

the bill is approved."

CHAPTER 220

[House Bill No. 901]

DIRECTOR, DEPARTMENT OF FISHERIES--
POWERS AND DUTIES

AN ACT Relating to food fish and shellfish; and amending section 75.12.010, chapter 12, Laws of 1955 as amended by section 13, chapter 283, Laws of 1971 ex. sess. and RCW 75.12.010.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The preservation of the fishing industry and food fish and shellfish resources of the state of Washington is vital to the state's economy, and effective measures and remedies are necessary to prevent the depletion of these resources.

Sec. 2. Section 75.12.010, chapter 12, Laws of 1955 as amended by section 13, chapter 283, Laws of 1971 ex. sess. and RCW 75.12.010 are each amended to read as follows:

It shall be unlawful to fish for, 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:

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" [north, longitude 123° 33'01" west of Greenwich Meridian; thence running east on a line 81°] 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 island to the most easterly point thereof; 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 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 all 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 the director, ((fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the director may establish from time to time:)) it shall be lawful to fish for ((salmon for)) commercial purposes within the above described waters with any lawful gear for sockeye salmon during the period extending from the tenth day of June to the twenty-fifth day of the following July and for other legal salmon from the ((fifth day)) second Monday of ((October)) September to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock p.m. of Friday and ending at 4:00 o'clock ((a.m.)) p.m. of the Sunday following; AND PROVIDED, That it shall be lawful to fish 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 for the privilege of purse seining in said waters during the lawful periods a seiner's permit from the director of fisheries shall be required, which permit shall issue on application and payment of a fee of ten dollars:))

AND PROVIDED, That whenever the director determines that a stock or run of salmon cannot be feasibly and properly harvested in the usual manner, and that such stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director ((may)) shall maneuver units of lawful gill net gear until the second Monday in September, and thereafter, both lawful gill net and purse seine gear in any number or equivalents at his discretion, by time and area, to fully utilize such 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 shall not be used in Lake Washington.

AND PROVIDED, That subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for pink salmon for commercial purposes with any lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, 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.

Passed the House April 12, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 26, 1973, with the exception of one item in Section 2 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

Note: Governor's explanation of partial veto is as follows:

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, without my approval as to one item, House Bill No. 901, entitled:

Veto
Message

"AN ACT Relating to food fish and shellfish."

Section 2 of House Bill No. 901 contains multiple amendments to RCW section 75.12.010 which pertains to commercial fishing activities. Under present law the Director of the Department of Fisheries has the discretionary authority to authorize commercial fishing in lower Puget Sound when he determines that a run of salmon cannot be feasibly and properly harvested in the usual manner and that such run of salmon may be in danger of being wasted. House Bill No. 901 would apparently mandate the Director whenever a surplus occurs to allow units of lawful gill net gear in the fishing areas south of the Initiative 77 line until the second Monday in September and thereafter both gill net and purse seine gear would be allowed at the Director's discretion.

The consequences of this amendment are unclear since the change in wording can be interpreted to mean that the Director is under a mandate to permit commercial fishing when there is a surplus run of salmon in all legal waters of Puget Sound south of the Initiative 77 line. Or, it can be interpreted to mean that the Director continues to have the discretion to authorize commercial fishing when a surplus run occurs but only in terminal areas, such as Carr Inlet.

Because of the ambiguity in the intent of this amendment and the certain controversy which it would create when the Director sought to meet the requirements of this section, I have determined to veto that item in lines 6 through 17 of page 3 of House Bill No. 901. As a result, the Director's present discretionary authority to act in this area will be maintained.

Veto
Message

With the exemption of that one item, the remainder of House Bill No. 901 is approved."

CHAPTER 221

[Substitute House Bill No. 1005]

INHERITANCE TAXES--EXEMPTIONS--

PENSION BENEFITS

AN ACT Relating to inheritance taxes; amending section 1, chapter 8, Laws of 1965 ex. sess. and RCW 83.20.030; and adding a new section to chapter 83.20 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 1, chapter 8, Laws of 1965 ex. sess. and RCW 83.20.030 are each amended to read as follows:

The right of a person to a pension, annuity or retirement allowance, any optional benefit, any other right accrued or accruing to any person under ((RCW)) Title 41 RCW or under any retirement or pension system established or in effect at the state board for community college education, the community colleges, the state colleges, the state universities or established by city ordinance, or established pursuant to RCW 54.04.050(2) shall be exempt from inheritance tax.

NEW SECTION. Sec. 2. There is added to chapter 83.20 RCW a new section to read as follows:

The right of a person (other than executor) to a pension, annuity or retirement allowance, any optional benefit, or any other right accrued or accruing to any person under any pension plan, annuity, retirement allowance or benefit where such pension plan, annuity, retirement allowance or benefit would qualify for exemption from federal estate taxes pursuant to section 2039(c) or 2039(d) of the internal revenue code of 1954 shall be exempt from inheritance tax.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of one item in Section 1 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

Note: Governor's explanation of partial veto is as follows: