

HOUSE BILL 1250

State of Washington

52nd Legislature

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By Representatives Wilson, Haugen, Fuhrman, R. King, Padden, Orr, Winsley, Paris, Broback, May, Bowman, Miller, Horn, Wood, Wynne, Betrozoff and Spanel.

Read first time January 23, 1991. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to the nonconsumptive use of wildlife; amending RCW
2 77.04.055, 77.08.010, 77.32.010, and 77.12.170; adding a new section to
3 chapter 77.32 RCW; adding new sections to chapter 77.12 RCW; creating
4 new sections; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature declares that our
7 wildlife and wildlife areas are extremely important to the economic
8 well-being and quality of life of our citizens. These natural
9 resources benefit all the people of the state, but in particular, the
10 people who use the great outdoors for recreation benefit the most.

11 It is the intent of the legislature to ensure that there will
12 always be adequate funding to protect the wildlife and natural areas of
13 the state. At present, hunters and fishers contribute license fees but
14 there is still a very heavy reliance on the general fund for the
15 support of nonconsumptive users who require nature trails, interpretive

1 centers, and photography blinds, as well as other state services. It
2 is the intent of the legislature that nonconsumptive users of our
3 natural environment be given the opportunity to support their chosen
4 recreational needs in a meaningful and equitable fashion.

5 **Sec. 2.** RCW 77.04.055 and 1990 c 84 s 2 are each amended to read
6 as follows:

7 (1) In addition to any other duties and responsibilities, the
8 commission shall establish, and periodically review with the governor
9 and the legislature, the department's basic goals and objectives to
10 preserve, protect, and perpetuate wildlife and wildlife habitat. The
11 commission shall maximize hunting and fishing recreational
12 opportunities.

13 (2) The commission shall establish hunting, trapping, and fishing
14 seasons and prescribe the time, place, manner, and methods that may be
15 used to harvest or enjoy wildlife.

16 (3) By June 30, 1993, the wildlife commission shall prepare a
17 comprehensive and detailed analysis of the designated wildlife area
18 pass system. The commission shall consider the location of the
19 designated wildlife areas, the pass fees, the system of implementation
20 and regulation, and the penalties for violation of section 6 of this
21 act.

22 **Sec. 3.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read
23 as follows:

24 As used in this title or rules adopted pursuant to this title,
25 unless the context clearly requires otherwise:

26 (1) "Director" means the director of wildlife.

27 (2) "Department" means the department of wildlife.

28 (3) "Commission" means the state wildlife commission.

1 (4) "Person" means and includes an individual, a corporation, or a
2 group of two or more individuals acting with a common purpose whether
3 acting in an individual, representative, or official capacity.

4 (5) "Wildlife agent" means a person appointed and commissioned by
5 the director, with authority to enforce laws and rules adopted pursuant
6 to this title, and other statutes as prescribed by the legislature.

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

17 (7) "To hunt" and its derivatives means an effort to kill, injure,
18 capture, or harass a wild animal or wild bird.

19 (8) "To trap" and its derivatives means a method of hunting using
20 devices to capture wild animals or wild birds.

21 (9) "To fish" and its derivatives means an effort to kill, injure,
22 harass, or catch a game fish.

23 (10) "Open season" means those times, manners of taking, and places
24 or waters established by rule of the commission for the lawful hunting,
25 fishing, or possession of game animals, game birds, or game fish.
26 "Open season" includes the first and last days of the established time.

27 (11) "Closed season" means all times, manners of taking, and places
28 or waters other than those established as an open season.

29 (12) "Closed area" means a place where the hunting of some species
30 of wild animals or wild birds is prohibited.

1 (13) "Closed waters" means all or part of a lake, river, stream, or
2 other body of water, where fishing for game fish is prohibited.

3 (14) "Game reserve" means a closed area where hunting for all wild
4 animals and wild birds is prohibited.

5 (15) "Bag limit" means the maximum number of game animals, game
6 birds, or game fish which may be taken, caught, killed, or possessed by
7 a person, as specified by rule of the commission for a particular
8 period of time, or as to size, sex, or species.

9 (16) "Wildlife" means all species of the animal kingdom whose
10 members exist in Washington in a wild state. This includes but is not
11 limited to mammals, birds, reptiles, amphibians, fish, and
12 invertebrates. The term "wildlife" does not include feral domestic
13 mammals, the family Muridae of the order Rodentia (old world rats and
14 mice), or those fish, shellfish, and marine invertebrates classified by
15 the director of fisheries. The term "wildlife" includes all stages of
16 development and the bodily parts of wildlife members.

17 (17) "Wild animals" means those species of the class Mammalia whose
18 members exist in Washington in a wild state and the species Rana
19 catesbeiana (bullfrog). The term "wild animal" does not include feral
20 domestic mammals or the family Muridae of the order Rodentia (old world
21 rats and mice).

22 (18) "Wild birds" means those species of the class Aves whose
23 members exist in Washington in a wild state.

24 (19) "Protected wildlife" means wildlife designated by the
25 commission that shall not be hunted or fished.

26 (20) "Endangered species" means wildlife designated by the
27 commission as seriously threatened with extinction.

28 (21) "Game animals" means wild animals that shall not be hunted
29 except as authorized by the commission.

1 (22) "Fur-bearing animals" means game animals that shall not be
2 trapped except as authorized by the commission.

3 (23) "Game birds" means wild birds that shall not be hunted except
4 as authorized by the commission.

5 (24) "Predatory birds" means wild birds that may be hunted
6 throughout the year as authorized by the commission.

7 (25) "Deleterious exotic wildlife" means species of the animal
8 kingdom not native to Washington and designated as dangerous to the
9 environment or wildlife of the state.

10 (26) "Game farm" means property on which wildlife is held or raised
11 for commercial purposes, trade, or gift. The term "game farm" does not
12 include publicly owned facilities.

13 (27) "Person of disability" means a permanently disabled person who
14 is not ambulatory without the assistance of a wheelchair, crutches, or
15 similar devices.

16 (28) "Designated wildlife area or areas" means public land, managed
17 by the department, which is designated by the director as an area where
18 nonconsumptive users of that area must pay a fee.

19 **Sec. 4.** RCW 77.32.010 and 1987 c 506 s 76 are each amended to read
20 as follows:

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

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

24 (b) Practice taxidermy for profit;

25 (c) Deal in raw furs for profit;

26 (d) Act as a fishing guide;

27 (e) Operate a game farm;

28 (f) Purchase or sell anadromous game fish; or

1 (g) Use department-managed lands or facilities as provided by rules
2 adopted pursuant to this title.

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

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

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

8 (c) Stock game fish.

9 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the
10 requirements of this section, except when being stocked in public
11 waters under contract with the department.

12 (4) A pass issued by the director is required to enter designated
13 wildlife areas under section 6 of this act.

14 **Sec. 5.** RCW 77.12.170 and 1989 c 314 s 4 are each amended to read
15 as follows:

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

18 (a) Rentals or concessions of the department;

19 (b) The sale of real or personal property held for department
20 purposes;

21 (c) The sale of licenses, permits, tags, stamps, designated
22 wildlife area passes, and punchcards required by this title;

23 (d) Fees for informational materials published by the department;

24 (e) Fees for personalized vehicle license plates as provided in
25 chapter 46.16 RCW;

26 (f) Articles or wildlife sold by the director under this title;

27 (g) Compensation for wildlife losses or gifts or grants received
28 under RCW 77.12.320;

1 (h) Excise tax on anadromous game fish collected under chapter
2 82.27 RCW; and

3 (i) The sale of personal property seized by the department for
4 wildlife violations.

5 (2) State and county officers receiving any moneys listed in
6 subsection (1) of this section shall deposit them in the state treasury
7 to be credited to the state wildlife fund.

8 (3) There is established in the state wildlife fund the native
9 species conservation and enhancement account for the deposit of revenue
10 gained through the sale of the native species stamp under section 8 of
11 this act.

12 NEW SECTION. Sec. 6. A new section is added to chapter 77.12 RCW
13 to read as follows:

14 (1) The director shall designate those particular areas of land
15 managed by the department at which possession of a valid annual
16 wildlife pass or day-use pass shall be required. No designation shall
17 be effective until a management plan for the area has been presented at
18 a public meeting and the plan has been approved by the director.

19 (2) No person shall enter the designated wildlife area unless that
20 person possesses an annual wildlife area pass or a day-use pass issued
21 pursuant to section 7 of this act, a valid hunting license,
22 sportfishing license, or that person is a member of a tour by an
23 organized youth or school group which has been issued a day-use pass.

24 (3) Notwithstanding subsection (2) of this section, possession of
25 a license or pass shall not be required of any person who:

26 (a) Is passing through the area on a public right of way;

27 (b) Possesses authorization by the commission or the department to
28 conduct scientific or educational research;

1 (c) Is discharging duties in the course of employment, as specified
2 by the department; or

3 (d) Possesses written authorization from the department to enter
4 the area for a specific purpose.

5 (4) Any person who fails to obtain a required designated wildlife
6 area pass shall be punished by a fine of not less than one hundred
7 dollars and not more than five hundred dollars.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.32 RCW
9 to read as follows:

10 (1) The department shall issue an annual designated wildlife area
11 pass or a day-use pass that authorizes the bearer to enter and use
12 facilities and programs on the department-managed lands subject to
13 section 6 of this act for the period of a calendar year or, if issued
14 after the beginning of the year, for the remainder thereof. The fee
15 for the annual designated wildlife area pass is ten dollars. The fee
16 for the day-use pass is two dollars; however, a tour by an organized
17 youth or school group is exempt from the payment of this fee. A person
18 under the age of sixteen years is exempt from the payment of fees under
19 this section for an annual wildlife area pass or a day-use pass.

20 (2) Any person eligible for a reduced fee or free sportfishing
21 license under RCW 77.32.230 and 77.32.235 shall be issued an annual
22 designated wildlife area pass upon application and under the same
23 conditions and for the same fee, if any, as provided in those sections.

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.12 RCW
25 to read as follows:

26 (1) The department may also offer for sale a native species stamp,
27 promotional materials, and nature study aids. The fee for a native
28 species stamp is seven dollars and fifty cents. The department may

1 enter into contracts and contests for the purpose of producing and
2 printing the native species stamps.

3 (2) The revenues from the sale of the native species stamp shall be
4 deposited in the native species conservation and enhancement account in
5 the state wildlife fund, under RCW 77.12.170.

6 The revenues shall be used for the following purposes:

7 (a) The costs of ongoing wildlife management programs incurred at
8 any lands managed by the department alone or cooperatively with other
9 governmental agencies, irrespective of their designation under section
10 6 of this act;

11 (b) The costs of natural history education and recreational
12 programs and improvements at areas designated under section 6 of this
13 act; and

14 (c) The augmentation of wildlife management programs and
15 acquisition of additional lands at areas designated under section 6 of
16 this act.

17 NEW SECTION. **Sec. 9.** The department may take all appropriate
18 measures to encourage persons to obtain annual wildlife area passes and
19 day-use passes issued pursuant to section 7 of this act, and to promote
20 the sale of native species stamps, promotional materials, and nature
21 study aids to provide revenue for the support of the department. The
22 measures may include, but are not limited to, the dissemination of
23 public information concerning the status of wildlife, fish, and plant
24 species, conservation activities of the department, and programs and
25 facilities provided by the department for the enjoyment of the lands
26 managed by the department.