

2SHB 2365 - H AMD 966

By Representative Lytton

ADOPTED 02/09/2012

1 On page 8, line 12, after "building," strike "with" and insert
2 "without"

3 On page 8, at the beginning of line 35, strike "Felis" and insert
4 "((~~Felis~~)) Puma"

5 On page 9, at the beginning of line 1, strike "Euarctos americana"
6 and insert "((~~Euarctos americana~~)) Ursus americanus"

7 On page 9, line 3, after "Canis" strike "lupis" and insert "lupus"

8 On page 9, line 27, after "chapter" strike "77.12" and insert
9 "77.36"

10 On page 9, beginning on line 30, after "treasurer." strike all
11 material through "biennium." on line 32 and insert "Prior to the end of
12 each biennium, the department must transfer to the wildlife conflict
13 account the balance of unexpended state funds authorized to be used for
14 livestock claims and assessment costs under section 5 of this act and
15 appropriated for mitigation, claims, and assessment costs for injury to
16 or loss of livestock submitted under RCW 77.36.100."

17 On page 9, line 35, after "of" strike "expenditures from the
18 wildlife conflict account" and insert "this section"

19 On page 10, line 1, after "with" strike "chapter 77.36 RCW" and
20 insert "this chapter"

21 On page 10, after line 13, insert the following:

22 "(3) Prior to the end of any biennium in which the department
23 expends fewer state funds from the state wildlife account than is

1 authorized under subsection (1) of this section, under the specific
2 authority provided in this section, the unexpended amount must be
3 transferred to the wildlife conflict account created in section 4 of
4 this act."

5 On page 15, beginning on line 1, strike all of section 11 and
6 insert the following:

7 "Sec. 11. RCW 77.15.120 and 2000 c 107 s 236 are each amended to
8 read as follows:

9 (1) A person is guilty of unlawful taking of endangered fish or
10 wildlife in the second degree if the person hunts, fishes, possesses,
11 maliciously harasses or kills fish or wildlife, or maliciously destroys
12 the nests or eggs of fish or wildlife and the fish or wildlife is
13 designated by the commission as endangered, and the taking is not
14 consistent with RCW 77.36.030 or has not been authorized by rule of the
15 commission.

16 (2) A person is guilty of unlawful taking of endangered fish or
17 wildlife in the first degree if the person has been:

18 (a) Convicted under subsection (1) of this section or convicted of
19 any crime under this title involving the killing, possessing,
20 harassing, or harming of endangered fish or wildlife; and

21 (b) Within five years of the date of the prior conviction the
22 person commits the act described by subsection (1) of this section.

23 (3)(a) Unlawful taking of endangered fish or wildlife in the second
24 degree is a gross misdemeanor.

25 (b) Unlawful taking of endangered fish or wildlife in the first
26 degree is a class C felony. The department shall revoke any licenses
27 or tags used in connection with the crime and order the person's
28 privileges to hunt, fish, trap, or obtain licenses under this title to
29 be suspended for two years.

30 **Sec. 12.** RCW 77.36.030 and 2009 c 333 s 61 are each amended to
31 read as follows:

32 (1) Subject to limitations and conditions established by the
33 commission, the owner, the owner's immediate family member, the owner's
34 documented employee, or a tenant of real property may trap, consistent
35 with RCW 77.15.194, or kill wildlife that is threatening human safety

1 or causing property damage on that property, without the licenses
2 required under RCW 77.32.010 or authorization from the director under
3 RCW 77.12.240.

4 (2) The commission shall establish the limitations and conditions
5 of this section by rule. The rules must include:

6 (a) Appropriate protection for threatened or endangered species;

7 (b) Instances when verbal or written permission is required to kill
8 wildlife;

9 (c) Species that may be killed under this section; and

10 (d) Requirements for the disposal of wildlife trapped or killed
11 under this section.

12 (3) The commission's rules must allow for an owner, the owner's
13 immediate family member, or the owner's documented employee to kill a
14 gray wolf, regardless of state classification, without a permit when
15 there is physical evidence that the wolf is in the act of attacking the
16 owner's livestock.

17 (4) In establishing the limitations and conditions of this section,
18 the commission shall take into consideration the recommendations of the
19 Washington state wolf conservation and management plan."

20 Correct the title.

EFFECT: Updates the current taxonomical names for cougars, black bears, and wolves; changes the codification direction for the creation of a new wildlife conflict account from the general authorizing chapter for the department of fish and wildlife to the chapter that specifically deals with wildlife conflict; makes other structural changes to the wildlife conflict account; removes the provision that lowered the criminal wildlife penalty assessment for killing a gray wolf from \$4,000 to \$1,000; and directs the fish and wildlife commission to adopt rules allowing a person to kill a gray wolf that is in the act of attacking livestock without being prosecuted for the unlawful taking of an endangered species.

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