sec. 72. Section 75.20.060, chapter 12, Laws of 1955 and RCW 75.20.060 are each amended to read as follows:

~~((Every))~~ A dam or other obstruction across or in ~~((any))~~ a stream shall be provided with a durable and efficient fishway~~((, which))~~ approved by the director. Plans and specifications shall be provided to the department prior to the director's approval. The fishway shall be maintained in ~~((a practical and))~~ an effective condition ~~((in such place, form and capacity as the director may approve, for which plans and specification shall be furnished by the director upon application to him,))~~ and ~~((which shall be kept open, unobstructed and))~~ continuously supplied with ~~((a))~~ sufficient ~~((quantity of))~~ water to freely ~~((admit the passage of))~~ pass fish ~~((through the same. Every))~~. It is unlawful for the owner, manager, agent, or person in charge of ~~((such))~~ the dam or obstruction ~~((who shall))~~ to fail to comply with ~~((the provisions of))~~ this section ~~((is guilty of a gross misdemeanor)).~~

If ~~((any))~~ a person ~~((or government agency))~~ fails to construct and maintain ~~((such fish ladder or))~~ a fishway or to remove ~~((such))~~ the dam or obstruction in a manner satisfactory to the director, then within thirty days after written notice ~~((thereof))~~ to comply has been served upon the owner, his agent, or the person in charge ~~((thereof))~~, the director may construct a ~~((suitable fish ladder or))~~ fishway~~((;))~~ or remove ~~((such))~~ the dam or obstruction~~((, and the actual cost in case of construction of fishway thereof shall)).~~ Expenses incurred by the department constitute the value of a lien upon the dam and upon ~~((all))~~ the personal property of the person ~~((or government agency))~~ owning the ~~((same))~~ dam. Notice of ~~((such))~~ the lien shall be filed and recorded in the office of the county auditor of the county in which ~~((such))~~ the dam or obstruction is situated. ~~((Such))~~ The lien may be foreclosed in ~~((any))~~ an action brought in the name of the state.

If ~~((any person or government agency fails to make any such)),~~ within thirty days after notice to construct a fishway or remove ~~((such))~~ a dam or obstruction ~~((in a manner satisfactory to the director, then within thirty days after written notice thereof has been served on)),~~ the owner, his agent, or the person in charge~~((, such))~~ fails to do so, the dam or obstruction ~~((shall thereby become))~~ is a public nuisance and the director may take possession ~~((thereof in his own name or in the name of the state))~~ of the dam or obstruction and destroy it ~~((, and)).~~ No liability shall attach for ~~((such))~~ the destruction.

Sec. 73. Section 1, chapter 153, Laws of 1963 and RCW 75.20.061 are each amended to read as follows:

~~((In the event any fish passage facility))~~ If the director determines that a fishway or fish ~~((protective device as set forth))~~ guard described in RCW 75.20.040 and 75.20.060 ~~((which have been))~~ and in existence ~~((or are existing at the time of enactment of this act;))~~ on September 1, 1963, is ~~((determined by the director to be))~~ inadequate ~~((for the purposes for which it was intended; the director)),~~ in addition to other authority granted in this chapter, the director may ~~((in his discretion;))~~ remove, relocate, reconstruct, or modify ~~((said))~~ the device, without cost ~~((for materials and labor))~~ to the owner ~~((or owners thereof; PROVIDED, That)).~~ The director ~~((may))~~ shall not materially modify the amount of flow of water through the ~~((facility or))~~ device. ~~((Thereafter such fish passage facility or fish protective device))~~ After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the ~~((person or governmental agency owning said obstruction or water diversion))~~ owner in accordance with RCW 75.20.040 and 75.20.060.

Sec. 74. Section 75.20.090, chapter 12, Laws of 1955 and RCW 75.20.090 are each amended to read as follows:

~~((In the event that any person or government agency desires to construct or maintain a dam or other hydraulic work in any of the streams of this state of a type making a fish ladder or fishway thereover impracticable, in the opinion of the director, then such person or government agency, before any construction work shall commence on such dam or other hydraulic work))~~ Before a person commences construction on a dam or other hydraulic project for which the director determines that a fishway is impractical, the person shall at the option of the director:

(1) Convey to the state ~~((a site or sites of a size and dimensions satisfactory to the director, at such place as may be selected by the director, and erect thereon))~~ a fish ~~((hatchery or fish hatcheries, rearing ponds))~~ cultural facility on a site satisfactory to the director and ~~((other buildings))~~ constructed according to plans and specifications ~~((to be furnished by said person or government agency subject to the approval of))~~ approved by the director, and enter into an agreement with the director secured by ~~((good and))~~ sufficient bond, to furnish ~~((all))~~ water and ~~((lights))~~ electricity, without expense, and funds necessary ~~((sums of money))~~ to operate and maintain ~~((said hatchery or hatcheries and rearing ponds))~~ the facilities; or

(2) Enter into an agreement with the director secured by ~~((good and))~~ sufficient bond to ~~((pay to the state such initial money and))~~ make ~~((such annual))~~ payments ~~((of additional money))~~ to the state as the director ~~((may))~~ determines are necessary to expand, maintain, and operate additional facilities at existing hatcheries within a reasonable distance of ~~((such))~~ the dam or other hydraulic work to compensate for the damages ~~((sustained))~~ caused by the ~~((erection of any such))~~ dam or other hydraulic work.

~~((Any)) (3) A decision of the director ((hereunder shall be)) under this section is subject to review in the superior court of the state for Thurston county. ((Any person or government agency who fails to comply with the provisions of this section is guilty of a gross misdemeanor and)) Each day that ((such)) a person ((or government agency)) carries on construction work ((on such dam or hydraulic work)) or operates ((any such)) a dam or hydraulic ((work)) project without complying with ((the provisions of)) this section ((constitutes)) is a separate offense.~~

Sec. 75. Section 75.20.100, chapter 12, Laws of 1955 as last amended by section 1, chapter 29, Laws of 1975 1st ex. sess. and RCW 75.20.100 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the salt or fresh waters of the state or materials from the stream beds, such person or government agency shall ~~((submit to the department of fisheries and the department of game full plans and specifications of the proposed construction or work, complete plans and specifications for the proper protection of fish life in connection therewith, the approximate date when such construction or work is to commence, and shall)), before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the ((director of fisheries and the director of game)) department having jurisdiction of the site as to the adequacy of the means ((outlined)) proposed for the protection of fish life ((in connection therewith and as to the propriety of the proposed construction or work and time thereof in relation to fish life, before commencing construction or work thereon. The director of fisheries and the director of game shall designate and authorize certain employees of their respective departments to act in place of themselves by signing written approvals for such designations and authorizations)). This approval shall not be unreasonably withheld. The appropriate department shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that~~

the forty-five day period is suspended, the appropriate department shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the hydraulic permit within two years of the date of issuance. If approval is denied, the appropriate department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.04 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any ((such)) hydraulic works or projects subject to this section without ((first providing plans and specifications subject to the approval of the director of fisheries and the director of game for the proper protection of fish life in connection therewith and without)) first having obtained written approval of the ((director of fisheries and the director of game)) appropriate department as to the adequacy of ((such plans and specifications submitted)) the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, ((he)) the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency ((be)) is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such. For the purposes of this section, "bed" shall mean that portion of a river or stream and the shorelands within ((the)) ordinary high water lines.

For each application, the departments shall mutually agree on which one department shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If a department receives an application concerning a site not in its jurisdiction, it shall transmit the application to the appropriate department within three days and notify the applicant.

((PROVIDED, That)) In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral permits to a riparian owner or lessee for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream without the necessity of ((submitting prepared plans and specifications or)) obtaining a written permit prior to commencing work. Conditions of an oral permit

shall be reduced to writing within thirty days and complied with as provided for in this section.

Sec. 76. Section 1, chapter 4, Laws of 1961 and RCW 75.20.110 are each amended to read as follows:

~~((For the purpose of conserving the state's fishery resources the powers of any person authorized to construct or operate dams or to appropriate water in the state are hereby limited in that no such person shall construct, complete or operate, either for himself or as an agent or independent contractor for another, any dam or other obstruction over twenty-five feet high on any tributary stream of the Columbia River downstream from McNary Dam, including the Cowlitz River and its tributaries, within the migration range of anadromous fish as jointly determined by the directors of fisheries and game, except the north fork of the Lewis River and the White Salmon River (Big White Salmon River), nor shall any such person obtain or use a federal license for such purpose; nor shall any such person divert any water from any such stream in such quantities that will reduce the respective stream flows below the annual average low flow as set forth in existing or future United States Geological reports: PROVIDED, That when the flow is below such annual average low flow, then such person may divert water, subject to legal appropriation, only upon the concurrent order of the directors of fisheries and game:))~~

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as jointly determined by the director of fisheries and the director of game.

(b) Except by concurrent order of the director of fisheries and director of game, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The director of fisheries and the director of game may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

Sec. 77. Section 8, chapter 7, Laws of 1982 and RCW 75.20.300 are each amended to read as follows:

(1) The legislature intends to expedite flood-control dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director of fisheries and director of game shall process hydraulic project applications submitted under RCW 75.20.100 within five working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Toutle river, ~~((at))~~ in the Cowlitz river from River Mile 22 to the confluence with the Columbia, and the volcano~~((and))~~-affected tributaries ~~((to))~~ of the Cowlitz and Toutle river and volcano-affected areas of the Columbia river.

(3) ~~((The mandatory emergency provisions of RCW 75.20.100 for the purposes of this act may be initiated by the county legislative authority: PROVIDED, That the project is necessary to provide protection from flood hazards to human life and/or to reduce or prevent flood damages or destruction of property))~~ For the purposes of this section, the emergency provisions of RCW 75.20.100(2) may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

This section expires on June 30, 1984.

Sec. 78. Section 75.24.010, chapter 12, Laws of 1955 and RCW 75.24.010 are each amended to read as follows:

The following ~~((named))~~ areas ~~((constitute))~~ are the ~~((existing))~~ state oyster reserves ~~((of the state, such reserves being))~~ and are more completely described in maps and plats on file in the office of the commissioner of public lands and in the office of the auditor of the county in which the reserve is located:

1. PUGET SOUND OYSTER RESERVES:

(a) Totten Inlet reserves (sometimes known as Oyster Bay reserves), located in Totten Inlet, Thurston county;

(b) Eld Inlet reserves (sometimes known as Mud Bay reserves), located in Mud Bay, Thurston county;

(c) Oakland Bay reserves, located in Oakland Bay, Mason county;

(d) North Bay reserves (sometimes known as Case Inlet reserves), located in Case Inlet, Mason county.

2. WILLAPA HARBOR OYSTER RESERVES:

(a) Nemah reserve, south and west sides of reserve located along Nemah River channel, Pacific county;

(b) Long Island reserve, located at south end and along west side of Long Island, Willapa Harbor, Pacific county;

(c) Long Island Slough reserve, located at south end and along east side of Long Island, Willapa Harbor, Pacific county;

(d) Bay Center reserve, located in the Palix River channel, extending from Palix River bridge to beyond Bay Center to north of Goose Point, Willapa Harbor, Pacific county;

(e) Willapa River reserve, located in the Willapa River channel extending west and up-river from a point approximately one-quarter mile from the blinker light marking the division of Willapa River channel and the North River channel, Willapa Harbor, Pacific county.

Sec. 79. Section 75.24.030, chapter 12, Laws of 1955 and RCW 75.24-.030 are each amended to read as follows:

Only upon recommendation of the director may the state oyster reserves (~~((of the state shall not))~~) be sold, leased, or otherwise disposed of (~~((:PROVIDED, That in event the director recommends the sale, lease, or disposal of any of the reserves, or parts thereof, the same may be sold, leased or disposed of by the land commissioner in the manner provided by law for the sale, lease, or disposal of state land))~~) by the department of natural resources.

Sec. 80. Section 75.24.050, chapter 12, Laws of 1955 and RCW 75.24-.050 are each amended to read as follows:

~~((If any person takes oysters or clams))~~ It is unlawful to take shellfish from ~~((any of the))~~ state oyster reserves or ~~((any))~~ tidelands under the jurisdiction of the state ~~((of Washington;))~~ contrary to ~~((statutes or orders))~~ this title or rules of the director (~~((; or goes upon said oyster or clam land and rakes up, or otherwise prepares oysters or clams to facilitate the taking of same, he is guilty of a gross misdemeanor, and any oyster or clam taking appliance such as boats, dredges, motor vehicles or other appliances used in violation of such statutes or any of such orders may be seized by the director and shall be confiscated by the state))~~).

Sec. 81. Section 75.24.060, chapter 12, Laws of 1955 as amended by section 1, chapter 91, Laws of 1969 ex. sess. and RCW 75.24.060 are each amended to read as follows:

It is ~~((hereby declared to be))~~ the policy of the state to improve ~~((the))~~ state oyster reserves ~~((of the state to the end))~~ so that ~~((all may finally become))~~ they are productive~~((;))~~ and ~~((to have these reserves))~~ yield a revenue sufficient for their maintenance ~~((and betterment))~~. In fixing the price ~~((at which))~~ of oysters and other shellfish ~~((shall be))~~ sold from the reserves, the director shall take into consideration ~~((such))~~ this policy. It is

~~((further declared to be))~~ also the policy of the state to maintain the oyster reserves ~~((for the purpose of furnishing a supply of))~~ to furnish shellfish to growers and processors and ~~((for the stocking of))~~ to stock public beaches(~~(: PROVIDED, That))~~).

Shellfish may be harvested from state oyster reserves for personal use as prescribed by rule of the director.

The director shall protect ~~((all))~~, reseed, and replant state oyster reserves~~(, reseed, replant,))~~ and issue cultch permits ~~((and do such other things as in his judgment are necessary for their care and protection))~~.

Sec. 82. Section 75.24.070, chapter 12, Laws of 1955 and RCW 75.24-.070 are each amended to read as follows:

The director shall ~~((have the power to))~~ determine ~~((whether))~~ the time, place, and method of sale of oysters and other shellfish from ~~((the))~~ state oyster reserves ~~((of the state shall be sold by the bushel at a price set by the director or whether certain quantities or all of such oysters and other shellfish should be sold for cash at public auction or by sealed bids in such amounts as the director shall from time to time determine))~~.

To maintain ~~((the permanency of))~~ local communities and industries~~(, the prospects of fulfillment of contract requirement,))~~ and to restrain ~~((monopolistic controls endangering competition))~~ the formation of monopolies in the industry, the director shall ~~((have the power to))~~ determine the number of bushels which shall be sold to ~~((any))~~ a person~~(, firm, or corporation, and))~~. When the shellfish are sold at public auction, ((the right to)) the director may reject any and all bids.

~~((The director shall have the power to determine the time, place, and manner of holding the auctions and sales provided for in this section:))~~

Sec. 83. Section 75.24.080, chapter 12, Laws of 1955 and RCW 75.24-.080 are each amended to read as follows:

The director ~~((shall have the power to determine and))~~ may designate as "restricted shellfish areas" those areas in which infection or infestation of shellfish is present. ((These shall be called "restricted shellfish areas." No person shall)) Except by permit of the director, it is unlawful to transplant ((any shellfish within such restricted areas nor)) or transport ((any)) into or out of a restricted area shellfish~~(, or any material, or organism, or boats, scows,))~~ or ~~((other))~~ equipment used in culturing, taking, handling, or processing shellfish ~~((into or out of such restricted areas without first having obtained a permit from the director))~~.

Sec. 84. Section 75.24.090, chapter 12, Laws of 1955 as amended by section 7, chapter 212, Laws of 1955 and RCW 75.24.090 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to destroy oysters or clams ~~((taken from their natural beds,))~~ by ~~((assorting and))~~ culling them on land or shore and leaving the culled oysters or clams there to die~~(, but in all~~

cases)). The culled oysters or clams must be returned to ((their natural beds, or to the private beds for cultivation;)) the harvest area, except as provided by rule of the director ((may otherwise provide)).

Sec. 85. Section 1, chapter 253, Laws of 1969 ex. sess. as amended by section 1, chapter 141, Laws of 1979 ex. sess. and RCW 75.24.100 are each amended to read as follows:

(1) The director ~~((of fisheries))~~ may ~~((at his discretion and))~~ issue licenses, with the approval of the commissioner of public lands ~~((issue licenses)),~~ for the commercial harvesting of geoduck clams ~~((for commercial purposes))~~ from specific tracts of beds of navigable waters ~~((of the state of Washington))~~ for which harvest rights have been granted by the department of natural resources ~~((except that he may)).~~ The director shall not authorize commercial harvesting ((for commercial purposes)) on bottoms which are shallower than eighteen feet below mean lower low water (0.0. ft.), or which lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to ((said)) the line of ordinary high tide. If the director ((shall)) determines that the number((s)) of units of gear ((are)) is sufficient to harvest the known available crop and that additional units of gear might prove damaging to the resource or its habitat, ((he)) the director may suspend the issuance of ((such)) additional licenses ((for the balance of any given year or)) until ((he)) the director determines there is need for additional units of gear to achieve a sustained harvest.

~~((A))~~ (2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by ((scuba or other)) a diver. Periodically, the director shall ((also)) determine ((from time to time)) the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit ((and he)). The director may require modification of the gear or ((cessation of)) stop its use if ((he determines that)) it is being operated in a wasteful or destructive manner or ((that)) if its operation ((tends to)) may cause permanent damage to the bottom or adjacent shellfish populations.

~~((2)) Any~~ (3) A person, including the person's agents or representatives, who ((is issued or currently)) holds a license under subsection (1) of this section shall comply with all applicable commercial diving safety ((standards and)) regulations ((promulgated and implemented)) adopted by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on May 8, 1979 (84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq.). A violation((s)) of these ((safety standards and)) regulations ((shall be deemed to be)) is a violation((s)) of this subsection((: PROVIDED, That)). For the purposes of this section ((and RCW 79.01.570 as amended)), persons who dive for geoducks are ((deemed to be)) "employees" as defined by the federal occupational safety and health act. A violation((s)) of this subsection

~~((are))~~ is grounds for suspension or ~~((cancellation))~~ revocation of the license ~~((upon ten days written notice to the licensee and))~~ following a hearing ~~((on the matter))~~ as provided for in chapter 34.04 RCW. ~~((In no event shall))~~ A license shall not be suspended or ~~((canceled))~~ revoked if the violation has been corrected within ten days of receipt of written notice of the violation. If there is a substantial probability that a ~~((particular))~~ violation of the commercial diving standards could result in death or serious physical harm to ~~((any))~~ a person engaged in harvesting geoduck clams, the ~~((license))~~ department shall ~~((be suspended))~~ suspend the license immediately until the violation ~~((causing the probability of death or serious physical harm))~~ has been corrected ~~((: PROVIDED FURTHER, That for the purposes of this subsection,))~~. If the licensee is the holder of a tract license and contracts with another ~~((entity))~~ person for the harvesting of geoducks, the license shall not be suspended or canceled if the licensee terminates its business relationship with such entity until compliance with this subsection is secured.

NEW SECTION. Sec. 86. RCW 75.08.054, 75.08.056, and 75.08.060, each as amended by this 1983 act, are each decodified and recodified as RCW 75.24.110, 75.24.120, and 75.24.130, respectively.

Sec. 87. Section 75.08.054, chapter 12, Laws of 1955 and RCW 75.08-.054 are each amended to read as follows:

~~((The director shall have the power to promulgate regulations governing the importation of oyster seed for the purpose of planting in the waters of this state, and he shall have the duty and authority to require them to be inspected for disease, infestations and pests at such places and in such manner and at such times as he shall deem advisable in order to insure that the oysters in the waters of this state shall not be endangered by the importations of diseased or infested oysters or pests which prey on oysters, and it shall be))~~ It is unlawful for ~~((any))~~ a person to import oysters ~~((in))~~ or oyster seed into this state for the purpose of planting ~~((the same in the))~~ them in state waters ~~((of this state or to plant oyster seed in the waters of this state without first having obtained the authority))~~ without a permit from the director ~~((to do so)).~~ The director shall ~~((give such authority))~~ issue a permit only after an adequate inspection ~~((under his direction))~~ has been made and the oysters or oyster seed ~~((in question has been))~~ are found to be free of disease, ~~((infestation,))~~ pests, and other substances which might endanger ~~((the))~~ oysters in ~~((the))~~ state waters ~~((of this state)).~~

Sec. 88. Section 75.08.056, chapter 12, Laws of 1955 as amended by section 1, chapter 38, Laws of 1967 ex. sess. and RCW 75.08.056 are each amended to read as follows:

The director may require imported oyster seed to be inspected for diseases and pests. The director may specify the place of inspection. Persons importing oyster seed ~~((under the provisions of RCW 75.08.054))~~ shall pay

for the ~~((actual))~~ inspection costs ~~((of inspecting the same;))~~ excluding the inspector's ~~((base))~~ salary. The cost shall be determined by the director ~~((of fisheries))~~ and ~~((shall be))~~ prorated among the importers according to the number of cases of oyster seeds each imports. The director ~~((of fisheries))~~ shall ~~((have the authority and it shall be his duty to))~~ specify the time and manner of payment.

Sec. 89. Section 75.08.060, chapter 12, Laws of 1955 and RCW 75.08-.060 are each amended to read as follows:

The director ~~((shall))~~ may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state~~((;))~~ and ~~((with the approval of))~~ request the ~~((state))~~ commissioner of public lands~~((;))~~ to withdraw ~~((such))~~ these lands from sale and lease ~~((and make))~~ for the purpose of establishing reserves or public beaches ~~((thereof. He shall take such steps as are advisable for the conservation, protection, and development of such)).~~ The director shall conserve, protect, and develop these reserves~~((He shall do whatever may be necessary for the protection and development of))~~ and the oyster, shrimp, clam, and mussel beds on state lands ~~((or lands under the jurisdiction of the state)).~~

Sec. 90. Section 2, chapter 243, Laws of 1979 ex. sess. and RCW 75-.25.020 are each amended to read as follows:

~~((It is unlawful for any person))~~ A razor clam license is required to take, dig for, or ~~((have in his or her possession any))~~ possess razor clams ~~((that is))~~ taken for personal use from the clam beds of this state ~~((without first having obtained and having in his or her possession a razor-clamming license as provided in RCW 75.25.030)).~~

Sec. 91. Section 4, chapter 243, Laws of 1979 ex. sess. as amended by section 1, chapter 81, Laws of 1980 and RCW 75.25.040 are each amended to read as follows:

(1) The annual fees for razor~~((=clamming))~~ clam licenses are:

- (a) ~~((For an annual))~~ A resident license, two dollars and fifty cents; and
- (b) ~~((For an annual))~~ A nonresident license, ten dollars.

(2) ~~((Any))~~ Upon application, a resident sixty-five years of age or older or under sixteen years of age shall be issued~~((; upon making an affidavit to such effect and upon payment of the dealer fee established in RCW 75.25-.030;))~~ a ~~((personal use))~~ razor clam license at no cost. Dealers may collect the dealer's fee established in RCW 75.25.130.

(3) ~~((For the purposes of this chapter, "resident" means a person who, for at least thirty days immediately preceding 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.~~

~~((4))~~ Razor clam license fees ~~((received from the issuance of razor-clamming licenses))~~ shall be ~~((paid into))~~ deposited in the general fund

~~((and shall be subject to legislative appropriation until the cumulative total subject to legislative appropriation equals the appropriation under section 11 of this act or so much of that appropriation as is actually used. Any excess over the amount appropriated or used shall be credited to the department of fisheries)) and shall be ((expended on)) appropriated for the development or operation of programs beneficial to razor clam harvesting.~~

Sec. 92. Section 2, chapter 81, Laws of 1980 and RCW 75.25.080 are each amended to read as follows:

It ~~((shall be))~~ is lawful to dig the personal-use daily bag limit of razor clams for another person if that person has in possession a physical disability permit ~~((approved))~~ issued by the director.

NEW SECTION. Sec. 93. RCW 75.28.610, 75.28.630, 75.28.670, 75.28.620, 75.28.650, and 75.28.660, each as amended by this 1983 act, are each decodified and recodified as RCW 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, and 75.25.160, respectively.

Sec. 94. Section 11, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.610 are each amended to read as follows:

~~((1) It shall be unlawful for any))~~ A salmon angling license is required for a person sixteen years of age or older, and under seventy years of age, to take, fish for, or ((have in his possession any)) possess anadromous salmon ((that is)) taken for personal use from ((the)) state waters or offshore waters ((of this state, without first having obtained and having in his possession an anadromous salmon angling license as provided in RCW 75.28.630; 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:))~~

Sec. 95. Section 13, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.630 are each amended 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 saltwater 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:))~~ Following are the fees for salmon angling licenses:

- (a) Annual resident fresh water and saltwater, three dollars.
- (b) Annual nonresident saltwater, three dollars.
- (c) One day resident fresh water and saltwater, one dollar.
- (d) One day nonresident saltwater, one dollar.
- (e) Annual nonresident fresh water, ten dollars.

(f) Three consecutive day fresh water nonresident, 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)) is valid only during the calendar year in which it is issued. An annual license ((shall be)) is valid for a maximum catch of thirty salmon after which another annual license may be purchased.~~

~~((4) Any)) (3) Upon application, a person sixty-five ((or more)) years of age or older who is an honorably discharged veteran of the United States ((military or naval)) armed forces ((having)) with 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)) a salmon angling license free of charge ((upon application therefor)).~~

~~(Any)) Upon application, a blind person ((who is blind)) shall be issued ((an anadromous)) a salmon angling license free of charge ((upon application therefor)).~~

~~(Anadromous)) Salmon angling licenses issued under this subsection ((shall be considered)) are valid for the lifetime of the holder.~~

Sec. 96. Section 17, chapter 327, Laws of 1977 ex. sess. and RCW 75-28.670 are each amended 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)) is 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 not valid for the taking of salmon when angling in concurrent waters of the Columbia river from the Washington shore.~~

Sec. 97. Section 12, chapter 327, Laws of 1977 ex. sess. and RCW 75-28.620 are each amended to read as follows:

~~((All anadromous)) Salmon angling licenses ((issued under RCW 75-28.630)) and razor clam licenses shall be issued ((by or)) only under authority of the director((, who may deputize any reputable citizen)). The director may authorize license dealers to issue the licenses and collect the license fees ((therefor)). In addition to the license fee, license dealers may charge a dealer's fee of twenty-five cents for salmon angling licenses and~~

fifty cents for razor clam licenses. The dealer's fee may be retained by the license dealer.

The director shall adopt ~~((such)) rules ((as he deems necessary))~~ for the issuance of ~~((anadromous)) salmon angling licenses and razor clam licenses~~ and for the collection, payment, and handling of ~~license fees and dealers fees ((prescribed in RCW 75.28.630 and 75.28.640. The rules shall be adopted in conformity with chapter 34.04 RCW)).~~

Sec. 98. Section 15, chapter 327, Laws of 1977 ex. sess. as amended by section 135, chapter 78, Laws of 1980 and RCW 75.28.650 are each amended to read as follows:

~~((Anadromous)) (1) Salmon angling licenses ((shall)) and razor clam licenses are not ((be)) transferable. ((Any)) Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person digging for or possessing razor clams or fishing for ((anadromous salmon or having anadromous)) or possessing 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, wildlife agent, or law enforcement officer within their respective jurisdiction;))~~ exhibit ~~((his or her))~~ the required license and write his or her ~~((name))~~ signature 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))~~ comply with the request is prima facie evidence that the person ((has no)) does not have a license or is not the person named on the license ((in the person's possession)).~~

(2) The razor clam license shall be visible on the licensee while digging for razor clams.

NEW SECTION. Sec. 99. There is added to chapter 75.25 RCW a new section, to be codified as RCW 75.25.150, to read as follows:

It is unlawful to dig for or possess razor clams and fish for or possess anadromous salmon without the licenses required by this chapter.

Sec. 100. Section 16, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.660 are each amended to read as follows:

~~((Any))~~ A person who violates a provision of this chapter or who knowingly falsifies ((any)) information required for the issuance of ((an anadromous)) a salmon angling license ((shall be)) or razor clam license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

Sec. 101. Section 75.28.010, chapter 12, Laws of 1955 as amended by section 2, chapter 309, Laws of 1959 and RCW 75.28.010 are each amended to read as follows:

(1) Except as otherwise provided by this title, a license or permit issued by the director is required to:

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver food fish or shellfish taken in offshore waters;

(c) Operate a charter boat;

(d) Operate a commercial food fish or shellfish farm; or

(e) Engage in processing or wholesaling food fish or shellfish.

(2) It ~~((shall be))~~ is unlawful ~~((for any person))~~ to engage in ~~((any phase of the commercial fishing industry or to operate any fishing gear known as or classified as commercial fishing gear by the director, or to fish for, take, deliver, or land any fish in the state, whether taken from waters within or without the jurisdiction of the state;))~~ the activities described in subsection (1) of this section without ~~((first obtaining and))~~ having in possession ~~((such))~~ the licenses or ~~((delivery))~~ permits ~~((as are herein specified))~~ required by this title.

~~((Any person violating any of the provisions of this chapter is guilty of a gross misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars:))~~

Sec. 102. Section 1, chapter 171, Laws of 1957 as amended by section 2, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.012 are each amended to read as follows:

The following licensing districts are ~~((hereby))~~ created:

(1) The Puget Sound licensing district ~~((shall))~~ include ~~((those))~~ waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds and estuaries lying ~~((inside;))~~ easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the light-house on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(2) The Grays Harbor-Columbia river licensing district ~~((shall))~~ include ~~((those))~~ waters of Grays Harbor and tributary estuaries lying ~~((inside and))~~ easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries ~~((lying inside and))~~ easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(3) The Willapa Bay-Columbia river licensing district ~~((shall))~~ include ~~((those))~~ waters of Willapa Bay and tributary estuaries ~~((lying inside))~~ and easterly of a line projected northerly from Leadbetter Point to Cape Shoalwater Light and those waters of the Columbia river and tributary sloughs described in subsection (2) of this section.

Sec. 103. Section 3, chapter 171, Laws of 1957 as last amended by section 1, chapter 201, Laws of 1981 and RCW 75.28.014 are each amended to read as follows:

(1) An applicant for a commercial salmon fishing license ~~((required by RCW 75.28.013))~~ shall submit a license application in accordance with this ~~((section))~~ subsection.

~~((1))~~ (a) If an application is postmarked or personally delivered to the department in Olympia by April 15th of the license year, it shall be accompanied by the prescribed license fee.

~~((2))~~ (b) If an application is postmarked or personally delivered to the department in Olympia after April 15th of the license year, it shall be accompanied by the prescribed license fee and a late application fee of two hundred dollars.

(2) Columbia River smelt license applications accompanied by the license fee shall be made in person or postmarked by January 10 of the license year.

Sec. 104. Section 75.28.020, chapter 12, Laws of 1955 as amended by section 1, chapter 171, Laws of 1963 and RCW 75.28.020 are each amended to read as follows:

~~((No license provided for in this title shall be issued to any))~~ (1) The department may only issue a commercial license to a person who is ~~((not))~~ sixteen years of age or older and who is a citizen ~~((of the United States, or who is not))~~ and a bona fide resident of the United States ~~((, or who is not of the age of sixteen years or over, nor shall any))~~. The deckhand license required by RCW 75.28.690 may be issued to persons under sixteen years of age. The department may only issue a commercial license ~~((be issued))~~ to ~~((any))~~ a corporation ~~((unless))~~ if it is authorized to do business in this state ~~((: PROVIDED, That each))~~. A valid Oregon license ~~((issued by the state of Oregon))~~ which is comparable ~~((and similar))~~ to a license ~~((provided for in))~~ under this title ~~((shall be recognized as))~~ is valid ~~((by this state))~~ in the concurrent waters of the Columbia River ~~((only if such license is valid within the jurisdiction of the issuing state, and))~~ if the state of Oregon recognizes as valid ~~((a))~~ the comparable ~~((and similar))~~ Washington license ~~((issued by this state))~~.

Sec. 105. Section 75.28.030, chapter 12, Laws of 1955 as amended by section 7, chapter 309, Laws of 1959 and RCW 75.28.030 are each amended to read as follows:

Except as otherwise provided in this title, the director shall issue commercial ~~((fishing))~~ licenses and ~~((delivery))~~ permits ~~((herein required))~~ to ~~((any))~~ a qualified person, upon the receipt of ~~((a lawful))~~ an application ~~((therefor upon a blank to be furnished for that purpose,))~~ accompanied by the required fee. Applications shall be submitted on forms provided by the department. Applicants for ~~((delivery permits and all))~~ commercial ~~((fishing))~~ licenses and permits shall indicate at the time of application the species of food fish or shellfish ~~((that the applicants))~~ they intend to take ~~((or catch))~~ and the type of gear they intend to use ~~((in the taking or catching of the fish or shellfish))~~.

NEW SECTION. Sec. 106. RCW 75.28.100, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.28.035.

Sec. 107. Section 75.28.100, chapter 12, Laws of 1955 as amended by section 9, chapter 309, Laws of 1959 and RCW 75.28.100 are each amended to read as follows:

~~((Each annual))~~ An application for issuance or renewal of a commercial fishing license or ((a delivery)) permit ((provided for in this chapter)) shall contain the name and address of the vessel owner ((of the vessel)), the name and address of the vessel operator ((of the vessel)), the name and number of the vessel, a description of the vessel and fishing gear to be carried ((thereon)) on the vessel, and ((such)) other information ((as may be)) required by the department.

At the time of issuance of ((such)) a commercial fishing license((s)) or ((delivery)) permit the director shall furnish ((each applicant)) the licensee with a ((certificate of)) vessel registration and two license ((plates with the registration number stamped thereon. Such registration shall be known as the "State of Washington license and registration number" and shall be transferable. The registration certificate shall be carried aboard the vessel at all times and the license plates shall be affixed and carried in plain sight on each side of the vessel well forward)) decals.

Vessel registrations and license and permit decals issued by the director shall be displayed as provided by rule of the director.

~~((The))~~ A commercial fishing license or ((delivery)) permit ((provided for herein shall be invalid in the event)) is not valid if the vessel is operated by ((anyone)) a person other than the operator listed ((in the application. In the event of change of name, ownership or operator of the vessel;)) on the license or permit. The director may authorize additional operators for the license or permit. The fee for an additional operator is ten dollars.

The ((director)) vessel owner shall ((be notified in writing and will issue a new certificate of registration which will effect a)) notify the director on forms provided by the department of changes of ((name or)) ownership or operator((, as the case may be;)) and a new license or permit shall be issued upon payment of a fee of ten dollars ((shall be charged for the new certificate of registration)).

~~((Registrants shall report immediately any change of name, ownership, or operator of the vessel;))~~ A defaced, mutilated, or lost license ((plates)) or license decal shall be replaced immediately ((and a)). The replacement fee ((of)) is two dollars ((shall be charged for such new plates)).

Sec. 108. Section 75.28.040, chapter 12, Laws of 1955 as amended by section 2, chapter 212, Laws of 1955 and RCW 75.28.040 are each amended to read as follows:

~~((All))~~ Commercial licenses ((shall)) and permits expire at ((the close of the thirty-first day of)) midnight on December 31st following their issuance((;)) and ((shall)) in accordance with this title may be renewed annually ((thereafter)) upon application and payment of the prescribed license fees ((required by this title)).

Sec. 109. Section 75.28.060, chapter 12, Laws of 1955 as last amended by section 4, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.060 are each amended to read as follows:

~~((A))~~ Except as otherwise provided in this title, commercial fishing licenses ~~((provided for in this chapter shall be))~~ are transferable. It ~~((shall be))~~ is unlawful for ~~((any))~~ a license to be operated ~~((or caused to be operated))~~ by ~~((any))~~ a person other than the person listed as operator on the license. ~~((In the event))~~ Fishing gear ~~((is))~~ operated by a nonresident ~~((the gear))~~ shall be licensed as nonresident gear. ~~((In the event))~~ If a commercial license is transferred from a resident ~~((of the state of Washington))~~ to a nonresident, the transferee shall ~~((be required to))~~ pay the difference between the ~~((fees for a))~~ resident and nonresident ~~((licensee))~~ license fees at the time of transfer.

Sec. 110. Section 75.28.070, chapter 12, Laws of 1955 and RCW 75.28.070 are each amended to read as follows:

~~((Fishing guide licenses, fish buyer licenses, and personal commercial fishing licenses shall be carried on the person of the licensee. Fish broker licenses,))~~ Clam or oyster farm ((licenses)), oyster reserve ((licenses)), and wholesale fish dealer ((licenses, retail fish dealer licenses, fish canning licenses, fish byproducts licenses, boat house operator licenses, and branch)) licenses shall be ~~((kept and))~~ displayed at the business premises of the licensee.

Sec. 111. Section 14, chapter 283, Laws of 1971 ex. sess. as amended by section 2, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.081 are each amended to read as follows:

A personal commercial fishing license ~~((shall be obtained by each and every))~~ is required for a person who takes or assists in taking any salmon while on board a ~~((commercially licensed trolling))~~ troll vessel ~~((trolling for salmon in waters within the territorial boundaries of the state of Washington or who sells his commercial catch in the state of Washington))~~ licensed under RCW 75.28.110(1)(c) or 75.28.113.

A personal commercial fishing license ~~((shall be obtained by each and every))~~ is required for a person who takes or assists in taking Columbia river smelt ~~((T))~~ Thaleichthys pacificus under a Columbia river smelt license.

The annual license fee ~~((for such license))~~ is ten dollars ~~((per annum))~~ for a resident and twenty dollars for a nonresident.

The personal license shall be carried on the person ~~((whenever such person is))~~ while engaged in the taking ~~((, landing, or selling))~~ of ~~((any))~~ salmon or Columbia river smelt.

Sec. 112. Section 1, chapter 90, Laws of 1969 as last amended by section 1, chapter 60, Laws of 1979 and RCW 75.28.095 are each amended to read as follows:

~~((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 be one hundred dollars per annum.))~~ (1) A charter boat license is required for a vessel to be operated as a charter boat from which food fish are taken for personal use. The annual license fees are:

<u>Species</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
(a) <u>Food fish other than salmon</u>	<u>\$100</u>	<u>\$200</u>
(b) <u>Salmon and other food fish</u>	<u>\$200</u>	<u>\$200</u>

(2) "Charter boat" means ((any)) a vessel from which persons may, for a fee, ((angle)) fish for food fish, and which delivers food fish taken from ((waters either within or without the territorial boundaries of the state of Washington)) offshore waters into state ports or from state waters into United States ports. "Charter boat" does not mean:

(a) Vessels not generally engaged in charter boat fishing which are under private lease or charter and operated by the lessee for the lessee's personal recreational enjoyment; or

(b) Vessels used by guides for clients fishing for salmon for personal use in freshwater rivers, streams, and lakes, other than Lake Washington or that part of the Columbia River below the bridge at Longview.

~~((No))~~ (3) A vessel ((may)) shall not 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)) or 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. 113. Section 75.28.110, chapter 12, Laws of 1955 as last amended by section 2, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.110 are each amended to read as follows:

~~((The fee for all licenses prescribed in this chapter employing hand lines or jig lines in the taking of fish and shellfish shall be twenty-seven dollars and fifty cents per annum for residents and fifty-five dollars per annum for nonresidents. Each license shall entitle the licensee to use three hooks only.))~~

(1) The following commercial salmon fishing licenses are required for the licensee to use the specified gear to fish for salmon and other food fish in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
(a) Purse seine	\$300	\$600
(b) Gill net	\$200	\$400
(c) Troll	\$200	\$400
(d) Reef net	\$200	\$400

(2) Holders of commercial salmon fishing licenses may retain incidentally caught food fish other than salmon, subject to rules of the director.

(3) A salmon troll license includes a salmon delivery permit.

(4) A separate gill net license is required to fish for salmon in each of the licensing districts established in RCW 75.28.012.

NEW SECTION. Sec. 114. RCW 75.18.080 and 75.28.460, each as amended by this 1983 act, are each decodified and recodified as RCW 75.28.113 and 75.28.116, respectively.

Sec. 115. Section 75.18.080, chapter 12, Laws of 1955 as last amended by section 3, chapter 327, Laws of 1977 ex. sess. and RCW 75.18.080 are each amended to read as follows:

~~((Every)) (1) A person ((or persons, firm or corporation)) operating a commercial 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)) salmon to a place or port in the state ((of Washington)) shall((, as a condition of doing so,)) obtain a salmon delivery permit from the director ((of fisheries)). The annual fee for ((said)) a salmon delivery permit ((shall be)) is two hundred dollars ((for the vessel and operator, such permit to be effective during the calendar year in which issued: PROVIDED, That)). Persons operating fishing vessels licensed under RCW ((75.28.085)) 75.28.125 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)) salmon delivery permit fee.~~

~~(2) If ((it appears to)) the director ((of fisheries, after investigation,)) determines that the operation of ((such)) a vessel under ((such)) a salmon delivery permit ((tends to)) results in the ((impairment,)) depletion(;) or destruction of the state's salmon resource ((and supply of this state and in bringing)) or the delivery into this state of salmon products prohibited by law((, in that event)), the director ((under such regulations and terms as he may prescribe,)) may revoke ((said)) the 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. 116. Section 3, chapter 184, Laws of 1974 ex. sess. as amended by section 4, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.460 are each amended to read as follows:

~~((Any))~~ The owner of a commercial salmon fishing vessel which is 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)) 75.30.120 is required to obtain a salmon single delivery ((vessel delivery)) permit in order to make one landing of salmon taken in offshore waters. The permit fee ((for such permit shall be)) is one hundred dollars for residents and nonresidents.

Sec. 117. Section 75.28.120, chapter 12, Laws of 1955 as last amended by section 3, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.120 are each amended to read as follows:

~~((The fee for all licenses prescribed in this chapter employing set lines in the taking of fish and shellfish shall be thirty-five dollars per annum for residents and seventy dollars per annum for nonresidents. Each license shall entitle the licensee to use no more than three set lines of not more than five hundred hooks to each set line.))~~

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for food fish other than salmon in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>(1) Jig</u>	<u>\$27.50</u>	<u>\$55</u>
<u>(2) Set line</u>	<u>\$35</u>	<u>\$70</u>
<u>(3) Set net</u>	<u>\$35</u>	<u>\$70</u>
<u>(4) Drag seine</u>	<u>\$45</u>	<u>\$70</u>
<u>(5) Gill net</u>	<u>\$200</u>	<u>\$400</u>
<u>(6) Purse seine</u>	<u>\$300</u>	<u>\$600</u>
<u>(7) Troll</u>	<u>\$27.50</u>	<u>\$55</u>
<u>(8) Bottom fish pots</u>	<u>\$35</u>	<u>\$60</u>
<u>Each pot over 100</u>	<u>\$0.25</u>	<u>\$0.50</u>
<u>(9) Lampara</u>	<u>\$57.50</u>	<u>\$115</u>
<u>(10) Dip bag net</u>	<u>\$27.50</u>	<u>\$55</u>
<u>(11) Brush weir</u>	<u>\$85</u>	<u>\$160</u>

NEW SECTION. Sec. 118. RCW 75.28.085, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.28.125.

Sec. 119. Section 5, chapter 309, Laws of 1959 as last amended by section 5, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.085 are each amended to read as follows:

~~((Every person, or persons or corporations operating a fishing vessel of any description used in the commercial taking or catching of food fish or shellfish, other than salmon, in offshore waters, and the transportation or possession of food fish or shellfish, other than salmon, through the waters of the state of Washington, and delivering the food fish or shellfish, other than salmon, in any port in the state of Washington shall as a condition of doing~~

~~so, obtain a delivery permit from the director of fisheries. The fees for such permit shall be ten dollars. PROVIDED, That any)) A delivery permit is required to deliver shellfish or food fish other than salmon taken in offshore waters to a port in the state. The annual permit fee is ten dollars for residents and twenty dollars for nonresidents. A permittee under RCW ((75-18.080 will)) 75.28.113 (salmon delivery permit) is not ((be)) required to obtain ((the above prescribed)) a delivery permit under this section. ((Possessors of the above described permit who wish to gain a vessel delivery permit under RCW 75.18.080 as now or hereafter amended may upon application to the director of fisheries apply the ten dollar fee for the delivery permit against the cost of the vessel delivery permit set forth in RCW 75-18.080 as now or hereafter amended:))~~

Sec. 120. Section 75.28.130, chapter 12, Laws of 1955 as last amended by section 6, chapter 327, Laws of 1977 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 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:))~~

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>(1) Ring net</u>	<u>\$27.50</u>	<u>\$45</u>
<u>(2) Shellfish pots</u>		
<u>(excluding crab)</u>	<u>\$35</u>	<u>\$60</u>
<u>Each pot over 100</u>	<u>\$0.25</u>	<u>\$0.50</u>
<u>(3) Crab pots</u>	<u>\$35</u>	<u>\$60</u>
<u>Each pot over 100</u>	<u>\$0.25</u>	<u>\$0.50</u>
<u>(4) Shellfish diver</u>		
<u>(excluding clams)</u>	<u>\$27.50</u>	<u>\$55</u>

Sec. 121. Section 75.28.140, chapter 12, Laws of 1955 as last amended by section 7, chapter 327, Laws of 1977 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 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:))~~

The following commercial fishing licenses are required for the licensee to use the specified gear to fish for shellfish and food fish other than salmon in state waters. The annual license fees are:

<u>Gear</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>Trawl</u>	<u>\$87.50</u>	<u>\$135.00</u>

Sec. 122. Section 5, chapter 212, Laws of 1955 and RCW 75.28.255 are each amended to read as follows:

~~((A license is required for the taking or catching of carp for commercial purposes with any gear authorized by the director in the waters of the state, for which license there shall be paid a fee of five dollars.))~~

The following commercial fishing licenses are required for the licensee to fish for the specified species in state waters with gear authorized by rule of the director. The annual license fees are:

<u>Species</u>	<u>Resident Fee</u>	<u>Nonresident Fee</u>
<u>(1) Columbia River smelt</u>	<u>\$200</u>	<u>\$200</u>
<u>(2) Carp</u>	<u>\$5</u>	<u>\$5</u>

NEW SECTION. Sec. 123. RCW 75.16.100, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.28.265.

Sec. 124. Section 2, chapter 35, Laws of 1971 and RCW 75.16.100 are each amended to read as follows:

(1) The director may authorize by an aquaculture permit the commercial cultivation of food fish ((and)) or shellfish ((or other aquatic animals for commercial purposes, also known as fish farming or aquaculture, under such)), subject to rules ((and regulations as he may prescribe)) of the director. Cultivation ((shall)) includes all aspects of breeding, obtaining eggs or young of, raising, preparing for consumption or for market, and marketing of the food fish(;) or shellfish ((or other aquatic animals. Cultivation may be permitted on privately owned uplands, shorelands or tidelands, as well as on publicly owned uplands, tidelands, shorelands, or beds of navigable waters in accordance with procedures established for administration of such areas)).

(2) In addition to an aquaculture permit, a license is required to operate an aquaculture farm. The annual fee for an aquaculture license is one hundred dollars. A separate license is required for each county in which commercial cultivation is undertaken by the same person.

(3) Licensed clam ((farming)) farms, oyster ((farming)) farms, and geoduck ((harvesting, and other activities in the nature of cultivation already authorized or licensed)) tracts are ((not affected by)) exempt from this section.

Sec. 125. Section 75.28.280, chapter 12, Laws of 1955 as last amended by section 3, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.280 are each amended to read as follows:

~~((A license is required for each and every clam farm of one or more tracts of land being operated for commercial purposes on privately owned or leased tidelands and on leased beds of navigable waters in the state, except that a license under this section is not required for subtidal geoduck harvest tracts for which the required harvest rights and licenses have been obtained pursuant to other provisions of law. The fee for said license is fifteen dollars per annum, and shall be paid for each and every year in which clams are removed from the clam farm for purposes of sale.))~~

(1) A clam farm license is required for the licensee to operate a commercial clam farm of one or more tracts of lands on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents.

A clam farm license is not required for subtidal geoduck tracts for which licenses have been obtained under RCW 75.28.287.

(2) An oyster farm license is required for the licensee to operate a commercial oyster farm on tidelands or beds of navigable waters. The annual license fee is fifteen dollars for residents and nonresidents.

(3) ~~((A))~~ Separate clam farm and oyster farm licenses ~~((is))~~ are required for each ~~((clam farm being operated within each))~~ of the following ~~((clam))~~ districts~~((;))~~ as defined by rule of the director: Northern Puget Sound district, southern Puget Sound district, Grays Harbor district, and Willapa Harbor district~~((; said districts are to include the waters, beds, shores, beaches, and tidelands of, northern Puget Sound, southern Puget Sound, Grays Harbor, and Willapa Harbor, respectively, as geographically defined by the director of fisheries under appropriate regulations)).~~

(4) A mechanical harvester license is required to operate a mechanical or hydraulic device for commercially harvesting clams, other than geoduck clams, on a clam farm. The annual license fee is three hundred dollars for residents and nonresidents.

Sec. 126. Section 10, chapter 212, Laws of 1955 and RCW 75.28.282 are each amended to read as follows:

~~((A))~~ Clam farm licenses or ~~((an))~~ oyster farm licenses ~~((or both))~~ as provided in RCW 75.28.280 ~~((and 75.28.281 shall be))~~ are required of:

(1) ~~((Any))~~ A person ~~((or company))~~ owning ~~((and operating))~~ an oyster ~~((farm))~~ or clam farm ~~((or both))~~; or

(2) ~~((Any))~~ A clam or oyster farm lessee operating an oyster ~~((farm))~~ or clam farm ~~((or both, except))~~ when the owner ~~((thereof comes within the provisions of subsection (3) of this section;~~

~~((3) Any person or company owning an oyster farm or a clam farm or both, operated by a lessee or another, which owner handles, processes, sells, or otherwise deals in the oysters or clams or both produced thereon, which are received by the owner))~~ does not receive clams or oysters from the farm as total or partial consideration for the ~~((use of the oyster or clam farm or both))~~ lease.

Sec. 127. Section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285 are each amended to read as follows:

A commercial razor clam (~~((digger's))~~) license (~~((shall be))~~) is required (~~((of any person digging clams for commercial purposes))~~) to dig razor clams commercially from ~~((the))~~ state waters or beaches (~~((of this state, and))~~). The license fee (~~((for such license shall be))~~) is five dollars per season, as defined by the director of fisheries (~~(, for razor clams: PROVIDED, That such license shall not be required for licensed clam farmers or their agents or employees who dig only on licensed clam farms.~~).

~~It shall be unlawful for any person to dig hard shell clams for commercial purposes from the waters or beaches of this state. PROVIDED, That it shall be lawful to dig hard shell clams for commercial purposes on licensed clam farms).~~

NEW SECTION, Sec. 128. RCW 75.28.286, as amended by this 1983 act, is hereby decodified and is added to chapter 79.96 RCW.

Sec. 129. Section 5, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.286 are each amended to read as follows:

The department of natural resources shall designate the areas of aquatic lands owned by the state (~~((of Washington))~~) which (~~((will be))~~) are available for geoduck harvesting by licensed geoduck harvesters in accordance with RCW 79.01.124.

Sec. 130. Section 4, chapter 253, Laws of 1969 ex. sess. as amended by section 4, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.287 are each amended to read as follows:

(1) A geoduck tract license is required for the commercial harvest of geoducks from each subtidal (~~((geoduck))~~) tract(~~((s))~~) for which harvest rights have been granted by the department of natural resources (~~((for the commercial harvest of geoducks))~~). The annual license fee is one hundred dollars (~~((per annum))~~) for residents and nonresidents.

(2) Every diver engaged in the commercial harvest of geoduck or other clams shall obtain a (~~((nonassignable personal commercial fishing))~~) non-transferable geoduck diver license. The annual license fee is fifty dollars (~~((per annum))~~) for residents and nonresidents.

~~((3)) A license is required for each and every mechanical and/or hydraulic device operated for the purpose of taking clams other than geoduck clams for commercial purposes from tidelands and beds of navigable waters of the state of Washington the fee for which license shall be three hundred dollars per annum:~~

~~Evidence of issuance of the licenses required by this section shall be prominently displayed by numbers, codes, or symbols upon the vessel used in geoduck or clam harvesting activities before engaging in the harvesting~~

activities in a manner prescribed by the director of fisheries in rules promulgated under chapter 34.04 RCW.)

Sec. 131. Section 75.28.290, chapter 12, Laws of 1955 as amended by section 2, chapter 91, Laws of 1969 ex. sess. and RCW 75.28.290 are each amended to read as follows:

An oyster reserve license is required ~~((of any person))~~ for the commercial taking of shellfish ~~((for commercial purposes))~~ from ~~((the))~~ state oyster reserves ~~((of this state))~~. The annual license fee ~~((for such license))~~ is fifteen dollars ~~((per annum))~~ for residents and nonresidents.

Sec. 132. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 66, Laws of 1979 and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) ~~((Any))~~ A business in the state ~~((engaged in the freezing, salting, smoking, kippering, preserving in ice or any))~~ to engage in the commercial processing ~~((or curing))~~ of ~~((any))~~ food fish or shellfish, ~~((or the shucking or cleaning of shellfish for commercial purposes))~~ including custom canning or processing of personal use food fish or shellfish.

(2) ~~((Any))~~ A business in the state ~~((engaged))~~ to engage in the wholesale selling, buying, or brokering of food fish or shellfish ~~((except)).~~ A wholesale fish dealer's license is not required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) ~~((Any fisherman or clam or oyster farmer who lands his))~~ Fishermen or aquaculturists who land and sell their catch or ~~((his shellfish))~~ harvest in the state ~~((of Washington and sells his catch or his shellfish harvest))~~ to anyone other than a licensed wholesale dealer within or outside the state ~~((of Washington)).~~

~~((4))~~ Any business in the state engaged in the canning of food fish or shellfish, for commercial purposes, in hermetically sealed containers which are processed by exposure to heat for pasteurization or sterilization:

(5) Any person or business engaged in custom canning shellfish or food fish taken by others for their personal use. The words "personal use only— not for sale" shall be embossed in a permanent and legible manner on the lid or cover of each can or container used in canning or preserving fish or shellfish caught for personal use. It is unlawful to commingle fish or shellfish caught for personal use with commercially caught fish or shellfish at any time prior to or during the canning or processing:

~~((6))~~ Any (4) A business ~~((in the state engaged))~~ to engage in the commercial manufacture or preparation ~~((for commercial purposes))~~ of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

The annual license fee ~~((for the license))~~ is thirty-seven dollars and fifty cents ~~((per annum. This section shall not apply to)).~~ A wholesale fish

dealer's license is not required for persons buying or selling oyster seed for transplant.

Sec. 133. Section 75.28.350, chapter 12, Laws of 1955 as amended by section 1, chapter 29, Laws of 1965 ex. sess. and RCW 75.28.350 are each amended to read as follows:

A fish buyer's license (~~((shall be obtained by every wholesaler, canner, byproducts manufacturer, or broker for each and every fish buyer))~~) is required of a person engaged in this state as a representative (~~((in the state for such wholesaler, canner, byproducts manufacturer or broker, and))~~) of a wholesale fish dealer. The annual license fee (~~((for said license))~~) is seven dollars and fifty cents (~~((per annum))~~).

The fish buyer's license shall be carried on the person of the licensee.

((The term "fish buyer")) As used in this section, "fish buyer" means (~~((a buyer))~~) an individual who purchases food fish or shellfish at a place (~~((or places))~~) other than his employer's business premises, and who buys for only one (~~((person))~~) wholesale fish dealer. (~~((In the event the buyer))~~) An individual who buys for two or more persons, (~~((he shall be deemed a wholesale fish dealer and shall be))~~) is required to be licensed as (~~((such))~~) a wholesale fish dealer.

Sec. 134. Section 75.28.370, chapter 12, Laws of 1955 as amended by section 2, chapter 66, Laws of 1979 and RCW 75.28.370 are each amended to read as follows:

A branch plant license is required for each branch plant (~~((in the state))~~) of (~~((any wholesale, canning, or byproducts manufacturing))~~) a business (~~((enterprise))~~) licensed as a wholesale fish dealer having more than one place of business in the state. One (~~((such))~~) place of business shall be designated as headquarters and (~~((said))~~) a license (~~((shall be obtained for each and))~~) is required for every other place of business (~~((or branch plant))~~). A branch plant license shall be displayed on the business premises of the branch plant. The annual license fee (~~((for said license))~~) is seven dollars and fifty cents (~~((per annum))~~).

Sec. 135. Section 2, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.400 are each amended to read as follows:

The legislature finds that a significant commercial herring fishing industry is presently developing in the state of Washington under the careful guidance of the department of fisheries. The legislature further finds that the stocks of herring within the waters of this state are limited in extent and are in need of strict preservation.

In addition, the legislature finds that the number of commercial fishermen engaged in fishing for herring has steadily increased. This factor, combined with advances made in fishing and marketing techniques, has resulted in strong pressures on the supply of herring, unnecessary waste in one of Washington's valuable resources, and economic loss to the citizens of this

state. Therefore, it is the purpose of RCW ~~((75.28.390 through 75.28.430))~~ 75.30.140 to establish reasonable procedures for controlling the extent of commercial herring fishing.

Sec. 136. Section 1, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.450 are each amended to read as follows:

The legislature finds that the protection, welfare, and economic good of the commercial salmon fishing industry is of paramount importance to the people of this state. Scientific advancement has increased the efficiency of salmon fishing gear. There presently exists an overabundance of commercial salmon fishing gear in our state waters which causes great pressure on the salmon fishery resource. This situation results in great economic waste to the state and prohibits conservation programs from achieving their goals. The public welfare requires that the number of commercial salmon fishing licenses and ~~((vessel))~~ salmon delivery permits issued by the state be limited to insure that sound conservation programs can be scientifically carried out. It is the intention of the legislature to preserve this valuable natural resource so that our food supplies from such resource can continue to meet the ever increasing demands placed on it by the people of this state.

Sec. 137. Section 2, chapter 227, Laws of 1981 and RCW 75.28.690 are each amended to read as follows:

(1) A deckhand license ~~((authorizes))~~ is required for a crew member on a licensed salmon charter boat to sell salmon roe as provided in ~~((RCW 75.12.290))~~ subsection (2) of this section. The annual license fee ~~((for this license))~~ is ten dollars.

(2) A deckhand on a licensed salmon charter boat may sell salmon roe taken from fish caught for personal use, subject to rules of the director and the following conditions:

(a) The salmon is taken while fishing on the charter boat;

(b) The roe is the property of the angler until the roe is given to the deckhand. The charter boat's passengers are notified of this fact by the deckhand;

(c) The roe is sold to a licensed wholesale dealer; and

(d) The deckhand is licensed as provided in subsection (1) of this section and has the license in possession whenever salmon roe is sold.

Sec. 138. Section 5, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.050 are each amended to read as follows:

(1) The director shall appoint ~~((a))~~ three-member advisory review boards ~~((of review))~~ to hear cases as provided in RCW 75.30.060. ~~((The))~~ Members ~~((of such review board))~~ shall be ~~((nominated by))~~ from:

(a) The salmon charter boat fishing industry ~~((shall serve without pay; and))~~ in cases involving salmon charter boat licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon licenses;

(c) The commercial crab fishing industry in cases involving Puget Sound crab license endorsements; and

(d) The commercial herring fishery in cases involving herring validations.

~~(2) Members shall serve at the discretion of the director ((of the department of fisheries. The members of such review board)) 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 promulgate rules concerning the operation of such review boards in accordance with chapter 34.04 RCW)).~~

Sec. 139. Section 6, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.060 are each amended to read as follows:

~~((Any))~~ A person aggrieved by a decision of the department ~~((made pursuant to the terms of))~~ under this chapter may ~~((voluntarily))~~ request ~~((that a board of review be impaneled to hear such person's case))~~ administrative review under the informal procedure established by this section.

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

In an informal hearing(s) before a review ((boards shall be informal) board, the rules of evidence ((shall)) do not ((be applicable to the proceedings, and the records)) apply. A record of the proceeding shall be kept ((thereof)) as provided by chapter 34.04 RCW. After hearing the ((presentation of a)) case ((each)) the review board shall ((inform)) notify in writing 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)) agrees or disagrees with the department's decision and the reasons for the board's findings. 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))~~ Impairs an aggrieved person's right to proceed under chapter 34.04 RCW; or (2) ~~((to))~~ imposes ~~((any))~~ a liability on members of a review board for their actions ~~((pursuant to))~~ under this section.

NEW SECTION. Sec. 140. RCW 75.30.020, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.30.065.

Sec. 141. Section 2, chapter 106, Laws of 1977 ex. sess. as last amended by section 1, chapter 202, Laws of 1981 and RCW 75.30.020 are each amended to read as follows:

~~((For the purposes of this chapter, the term "charter boat" shall refer only to those charter boats from which salmon are taken. On and after May 28, 1977, 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))~~ Salmon charter boat licenses issued under RCW 75.28.095(1)(b) may be issued only to boats which held a salmon charter boat license during the previous year or had transferred to the boat such a license, and has not subsequently transferred the license to another boat. A boat ((shall be)) is entitled to ((more than)) only one salmon charter boat license.

~~((Such boats shall be entitled to receive and renew the))~~ Salmon charter boat licenses ((for)) may be renewed each year. A salmon charter boat license ((for which no application is made to the department or)) which is not renewed ((in any)) each 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))~~ Salmon charter boat licenses ((shall be)) are transferable.

Sec. 142. Section 2, chapter 101, Laws of 1979 and RCW 75.30.070 are each amended to read as follows:

In addition to ~~((the))~~ a salmon charter boat license, an angler permit is required ((under chapter 75.28 RCW, every owner of)) to operate a salmon charter boat ((operating)) in salt water ((and eligible for licensing under RCW 75.30.020 or 75.30.030 shall obtain from the department, without charge, a yearly)). The angler permit ((specifying)) shall specify the maximum number of persons((,-or "anglers,") that may fish from the charter boat ((at any one time)) per trip and shall be issued annually without charge. The angler permit expires if the salmon charter boat license is not renewed.

~~((Failure to comply with this section constitutes a gross misdemeanor.))~~

Sec. 143. Section 4, chapter 101, Laws of 1979 and RCW 75.30.090 are each amended to read as follows:

A salmon charter boat may not carry more anglers~~((,-other))~~ than ~~((members of the crew, exceeding))~~ the number ~~((of anglers))~~ specified in the angler permit issued to the boat under RCW 75.30.070. Members of the crew may fish from the boat only to the extent that the number of anglers specified in the angler permit exceeds the number of noncrew passengers on the boat at that time.

~~((Failure to comply with this section constitutes a gross misdemeanor.))~~

Sec. 144. Section 5, chapter 101, Laws of 1979 and RCW 75.30.100 are each amended to read as follows:

(1) The total ~~((aggregate))~~ number of anglers authorized by the department shall ~~((be fixed and may))~~ not exceed the total number ~~((initially))~~ authorized for ~~((eligible boats under RCW 75.30.070))~~ 1980.

(2) Angler permits issued under RCW 75.30.070 are ~~((fully))~~ transferable. ~~((A charter boat possessing an angler))~~ All or a portion of the permit

may ~~((transfer all or a portion of the permit))~~ be transferred to another charter boat. ~~((The holder of such a permit, after complying with subsection (3) of this section, may use, and renew, the permit, even though the use of the permit will allow the charter boat to exceed the initial number of anglers established in RCW 75.30.080.))~~

(3) ~~((When an angler permit is transferred,))~~ The department shall be notified when an angler permit is transferred, and the department shall issue a new angler permit certificate. If the original permit holder retains a portion of the permit, the department shall issue a new angler permit certificate reflecting the decrease in ((authorized)) angler capacity. The department shall collect a fee of ten dollars for each certificate issued under this subsection.

NEW SECTION. Sec. 145. RCW 75.28.455, 75.28.275, and 75.28.420, each as amended by this 1983 act, are each decodified and recodified as RCW 75.30.120, 75.30.130, and 75.30.140, respectively.

Sec. 146. Section 2, chapter 184, Laws of 1974 ex. sess. as last amended by section 1, chapter 135, Laws of 1979 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.))~~

(1) ~~((Except for vessels coming under the provisions of RCW 75.28.460; no))~~ A commercial salmon fishing license issued under RCW 75.28.110 or ((vessel)) salmon delivery permit ((shall)) issued under RCW 75.28.113 may be issued only to a vessel ((unless that vessel)):

(a) ~~((was issued or had transferred to it))~~ Which held a ((valid Washington)) state commercial salmon fishing license or ((vessel)) salmon delivery permit 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;

~~((b))~~ or had transferred to the vessel such a license, and has not subsequently transferred the license or permit to another vessel; and

~~((c))~~ can prove by means of a valid fish receiving document that)) (b) From which 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)) as documented by a valid fish receiving document.

Where the failure to obtain the license or permit during the previous year was the result of a license or permit suspension, the vessel may qualify for a license or permit by establishing that the vessel held such a license or

permit during the last year in which the license or permit was not suspended.

(2) The director may waive the landing requirement of subsection (1)~~((c))~~(b) of this section if:

(a) The vessel to which an otherwise valid license is transferred has not had the opportunity to have caught and landed salmon; and

(b) The intent of the commercial salmon vessel limitation program established under this section is not violated.

~~((Nothing in this section shall be construed to be contrary to the provisions of Title 75 RCW or any regulation promulgated thereunder.~~

~~All such))~~ (3) Commercial salmon fishing licenses ((or vessel)) and salmon delivery permits ((shall be)) are transferable.

Sec. 147. Section 4, chapter 133, Laws of 1980 as amended by section 1, chapter 157, Laws of 1982 and RCW 75.28.275 are each amended to read as follows:

(1) It is unlawful to take dungeness crab (Cancer magister) in the Puget Sound licensing district without first obtaining a Puget Sound crab license endorsement. A license endorsement is not required to take other species of crab, including red rock crab (Cancer productus).

(2) Commercial crab licenses issued under RCW ~~((75.28.274))~~ 75.28.130(3) endorsed for the Puget Sound licensing district may be issued only to vessels:

(a) Which held a commercial crab license endorsed for the Puget Sound licensing district during the previous year or had transferred to the vessel such a license, and has not subsequently transferred the endorsed license to another vessel; and

(b) From which one thousand pounds of dungeness crab were caught and landed in this state during the previous two-year period ending on December 31st of an odd-numbered year, as documented by a valid shellfish receiving ticket. This requirement shall apply to licenses for which application is made after January 1, 1984.

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))~~ the license was ((eligible)) not suspended.

(3) The director may reduce or waive the landing requirement established under subsection (2)(b) of this section upon the recommendation of a review board ((of review)) established under RCW ((75.28.276)) 75.30.050. The review board ((of review)) may recommend a reduction or waiver of the landing requirement in individual cases if, in the board's judgment, extenuating circumstances prevent achievement of the landing requirement. The director shall adopt rules governing the operation of the review boards ((of review)) and defining "extenuating circumstances."

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

(5) 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, 1986. This restriction applies to all changes in the vessel owner((~~s~~)) named on the license, including (a) changes during the license year, and (b) changes during the license renewal process between years. This restriction does not prevent changes in vessel operator or transfers between vessels when the vessel owner remains unchanged. Upon request of a vessel owner, the director may issue a temporary permit to allow the vessel owner to use the license endorsement on a leased or rented vessel.

(6) If less than two hundred vessels are eligible for Puget Sound license endorsements, the director may accept applications for new endorsements. The director shall determine by random selection the successful applicants for the additional endorsements. The number of additional endorsements issued shall be sufficient to maintain two hundred vessels in the Puget Sound crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Puget Sound crab license endorsements, based upon recommendations of a board of review established under RCW ((75.28.276)) 75.30.050.

Sec. 148. Section 4, chapter 173, Laws of 1973 1st ex. sess. as amended by section 1, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.420 are each amended to read as follows:

~~((For the 1973 season and subsequent seasons, the department shall limit the number of licenses validated under RCW 75.28.410 to those individuals who held valid commercial fishing licenses and can prove that they landed herring as documented by a Washington department of fisheries landing ticket for that type of fishing gear during the period (1) January 1, 1971, through April 15, 1973, or (2) January 1, 1969, through December 31, 1970, for only those individuals who were in the armed services of the United States during the period January 1, 1971, through April 1, 1973. The validated herring license shall be required for commercial herring fishing in Puget Sound as set forth in the Washington Administrative Code under section 220-16-210:))~~

(1) In addition to a commercial fishing license, a herring validation is required to fish commercially for herring in state waters. Herring validations shall be issued without charge.

(2) Except as provided in this section, permanent herring validations may be issued only to a person who:

(a) Established eligibility for a permanent herring validation as provided in subsection (3) of this section or had transferred to the person a permanent herring validation; and

(b) Has not subsequently transferred the validation to another person.

(3) A person may establish eligibility for a permanent herring validation by:

(a) Documenting to the department that the person landed herring during the period January 1, 1971, through April 15, 1973;

(b) Documenting to the department that the person landed herring during the period January 1, 1969, through December 31, 1970, if the person was in the armed forces of the United States during the period January 1, 1971, through April 15, 1973; or

(c) Applying to the department and qualifying for a permanent herring validation under hardship criteria established by rule of the director.

Landings may be documented only by a department fish receiving ticket.

(4) A permanent herring validation may be used only with the type of fishing gear originally used to establish eligibility for the validation.

(5) The director may establish rules governing the administration of this section based upon recommendations of a board of review established under RCW 75.30.050.

(6) Additional ((licenses)) permanent and temporary validations may be granted ((after the 1976 season)) by the department ((only upon a showing that)) if the stocks of herring will not be jeopardized by ((the)) granting ((of such)) additional ((licenses)) validations. ((The individual validation to fish for)) Herring ((shall be fully)) validations are transferable.

Sec. 149. Section 75.40.010, chapter 12, Laws of 1955 and RCW 75.40.010 are each amended to read as follows:

~~((Should congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States, providing for compacts and agreements between states, ratify the recommendations of the conference committees of the states of Washington and Oregon, appointed to agree on legislation necessary for the regulation, preservation and protection of fish in the waters of the Columbia River, or its tributaries, over which said states have concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, said recommendation being as follows: "We further recommend that a resolution be passed by the legislatures of Washington and Oregon, whereby the ratification by Congress of the laws of the states of Washington and Oregon shall act as a treaty between said states, subject to modification only by joint agreement by said states"; and said recommendation having been approved by resolution adopting the report of the conference committee, then, and in that event;)) There ((shall)) exist between the states of Washington and Oregon a definite compact and agreement((, the purport of which shall be substantially)) as follows:~~

All laws and regulations now existing or which may be necessary for regulating, protecting or preserving fish in the waters of the Columbia River, or its tributaries, over which the states of Washington and Oregon have

concurrent jurisdiction, or which would be affected by said concurrent jurisdiction, shall be made, changed, altered and amended in whole or in part, only with the mutual consent and approbation of both states.

Sec. 150. Section 75.40.020, chapter 12, Laws of 1955 and RCW 75.40.020 are each amended to read as follows:

The director (~~(is hereby authorized for and on behalf of the state of Washington to)~~) may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under (~~(and pursuant to)~~) the compact (~~(entered into between the states of Washington and Oregon, as)~~) set out in RCW 75.40.010(~~(, to change the open and closed seasons in the Columbia River district as permitted in this chapter)~~). For the purposes of RCW 75.40.010, the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river as defined in RCW 75.08.011.

Sec. 151. Section 75.40.030, chapter 12, Laws of 1955 as last amended by section 2, chapter 101, Laws of 1969 ex. sess. and RCW 75.40.030 are each amended to read as follows:

(~~(Should congress, by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States, providing for compacts and agreements between the states, ratify The Pacific Marine Fisheries Compact after the enactment of this compact by)~~) There exists between the states of Alaska, California, Idaho, Oregon and Washington(~~(, then, and in that event, there shall exist between the contracting states)~~) a definite compact and agreement(~~(, the purport of which shall be substantially)~~) as follows:

THE PACIFIC MARINE FISHERIES COMPACT

The contracting states do hereby agree as follows:

ARTICLE I.

The purposes of this compact are and shall be to promote the better utilization of fisheries, marine, shell and anadromous, which are of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean and adjacent waters over which the compacting states jointly or separately now have or may hereafter acquire jurisdiction.

Nothing herein contained shall be construed so as to authorize the compacting states or any of them to limit the production of fish or fish products for the purpose of establishing or fixing the prices thereof or creating and perpetuating a monopoly.

ARTICLE II.

This agreement shall become operative immediately as to those states executing it whenever the compacting states have executed it in the form that is in accordance with the laws of the executing states and the congress has given its consent.

ARTICLE III.

Each state joining herein shall appoint, as determined by state statutes, one or more representatives to a commission hereby constituted and designated as The Pacific Marine Fisheries Commission, of whom one shall be the administrative or other officer of the agency of such state charged with the conservation of the fisheries resources to which this compact pertains. This commission shall be a body with the powers and duties set forth herein.

The term of each commissioner of The Pacific Marine Fisheries Commission shall be four years. A commissioner shall hold office until his successor shall be appointed and qualified but such successor's term shall expire four years from legal date of expiration of the term of his predecessor. Vacancies occurring in the office of such commissioner from any reason or cause shall be filled for the unexpired term, or a commissioner may be removed from office, as provided by the statutes of the state concerned. Each commissioner may delegate in writing from time to time to a deputy the power to be present and participate, including voting as his representative or substitute, at any meeting of or hearing by or other proceeding of the commission.

Voting powers under this compact shall be limited to one vote for each state regardless of the number of representatives.

ARTICLE IV.

The duty of the said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about the conservation and the prevention of the depletion and physical waste of the fisheries, marine, shell, and anadromous in all of those areas of the Pacific Ocean over which the states signatory to this compact jointly or separately now have or may hereafter acquire jurisdiction. The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their respective jurisdictions and said conservation zones to promote the preservation of those fisheries and their protection against overfishing, waste, depletion or any abuse whatsoever and to assure a continuing yield from the fisheries resources of the signatory parties hereto.

To that end the commission shall draft and, after consultation with the advisory committee hereinafter authorized, recommend to the governors and legislative branches of the various signatory states hereto legislation dealing with the conservation of the marine, shell and anadromous fisheries in all of

those areas of the Pacific Ocean and adjacent waters over which the signatory states jointly or separately now have or may hereafter acquire jurisdiction. The commission shall, more than one month prior to any regular meeting of the legislative branch in any state signatory hereto, present to the governor of such state its recommendations relating to enactments by the legislative branch of that state in furthering the intents and purposes of this compact.

The commission shall consult with and advise the pertinent administrative agencies in the signatory states with regard to problems connected with the fisheries and recommend the adoption of such regulations as it deems advisable and which lie within the jurisdiction of such agencies.

The commission shall have power to recommend to the states signatory hereto the stocking of the waters of such states with marine, shell, or anadromous fish and fish eggs or joint stocking by some or all of such states and when two or more of the said states shall jointly stock waters the commission shall act as the coordinating agency for such stocking.

ARTICLE V.

The commission shall elect from its number a chairman and a vice chairman and shall appoint and at its pleasure, remove or discharge such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications and compensation. Said commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place within the territorial limits of the signatory states but must meet at least once a year.

ARTICLE VI.

No action shall be taken by the commission except by the affirmative vote of a majority of the whole number of compacting states represented at any meeting. No recommendation shall be made by the commission in regard to any species of fish except by the vote of a majority of the compacting states which have an interest in such species.

ARTICLE VII.

The fisheries research agencies of the signatory states shall act in collaboration as the official research agency of The Pacific Marine Fisheries Commission.

An advisory committee to be representative of the commercial fishermen, commercial fishing industry and such other interests of each state as the commission deems advisable shall be established by the commission as soon as practicable for the purpose of advising the commission upon such recommendations as it may desire to make.

ARTICLE VIII.

Nothing in this compact shall be construed to limit the powers of any state or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any state imposing additional conditions and restrictions to conserve its fisheries.

ARTICLE IX.

Continued absence of representation or of any representative on the commission from any state party hereto, shall be brought to the attention of the governor thereof.

ARTICLE X.

The states agree to make available annual funds for the support of the commission on the following basis:

Eighty percent of the annual budget shall be shared equally by those member states having as a boundary the Pacific Ocean; not less than five percent of the annual budget shall be contributed by any other member state; the balance of the annual budget shall be shared by those member states, having as a boundary the Pacific Ocean, in proportion to the primary market value of the products of their commercial fisheries on the basis of the latest five-year catch records.

The annual contribution of each member state shall be figured to the nearest one hundred dollars.

This amended article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon, and Washington and upon ratification by congress by virtue of the authority vested in it under Article I, section 10 of the Constitution of the United States.

ARTICLE XI.

This compact shall continue in force and remain binding upon each state until renounced by it. Renunciation of this compact must be preceded by sending six months' notice in writing of intention to withdraw from the compact to the other parties hereto.

ARTICLE XII.

The states of Alaska or Hawaii, or any state having rivers or streams tributary to the Pacific Ocean may become a contracting state by enactment of The Pacific Marine Fisheries Compact. Upon admission of any new state to the compact, the purposes of the compact and the duties of the commission shall extend to the development of joint programs for the conservation, protection and prevention of physical waste of fisheries in which the contracting states are mutually concerned and to all waters of the newly admitted state necessary to develop such programs.

This article shall become effective upon its enactment by the states of Alaska, California, Idaho, Oregon and Washington and upon ratification by congress by virtue of the authority vested in it under Article I, section 10, of the Constitution of the United States.

Sec. 152. Section 75.40.040, chapter 12, Laws of 1955 as amended by section 2, chapter 171, Laws of 1963 and RCW 75.40.040 are each amended to read as follows:

~~((In the event the compact set forth in RCW 75.40.030 becomes effective;))~~ The director ~~((of fisheries)),~~ ex officio, and two appointees of the governor representing the fishing industry ~~((or an industry allied therewith;))~~ shall act as the representatives of this state on the Pacific Marine Fisheries Commission~~((, in accordance with the provisions of, and with the powers and duties provided in the compact)).~~ The appointees of the governor ~~((shall be))~~ are subject to confirmation by the state senate.

Sec. 153. Section 75.40.060, chapter 12, Laws of 1955 and RCW 75.40.060 are each amended to read as follows:

~~The director ((and his duly authorized agents are hereby authorized to))~~ may adopt and ~~((to))~~ enforce the provisions of the convention between the United States and ~~((the Dominion of))~~ Canada for the protection, preservation and extension of the sockeye salmon fishery of the Fraser River system, signed at Washington, District of Columbia, on ~~((the twenty-sixth day of))~~ May 26, 1930, as amended by the protocol signed at Ottawa, December 28, 1956, and the protocol signed at Washington, February 24, 1977 and the regulations of the commission ~~((promulgated))~~ adopted under authority of ~~((said))~~ the convention.

NEW SECTION. Sec. 154. RCW 75.28.505, 75.28.510, 75.28.515, 75.28.520, 75.28.530, 75.28.535, and 75.28.540, each as amended by this 1983 act, are each decodified and recodified as RCW 75.44.100, 75.44.110, 75.44.120, 75.44.130, 75.44.140, 75.44.150, and 75.44.160, respectively.

Sec. 155. Section 3, chapter 183, Laws of 1975 1st ex. sess. as amended by section 3, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.505 are each amended to read as follows:

As used in ~~((RCW 75.28.500 through 75.28.540, unless the context indicates otherwise))~~ this chapter:

(1) "Case areas" means those areas of the Western district of Washington 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, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or ~~((any))~~ an area in which fishing rights are affected by court decision in a manner consistent with the above-mentioned decisions;

(2) (~~"Department"~~ means the department of fisheries;
 (3) ~~"Director"~~ means the director of the department of fisheries)) "Program" means the program established under RCW 75.44.100 through 75.44.160.

Sec. 156. Section 4, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.510 are each amended to read as follows:

The department (~~(is authorized to)~~) may purchase commercial fishing vessels and appurtenant gear, and the current state commercial fishing licenses (~~(and)~~), delivery permits, and charter boat licenses (~~(issued by the state of Washington)~~) if the (~~(vessel, licensee,)~~) license or permit holder was:

(1) (~~(Was)~~) Licensed to fish or deliver fish during 1974, 1975, 1976, or 1977 within the case areas; and

(2) (~~(Was)~~) Substantially restricted in (~~(its)~~) fishing 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, and Sohappay v. Smith, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976).

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

Sec. 157. Section 5, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.515 are each amended to read as follows:

The purchase (~~(by the department)~~) price 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)~~) a vessel, gear, license, or delivery permit purchased (~~(pursuant to)~~) under RCW (~~(75.28.510)~~) 75.44.110. (~~(Any)~~) A license or delivery permit (~~(so)~~) purchased under RCW 75.44.110 shall be permanently retired by the department.

Sec. 158. Section 6, chapter 183, Laws of 1975 1st ex. sess. as amended by section 2, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.520 are each amended 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 RCW 75.28.500 through 75.28.540)~~) under RCW 75.44.110. (~~(Such)~~) Vessels shall not be resold by the department to the seller or the

seller's immediate family. ~~((Such))~~ The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters ~~((within the state of Washington, nor shall such vessels be used by any owner or operator));~~ or (2) to deliver fish ~~((within the boundaries of))~~ to a place or port in the state ~~((of Washington))~~. The department shall require that the purchasers ~~((or))~~ and other users of vessels ~~((resold or otherwise disposed of))~~ sold 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 an instrument in ~~((any))~~ a state court of record or United States district court having jurisdiction.

Sec. 159. Section 8, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 4, chapter 43, Laws of 1979 ex. sess. and RCW 75.28-.530 are each amended to read as follows:

The director shall ~~((promulgate))~~ adopt rules ~~((and regulations concerning))~~ for 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))~~ administration of the program. To assist the department in the administration of the ~~((provisions of RCW 75.28.500 through 75.28-.540. To minimize the impact of this program on other ongoing state activities as well as on current staffing levels;))~~ program, the director ~~((shall have the authority to))~~ may contract with persons ~~((or entities))~~ not employed by the state ~~((to assist in the administration of the provisions of RCW 75.28-.500 through 75.28.540))~~ and may enlist the aid of other state agencies.

The director shall appoint an advisory board composed of five individuals who are knowledgeable of the commercial fishing industry to ~~((assist))~~ advise 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 RCW 75.28.510, and to perform such other functions as deemed appropriate by the director. The members of such))~~. Advisory board members shall be reimbursed for travel expenses ~~((pursuant to))~~ under RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended for each day or major portion thereof spent in the performance of their duty))~~.

Sec. 160. Section 9, chapter 183, Laws of 1975 1st ex. sess. as amended by section 5, chapter 230, Laws of 1977 ex. sess. and RCW 75.28.535 are each amended to read as follows:

~~((The provisions of RCW 75.28.500 through 75.28.540 as now or hereafter amended, shall become effective on January 1, 1978, or thereafter, 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;))~~

The director (~~((shall be the))~~) is 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 RCW 75.28.500 through 75.28.540 as now or hereafter amended))~~) under the program.

There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund" (~~((; which))~~). This fund shall be used for (~~((the))~~) purchases (~~((of vessels, licenses, permits, and fishing gear as provided in RCW 75.28.500 through 75.28.540 as now or hereafter amended;))~~) under RCW 75.44.110 and for the administration of the (~~((provisions of RCW 75.28.500 through 75.28.540 as now or hereafter amended))~~) program. This fund shall be credited with (~~((any))~~) federal or other funds received to carry out the purposes of (~~((RCW 75.28.500 through 75.28.540 as now or hereafter amended;))~~) the program and (~~((shall also be credited with all))~~) the proceeds from the sale or other disposition of (~~((any))~~) property purchased (~~((pursuant to))~~) under RCW ((75.28.510)) 75.44.110 (~~((as now or hereafter amended))~~).

Sec. 161. Section 10, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 3, chapter 43, Laws of 1979 ex. sess. and RCW 75.28.540 are each amended to read as follows:

~~((No))~~ The department may not accept applications for participation in the program (~~((provided for in RCW 75.28.500 through 75.28.540 shall be accepted by the department later than))~~) after December 31, 1981. The director shall (~~((provide for the expeditious completion of))~~) expeditiously complete the program (~~((thereafter))~~) and shall notify the (~~((state))~~) legislature when (~~((such provisions might appropriately be declared null and void))~~) the program can be terminated.

Sec. 162. Section 2, chapter 308, Laws of 1977 ex. sess. as last amended by section 1, chapter 261, Laws of 1981 and RCW 75.48.020 are each amended to read as follows:

For the purpose of providing funds for the planning, acquisition, construction, and improvement of salmon hatcheries, other salmon propagation facilities including natural production sites, and necessary supporting facilities within the state, the state finance committee (~~((is authorized to))~~) may issue, at any time prior to January 1, 1985, general obligation bonds of the state of Washington in the sum of thirty-four million five hundred thousand dollars or so much thereof as may be required to finance the improvements defined in this chapter and all costs incidental thereto. These bonds shall be paid and discharged within thirty years. No bonds authorized by this chapter (~~((shall))~~) may be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

Sec. 163. Section 3, chapter 308, Laws of 1977 ex. sess. and RCW 75.48.030 are each amended to read as follows:

The proceeds from the sale of bonds authorized by this chapter shall be deposited in the salmon enhancement construction account hereby created in the general fund and shall be used exclusively for the purpose specified in ~~((this chapter))~~ RCW 75.48.020 and for payment of the expenses incurred in the issuance and sale of the bonds.

Sec. 164. Section 4, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.040 are each amended to read as follows:

The proceeds from the sale of the bonds deposited in the salmon enhancement construction account of the general fund under the terms of this chapter shall be administered by the ~~((state))~~ department ~~((of fisheries))~~ subject to legislative appropriation.

Sec. 165. Section 5, chapter 308, Laws of 1977 ex. sess. as amended by section 2, chapter 261, Laws of 1981 and RCW 75.48.050 are each amended to read as follows:

As used in this chapter, ~~((the term))~~ "facilities" means salmon propagation facilities including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, as well as stream bed clearing, for or incidental to the acquisition, construction, or development of salmon propagation facilities. Specifically, the term ~~((staff))~~ includes a spawning channel on the Skagit river.

Sec. 166. Section 6, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.060 are each amended to read as follows:

The state finance committee ~~((is authorized to))~~ may prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds authorized in this chapter shall be sold for less than their par value.

Sec. 167. Section 7, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.070 are each amended to read as follows:

When the state finance committee has decided to issue ~~((such))~~ the bonds or a portion thereof, it may, pending the issuing of ~~((such))~~ the bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of ~~((such))~~ the bonds, which notes shall be designated as "anticipation notes". ~~((Such))~~ The portion of the proceeds of the sale of ~~((such))~~ the bonds as may be required for ~~((such))~~ the purpose shall be applied to the payment of the principal of and interest on ~~((such))~~ the anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

Sec. 168. Section 8, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.080 are each amended to read as follows:

The salmon enhancement construction bond retirement fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this chapter. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on ~~((such))~~ the bonds. Not less than thirty days prior to the date on which ~~((any such))~~ the interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the salmon enhancement construction bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

Sec. 169. Section 9, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.090 are each amended to read as follows:

The director ~~((of the department of fisheries))~~ shall report to the legislature on or before January 1 of each year on the revenues received from the sport and commercial salmon license sales and from salmon privilege taxes for the previous fiscal year and estimates of the revenues to be received for the current and ensuing fiscal years.

The report shall also include the estimates of the amounts required from these revenues for the payment of principal and interest on the bonds authorized by this chapter and proposals for the use of any remaining revenues for salmon enhancement purposes. The report shall also include a progress report on the current salmon enhancement programs.

The report shall be given to the following standing committees: the house committee on appropriations, the senate committee on ways and means, and the house and senate committees on natural resources.

Sec. 170. Section 10, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.100 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director ~~((of the department of fisheries))~~ has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 during the life of the bonds.

Sec. 171. Section 11, chapter 308, Laws of 1977 ex. sess. and RCW 75-48.110 are each amended to read as follows:

The bonds authorized in this chapter (~~shall be~~) are a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 172. RCW 75.18.110, as amended by this 1983 act, is hereby decodified and recodified as RCW 75.48.120.

Sec. 173. Section 2, chapter 327, Laws of 1977 ex. sess. as last amended by section 1, chapter 66, Laws of 1980 and RCW 75.18.110 are each amended to read as follows:

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

(a) The productivity of (~~any~~) a salmon propagation facility is very dependent on water quantity and quality. (~~Since there is a~~) Due to the 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~~) a 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~~) consists of thirteen 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; three shall represent sportsmen; two shall be members of Indian tribes of this state who shall be appointed from a list submitted by the Northwest Indian Fisheries Commission; and two shall represent fish processors, of which one shall represent fresh or frozen fish processors and one shall represent canneries.

~~((The terms of the initial members appointed by the governor expire on December 31, 1979. Thereafter, all members appointed by the governor shall serve terms of two years.))~~ All members appointed by the governor shall serve terms of two years. Vacancies shall be filled in the same manner as original appointments.

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))~~.

The salmon advisory council shall cease to exist on December 31, 1989. This section expires on December 31, 1989.

Sec. 174. Section 75.98.030, chapter 12, Laws of 1955 and RCW 75.98.030 are each amended to read as follows:

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title~~((;))~~ or the application of the provision to other persons or circumstances is not affected.

Sec. 175. Section 171, page 279, Laws of 1860 as last amended by section 1, chapter 98, Laws of 1909 and RCW 3.20.040 are each amended to read as follows:

(1) Justices of the peace shall have jurisdiction concurrent with the superior courts of all misdemeanors and gross misdemeanors committed in or which may be tried in their respective counties~~((: PROVIDED, That))~~.

(2) Justices of the peace in cities of the first class shall in no event impose greater punishment than a fine of five hundred dollars, or imprisonment in the county jail for six months; and justices of the peace other than those elected in cities of the first class shall in no event impose greater punishment than a fine of one hundred dollars, or imprisonment in the county jail for thirty days. This subsection does not apply to penalties imposed under Title 75 RCW as provided by RCW 75.10.060.

Sec. 176. Section 117, chapter 299, Laws of 1961 as amended by section 1, chapter 150, Laws of 1982 and RCW 3.66.060 are each amended to read as follows:

The justice court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances: PROVIDED, That it shall in no event impose a greater punishment than a fine of one thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute; and it may suspend and revoke vehicle operator's licenses in the cases provided by law; (2) to sit as committing magistrates and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 75 RCW.

Sec. 177. Section 35A.69.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.69.010 are each amended to read as follows:

Every code city shall have the powers, perform the functions and duties and enforce the regulations prescribed by general laws relating to food and drugs for any class of city as provided by Title 69 RCW; relating to inspection of foods, meat, dairies, and milk as provided by RCW 15.36.560(~~(16-49:030, 16-49:120)~~) and 15.36.510 and chapter 16.49A RCW; relating to water pollution control as provided by chapter 90.48 RCW; and relating to food fish and shellfish as provided by Title 75 RCW ((75.08.150)).

Sec. 178. Section 43.52.440, chapter 8, Laws of 1965 and RCW 43.52.440 are each amended to read as follows:

Nothing contained in this chapter shall be construed to amend, modify or repeal in any manner (~~(any of the terms and provisions of section 1, chapter 9, Laws of 1949, RCW 75.20.010)~~) RCW 75.20.110, commonly known as the "Columbia River Sanctuary Act", and all matter herein contained shall be expressly subject to such act.

Sec. 179. Section 1, chapter 39, Laws of 1975 and RCW 69.04.930 are each amended to read as follows:

It shall be unlawful for any person to sell at retail or display for sale at retail any food fish or shellfish as defined in RCW (~~(75.04.040 as now or hereafter amended)~~) 75.08.011, any meat capable of use as human food as

defined in RCW 16.49A.150 as now or hereafter amended, or any meat food product as defined in RCW 16.49A.130 as now or hereafter amended which has been frozen subsequent to being offered for sale or distribution to the ultimate consumer, without having the package or container in which the same is sold bear a label clearly discernible to a customer that such product has been frozen and whether or not the same has since been thawed. No such food fish or shellfish, meat or meat food product shall be sold unless in such a package or container bearing said label: PROVIDED, That this section shall not include any of the aforementioned food or food products that have been frozen prior to being smoked, cured, cooked or subjected to the heat of commercial sterilization.

Sec. 180. 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))~~ 75.08.011 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, or bartering.

(3) "Possession" means the control of food fish and shellfish 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.

Sec. 181. Section 124, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.390 are each amended to read as follows:

The following described tidelands, being public lands of the state, are withdrawn from sale or lease and reserved as public areas for recreational use and for the taking of fish and shellfish for personal use as defined in RCW ~~((75.04.070))~~ 75.08.011:

Parcel No. 1. (Point Whitney) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots 3, 4, and 5, section 7, township 26 north, range 1 west, W.M., with a frontage of 72.45 lineal chains, more or less.

Excepting, however, those portions of the above described tidelands of the second class conveyed to the state of Washington, department of fisheries and game through deed issued May 14, 1925, under application No. 8136, records of department of public lands.

Parcel No. 2. (Point Whitney) The tidelands of the second class lying below the line of mean low tide, owned by the state of Washington, situate in front of lot 1, section 6, township 26 north, range 1 west, W.M., with a frontage of 21.00 lineal chains, more or less; also

The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots 6 and 7, and that portion of lot 5, section 1, township 26 north, range 1 west, W.M., lying south of a line running due west from a point on the government meander line which is S 22° E 1.69 chains from an angle point in said meander line which is S 15° W 1.20 chains, more or less, from the point of intersection of the north line of said lot 5 and said meander line, with a frontage of 40.31 lineal chains, more or less.

Parcel No. 3. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W.M., with a frontage of 158.41 lineal chains, more or less.

Parcel No. 4. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, 3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government meander line, all in section 35, township 28 north, range 1 east, W.M., with a frontage of 76.70 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson county December 8, 1941 under application No. 1731, records of department of public lands.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington, lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W.M., with a frontage of 62.46 lineal chains, more or less.

Subject to easements for rights of way for state road granted through the filing of state road plats No. 374 December 15, 1930, No. 661, March 29, 1949, and No. 666 August 25, 1949, records of department of public lands.

Parcel No. 6. (Nemah) Those portions of the tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 5, 6, and 7, section 3 and lots 1, 2, and 3, section 4, township 12 north, range 10 west, W.M., lots 1, 2, 3, and 4, section 34, section 27 and lots 1, 2, 3 and 4, section 28, township 13 north, range 10 west, W.M., lying easterly of the easterly line of the Nemah Oyster reserve and easterly of the easterly line of a tract of tidelands of the second class conveyed through deed issued July 28, 1938, pursuant to the provisions of chapter 24, Laws of 1895, under application No. 9731, with a frontage of 326.22 lineal chains, more or less.

Parcels No. 7 and 8. (Penn Cove) The unplatted tidelands of the first class, and tidelands of the second class, owned by the state of Washington,

situate in front of, adjacent to, or abutting upon lots 1 and 2, section 33, lots 1, 2, 3, and 4, section 32, lots 2 and 3 and the B.P. Barstow D.L.C. No. 49, sections 30 and 31 and that portion of the R.H. Lansdale D.L.C. No. 54 in section 30, lying west of the east 3.00 chains thereof as measured along the government meander line, all in township 32 north, range 1 east, W.M., with a frontage of 260.34 lineal chains, more or less.

Excepting, however, the tidelands above the line of mean low tide in front of said lot 1, section 32 which were conveyed as tidelands of the second class through deed issued December 29, 1908, application No. 4957, records of department of public lands.

Subject to an easement for right of way for transmission cable line granted to the United States of America Army Engineers June 7, 1943, under application No. 17511, records of department of public lands.

Parcel No. 9. (South of Penn Cove) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 2, 3 and 4, section 17 and lots 1, 2 and 3, section 20, township 31 north, range 2 east, W.M., with a frontage of 129.97 lineal chains, more or less.

Parcel No. 10. (Mud Bay—Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and lots 3, 4, and 5, section 8, all in township 34 north, range 1 west, W.M., with a frontage of 172.11 lineal chains, more or less.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909, pursuant to the provisions of chapter 24, Laws of 1895, under application No. 4985, records of department of public lands.

Parcel No. 11. (Cattle Point) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lot 1, section 6, lots 1, 3, 4, 5, 6, 7, 8, 9, and 10, section 7, lots 1, 2, 3, 4, 5, 6 and 7, section 8 and lot 1, section 5, all in township 34 north, range 2 west, W.M., with a frontage of 463.88 lineal chains, more or less.

Excepting, however, any tidelands of the second class in front of said lot 10, section 7 conveyed through deed issued June 1, 1912, under application No. 6906, records of department of public lands.

Parcel No. 12. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in township 35 north, range 1 west, W.M., with a frontage of 118.80 lineal chains, more or less.

NEW SECTION. Sec. 182. The following sections are hereby decodified: RCW 75.12.200, 75.12.300, 75.18.100, 75.25.010, 75.25.900, 75.25.910, 75.28.400, 75.28.450, 75.28.500, 75.28.600, 75.30.010, 75.48.010, 75.98.010, 75.98.020, 75.98.040, 75.98.050, and 75.98.060.

NEW SECTION. Sec. 183. This act shall not have the effect of terminating or in any way modifying any proceeding or liability, civil or criminal, which exists on the effective date of this act.

NEW SECTION. Sec. 184. The following acts or parts of acts are each repealed:

- (1) Section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020;
 - (2) Section 75.04.030, chapter 12, Laws of 1955 and RCW 75.04.030;
 - (3) Section 75.04.040, chapter 12, Laws of 1955 and RCW 75.04.040;
 - (4) Section 75.04.050, chapter 12, Laws of 1955 and RCW 75.04.050;
 - (5) Section 75.04.060, chapter 12, Laws of 1955 and RCW 75.04.060;
 - (6) Section 75.04.070, chapter 12, Laws of 1955, section 3, chapter 227, Laws of 1981 and RCW 75.04.070;
 - (7) Section 75.04.080, chapter 12, Laws of 1955 and RCW 75.04.080;
 - (8) Section 75.04.090, chapter 12, Laws of 1955 and RCW 75.04.090;
 - (9) Section 75.04.100, chapter 12, Laws of 1955 and RCW 75.04.100;
- and
- (10) Section 75.04.110, chapter 12, Laws of 1955 and RCW 75.04.110.

NEW SECTION. Sec. 185. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 112, Laws of 1949 and RCW 75.08.021;
 - (2) Section 4, chapter 112, Laws of 1949 and RCW 75.08.022;
 - (3) Section 1, chapter 315, Laws of 1959 and RCW 75.08.027;
 - (4) Section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030;
 - (5) Section 75.08.050, chapter 12, Laws of 1955 and RCW 75.08.050;
 - (6) Section 18, chapter 327, Laws of 1977 ex. sess. and RCW 75.08.085;
 - (7) Section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100;
 - (8) Section 75.08.140, chapter 12, Laws of 1955 and RCW 75.08.140;
 - (9) Section 75.08.190, chapter 12, Laws of 1955 and RCW 75.08.190;
 - (10) Section 13, chapter 207, Laws of 1953 and RCW 75.08.203;
 - (11) Section 75.08.240, chapter 12, Laws of 1955 and RCW 75.08.240;
 - (12) Section 75.08.250, chapter 12, Laws of 1955, section 34, chapter 106, Laws of 1973 and RCW 75.08.250;
 - (13) Section 75.08.270, chapter 12, Laws of 1955 and RCW 75.08.270;
- and
- (14) Section 1, chapter 230, Laws of 1961 and RCW 75.08.290.

NEW SECTION. Sec. 186. The following acts or parts of acts are each repealed:

- (1) Section 75.12.050, chapter 12, Laws of 1955 and RCW 75.12.050;
- (2) Section 75.12.060, chapter 12, Laws of 1955 and RCW 75.12.060;
- (3) Section 75.12.080, chapter 12, Laws of 1955 and RCW 75.12.080;
- (4) Section 75.12.110, chapter 12, Laws of 1955 and RCW 75.12.110;
- (5) Section 3, chapter 276, Laws of 1955 and RCW 75.12.150;

- (6) Section 4, chapter 276, Laws of 1955 and RCW 75.12.160;
- (7) Section 4, chapter 108, Laws of 1957, section 1, chapter 234, Laws of 1963 and RCW 75.12.220;
- (8) Section 3, chapter 234, Laws of 1963 and RCW 75.12.232;
- (9) Section 6, chapter 108, Laws of 1957 and RCW 75.12.240;
- (10) Section 7, chapter 108, Laws of 1957 and RCW 75.12.250;
- (11) Section 8, chapter 108, Laws of 1957 and RCW 75.12.260;
- (12) Section 9, chapter 108, Laws of 1957 and RCW 75.12.270;
- (13) Section 26, chapter 309, Laws of 1959 and RCW 75.12.280; and
- (14) Section 1, chapter 227, Laws of 1981 and RCW 75.12.290.

NEW SECTION. Sec. 187. The following acts or parts of acts are each repealed:

- (1) Section 75.16.040, chapter 12, Laws of 1955 and RCW 75.16.040;
 - (2) Section 3, chapter 35, Laws of 1971 and RCW 75.16.110;
 - (3) Section 75.18.005, chapter 12, Laws of 1955 and RCW 75.18.005;
 - (4) Section 75.18.010, chapter 12, Laws of 1955 and RCW 75.18.010;
 - (5) Section 75.18.030, chapter 12, Laws of 1955 and RCW 75.18.030;
 - (6) Section 75.18.040, chapter 12, Laws of 1955 and RCW 75.18.040;
 - (7) Section 75.18.050, chapter 12, Laws of 1955 and RCW 75.18.050;
 - (8) Section 75.18.060, chapter 12, Laws of 1955 and RCW 75.18.060;
 - (9) Section 75.18.070, chapter 12, Laws of 1955 and RCW 75.18.070;
- and
- (10) Section 75.18.090, chapter 12, Laws of 1955 and RCW 75.18.090.

NEW SECTION. Sec. 188. The following acts or parts of acts are each repealed:

- (1) Section 75.20.010, chapter 12, Laws of 1955 and RCW 75.20.010;
- (2) Section 75.20.020, chapter 12, Laws of 1955 and RCW 75.20.020;
- (3) Section 75.20.030, chapter 12, Laws of 1955 and RCW 75.20.030;
- (4) Section 75.20.080, chapter 12, Laws of 1955 and RCW 75.20.080;
- (5) Section 2, chapter 4, Laws of 1961 and RCW 75.20.120;
- (6) Section 75.24.020, chapter 12, Laws of 1955 and RCW 75.24.020;
- (7) Section 75.24.040, chapter 12, Laws of 1955 and RCW 75.24.040;
- (8) Section 3, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.030;
- (9) Section 5, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.050;
- (10) Section 6, chapter 243, Laws of 1979 ex. sess. and RCW 75.25-.060; and
- (11) Section 7, chapter 243, Laws of 1979 ex. sess. and RCW 75.25.070.

NEW SECTION. Sec. 189. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 171, Laws of 1957, section 3, chapter 309, Laws of 1959, section 3, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.013;
- (2) Section 75.28.050, chapter 12, Laws of 1955 and RCW 75.28.050;

(3) Section 1, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.083;

(4) Section 6, chapter 309, Laws of 1959, section 6, chapter 283, Laws of 1971 ex. sess., section 2, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.087;

(5) Section 2, chapter 60, Laws of 1979 and RCW 75.28.097;

(6) Section 75.28.150, chapter 12, Laws of 1955, section 14, chapter 309, Laws of 1959, section 6, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.150;

(7) Section 75.28.160, chapter 12, Laws of 1955, section 15, chapter 309, Laws of 1959, section 7, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.160;

(8) Section 75.28.170, chapter 12, Laws of 1955, section 16, chapter 309, Laws of 1959, section 8, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.170;

(9) Section 75.28.180, chapter 12, Laws of 1955, section 17, chapter 309, Laws of 1959, section 9, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.180;

(10) Section 75.28.190, chapter 12, Laws of 1955, section 18, chapter 309, Laws of 1959, section 10, chapter 73, Laws of 1965 ex. sess., section 9, chapter 283, Laws of 1971 ex. sess., section 8, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.190;

(11) Section 75.28.210, chapter 12, Laws of 1955, section 19, chapter 309, Laws of 1959, section 11, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.210;

(12) Section 75.28.220, chapter 12, Laws of 1955, section 20, chapter 309, Laws of 1959, section 12, chapter 73, Laws of 1965 ex. sess., section 10, chapter 283, Laws of 1971 ex. sess., section 9, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.220;

(13) Section 75.28.230, chapter 12, Laws of 1955, section 21, chapter 309, Laws of 1959, section 13, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.230;

(14) Section 75.28.240, chapter 12, Laws of 1955, section 22, chapter 309, Laws of 1959, section 14, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.240;

(15) Section 75.28.250, chapter 12, Laws of 1955, section 23, chapter 309, Laws of 1959, section 15, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.250;

(16) Section 75.28.260, chapter 12, Laws of 1955, section 24, chapter 309, Laws of 1959, section 16, chapter 73, Laws of 1965 ex. sess. and RCW 75.28.260;

(17) Section 75.28.270, chapter 12, Laws of 1955, section 25, chapter 309, Laws of 1959, section 17, chapter 73, Laws of 1965 ex. sess., section 2, chapter 133, Laws of 1980 and RCW 75.28.270;

- (18) Section 3, chapter 133, Laws of 1980 and RCW 75.28.274;
- (19) Section 5, chapter 133, Laws of 1980 and RCW 75.28.276;
- (20) Section 6, chapter 133, Laws of 1980 and RCW 75.28.277;
- (21) Section 9, chapter 212, Laws of 1955, section 2, chapter 253, Laws of 1969 ex. sess. and RCW 75.28.281;
- (22) Section 6, chapter 141, Laws of 1979 ex. sess. and RCW 75.28.283;
- (23) Section 12, chapter 283, Laws of 1971 ex. sess. and RCW 75.28.375;
- (24) Section 3, chapter 40, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.377;
- (25) Section 1, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.390;
- (26) Section 3, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.410;
- (27) Section 5, chapter 173, Laws of 1973 1st ex. sess. and RCW 75.28.430;
- (28) Section 2, chapter 104, Laws of 1974 ex. sess. and RCW 75.28.440;
- (29) Section 4, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.465;
- (30) Section 6, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.470;
- (31) Section 7, chapter 184, Laws of 1974 ex. sess., section 171, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 75.28.475;
- (32) Section 9, chapter 184, Laws of 1974 ex. sess. and RCW 75.28.480;
- (33) Section 7, chapter 183, Laws of 1975 1st ex. sess. and RCW 75.28.525;
- (34) Section 14, chapter 327, Laws of 1977 ex. sess. and RCW 75.28-.640; and
- (35) Section 1, chapter 113, Laws of 1980 and RCW 75.28.800.

NEW SECTION. Sec. 190. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.030;
- (2) Section 4, chapter 106, Laws of 1977 ex. sess. and RCW 75.30.040;
- (3) Section 3, chapter 101, Laws of 1979 and RCW 75.30.080;
- (4) Section 75.36.020, chapter 12, Laws of 1955 and RCW 75.36.020;
- (5) Section 75.40.050, chapter 12, Laws of 1955, section 1, chapter 100, Laws of 1977 ex. sess. and RCW 75.40.050;
- (6) Section 75.40.070, chapter 12, Laws of 1955 and RCW 75.40.070;
- (7) Section 1, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.010;

(8) Section 3, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.020;

(9) Section 4, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.030;

(10) Section 5, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.040;

(11) Section 6, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.050;

(12) Section 7, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.060;

(13) Section 8, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.070; and

(14) Section 9, chapter 152, Laws of 1975 1st ex. sess. and RCW 75.44.080.

NEW SECTION. Sec. 191. This act shall take effect on January 1, 1984.

NEW SECTION. Sec. 192. INDEX.

(For informational purposes only)

- 75.04.010 sec. 4; recodified as 75.08.011
- 75.04.020 repealed
- 75.04.030 repealed
- 75.04.040 repealed
- 75.04.050 repealed
- 75.04.060 repealed
- 75.04.070 repealed
- 75.04.080 repealed
- 75.04.090 repealed
- 75.04.100 repealed
- 75.04.110 repealed

- 75.08.010 sec. 2
- 75.08.011 sec. 4; formerly 75.04.010
- 75.08.012 sec. 5
- 75.08.014 sec. 6
- 75.08.020 sec. 7
- 75.08.021 repealed
- 75.08.022 repealed
- 75.08.024 sec. 22; recodified as 75.08.208
- 75.08.025 sec. 8
- 75.08.027 repealed
- 75.08.030 repealed
- 75.08.040 sec. 9
- 75.08.045 sec. 11; formerly 75.16.050

75.08.050	repealed
75.08.054	sec. 87; recodified as 75.24.110
75.08.055	sec. 12; formerly 75.16.060
75.08.056	sec. 88; recodified as 75.24.120
75.08.060	sec. 89; recodified as 75.24.130
75.08.065	sec. 13; formerly 75.16.070
75.08.070	sec. 14
75.08.080	sec. 15
75.08.085	repealed
75.08.090	sec. 16
75.08.100	repealed
75.08.110	sec. 17
75.08.120	sec. 18
75.08.130	sec. 66; recodified as 75.12.410
75.08.140	repealed
75.08.150	sec. 32; recodified as 75.10.010
75.08.160	sec. 19
75.08.170	sec. 33; recodified as 75.10.020
75.08.180	sec. 40; recodified as 75.10.090
75.08.190	repealed
75.08.200	sec. 35; recodified as 75.10.040
75.08.203	repealed
75.08.206	sec. 20
75.08.208	sec. 22; formerly 75.08.024
75.08.210	sec. 67; recodified as 75.12.420
75.08.220	sec. 68; recodified as 75.12.430
75.08.230	sec. 23
75.08.240	repealed
75.08.245	sec. 25; formerly 75.16.120
75.08.250	repealed
75.08.255	sec. 26; formerly 75.12.130
75.08.260	sec. 42; recodified as 75.10.110
75.08.265	sec. 27; formerly 75.12.310
75.08.270	repealed
75.08.274	sec. 28; formerly 75.16.010
75.08.275	sec. 41; recodified as 75.10.100
75.08.280	sec. 36; recodified as 75.10.050
75.08.285	sec. 29; formerly 75.16.030
75.08.290	repealed
75.08.295	sec. 30; formerly 75.16.020
75.10.010	sec. 32; formerly 75.08.150
75.10.020	sec. 33; formerly 75.08.170
75.10.030	sec. 34; formerly 75.36.010
75.10.040	sec. 35; formerly 75.08.200

75.10.050	.....	sec. 36; formerly 75.08.280
75.10.060	.....	sec. 37; formerly 75.36.040
75.10.070	.....	sec. 38; formerly 75.36.030
75.10.080	.....	sec. 39; formerly 75.36.050
75.10.090	.....	sec. 40; formerly 75.08.180
75.10.100	.....	sec. 41; formerly 75.08.275
75.10.110	.....	sec. 42; formerly 75.08.260
75.10.120	.....	sec. 43; formerly 75.28.380
75.10.130	.....	sec. 44; formerly 75.28.384
75.10.140	.....	sec. 45; formerly 75.28.288
75.12.010	.....	sec. 46
75.12.015	.....	sec. 48; formerly 75.18.020
75.12.020	.....	sec. 49
75.12.031	.....	sec. 51; formerly 75.20.070
75.12.040	.....	sec. 52
75.12.050	.....	repealed
75.12.060	.....	repealed
75.12.070	.....	sec. 53
75.12.080	.....	repealed
75.12.090	.....	sec. 54
75.12.100	.....	sec. 55
75.12.110	.....	repealed
75.12.115	.....	sec. 56
75.12.120	.....	sec. 57
75.12.125	.....	sec. 58
75.12.130	.....	sec. 26; recodified as 75.08.255
75.12.140	.....	sec. 59
75.12.150	.....	repealed
75.12.160	.....	repealed
75.12.200	.....	decodified
75.12.210	.....	sec. 60
75.12.220	.....	repealed
75.12.230	.....	sec. 61
75.12.232	.....	repealed
75.12.240	.....	repealed
75.12.250	.....	repealed
75.12.260	.....	repealed
75.12.270	.....	repealed
75.12.280	.....	repealed
75.12.290	.....	repealed
75.12.300	.....	sec. 62; decodified
75.12.310	.....	sec. 27; recodified as 75.08.265
75.12.320	.....	sec. 63
75.12.400	.....	sec. 64

75.12.410	.....	sec. 66; formerly 75.08.130
75.12.420	.....	sec. 67; formerly 75.08.210
75.12.430	.....	sec. 68; formerly 75.08.220
75.12.650	.....	sec. 69
75.16.010	.....	sec. 28; recodified as 75.08.274
75.16.020	.....	sec. 30; recodified as 75.08.295
75.16.030	.....	sec. 29; recodified as 75.08.285
75.16.040	.....	repealed
75.16.050	.....	sec. 11; recodified as 75.08.045
75.16.060	.....	sec. 12; recodified as 75.08.055
75.16.070	.....	sec. 13; recodified as 75.08.065
75.16.100	.....	sec. 124; recodified as 75.28.265
75.16.110	.....	repealed
75.16.120	.....	sec. 25; recodified as 75.08.245
75.18.005	.....	repealed
75.18.010	.....	repealed
75.18.020	.....	sec. 48; recodified as 75.12.015
75.18.030	.....	repealed
75.18.040	.....	repealed
75.18.050	.....	repealed
75.18.060	.....	repealed
75.18.070	.....	repealed
75.18.080	.....	sec. 115; recodified as 75.28.113
75.18.090	.....	repealed
75.18.100	.....	decodified
75.18.110	.....	sec. 173; recodified as 75.48.120
75.20.010	.....	repealed
75.20.020	.....	repealed
75.20.030	.....	repealed
75.20.040	.....	sec. 70
75.20.050	.....	sec. 71
75.20.060	.....	sec. 72
75.20.061	.....	sec. 73
75.20.070	.....	sec. 51; recodified as 75.12.031
75.20.080	.....	repealed
75.20.090	.....	sec. 74
75.20.100	.....	sec. 75
75.20.110	.....	sec. 76
75.20.120	.....	repealed
75.20.300	.....	sec. 77
75.24.010	.....	sec. 78
75.24.020	.....	repealed

75.24.030	.....	sec. 79
75.24.040	.....	repealed
75.24.050	.....	sec. 80
75.24.060	.....	sec. 81
75.24.070	.....	sec. 82
75.24.080	.....	sec. 83
75.24.090	.....	sec. 84
75.24.100	.....	sec. 85
75.24.110	.....	sec. 87; formerly 75.08.054
75.24.120	.....	sec. 88; formerly 75.08.056
75.24.130	.....	sec. 89; formerly 75.08.060
75.25.010	.....	decodified
75.25.020	.....	sec. 90
75.25.030	.....	repealed
75.25.040	.....	sec. 91
75.25.050	.....	repealed
75.25.060	.....	repealed
75.25.070	.....	repealed
75.25.080	.....	sec. 92
75.25.100	.....	sec. 94; formerly 75.28.610
75.25.110	.....	sec. 95; formerly 75.28.630
75.25.120	.....	sec. 96; formerly 75.28.670
75.25.130	.....	sec. 97; formerly 75.28.620
75.25.140	.....	sec. 98; formerly 75.28.650
75.25.150	.....	sec. 99
75.25.160	.....	sec. 100; formerly 75.28.660
75.25.900	.....	decodified
75.25.910	.....	decodified
75.28.010	.....	sec. 101
75.28.012	.....	sec. 102
75.28.013	.....	repealed
75.28.014	.....	sec. 103
75.28.020	.....	sec. 104
75.28.030	.....	sec. 105
75.28.035	.....	sec. 107; formerly 75.28.100
75.28.040	.....	sec. 108
75.28.050	.....	repealed
75.28.060	.....	sec. 109
75.28.070	.....	sec. 110
75.28.081	.....	sec. 111
75.28.083	.....	repealed
75.28.085	.....	sec. 119; recodified as 75.28.125
75.28.087	.....	repealed

75.28.095	.....	sec. 112
75.28.097	.....	repealed
75.28.100	.....	sec. 107; recodified as 75.28.035
75.28.110	.....	sec. 113
75.28.113	.....	sec. 115; formerly 75.18.080
75.28.116	.....	sec. 116; formerly 75.28.460
75.28.120	.....	sec. 117
75.28.125	.....	sec. 119; formerly 75.28.085
75.28.130	.....	sec. 120
75.28.140	.....	sec. 121
75.28.150	.....	repealed
75.28.160	.....	repealed
75.28.170	.....	repealed
75.28.180	.....	repealed
75.28.190	.....	repealed
75.28.210	.....	repealed
75.28.220	.....	repealed
75.28.230	.....	repealed
75.28.240	.....	repealed
75.28.250	.....	repealed
75.28.255	.....	sec. 122
75.28.260	.....	repealed
75.28.265	.....	sec. 124; formerly 75.16.100
75.28.270	.....	repealed
75.28.274	.....	repealed
75.28.275	.....	sec. 147; recodified as 75.30.130
75.28.276	.....	repealed
75.28.277	.....	repealed
75.28.280	.....	sec. 125
75.28.281	.....	repealed
75.28.282	.....	sec. 126
75.28.283	.....	repealed
75.28.285	.....	sec. 127
75.28.286	.....	sec. 129
75.28.287	.....	sec. 130
75.28.288	.....	sec. 45; recodified as 75.10.140
75.28.290	.....	sec. 131
75.28.300	.....	sec. 132
75.28.350	.....	sec. 133
75.28.370	.....	sec. 134
75.28.375	.....	repealed
75.28.377	.....	repealed
75.28.380	.....	sec. 43; recodified as 75.10.120
75.28.384	.....	sec. 44; recodified as 75.10.130

75.28.390	repealed
75.28.400	sec. 135; decodified
75.28.410	repealed
75.28.420	sec. 148; recodified as 75.30.140
75.28.430	repealed
75.28.440	repealed
75.28.450	sec. 136; decodified
75.28.455	sec. 146; recodified as 75.30.120
75.28.460	sec. 116; recodified as 75.28.116
75.28.465	repealed
75.28.470	repealed
75.28.475	repealed
75.28.480	repealed
75.28.500	decodified
75.28.505	sec. 155; recodified as 75.44.100
75.28.510	sec. 156; recodified as 75.44.110
75.28.515	sec. 157; recodified as 75.44.120
75.28.520	sec. 158; recodified as 75.44.130
75.28.525	repealed
75.28.530	sec. 159; recodified as 75.44.140
75.28.535	sec. 160; recodified as 75.44.150
75.28.540	sec. 161; recodified as 75.44.160
75.28.600	decodified
75.28.610	sec. 94; recodified as 75.25.100
75.28.620	sec. 97; recodified as 75.25.130
75.28.630	sec. 95; recodified as 75.25.110
75.28.640	repealed
75.28.650	sec. 98; recodified as 75.25.140
75.28.660	sec. 100; recodified as 75.25.160
75.28.670	sec. 96; recodified as 75.25.120
75.28.690	sec. 137
75.28.800	repealed
75.30.010	decodified
75.30.020	sec. 141; recodified as 75.30.065
75.30.030	repealed
75.30.040	repealed
75.30.050	sec. 138
75.30.060	sec. 139
75.30.065	sec. 141; formerly 75.30.020
75.30.070	sec. 142
75.30.080	repealed
75.30.090	sec. 143
75.30.100	sec. 144
75.30.120	sec. 146; formerly 75.28.455

- 75.30.130 sec. 147; formerly 75.28.275
- 75.30.140 sec. 148; formerly 75.28.420

- 75.36.010 sec. 34; recodified as 75.10.030
- 75.36.020 repealed
- 75.36.030 sec. 38; recodified as 75.10.070
- 75.36.040 sec. 36; recodified as 75.10.060
- 75.36.050 sec. 39; recodified as 75.10.080

- 75.40.010 sec. 149
- 75.40.020 sec. 150
- 75.40.030 sec. 151
- 75.40.040 sec. 152
- 75.40.050 repealed
- 75.40.060 sec. 153
- 75.40.070 repealed

- 75.44.010 repealed
- 75.44.020 repealed
- 75.44.030 repealed
- 75.44.040 repealed
- 75.44.050 repealed
- 75.44.060 repealed
- 75.44.070 repealed
- 75.44.080 repealed
- 75.44.100 sec. 155; formerly 75.28.505
- 75.44.110 sec. 156; formerly 75.28.510
- 75.44.120 sec. 157; formerly 75.28.515
- 75.44.130 sec. 158; formerly 75.28.520
- 75.44.140 sec. 159; formerly 75.28.530
- 75.44.150 sec. 160; formerly 75.28.535
- 75.44.160 sec. 161; formerly 75.28.540

- 75.48.010 decodified
- 75.48.020 sec. 162
- 75.48.030 sec. 163
- 75.48.040 sec. 164
- 75.48.050 sec. 165
- 75.48.060 sec. 166
- 75.48.070 sec. 167
- 75.48.080 sec. 168
- 75.48.090 sec. 169
- 75.48.100 sec. 170
- 75.48.110 sec. 171
- 75.48.120 sec. 173; formerly 75.18.110

- 75.98.010 decodified

75.98.020 decodified
 75.98.030 sec. 174
 75.98.040 decodified
 75.98.050 decodified
 75.98.060 decodified

Passed the House May 10, 1983.
 Passed the Senate May 9, 1983.
 Approved by the Governor May 20, 1983.
 Filed in Office of Secretary of State May 20, 1983.

CHAPTER 47

[Senate Bill No. 3090]

STATE AGENCY EXPENDITURE REPORTING PROCEDURES

AN ACT Relating to budget and accounting; amending section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.110; adding new sections to chapter 43.88 RCW; repealing section 3, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.113; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.110 are each amended to read as follows:

~~((Subdivisions (1) through (4) of))~~ This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) Before the beginning of the fiscal period, all agencies shall submit to the governor a statement of proposed agency expenditures at such times and in such form as may be required by the governor. The statement of proposed expenditures shall show, among other things, the requested allotments of public funds for the ensuing fiscal period for the agency concerned on a monthly basis for the entire fiscal period. The governor shall review the requested allotments in the light of the agency's plan of work and, with the advice of the director of financial management, the governor may revise or alter agency allotments: PROVIDED, That revision of allotments shall not be made for agencies headed by elective officials pursuant to this subsection. The aggregate of the allotments for an appropriation shall not exceed the total appropriation.

(2) Except for the legislative and judicial branches of government, approved allotments may be revised during the course of the fiscal period in accordance with the regulations issued pursuant to this chapter. If at any