

2 **SHB 2055** - CONF REPT - S3466.3

3 By Conference Committee

4 RULED BEYOND SCOPE & OBJECT; NOT ADOPTED; RETURNED CONF COMM 4/25/93

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** Perpetuation of fish and wildlife in
8 Washington requires clear, efficient, streamlined, scientific,
9 management from a single state fish and wildlife agency. Such a
10 consolidation will focus existing funds for the greatest protection of
11 species and stocks. It will bring combined resources to bear on
12 securing, managing, and enhancing habitats. It will simplify
13 licensing, amplify research, increase field staff, avoid duplication,
14 and magnify enforcement of laws and rules. It will provide all
15 fishers, hunters, and observers of fish and wildlife with a single
16 source of consistent policies, procedures, and access.

17 NEW SECTION. **Sec. 2.** There is hereby created a department of
18 state government to be known as the department of fish and wildlife.
19 The department shall be vested with all powers and duties transferred
20 to it under this chapter and such other powers and duties as may be
21 authorized by law. All powers, duties, and functions of the department
22 of fisheries and the department of wildlife are transferred to the
23 department of fish and wildlife. All references in the Revised Code of
24 Washington to the director or the department of fisheries or the
25 director or department of wildlife shall be construed to mean the
26 director or department of fish and wildlife.

27 NEW SECTION. **Sec. 3.** As used in this chapter, unless the context
28 indicates otherwise:

29 (1) "Department" means the department of fish and wildlife.

30 (2) "Director" means the director of fish and wildlife.

31 (3) "Commission" means the fish and wildlife commission.

32 NEW SECTION. **Sec. 4.** The executive head and appointing authority
33 of the department shall be the director. The director shall be

1 appointed by the governor, with the consent of the senate, and shall
2 serve at the pleasure of the governor. The director shall be paid a
3 salary to be fixed by the governor in accordance with RCW 43.03.040.

4 NEW SECTION. **Sec. 5.** In addition to other powers and duties
5 granted or transferred to the director, the director shall have the
6 following powers and duties:

7 (1) Supervise and administer the department in accordance with law;

8 (2) Appoint personnel and prescribe their duties. Except as
9 otherwise provided, personnel of the department are subject to chapter
10 41.06 RCW, the state civil service law;

11 (3) Enter into contracts on behalf of the agency;

12 (4) Adopt rules in accordance with chapter 34.05 RCW, the
13 administrative procedure act;

14 (5) Delegate powers, duties, and functions as the director deems
15 necessary for efficient administration but the director shall be
16 responsible for the official acts of the officers and employees of the
17 department;

18 (6) Appoint advisory committees and undertake studies, research,
19 and analysis necessary to support the activities of the department;

20 (7) Accept and expend grants, gifts, or other funds to further the
21 purposes of the department;

22 (8) Carry out basic goals and objectives as prescribed by the fish
23 and wildlife commission pursuant to RCW 77.04.055; and

24 (9) Perform other duties as are necessary and consistent with law.

25 NEW SECTION. **Sec. 6.** The director shall appoint such deputy
26 directors, assistant directors, and up to seven special assistants as
27 may be needed to administer the department. These employees are exempt
28 from the provisions of chapter 41.06 RCW.

29 NEW SECTION. **Sec. 7.** The director of fisheries and the director
30 of wildlife shall, by November 15, 1993, jointly submit a plan to the
31 governor for the consolidation and smooth transition of the department
32 of fisheries and the department of wildlife into the department of fish
33 and wildlife so that the department of fish and wildlife will operate
34 as a single entity on July 1, 1994. The fish and wildlife commission
35 shall make recommendations for the consolidation of the agencies to the
36 governor and the two directors. The fish and wildlife commission shall

1 review its area of responsibility in the consolidated agency and submit
2 recommendations by December 1, 1994, to the governor and the
3 appropriate standing committees of the legislature on any necessary
4 changes in its statutory authority. The legislative budget committee
5 shall study the role of the fish and wildlife commission and prepare a
6 report on recommended changes to the governor and the appropriate
7 standing committees of the legislature by December 1, 1994.

8 NEW SECTION. **Sec. 8.** The department of fisheries and the
9 department of wildlife are abolished and their powers, duties, and
10 functions are transferred to the department of fish and wildlife.

11 NEW SECTION. **Sec. 9.** All reports, documents, surveys, books,
12 records, files, papers, or written material connected with the powers,
13 duties, and functions transferred in this act shall be delivered to the
14 custody of the department of fish and wildlife. All cabinets,
15 furniture, office equipment, motor vehicles, and other tangible
16 property employed in connection with the powers, duties, and functions
17 transferred shall be made available to the department of fish and
18 wildlife. All funds, credits, or other assets held in connection with
19 the powers, duties, and functions transferred shall be assigned to the
20 department of fish and wildlife.

21 Any appropriations made in connection with the powers, duties, and
22 functions transferred shall, on the effective date of this section, be
23 transferred and credited to the department of fish and wildlife.

24 Whenever any question arises as to the transfer of any personnel,
25 funds, books, documents, records, papers, files, equipment, or other
26 tangible property used or held in the exercise of the powers and the
27 performance of the duties and functions transferred, or as to the
28 powers, duties, and functions transferred, the director of financial
29 management shall make a determination as to the proper allocation and
30 certify the same to the state agencies concerned.

31 NEW SECTION. **Sec. 10.** All classified employees employed in
32 connection with the powers, duties, and functions transferred are
33 transferred to the jurisdiction of the department of fish and wildlife.
34 All employees classified under chapter 41.06 RCW, the state civil
35 service law, are assigned to the department of fish and wildlife to
36 perform their usual duties upon the same terms as formerly, without any

1 loss of rights, subject to any action that may be appropriate
2 thereafter in accordance with the laws and rules governing state civil
3 service.

4 NEW SECTION. **Sec. 11.** All rules and all pending business before
5 any agency of state government pertaining to the powers, duties, and
6 functions transferred shall be continued and acted upon by the
7 department of fish and wildlife. All existing contracts, obligations,
8 and agreements shall remain in full force and shall be performed by the
9 department of fish and wildlife.

10 NEW SECTION. **Sec. 12.** The transfer of the powers, duties,
11 functions, and personnel shall not affect the validity of any act
12 performed by any employee before the effective date of this section.

13 NEW SECTION. **Sec. 13.** If apportionments of budgeted funds are
14 required because of the transfers directed by sections 9 through 12 of
15 this act, the director of financial management shall certify the
16 apportionments to the agencies affected, the state auditor, and the
17 state treasurer. Each of these shall make the appropriate transfer and
18 adjustments in funds and appropriation accounts and equipment records
19 in accordance with the certification.

20 NEW SECTION. **Sec. 14.** Nothing contained in sections 9 through 13
21 of this act may be construed to alter any existing collective
22 bargaining unit or the provisions of any existing collective bargaining
23 agreement until the agreement has expired or until the bargaining unit
24 has been modified by action of the personnel board as provided by law.

25 **Sec. 15.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to
26 read as follows:

27 The provisions of this chapter do not apply to:

28 (1) The members of the legislature or to any employee of, or
29 position in, the legislative branch of the state government including
30 members, officers, and employees of the legislative council,
31 legislative budget committee, statute law committee, and any interim
32 committee of the legislature;

33 (2) The justices of the supreme court, judges of the court of
34 appeals, judges of the superior courts or of the inferior courts, or to

1 any employee of, or position in the judicial branch of state
2 government;

3 (3) Officers, academic personnel, and employees of state
4 institutions of higher education, the state board for community and
5 technical colleges (~~(education)~~), and the higher education personnel
6 board;

7 (4) The officers of the Washington state patrol;

8 (5) Elective officers of the state;

9 (6) The chief executive officer of each agency;

10 (7) In the departments of employment security, (~~(fisheries,)~~)
11 social and health services, the director and (~~(his)~~) the director's
12 confidential secretary; in all other departments, the executive head of
13 which is an individual appointed by the governor, the director, (~~(his)~~)
14 the director's confidential secretary, and (~~(his)~~) the director's
15 statutory assistant directors;

16 (8) In the case of a multimember board, commission, or committee,
17 whether the members thereof are elected, appointed by the governor or
18 other authority, serve ex officio, or are otherwise chosen:

19 (a) All members of such boards, commissions, or committees;

20 (b) If the members of the board, commission, or committee serve on
21 a part-time basis and there is a statutory executive officer: (i) The
22 secretary of the board, commission, or committee; (ii) the chief
23 executive officer of the board, commission, or committee; and (iii) the
24 confidential secretary of the chief executive officer of the board,
25 commission, or committee;

26 (c) If the members of the board, commission, or committee serve on
27 a full-time basis: (i) The chief executive officer or administrative
28 officer as designated by the board, commission, or committee; and (ii)
29 a confidential secretary to the chairman of the board, commission, or
30 committee;

31 (d) If all members of the board, commission, or committee serve ex
32 officio: (i) The chief executive officer; and (ii) the confidential
33 secretary of such chief executive officer;

34 (9) The confidential secretaries and administrative assistants in
35 the immediate offices of the elective officers of the state;

36 (10) Assistant attorneys general;

37 (11) Commissioned and enlisted personnel in the military service of
38 the state;

1 (12) Inmate, student, part-time, or temporary employees, and part-
2 time professional consultants, as defined by the state personnel board
3 or the board having jurisdiction;

4 (13) The public printer or to any employees of or positions in the
5 state printing plant;

6 (14) Officers and employees of the Washington state fruit
7 commission;

8 (15) Officers and employees of the Washington state apple
9 advertising commission;

10 (16) Officers and employees of the Washington state dairy products
11 commission;

12 (17) Officers and employees of the Washington tree fruit research
13 commission;

14 (18) Officers and employees of the Washington state beef
15 commission;

16 (19) Officers and employees of any commission formed under the
17 provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

18 (20) Officers and employees of the state wheat commission formed
19 under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

20 (21) Officers and employees of agricultural commissions formed
21 under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

22 (22) Officers and employees of the nonprofit corporation formed
23 under chapter 67.40 RCW;

24 (23) Liquor vendors appointed by the Washington state liquor
25 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules
26 and regulations adopted by the state personnel board pursuant to RCW
27 41.06.150 regarding the basis for, and procedures to be followed for,
28 the dismissal, suspension, or demotion of an employee, and appeals
29 therefrom shall be fully applicable to liquor vendors except those part
30 time agency vendors employed by the liquor control board when, in
31 addition to the sale of liquor for the state, they sell goods, wares,
32 merchandise, or services as a self-sustaining private retail business;

33 (24) Executive assistants for personnel administration and labor
34 relations in all state agencies employing such executive assistants
35 including but not limited to all departments, offices, commissions,
36 committees, boards, or other bodies subject to the provisions of this
37 chapter and this subsection shall prevail over any provision of law
38 inconsistent herewith unless specific exception is made in such law;

1 (25) In each agency with fifty or more employees: Deputy agency
2 heads, assistant directors or division directors, and not more than
3 three principal policy assistants who report directly to the agency
4 head or deputy agency heads;

5 (26) All employees of the marine employees' commission;

6 (27) Up to a total of five senior staff positions of the western
7 library network under chapter 27.26 RCW responsible for formulating
8 policy or for directing program management of a major administrative
9 unit. This subsection shall expire on June 30, 1997;

10 (28) In addition to the exemptions specifically provided by this
11 chapter, the state personnel board may provide for further exemptions
12 pursuant to the following procedures. The governor or other
13 appropriate elected official may submit requests for exemption to the
14 personnel board stating the reasons for requesting such exemptions.
15 The personnel board shall hold a public hearing, after proper notice,
16 on requests submitted pursuant to this subsection. If the board
17 determines that the position for which exemption is requested is one
18 involving substantial responsibility for the formulation of basic
19 agency or executive policy or one involving directing and controlling
20 program operations of an agency or a major administrative division
21 thereof, the personnel board shall grant the request and such
22 determination shall be final. The total number of additional
23 exemptions permitted under this subsection shall not exceed one hundred
24 eighty-seven for those agencies not directly under the authority of any
25 elected public official other than the governor, and shall not exceed
26 a total of twenty-five for all agencies under the authority of elected
27 public officials other than the governor. The state personnel board
28 shall report to each regular session of the legislature during an odd-
29 numbered year all exemptions granted under subsections (24), (25), and
30 (28) of this section, together with the reasons for such exemptions.

31 The salary and fringe benefits of all positions presently or
32 hereafter exempted except for the chief executive officer of each
33 agency, full-time members of boards and commissions, administrative
34 assistants and confidential secretaries in the immediate office of an
35 elected state official, and the personnel listed in subsections (10)
36 through (22) of this section, shall be determined by the state
37 personnel board.

38 Any person holding a classified position subject to the provisions
39 of this chapter shall, when and if such position is subsequently

1 exempted from the application of this chapter, be afforded the
2 following rights: If such person previously held permanent status in
3 another classified position, such person shall have a right of
4 reversion to the highest class of position previously held, or to a
5 position of similar nature and salary.

6 Any classified employee having civil service status in a classified
7 position who accepts an appointment in an exempt position shall have
8 the right of reversion to the highest class of position previously
9 held, or to a position of similar nature and salary.

10 A person occupying an exempt position who is terminated from the
11 position for gross misconduct or malfeasance does not have the right of
12 reversion to a classified position as provided for in this section.

13 **Sec. 16.** RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each
14 amended to read as follows:

15 There shall be departments of the state government which shall be
16 known as (1) the department of social and health services, (2) the
17 department of ecology, (3) the department of labor and industries, (4)
18 the department of agriculture, (5) (~~the department of fisheries, (6)~~)
19 the department of fish and wildlife, ((+7)) (6) the department of
20 transportation, ((+8)) (7) the department of licensing, ((+9)) (8)
21 the department of general administration, ((+10)) (9) the department
22 of trade and economic development, ((+11)) (10) the department of
23 veterans affairs, ((+12)) (11) the department of revenue, ((+13))
24 (12) the department of retirement systems, ((+14)) (13) the department
25 of corrections, ((+15)) (14) the department of community development,
26 and ((+16)) (15) the department of health, which shall be charged with
27 the execution, enforcement, and administration of such laws, and
28 invested with such powers and required to perform such duties, as the
29 legislature may provide.

30 **Sec. 17.** RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each
31 amended to read as follows:

32 There shall be a chief executive officer of each department to be
33 known as: (1) The secretary of social and health services, (2) the
34 director of ecology, (3) the director of labor and industries, (4) the
35 director of agriculture, (5) (~~the director of fisheries, (6)~~) the
36 director of fish and wildlife, ((+7)) (6) the secretary of
37 transportation, ((+8)) (7) the director of licensing, ((+9)) (8) the

1 director of general administration, (~~(10)~~) (9) the director of trade
2 and economic development, (~~(11)~~) (10) the director of veterans
3 affairs, (~~(12)~~) (11) the director of revenue, (~~(13)~~) (12) the
4 director of retirement systems, (~~(14)~~) (13) the secretary of
5 corrections, (~~(15)~~) (14) the director of community development, and
6 (~~(16)~~) (15) the secretary of health.

7 Such officers, except the secretary of transportation, shall be
8 appointed by the governor, with the consent of the senate, and hold
9 office at the pleasure of the governor. (~~The director of wildlife,~~
10 ~~however, shall be appointed according to the provisions of RCW~~
11 ~~77.04.080. If a vacancy occurs while the senate is not in session, the~~
12 ~~governor shall make a temporary appointment until the next meeting of~~
13 ~~the senate. A temporary director of wildlife shall not serve more than~~
14 ~~one year.)) The secretary of transportation shall be appointed by the
15 transportation commission as prescribed by RCW 47.01.041.~~

16 **Sec. 18.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to
17 read as follows:

18 For the purposes of RCW 42.17.240, the term "executive state
19 officer" includes:

20 (1) The chief administrative law judge, the director of
21 agriculture, the administrator of the office of marine safety, the
22 administrator of the Washington basic health plan, the director of the
23 department of services for the blind, the director of the state system
24 of community and technical colleges, the director of community
25 development, the secretary of corrections, the director of ecology, the
26 commissioner of employment security, the chairman of the energy
27 facility site evaluation council, the director of the energy office,
28 the secretary of the state finance committee, the director of financial
29 management, the director of (~~fisheries~~) fish and wildlife, the
30 executive secretary of the forest practices appeals board, the director
31 of the gambling commission, the director of general administration, the
32 secretary of health, the administrator of the Washington state health
33 care authority, the executive secretary of the health care facilities
34 authority, the executive secretary of the higher education facilities
35 authority, the director of the higher education personnel board, the
36 executive secretary of the horse racing commission, the executive
37 secretary of the human rights commission, the executive secretary of
38 the indeterminate sentence review board, the director of the department

1 of information services, the director of the interagency committee for
2 outdoor recreation, the executive director of the state investment
3 board, the director of labor and industries, the director of licensing,
4 the director of the lottery commission, the director of the office of
5 minority and women's business enterprises, the director of parks and
6 recreation, the director of personnel, the executive director of the
7 public disclosure commission, the director of retirement systems, the
8 director of revenue, the secretary of social and health services, the
9 chief of the Washington state patrol, the executive secretary of the
10 board of tax appeals, the director of trade and economic development,
11 the secretary of transportation, the secretary of the utilities and
12 transportation commission, the director of veterans affairs, (~~the~~
13 ~~director of wildlife,~~) the president of each of the regional and state
14 universities and the president of The Evergreen State College, each
15 district and each campus president of each state community college;

16 (2) Each professional staff member of the office of the governor;

17 (3) Each professional staff member of the legislature; and

18 (4) Central Washington University board of trustees, board of
19 trustees of each community college, each member of the state board for
20 community and technical colleges (~~(education)~~), state convention and
21 trade center board of directors, committee for deferred compensation,
22 Eastern Washington University board of trustees, Washington economic
23 development finance authority, The Evergreen State College board of
24 trustees, forest practices appeals board, forest practices board,
25 gambling commission, Washington health care facilities authority,
26 higher education coordinating board, higher education facilities
27 authority, higher education personnel board, horse racing commission,
28 state housing finance commission, human rights commission,
29 indeterminate sentence review board, board of industrial insurance
30 appeals, information services board, interagency committee for outdoor
31 recreation, state investment board, liquor control board, lottery
32 commission, marine oversight board, oil and gas conservation committee,
33 Pacific Northwest electric power and conservation planning council,
34 parks and recreation commission, personnel appeals board, personnel
35 board, board of pilotage (~~(commissioners)~~) commissioners, pollution
36 control hearings board, public disclosure commission, public pension
37 commission, shorelines hearing board, state employees' benefits board,
38 board of tax appeals, transportation commission, University of
39 Washington board of regents, utilities and transportation commission,

1 Washington state maritime commission, Washington public power supply
2 system executive board, Washington State University board of regents,
3 Western Washington University board of trustees, and fish and wildlife
4 commission.

5 **Sec. 19.** RCW 43.51.955 and 1987 c 506 s 93 are each amended to
6 read as follows:

7 Nothing in RCW 43.51.946 through 43.51.956 shall be construed to
8 interfere with the powers, duties, and authority of the state
9 department of fish and wildlife or the state fish and wildlife
10 commission to regulate, manage, conserve, and provide for the harvest
11 of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall
12 be permitted in any state park.

13 **Sec. 20.** RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are
14 each reenacted and amended to read as follows:

15 As used in this title or rules of the director, unless the context
16 clearly requires otherwise:

17 (1) "Director" means the director of ((~~fisheries~~)) fish and
18 wildlife.

19 (2) "Department" means the department of ((~~fisheries~~)) fish and
20 wildlife.

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

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

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

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

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

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

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

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

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

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

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

26 (14) "Salmon" means all species of the genus *Oncorhynchus*, except
27 those classified as game fish in Title 77 RCW, and includes:

28	Scientific Name	Common Name
29	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
30	<i>Oncorhynchus kisutch</i>	Coho salmon
31	<i>Oncorhynchus keta</i>	Chum salmon
32	<i>Oncorhynchus gorbuscha</i>	Pink salmon
33	<i>Oncorhynchus nerka</i>	Sockeye salmon

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

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

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

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

10 (19) "Open season" means those times, manners of taking, and places
11 or waters established by rule of the director for the lawful fishing,
12 taking, or possession of food fish or shellfish. "Open season"
13 includes the first and last days of the established time.

14 (20) "Emerging commercial fishery" means any commercial fishery:

15 (a) For food fish or shellfish so designated by rule of the
16 director, except that no species harvested under a license limitation
17 program contained in chapter 75.30 RCW may be designated as a species
18 in an emerging commercial fishery.

19 (b) Which will include, subject to the limitation in (a) of this
20 subsection, all species harvested for commercial purposes as of June 7,
21 1990, and the future commercial harvest of all other species in the
22 waters of the state of Washington.

23 (21) "Experimental fishery permit" means a permit issued by the
24 director to allow the recipient to engage in an emerging commercial
25 fishery.

26 **Sec. 21.** RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 are each
27 amended to read as follows:

28 The director (~~(of fisheries)~~) shall supervise the administration
29 and operation of the department (~~(of fisheries)~~) and perform the duties
30 prescribed by law. The director may appoint and employ necessary
31 personnel. The director may delegate, in writing, to department
32 personnel the duties and powers necessary for efficient operation and
33 administration of the department.

34 Only persons having general knowledge of the fisheries and wildlife
35 resources and of the commercial and recreational fishing industry in
36 this state are eligible for appointment as director. The director
37 shall not have a financial interest in the fishing industry or a
38 directly related industry.

1 **Sec. 22.** RCW 75.08.035 and 1992 c 63 s 11 are each amended to read
2 as follows:

3 (1) The department (~~(of fisheries)~~) shall have the following powers
4 and duties in carrying out its responsibilities for the senior
5 environmental corps created under RCW 43.63A.247:

6 Appoint a representative to the coordinating council;

7 Develop project proposals;

8 Administer project activities within the agency;

9 Develop appropriate procedures for the use of volunteers;

10 Provide project orientation, technical training, safety training,
11 equipment, and supplies to carry out project activities;

12 Maintain project records and provide project reports;

13 Apply for and accept grants or contributions for corps approved
14 projects; and

15 With the approval of the council, enter into memoranda of
16 understanding and cooperative agreements with federal, state, and local
17 agencies to carry out corps approved projects.

18 (2) The department shall not use corps volunteers to displace
19 currently employed workers.

20 **Sec. 23.** RCW 75.08.055 and 1987 c 506 s 94 are each amended to
21 read as follows:

22 (1) The director(~~(, and the director of wildlife with the~~
23 ~~concurrence of the wildlife commission,~~) may enter into agreements
24 with and receive funds from the United States for the construction,
25 maintenance, and operation of fish cultural stations, laboratories, and
26 devices in the Columbia River basin for improvement of feeding and
27 spawning conditions for fish, for the protection of migratory fish from
28 irrigation projects and for facilitating free migration of fish over
29 obstructions.

30 (2) The director and the (~~(wildlife commission)~~) department may
31 acquire by gift, purchase, lease, easement, or condemnation the use of
32 lands where the construction or improvement is to be carried on by the
33 United States.

34 **Sec. 24.** RCW 75.08.400 and 1989 c 336 s 1 are each amended to read
35 as follows:

36 The legislature finds that:

1 (1) The fishery resources of Washington are critical to the social
2 and economic needs of the citizens of the state;

3 (2) Salmon production is dependent on both wild and artificial
4 production;

5 (3) The department (~~(of fisheries)~~) is directed to enhance
6 Washington's salmon runs; and

7 (4) Full utilization of the state's salmon rearing facilities is
8 necessary to enhance commercial and recreational fisheries.

9 **Sec. 25.** RCW 75.10.010 and 1985 c 155 s 1 are each amended to read
10 as follows:

11 (1) Fisheries patrol officers and ex officio fisheries patrol
12 officers within their respective jurisdictions, shall enforce this
13 title, rules of the director, and other statutes as prescribed by the
14 legislature.

15 (2) When acting within the scope of subsection (1) of this section
16 and when an offense occurs in the presence of the fisheries patrol
17 officer who is not an ex officio fisheries patrol officer, the
18 fisheries patrol officer may enforce all criminal laws of the state.
19 The fisheries patrol officer must have successfully completed the basic
20 law enforcement academy course sponsored by the criminal justice
21 training commission, or a supplemental course in criminal law
22 enforcement as approved by the department and the criminal justice
23 training commission and provided by the department or the criminal
24 justice training commission, prior to enforcing the criminal laws of
25 the state.

26 (3) Any liability or claim of liability which arises out of the
27 exercise or alleged exercise of authority by a fisheries patrol officer
28 rests with the department (~~(of fisheries)~~) unless the fisheries patrol
29 officer acts under the direction and control of another agency or
30 unless the liability is otherwise assumed under a written agreement
31 between the department (~~(of fisheries)~~) and another agency.

32 (4) Fisheries patrol officers may serve and execute warrants and
33 processes issued by the courts.

34 **Sec. 26.** RCW 75.10.200 and 1990 c 144 s 3 are each amended to read
35 as follows:

36 Persons who violate this title or the rules of the director shall
37 be subject to the following penalties:

1 (1) The following violations are gross misdemeanors and are
2 punishable under RCW 9.92.020:

3 (a) Violating RCW 75.20.100; and

4 (b) Violating department statutes that require fish screens, fish
5 ladders, and other protective devices for fish.

6 (2) The following violations are a class C felony and are
7 punishable under RCW 9A.20.021(1)(c):

8 (a) Discharging explosives in waters that contain adult salmon or
9 sturgeon: PROVIDED, That lawful discharge of devices for the purpose
10 of frightening or killing marine mammals or for the lawful removal of
11 snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are
12 exempt from this subsection; and

13 (b) To knowingly purchase food fish or shellfish with a wholesale
14 value greater than two hundred fifty dollars that were taken by methods
15 or during times not authorized by department (~~(of fisheries)~~) rules, or
16 were taken by someone who does not have a valid commercial fishing
17 license, a valid fish buyer's license, or a valid wholesale dealer's
18 license, or were taken with fishing gear authorized for personal use.

19 **Sec. 27.** RCW 75.12.040 and 1985 c 147 s 1 are each amended to read
20 as follows:

21 (1) It is unlawful to use, operate, or maintain a gill net which
22 exceeds 250 fathoms in length or a drag seine in the waters of the
23 Columbia river for catching salmon.

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

29 (3) The department (~~(of fisheries)~~), in coordination with the
30 Oregon department of fish and wildlife, shall adopt rules to regulate
31 the use of monofilament in gill net webbing on the Columbia river.

32 **Sec. 28.** RCW 75.20.005 and 1991 c 322 s 21 are each amended to
33 read as follows:

34 The department of (~~(fisheries, the department of)~~) fish and
35 wildlife, the department of ecology, and the department of natural
36 resources shall jointly develop an informational brochure that
37 describes when permits and any other authorizations are required for

1 flood damage prevention and reduction projects, and recommends ways to
2 best proceed through the various regulatory permitting processes.

3 **Sec. 29.** RCW 75.20.050 and 1988 c 36 s 32 are each amended to read
4 as follows:

5 It is the policy of this state that a flow of water sufficient to
6 support game fish and food fish populations be maintained at all times
7 in the streams of this state.

8 The director of ecology shall give the director (~~(of fisheries and~~
9 ~~the director of wildlife))~~ notice of each application for a permit to
10 divert or store water. The director (~~(of fisheries and director of~~
11 ~~wildlife have))~~ has thirty days after receiving the notice to state
12 (~~(their))~~ his or her objections to the application. The permit shall
13 not be issued until the thirty-day period has elapsed.

14 The director of ecology may refuse to issue a permit if, in the
15 opinion of the director (~~(of fisheries or director of wildlife)),~~
16 issuing the permit might result in lowering the flow of water in a
17 stream below the flow necessary to adequately support food fish and
18 game fish populations in the stream.

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

21 **Sec. 30.** RCW 75.20.100 and 1991 c 322 s 30 are each amended to
22 read as follows:

23 In the event that any person or government agency desires to
24 construct any form of hydraulic project or perform other work that will
25 use, divert, obstruct, or change the natural flow or bed of any of the
26 salt or fresh waters of the state, such person or government agency
27 shall, before commencing construction or work thereon and to ensure the
28 proper protection of fish life, secure the written approval of the
29 department (~~(of fisheries or the department of wildlife))~~ as to the
30 adequacy of the means proposed for the protection of fish life. This
31 approval shall not be unreasonably withheld. Except as provided in RCW
32 75.20.1001 and 75.20.1002, the department (~~(of fisheries or the~~
33 ~~department of wildlife))~~ shall grant or deny approval within forty-five
34 calendar days of the receipt of a complete application and notice of
35 compliance with any applicable requirements of the state environmental
36 policy act, made in the manner prescribed in this section. The
37 applicant may document receipt of application by filing in person or by

1 registered mail. A complete application for approval shall contain
2 general plans for the overall project, complete plans and
3 specifications of the proposed construction or work within the mean
4 higher high water line in salt water or within the ordinary high water
5 line in fresh water, and complete plans and specifications for the
6 proper protection of fish life. The forty-five day requirement shall
7 be suspended if (1) after ten working days of receipt of the
8 application, the applicant remains unavailable or unable to arrange for
9 a timely field evaluation of the proposed project; (2) the site is
10 physically inaccessible for inspection; or (3) the applicant requests
11 delay. Immediately upon determination that the forty-five day period
12 is suspended, the department (~~(of fisheries or the department of~~
13 ~~wildlife))~~) shall notify the applicant in writing of the reasons for the
14 delay. Approval is valid for a period of up to five years from date of
15 issuance. The permittee must demonstrate substantial progress on
16 construction of that portion of the project relating to the approval
17 within two years of the date of issuance. If (~~(either))~~) the department
18 (~~(of fisheries or the department of wildlife))~~) denies approval,
19 (~~(that))~~) the department shall provide the applicant, in writing, a
20 statement of the specific reasons why and how the proposed project
21 would adversely affect fish life. Protection of fish life shall be the
22 only ground upon which approval may be denied or conditioned. Chapter
23 34.05 RCW applies to any denial of project approval, conditional
24 approval, or requirements for project modification upon which approval
25 may be contingent. If any person or government agency commences
26 construction on any hydraulic works or projects subject to this section
27 without first having obtained written approval of the department (~~(of~~
28 ~~fisheries or the department of wildlife))~~) as to the adequacy of the
29 means proposed for the protection of fish life, or if any person or
30 government agency fails to follow or carry out any of the requirements
31 or conditions as are made a part of such approval, the person or
32 director of the agency is guilty of a gross misdemeanor. If any such
33 person or government agency is convicted of violating any of the
34 provisions of this section and continues construction on any such works
35 or projects without fully complying with the provisions hereof, such
36 works or projects are hereby declared a public nuisance and shall be
37 subject to abatement as such.

38 For the purposes of this section and RCW 75.20.103, "bed" shall
39 mean the land below the ordinary high water lines of state waters.

1 This definition shall not include irrigation ditches, canals, storm
2 water run-off devices, or other artificial watercourses except where
3 they exist in a natural watercourse that has been altered by man.

4 The phrase "to construct any form of hydraulic project or perform
5 other work" shall not include the act of driving across an established
6 ford. Driving across streams or on wetted stream beds at areas other
7 than established fords requires approval. Work within the ordinary
8 high water line of state waters to construct or repair a ford or
9 crossing requires approval.

10 ~~((For each application, the department of fisheries and the
11 department of wildlife shall mutually agree on whether the department
12 of fisheries or the department of wildlife shall administer the
13 provisions of this section, in order to avoid duplication of effort.
14 The department designated to act shall cooperate with the other
15 department in order to protect all species of fish life found at the
16 project site. If the department of fisheries or the department of
17 wildlife receives an application concerning a site not in its
18 jurisdiction, it shall transmit the application to the other department
19 within three days and notify the applicant.))~~

20 In case of an emergency arising from weather or stream flow
21 conditions or other natural conditions, the department ~~((of fisheries
22 or department of wildlife))~~, through ~~((their))~~ its authorized
23 representatives, shall issue immediately upon request oral approval for
24 removing any obstructions, repairing existing structures, restoring
25 stream banks, or to protect property threatened by the stream or a
26 change in the stream flow without the necessity of obtaining a written
27 approval prior to commencing work. Conditions of an oral approval
28 shall be reduced to writing within thirty days and complied with as
29 provided for in this section. Oral approval shall be granted
30 immediately upon request, for a stream crossing during an emergency
31 situation.

32 This section shall not apply to the construction of any form of
33 hydraulic project or other work which diverts water for agricultural
34 irrigation or stock watering purposes authorized under or recognized as
35 being valid by the state's water codes, or when such hydraulic project
36 or other work is associated with streambank stabilization to protect
37 farm and agricultural land as defined in RCW 84.34.020. These
38 irrigation or stock watering diversion and streambank stabilization
39 projects shall be governed by RCW 75.20.103.

1 **Sec. 31.** RCW 75.20.1001 and 1991 c 322 s 12 are each amended to
2 read as follows:

3 The department (~~of fisheries and the department of wildlife~~)
4 shall process hydraulic project applications submitted under RCW
5 75.20.100 or 75.20.103 within thirty days of receipt of the
6 application. This requirement is only applicable for the repair and
7 reconstruction of legally constructed dikes, seawalls, and other flood
8 control structures damaged as a result of flooding or windstorms that
9 occurred in November and December 1990.

10 **Sec. 32.** RCW 75.20.103 and 1991 c 322 s 31 are each amended to
11 read as follows:

12 In the event that any person or government agency desires to
13 construct any form of hydraulic project or other work that diverts
14 water for agricultural irrigation or stock watering purposes, or when
15 such hydraulic project or other work is associated with streambank
16 stabilization to protect farm and agricultural land as defined in RCW
17 84.34.020, and when such diversion or streambank stabilization will
18 use, divert, obstruct, or change the natural flow or bed of any river
19 or stream or will utilize any waters of the state or materials from the
20 stream beds, the person or government agency shall, before commencing
21 construction or work thereon and to ensure the proper protection of
22 fish life, secure a written approval from the department (~~of fisheries
23 or the department of wildlife~~) as to the adequacy of the means
24 proposed for the protection of fish life. This approval shall not be
25 unreasonably withheld. Except as provided in RCW 75.20.1001 and
26 75.20.1002, the department (~~of fisheries or the department of
27 wildlife~~) shall grant or deny the approval within forty-five calendar
28 days of the receipt of a complete application and notice of compliance
29 with any applicable requirements of the state environmental policy act,
30 made in the manner prescribed in this section. The applicant may
31 document receipt of application by filing in person or by registered
32 mail. A complete application for an approval shall contain general
33 plans for the overall project, complete plans and specifications of the
34 proposed construction or work within ordinary high water line, and
35 complete plans and specifications for the proper protection of fish
36 life. The forty-five day requirement shall be suspended if (1) after
37 ten working days of receipt of the application, the applicant remains
38 unavailable or unable to arrange for a timely field evaluation of the

1 proposed project; (2) the site is physically inaccessible for
2 inspection; or (3) the applicant requests delay.

3 Immediately upon determination that the forty-five day period is
4 suspended, the department (~~((of fisheries or the department of~~
5 ~~wildlife))~~) shall notify the applicant in writing of the reasons for the
6 delay.

7 An approval shall remain in effect without need for periodic
8 renewal for projects that divert water for agricultural irrigation or
9 stock watering purposes and that involve seasonal construction or other
10 work. Approval for streambank stabilization projects shall remain in
11 effect without need for periodic renewal if the problem causing the
12 need for the streambank stabilization occurs on an annual or more
13 frequent basis. The permittee must notify the appropriate agency
14 before commencing the construction or other work within the area
15 covered by the approval.

16 The permittee must demonstrate substantial progress on construction
17 of that portion of the project relating to the approval within two
18 years of the date of issuance. If (~~((either))~~) the department (~~((of~~
19 ~~fisheries or the department of wildlife))~~) denies approval, (~~((that))~~) the
20 department shall provide the applicant, in writing, a statement of the
21 specific reasons why and how the proposed project would adversely
22 affect fish life. Protection of fish life shall be the only ground
23 upon which approval may be denied or conditioned. Issuance, denial,
24 conditioning, or modification shall be appealable to the hydraulic
25 appeals board established in RCW 43.21B.005 within thirty days of the
26 notice of decision. The burden shall be upon the department (~~((of~~
27 ~~fisheries or the department of wildlife))~~) to show that the denial or
28 conditioning of an approval is solely aimed at the protection of fish
29 life.

30 The department (~~((granting approval))~~) may, after consultation with
31 the permittee, modify an approval due to changed conditions. The
32 modifications shall become effective unless appealed to the hydraulic
33 appeals board within thirty days from the notice of the proposed
34 modification. The burden is on the department (~~((issuing the approval))~~)
35 to show that changed conditions warrant the modification in order to
36 protect fish life.

37 A permittee may request modification of an approval due to changed
38 conditions. The request shall be processed within forty-five calendar
39 days of receipt of the written request. A decision by the department

1 (~~that issued the approval~~) may be appealed to the hydraulic appeals
2 board within thirty days of the notice of the decision. The burden is
3 on the permittee to show that changed conditions warrant the requested
4 modification and that such modification will not impair fish life.

5 If any person or government agency commences construction on any
6 hydraulic works or projects subject to this section without first
7 having obtained written approval of the department (~~of fisheries or~~
8 ~~the department of wildlife~~) as to the adequacy of the means proposed
9 for the protection of fish life, or if any person or government agency
10 fails to follow or carry out any of the requirements or conditions as
11 are made a part of such approval, the person or director of the agency
12 is guilty of a gross misdemeanor. If any such person or government
13 agency is convicted of violating any of the provisions of this section
14 and continues construction on any such works or projects without fully
15 complying with the provisions hereof, such works or projects are hereby
16 declared a public nuisance and shall be subject to abatement as such.

17 (~~For each application, the department of fisheries and the~~
18 ~~department of wildlife shall mutually agree on whether the department~~
19 ~~of fisheries or the department of wildlife shall administer the~~
20 ~~provisions of this section, in order to avoid duplication of effort.~~
21 ~~The department designated to act shall cooperate with the other~~
22 ~~department in order to protect all species of fish life found at the~~
23 ~~project site. If the department of fisheries or the department of~~
24 ~~wildlife receives an application concerning a site not in its~~
25 ~~jurisdiction, it shall transmit the application to the other department~~
26 ~~within three days and notify the applicant.))~~

27 In case of an emergency arising from weather or stream flow
28 conditions or other natural conditions, the department (~~of fisheries~~
29 ~~or department of wildlife~~), through (~~their~~) its authorized
30 representatives, shall issue immediately upon request oral approval for
31 removing any obstructions, repairing existing structures, restoring
32 stream banks, or to protect property threatened by the stream or a
33 change in the stream flow without the necessity of obtaining a written
34 approval prior to commencing work. Conditions of an oral approval
35 shall be reduced to writing within thirty days and complied with as
36 provided for in this section.

37 For purposes of this chapter, "streambank stabilization" shall
38 include but not be limited to log and debris removal, bank protection

1 (including riprap, jetties, and groins), gravel removal and erosion
2 control.

3 **Sec. 33.** RCW 75.20.104 and 1991 c 322 s 18 are each amended to
4 read as follows:

5 Whenever the placement of woody debris is required as a condition
6 of a hydraulic permit approval issued pursuant to RCW 75.20.100 or
7 75.20.103, the department (~~((of fisheries and the department of~~
8 ~~wildlife))~~), upon request, shall invite comment regarding that placement
9 from the local governmental authority, affected tribes, affected
10 federal and state agencies, and the project applicant.

11 **Sec. 34.** RCW 75.20.1041 and 1991 c 322 s 19 are each amended to
12 read as follows:

13 The department (~~((of fisheries, the department of wildlife,))~~) and
14 the department of ecology will work cooperatively with the United
15 States army corps of engineers to develop a memorandum of agreement
16 outlining dike vegetation management guidelines so that dike owners are
17 eligible for coverage under P.L. 84-99, and state requirements
18 established pursuant to RCW 75.20.100 and 75.20.103 are met.

19 **Sec. 35.** RCW 75.20.106 and 1988 c 36 s 35 are each amended to read
20 as follows:

21 The department (~~((of fisheries and the department of wildlife))~~) may
22 ~~((each))~~ levy civil penalties of up to one hundred dollars per day for
23 violation of any provisions of RCW 75.20.100 or 75.20.103. The penalty
24 provided shall be imposed by notice in writing, either by certified
25 mail or personal service to the person incurring the penalty, from the
26 director (~~((of the appropriate department))~~) or ~~((that))~~ the director's
27 designee describing the violation. Any person incurring any penalty
28 under this chapter may appeal the same under chapter 34.05 RCW to the
29 director (~~((of the department levying the penalty))~~). Appeals shall be
30 filed within thirty days of receipt of notice imposing any penalty.
31 The penalty imposed shall become due and payable thirty days after
32 receipt of a notice imposing the penalty unless an appeal is filed.
33 Whenever an appeal of any penalty incurred under this chapter is filed,
34 the penalty shall become due and payable only upon completion of all
35 review proceedings and the issuance of a final order confirming the
36 penalty in whole or in part.

1 If the amount of any penalty is not paid within thirty days after
2 it becomes due and payable the attorney general, upon the request of
3 the director (~~(of the department of fisheries or the department of~~
4 ~~wildlife)~~) shall bring an action in the name of the state of Washington
5 in the superior court of Thurston county or of any county in which such
6 violator may do business, to recover such penalty. In all such actions
7 the procedure and rules of evidence shall be the same as an ordinary
8 civil action. All penalties recovered under this section shall be paid
9 into the state's general fund.

10 **Sec. 36.** RCW 75.20.110 and 1988 c 36 s 36 are each amended to read
11 as follows:

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

18 (2) Within the sanctuary area:

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

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

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

32 (4) Subsection (2)(a) of this section does not apply to the
33 sediment retention structure to be built on the North Fork Toutle river
34 by the United States army corps of engineers.

35 **Sec. 37.** RCW 75.20.130 and 1989 c 175 s 160 are each amended to
36 read as follows:

1 (1) There is hereby created within the environmental hearings
2 office under RCW 43.21B.005 the hydraulic appeals board of the state of
3 Washington.

4 (2) The hydraulic appeals board shall consist of three members:
5 The director of the department of ecology or the director's designee,
6 the director of the department of agriculture or the director's
7 designee, and the director or the director's designee of the department
8 whose action is appealed under subsection (6) of this section. A
9 decision must be agreed to by at least two members of the board to be
10 final.

11 (3) The board may adopt rules necessary for the conduct of its
12 powers and duties or for transacting other official business.

13 (4) The board shall make findings of fact and prepare a written
14 decision in each case decided by it, and that finding and decision
15 shall be effective upon being signed by two or more board members and
16 upon being filed at the hydraulic appeals board's principal office, and
17 shall be open to public inspection at all reasonable times.

18 (5) The board has exclusive jurisdiction to hear appeals arising
19 from the approval, denial, conditioning, or modification of a hydraulic
20 approval issued by ((either)) the department ((of fisheries or the
21 department of wildlife)) under the authority granted in RCW 75.20.103
22 for the diversion of water for agricultural irrigation or stock
23 watering purposes or when associated with streambank stabilization to
24 protect farm and agricultural land as defined in RCW 84.34.020.

25 (6)(a) Any person aggrieved by the approval, denial, conditioning,
26 or modification of a hydraulic approval pursuant to RCW 75.20.103 may
27 seek review from the board by filing a request for the same within
28 thirty days of notice of the approval, denial, conditioning, or
29 modification of such approval.

30 (b) The review proceedings authorized in (a) of this subsection are
31 subject to the provisions of chapter 34.05 RCW pertaining to procedures
32 in adjudicative proceedings.

33 **Sec. 38.** RCW 75.20.300 and 1989 c 213 s 3 are each amended to read
34 as follows:

35 (1) The legislature intends to expedite flood-control, acquisition
36 of sites for sediment retention, and dredging operations in those
37 rivers affected by the May 1980 eruption of Mt. St. Helens, while
38 continuing to protect the fish resources of these rivers.

1 (2) The director (~~of fisheries and director of wildlife~~) shall
2 process hydraulic project applications submitted under RCW 75.20.100
3 within fifteen working days of receipt of the application. This
4 requirement is only applicable to flood control and dredging projects
5 located in the Cowlitz river from mile 22 to the confluence with the
6 Columbia, and in the Toutle river from the mouth to the North Fork
7 Toutle sediment dam site at North Fork mile 12, and to river mile 3 on
8 the South Fork Toutle river, and volcano-affected areas of the Columbia
9 river.

10 (3) For the purposes of this section, the emergency provisions of
11 RCW 75.20.100 may be initiated by the county legislative authority if
12 the project is necessary to protect human life or property from flood
13 hazards, including:

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

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

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

24 (4) This section does not apply to the sediment retention structure
25 to be built on the North Fork Toutle river by the United States army
26 corps of engineers.

27 (5) This section expires on June 30, 1995.

28 **Sec. 39.** RCW 75.20.310 and 1988 c 36 s 39 are each amended to read
29 as follows:

30 The legislature recognizes the need to mitigate the effects of
31 sedimentary build-up and resultant damage to fish population in the
32 Toutle river resulting from the Mt. St. Helens eruption. The state has
33 entered into a contractual agreement with the United States army corps
34 of engineers designed to minimize fish habitat disruption created by
35 the sediment retention structure on the Toutle river, under which the
36 corps has agreed to construct a fish collection facility at the
37 sediment retention structure site conditional upon the state assuming
38 the maintenance and operation costs of the facility. The department

1 ((of wildlife and the department of fisheries)) shall ((cooperatively))
2 operate and maintain a fish collection facility on the Toutle river.
3 ((Each agency shall share in the cost of operating and maintaining the
4 facility.))

5 **Sec. 40.** RCW 75.24.065 and 1985 c 256 s 2 are each amended to read
6 as follows:

7 The legislature finds that current environmental and economic
8 conditions warrant a renewal of the state's historical practice of
9 actively cultivating and managing its oyster reserves in Puget Sound to
10 produce the state's native oyster, the Olympia oyster. The department
11 ((of fisheries)) shall reestablish dike cultivated production of
12 Olympia oysters on such reserves on a trial basis as a tool for
13 planning more comprehensive cultivation by the state.

14 **Sec. 41.** RCW 75.25.005 and 1989 c 305 s 1 are each amended to read
15 as follows:

16 The following recreational fishing licenses are administered and
17 issued by the department ((of fisheries)) under authority of the
18 director ((of fisheries)):

- 19 (1) Hood Canal shrimp license;
- 20 (2) Razor clam license;
- 21 (3) Personal use fishing license;
- 22 (4) Salmon license; and
- 23 (5) Sturgeon license.

24 **Sec. 42.** RCW 75.25.080 and 1989 c 305 s 4 are each amended to read
25 as follows:

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

29 (2) An application for a physical disability permit must be
30 submitted on a department ((of fisheries)) official form and must be
31 accompanied by a licensed medical doctor's certification of disability.

32 **Sec. 43.** RCW 75.25.170 and 1989 c 305 s 16 are each amended to
33 read as follows:

34 Fees received for recreational licenses required under this chapter
35 shall be deposited in the general fund and shall be appropriated for

1 management, enhancement, research, and enforcement purposes of the
2 shellfish, salmon, and marine fish programs of the department ((of
3 fisheries)).

4 **Sec. 44.** RCW 75.25.180 and 1989 c 305 s 14 are each amended to
5 read as follows:

6 Recreational licenses issued by the department ((of fisheries))
7 under this chapter are valid for the following periods:

8 (1) Recreational licenses issued without charge to persons
9 designated by this chapter are valid:

10 (a) For life for blind persons;

11 (b) For the period of continued state residency for qualified
12 disabled veterans;

13 (c) For the period of continued state residency for persons sixty-
14 five years of age or more;

15 (d) For the period of the disability for persons with a
16 developmental disability;

17 (e) For life for handicapped persons confined to a wheelchair who
18 have been issued a permanent disability card; and

19 (f) Until a child reaches fifteen years of age.

20 (2) Two-consecutive-day personal use licenses expire at midnight on
21 the day following the validation date written on the license by the
22 license dealer, except two-consecutive-day personal use licenses
23 validated for December 31 expire at midnight on that date.

24 (3) An annual salmon license is valid for a maximum catch of
25 fifteen salmon, after which another salmon license may be purchased.
26 A salmon license is valid only for the calendar year for which it is
27 issued.

28 (4) An annual sturgeon license is valid for a maximum catch of
29 fifteen sturgeon. A sturgeon license is valid only for the calendar
30 year for which it is issued.

31 (5) All other recreational licenses are valid for the calendar year
32 for which they are issued.

33 **Sec. 45.** RCW 75.50.010 and 1985 c 458 s 1 are each amended to read
34 as follows:

35 Currently, many of the salmon stocks of Washington state are
36 critically reduced from their sustainable level. The best interests of
37 all fishing groups and the citizens as a whole are served by a stable

1 and productive salmon resource. Immediate action is needed to reverse
2 the severe decline of the resource and to insure its very survival.
3 The legislature finds a state of emergency exists and that immediate
4 action is required to restore its fishery.

5 Disagreement and strife have dominated the salmon fisheries for
6 many years. Conflicts among the various fishing interests have only
7 served to erode the resource. It is time for the state of Washington
8 to make a major commitment to increasing productivity of the resource
9 and to move forward with an effective rehabilitation and enhancement
10 program. (~~The department of fisheries is directed to dedicate its
11 efforts to make increasing the productivity of the salmon resource a
12 first priority and to seek resolution to the many conflicts that
13 involve the resource.~~)

14 Success of the enhancement program can only occur if projects
15 efficiently produce salmon or restore habitat. The expectation of the
16 program is to optimize the efficient use of funding on projects that
17 will increase artificially and naturally produced salmon, restore and
18 improve habitat, or identify ways to increase the survival of salmon.
19 The full utilization of state resources and cooperative efforts with
20 interested groups are essential to the success of the program.

21 **Sec. 46.** RCW 75.50.070 and 1989 c 426 s 1 are each amended to read
22 as follows:

23 The legislature finds that it is in the best interest of the salmon
24 resource of the state to encourage the development of regional
25 fisheries enhancement groups. The accomplishments of one existing
26 group, the Grays Harbor fisheries enhancement task force, have been
27 widely recognized as being exemplary. The legislature recognizes the
28 potential benefits to the state that would occur if each region of the
29 state had a similar group of dedicated citizens working to enhance the
30 salmon resource.

31 The legislature authorizes the formation of regional fisheries
32 enhancement groups. These groups shall be eligible for state financial
33 support and shall be actively supported by the department (~~of
34 fisheries~~). The regional groups shall be operated on a strictly
35 nonprofit basis, and shall seek to maximize the efforts of volunteer
36 and private donations to improve the salmon resource for all citizens
37 of the state.

1 **Sec. 47.** RCW 75.50.080 and 1989 c 426 s 4 are each amended to read
2 as follows:

3 Regional fisheries enhancement groups, consistent with the long-
4 term regional policy statements developed under RCW 75.50.020, shall
5 seek to:

6 (1) Enhance the salmon resource of the state;

7 (2) Maximize volunteer efforts and private donations to improve the
8 salmon resource for all citizens;

9 (3) Assist the department in achieving the goal to double the
10 state-wide salmon catch by the year 2000 under chapter 214, Laws of
11 1988; and

12 (4) Develop projects designed to supplement the fishery enhancement
13 capability of the department (~~((of fisheries))~~).

14 **Sec. 48.** RCW 75.50.130 and 1992 c 88 s 1 are each amended to read
15 as follows:

16 The director (~~((of fisheries))~~) shall prepare a salmon recovery plan
17 for the Skagit river. The plan shall include strategies for employing
18 displaced timber workers to conduct salmon restoration and other tasks
19 identified in the plan. The plan shall incorporate the best available
20 technology in order to achieve maximum restoration of depressed salmon
21 stocks. The plan must encourage the restoration of natural spawning
22 areas and natural rearing of salmon but must not preclude the
23 development of an active hatchery program.

24 **Sec. 49.** RCW 75.52.010 and 1988 c 36 s 41 are each amended to read
25 as follows:

26 The fish and (~~((game))~~) wildlife resources of the state benefit by
27 the contribution of volunteer recreational and commercial fishing
28 organizations, schools, and other volunteer groups in cooperative
29 projects under agreement with the department (~~((of fisheries or the
30 department of wildlife))~~). These projects provide educational
31 opportunities, improve the communication between the natural resources
32 agencies and the public, and increase the fish and game resources of
33 the state. In an effort to increase these benefits and realize the
34 full potential of cooperative projects, the department (~~((of fisheries
35 and the department of wildlife each))~~) shall administer a cooperative
36 fish and wildlife enhancement program and enter agreements with
37 volunteer groups relating to the operation of cooperative projects.

1 **Sec. 50.** RCW 75.52.020 and 1988 c 36 s 42 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Volunteer group" means any person or group of persons
6 interested in or party to an agreement with the department (~~(of~~
7 ~~fisheries or the department of wildlife)~~) relating to a cooperative
8 fish or (~~(game)~~) wildlife project.

9 (2) "Cooperative project" means a project conducted by a volunteer
10 group that will benefit the fish, shellfish, game bird, nongame
11 wildlife, or game animal resources of the state and for which the
12 benefits of the project, including fish and (~~(game)~~) wildlife reared
13 and released, are available to all citizens of the state. Indian
14 tribes may elect to participate in cooperative fish and wildlife
15 projects with the department.

16 (3) "Department" means (~~(either)~~) the department of (~~(fisheries or~~
17 ~~the department of)~~) fish and wildlife (~~(, whichever is responsible for~~
18 ~~managing the species of fish or game most affected by the cooperative~~
19 ~~project)~~).

20 **Sec. 51.** RCW 75.52.035 and 1987 c 48 s 1 are each amended to read
21 as follows:

22 The department (~~(of fisheries)~~) may authorize the sale of surplus
23 salmon eggs and carcasses by permitted cooperative projects for the
24 purposes of defraying the expenses of the cooperative project. In no
25 instance shall the department allow a profit to be realized through
26 such sales. The department shall adopt rules to implement this section
27 pursuant to chapter 34.05 RCW.

28 **Sec. 52.** RCW 75.52.100 and 1989 c 85 s 3 are each amended to read
29 as follows:

30 A salmon spawning channel shall be constructed on the Cedar river
31 with the assistance and cooperation of the (~~(state)~~) department (~~(of~~
32 ~~fisheries)~~). The department shall use existing personnel and the
33 volunteer fisheries enhancement program outlined under chapter 75.52
34 RCW to assist in the planning, construction, and operation of the
35 spawning channel.

1 **Sec. 53.** RCW 75.52.110 and 1989 c 85 s 4 are each amended to read
2 as follows:

3 The department (~~(of fisheries)~~) shall chair a technical committee,
4 which shall review the preparation of enhancement plans and
5 construction designs for a Cedar river sockeye spawning channel. The
6 technical committee shall consist of not more than eight members: One
7 representative each from the department (~~(of fisheries)~~), national
8 marine fisheries service, United States fish and wildlife service, and
9 Muckleshoot Indian tribe; and four representatives from the public
10 utility described in RCW 75.52.130. The technical committee will be
11 guided by a policy committee, also to be chaired by the department (~~(of~~
12 ~~fisheries)~~), which shall consist of not more than six members: One
13 representative from the department (~~(of fisheries)~~), one from the
14 Muckleshoot Indian tribe, and one from either the national marine
15 fisheries service or the United States fish and wildlife service; and
16 three representatives from the public utility described in RCW
17 75.52.130. The policy committee shall present a progress report to the
18 senate and house of representatives natural resources and environment
19 committees by January 1, 1990, and shall oversee the operation and
20 evaluation of the spawning channel. The policy committee will continue
21 its oversight until the policy committee concludes that the channel is
22 meeting the production goals specified in RCW 75.52.120.

23 **Sec. 54.** RCW 75.52.160 and 1989 c 85 s 10 are each amended to read
24 as follows:

25 Should the requirements of RCW 75.52.100 through 75.52.160 not be
26 met, the department (~~(of fisheries)~~) shall seek immediate legal
27 clarification of the steps which must be taken to fully mitigate water
28 diversion projects on the Cedar river.

29 **Sec. 55.** RCW 75.58.010 and 1988 c 36 s 43 are each amended to read
30 as follows:

31 (1) The director of agriculture and the director (~~(of fisheries)~~)
32 shall jointly develop a program of disease inspection and control for
33 aquatic farmers as defined in RCW 15.85.020. The program shall be
34 administered by the department (~~(of fisheries)~~) under rules established
35 under this section. The purpose of the program is to protect the
36 aquaculture industry and wildstock fisheries from a loss of
37 productivity due to aquatic diseases or maladies. As used in this

1 section "diseases" means, in addition to its ordinary meaning,
2 infestations of parasites or pests. The disease program may include,
3 but is not limited to, the following elements:

4 (a) Disease diagnosis;

5 (b) Import and transfer requirements;

6 (c) Provision for certification of stocks;

7 (d) Classification of diseases by severity;

8 (e) Provision for treatment of selected high-risk diseases;

9 (f) Provision for containment and eradication of high-risk
10 diseases;

11 (g) Provision for destruction of diseased cultured aquatic
12 products;

13 (h) Provision for quarantine of diseased cultured aquatic products;

14 (i) Provision for coordination with state and federal agencies;

15 (j) Provision for development of preventative or control measures;

16 (k) Provision for cooperative consultation service to aquatic
17 farmers; and

18 (l) Provision for disease history records.

19 (2) The director (~~(of fisheries)~~) shall adopt rules implementing
20 this section. However, such rules shall have the prior approval of the
21 director of agriculture and shall provide therein that the director of
22 agriculture has provided such approval. The director of agriculture or
23 the director's designee shall attend the rule-making hearings conducted
24 under chapter 34.05 RCW and shall assist in conducting those hearings.
25 The authorities granted the department (~~(of fisheries)~~) by these rules
26 and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020,
27 75.58.030, and 75.58.040 constitute the only authorities of the
28 department (~~(of fisheries)~~) to regulate private sector cultured aquatic
29 products and aquatic farmers as defined in RCW 15.85.020. Except as
30 provided in subsection (3) of this section, no action may be taken
31 against any person to enforce these rules unless the department has
32 first provided the person an opportunity for a hearing. In such a
33 case, if the hearing is requested, no enforcement action may be taken
34 before the conclusion of that hearing.

35 (3) The rules adopted under this section shall specify the
36 emergency enforcement actions that may be taken by the department (~~(of~~
37 ~~fisheries)~~), and the circumstances under which they may be taken,
38 without first providing the affected party with an opportunity for a
39 hearing. Neither the provisions of this subsection nor the provisions

1 of subsection (2) of this section shall preclude the department ((of
2 fisheries)) from requesting the initiation of criminal proceedings for
3 violations of the disease inspection and control rules.

4 (4) It is unlawful for any person to violate the rules adopted
5 under subsection (2) or (3) of this section or to violate RCW
6 75.58.040.

7 (5) In administering the program established under this section,
8 the department ((of fisheries)) shall use the services of a pathologist
9 licensed to practice veterinary medicine.

10 (6) The director in administering the program shall not place
11 constraints on or take enforcement actions in respect to the
12 aquaculture industry that are more rigorous than those placed on the
13 department ((of fisheries, the department of wildlife,)) or other fish-
14 rearing entities.

15 **Sec. 56.** RCW 75.58.020 and 1985 c 457 s 9 are each amended to read
16 as follows:

17 The directors of agriculture and ((fisheries)) fish and wildlife
18 shall jointly adopt by rule, in the manner prescribed in RCW
19 75.58.010(2), a schedule of user fees for the disease inspection and
20 control program established under RCW 75.58.010. The fees shall be
21 established such that the program shall be entirely funded by revenues
22 derived from the user fees by the beginning of the 1987-89 biennium.

23 There is established in the state treasury an account known as the
24 aquaculture disease control account which is subject to appropriation.
25 Proceeds of fees charged under this section shall be deposited in the
26 account. Moneys from the account shall be used solely for
27 administering the disease inspection and control program established
28 under RCW 75.58.010.

29 **Sec. 57.** RCW 75.58.030 and 1988 c 36 s 44 are each amended to read
30 as follows:

31 (1) The director ((of fisheries)) shall consult regarding the
32 disease inspection and control program established under RCW 75.58.010
33 with ((the department of wildlife,)) federal agencies((,)) and Indian
34 tribes to assure protection of state, federal, and tribal aquatic
35 resources and to protect private sector cultured aquatic products from
36 disease that could originate from waters or facilities managed by those
37 agencies.

1 (2) With regard to the program, the director (~~(of fisheries)~~) may
2 enter into contracts or interagency agreements for diagnostic field
3 services with government agencies and institutions of higher education
4 and private industry.

5 (3) The director (~~(of fisheries)~~) shall provide for the creation
6 and distribution of a roster of biologists having a speciality in the
7 diagnosis or treatment of diseases of fish or shellfish. The director
8 shall adopt rules specifying the qualifications which a person must
9 have in order to be placed on the roster.

10 **Sec. 58.** RCW 75.58.040 and 1988 c 36 s 45 are each amended to read
11 as follows:

12 All aquatic farmers as defined in RCW 15.85.020 shall register with
13 the department (~~(of fisheries)~~). The director shall develop and
14 maintain a registration list of all aquaculture farms. Registered
15 aquaculture farms shall provide the department production statistical
16 data. The state veterinarian (~~(and the department of wildlife)~~) shall
17 be provided with registration and statistical data by the department.

18 **Sec. 59.** RCW 77.04.020 and 1987 c 506 s 4 are each amended to read
19 as follows:

20 The department (~~(of wildlife)~~) consists of the state fish and
21 wildlife commission and the director (~~(of wildlife)~~). The director is
22 responsible for the administration and operation of the department,
23 subject to the provisions of this title. The commission may delegate
24 to the director additional duties and powers necessary and appropriate
25 to carry out this title. The director shall perform the duties
26 prescribed by law and shall carry out the basic goals and objectives
27 prescribed pursuant to RCW 77.04.055.

28 **Sec. 60.** RCW 77.04.030 and 1987 c 506 s 5 are each amended to read
29 as follows:

30 The state fish and wildlife commission consists of (~~(six)~~) nine
31 registered voters of the state. In January of each odd-numbered year,
32 the governor shall appoint with the advice and consent of the senate
33 two registered voters to the commission to serve for terms of six years
34 from that January or until their successors are appointed and
35 qualified. If a vacancy occurs on the commission prior to the
36 expiration of a term, the governor shall appoint a registered voter

1 within sixty days to complete the term. Three members shall be
2 residents of that portion of the state lying east of the summit of the
3 Cascade mountains, and three shall be residents of that portion of the
4 state lying west of the summit of the Cascade mountains. Three
5 additional members shall be appointed at-large effective July 1, 1993;
6 one of whom shall serve a one and one-half year term to end December
7 31, 1994; one of whom shall serve a three and one-half year term to end
8 December 31, 1996; and one of whom shall serve a five and one-half year
9 term to end December 31, 1998. Thereafter all members are to serve a
10 six-year term. No two members may be residents of the same county.
11 The legal office of the commission is at the administrative office of
12 the department in Olympia.

13 **Sec. 61.** RCW 77.04.040 and 1987 c 506 s 6 are each amended to read
14 as follows:

15 Persons eligible for appointment as members of the commission shall
16 have general knowledge of the habits and distribution of game fish and
17 wildlife and shall not hold another state, county, or municipal
18 elective or appointive office. In making these appointments, the
19 governor shall seek to maintain a balance reflecting all aspects of
20 game fish and wildlife. Persons eligible for appointment as wildlife
21 commissioners shall not have a monetary interest in any private
22 business that is involved with consumptive or nonconsumptive use of
23 game fish or wildlife.

24 **Sec. 62.** RCW 77.04.055 and 1990 c 84 s 2 are each amended to read
25 as follows:

26 ~~((1) In addition to any other duties and responsibilities, the~~
27 ~~commission shall establish, and periodically review with the governor~~
28 ~~and the legislature, the department's basic goals and objectives to~~
29 ~~preserve, protect, and perpetuate wildlife and wildlife habitat. The~~
30 ~~commission shall maximize hunting and fishing recreational~~
31 ~~opportunities.~~

32 (2)) The commission shall establish hunting, trapping, and fishing
33 seasons and prescribe the time, place, manner, and methods that may be
34 used to harvest or enjoy game fish and wildlife.

35 **Sec. 63.** RCW 77.04.060 and 1987 c 506 s 8 and 1987 c 114 s 1 are
36 each reenacted and amended to read as follows:

1 The commission shall hold at least one regular meeting during the
2 first two months of each calendar quarter, and special meetings when
3 called by the (~~chairman or~~) chair and by (~~four~~) five members.
4 (~~Four~~) Five members constitute a quorum for the transaction of
5 business.

6 The commission at a meeting in each odd-numbered year shall elect
7 one of its members as chairman and another member as vice chairman,
8 each of whom shall serve for a term of two years or until a successor
9 is elected and qualified.

10 Members of the commission shall be compensated in accordance with
11 RCW 43.03.250. In addition, members are allowed their travel expenses
12 incurred while absent from their usual places of residence in
13 accordance with RCW 43.03.050 and 43.03.060.

14 **Sec. 64.** RCW 77.04.080 and 1987 c 506 s 9 are each amended to read
15 as follows:

16 Persons eligible for appointment by the governor as director shall
17 have practical knowledge of the habits and distribution of fish and
18 wildlife. The governor shall seek recommendations from the commission
19 on the qualifications, skills, and experience necessary to discharge
20 the duties of the position. When considering and selecting the
21 director, the governor shall consult with and be advised by the
22 commission. The director shall receive the salary fixed by the
23 governor under RCW 43.03.040.

24 The director is the ex officio secretary of the commission and
25 shall attend its meetings and keep a record of its business.

26 The director may appoint and employ necessary departmental
27 personnel. The director may delegate to department personnel the
28 duties and powers necessary for efficient operation and administration
29 of the department. The department shall provide staff for the
30 commission.

31 **Sec. 65.** RCW 77.04.100 and 1985 c 208 s 2 are each amended to read
32 as follows:

33 The director(~~(, in cooperation with the director of fisheries)~~)
34 shall develop proposals to reinstate the natural salmon and steelhead
35 trout fish runs in the Tilton and upper Cowlitz rivers in accordance
36 with RCW 75.08.020(3).

1 **Sec. 66.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read
2 as follows:

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

5 (1) "Director" means the director of fish and wildlife.

6 (2) "Department" means the department of fish and wildlife.

7 (3) "Commission" means the state fish and wildlife commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **Sec. 67.** RCW 77.12.055 and 1988 c 36 s 50 are each amended to read
8 as follows:

9 (1) Jurisdiction and authority granted under RCW 77.12.060,
10 77.12.070, and 77.12.080 to the director, wildlife agents, and ex
11 officio wildlife agents is limited to the laws and rules adopted
12 pursuant to this title pertaining to wildlife or to the management,
13 operation, maintenance, or use of or conduct on real property used,
14 owned, leased, or controlled by the department and other statutes as
15 prescribed by the legislature. However, when acting within the scope
16 of these duties and when an offense occurs in the presence of the
17 wildlife agent who is not an ex officio wildlife agent, the wildlife
18 agent may enforce all criminal laws of the state. The wildlife agent
19 must have successfully completed the basic law enforcement academy
20 course sponsored by the criminal justice training commission, or a
21 supplemental course in criminal law enforcement as approved by the
22 department and the criminal justice training commission and provided by
23 the department or the criminal justice training commission, prior to
24 enforcing the criminal laws of the state.

25 (2) Wildlife agents are peace officers.

26 (3) Any liability or claim of liability which arises out of the
27 exercise or alleged exercise of authority by a wildlife agent rests
28 with the department unless the wildlife agent acts under the direction
29 and control of another agency or unless the liability is otherwise
30 assumed under a written agreement between the department ((of
31 wildlife)) and another agency.

32 (4) Wildlife agents may serve and execute warrants and processes
33 issued by the courts.

34 **Sec. 68.** RCW 77.12.103 and 1989 c 314 s 3 are each amended to read
35 as follows:

1 (1) The burden of proof of any exemption or exception to seizure or
2 forfeiture of personal property involved with wildlife offenses is upon
3 the person claiming it.

4 (2) An authorized state, county, or municipal officer may be
5 subject to civil liability under RCW 77.12.101 for willful misconduct
6 or gross negligence in the performance of his or her duties.

7 (3) The director (~~((of wildlife))~~), the fish and wildlife commission,
8 or the department (~~((of wildlife))~~) may be subject to civil liability for
9 their willful or reckless misconduct in matters involving the seizure
10 and forfeiture of personal property involved with wildlife offenses.

11 **Sec. 69.** RCW 77.12.440 and 1987 c 506 s 47 are each amended to
12 read as follows:

13 The state assents to the act of congress entitled: "An Act to
14 provide that the United States shall aid the states in fish restoration
15 and management projects, and for other purposes," (64 Stat. 430; 16
16 U.S.C. Sec. 777). The department (~~((of wildlife and the department of
17 fisheries))~~) shall establish, conduct, and maintain fish restoration and
18 management projects, as defined in the act, and shall comply with the
19 act and related rules adopted by the secretary of the interior.

20 **Sec. 70.** RCW 77.12.710 and 1990 c 110 s 2 are each amended to read
21 as follows:

22 The legislature hereby directs the department (~~((of wildlife))~~) to
23 determine the feasibility and cost of doubling the state-wide game fish
24 production by the year 2000. The department shall seek to equalize the
25 effort and investment expended on anadromous and resident game fish
26 programs. The department (~~((of wildlife))~~) shall provide the legislature
27 with a specific plan for legislative approval that will outline the
28 feasibility of increasing game fish production by one hundred percent
29 over current levels by the year 2000. The plan shall contain specific
30 provisions to increase both hatchery and naturally spawning game fish
31 to a level that will support the production goal established in this
32 section consistent with (~~((wildlife commission))~~) department policies.
33 Steelhead trout, searun cutthroat trout, resident trout, and warmwater
34 fish producing areas of the state shall be included in the plan. The
35 department (~~((of wildlife))~~) shall provide the plan to the house of
36 representatives and senate ways and means, environment and natural

1 resources, environmental affairs, fisheries and wildlife, and natural
2 resources committees by December 31, 1990.

3 The plan shall include the following critical elements:

4 (1) Methods of determining current catch and production, and catch
5 and production in the year 2000;

6 (2) Methods of involving fishing groups, including Indian tribes,
7 in a cooperative manner;

8 (3) Methods for using low capital cost projects to produce game
9 fish as inexpensively as possible;

10 (4) Methods for renovating and modernizing all existing hatcheries
11 and rearing ponds to maximize production capability;

12 (5) Methods for increasing the productivity of natural spawning
13 game fish;

14 (6) Application of new technology to increase hatchery and natural
15 productivity;

16 (7) Analysis of the potential for private contractors to produce
17 game fish for public fisheries;

18 (8) Methods to optimize public volunteer efforts and cooperative
19 projects for maximum efficiency;

20 (9) Methods for development of trophy game fish fisheries;

21 (10) Elements of coordination with the Pacific Northwest Power
22 Council programs to ensure maximum Columbia river benefits;

23 (11) The role that should be played by private consulting companies
24 in developing and implementing the plan;

25 (12) Coordination with federal fish and wildlife agencies, Indian
26 tribes, and department (~~of fisheries~~) fish production programs;

27 (13) Future needs for game fish predator control measures;

28 (14) Development of disease control measures;

29 (15) Methods for obtaining access to waters currently not available
30 to anglers; and

31 (16) Development of research programs to support game fish
32 management and enhancement programs.

33 The department (~~of wildlife~~), in cooperation with the department
34 of revenue, shall assess various funding mechanisms and make
35 recommendations to the legislature in the plan. The department (~~of
36 wildlife~~), in cooperation with the department of trade and economic
37 development, shall prepare an analysis of the economic benefits to the
38 state that will occur when the game fish production is increased by one
39 hundred percent in the year 2000.

1 **Sec. 71.** RCW 77.12.730 and 1990 c 195 s 3 are each amended to read
2 as follows:

3 (1) A ten-member firearms range advisory committee is hereby
4 created to provide advice and counsel to the interagency committee for
5 outdoor recreation. The members shall be appointed by the director of
6 the interagency committee for outdoor recreation from the following
7 groups:

- 8 (a) Law enforcement;
- 9 (b) Washington military department;
- 10 (c) Black powder shooting sports;
- 11 (d) Rifle shooting sports;
- 12 (e) Pistol shooting sports;
- 13 (f) Shotgun shooting sports;
- 14 (g) Archery shooting sports;
- 15 (h) Hunter education;
- 16 (i) Hunters; and
- 17 (j) General public.

18 (2) The firearms range advisory committee members shall serve two-
19 year terms with five new members being selected each year beginning
20 with the third year of the committee's existence. The firearms range
21 advisory committee members shall not receive compensation from the
22 firearms range account. However, travel and per diem costs shall be
23 paid consistent with regulations for state employees.

24 (3) The interagency committee for outdoor recreation shall provide
25 administrative, operational, and logistical support for the firearms
26 range advisory committee. Expenses directly incurred for supporting
27 this program may be charged by the interagency committee for outdoor
28 recreation against the firearms range account. Expenses shall not
29 exceed ten percent of the yearly income for the range account.

30 (4) The interagency committee for outdoor recreation shall in
31 cooperation with the firearms range advisory committee:

- 32 (a) Develop an application process;
- 33 (b) Develop an audit and accountability program;
- 34 (c) Screen, prioritize, and approve grant applications; and
- 35 (d) Monitor compliance by grant recipients.

36 (5) The department of natural resources, the department of fish and
37 wildlife, and the Washington military department are encouraged to
38 provide land, facilitate land exchanges, and support the development of
39 shooting range facilities.

1 **Sec. 72.** RCW 77.12.750 and 1992 c 63 s 13 are each amended to read
2 as follows:

3 (1) The department (~~(of wildlife)~~) shall have the following powers
4 and duties in carrying out its responsibilities for the senior
5 environmental corps created under RCW 43.63A.247:

6 Appoint a representative to the coordinating council;

7 Develop project proposals;

8 Administer project activities within the agency;

9 Develop appropriate procedures for the use of volunteers;

10 Provide project orientation, technical training, safety training,
11 equipment, and supplies to carry out project activities;

12 Maintain project records and provide project reports;

13 Apply for and accept grants or contributions for corps approved
14 projects; and

15 With the approval of the council, enter into memoranda of
16 understanding and cooperative agreements with federal, state, and local
17 agencies to carry out corps approved projects.

18 (2) The department shall not use corps volunteers to displace
19 currently employed workers.

20 **Sec. 73.** RCW 77.16.060 and 1987 c 506 s 61 are each amended to
21 read as follows:

22 It is unlawful to lay, set, or use a net or other device capable of
23 taking game fish in the waters of this state except as authorized by
24 the commission or director (~~(of fisheries)~~). Game fish taken
25 incidental to a lawful season established by the director (~~(of~~
26 ~~fisheries)~~) shall be returned immediately to the water.

27 A landing net may be used to land fish otherwise legally hooked.

28 **Sec. 74.** RCW 77.16.135 and 1991 c 211 s 1 are each amended to read
29 as follows:

30 (1) The director shall revoke all licenses and privileges extended
31 under Title 77 RCW of a person convicted of assault on a state wildlife
32 agent or other law enforcement officer provided that:

33 (a) The wildlife agent or other law enforcement officer was on duty
34 at the time of the assault; and

35 (b) The wildlife agent or other law enforcement officer was
36 enforcing the provisions of Title 77 RCW.

1 (2) For the purposes of this section, the definition of assault
2 includes:

- 3 (a) RCW 9A.32.030; murder in the first degree;
- 4 (b) RCW 9A.32.050; murder in the second degree;
- 5 (c) RCW 9A.32.060; manslaughter in the first degree;
- 6 (d) RCW 9A.32.070; manslaughter in the second degree;
- 7 (e) RCW 9A.36.011; assault in the first degree;
- 8 (f) RCW 9A.36.021; assault in the second degree; and
- 9 (g) RCW 9A.36.031; assault in the third degree.

10 (3) For the purposes of this section, a conviction includes:

- 11 (a) A determination of guilt by the court;
- 12 (b) The entering of a guilty plea to the charge or charges by the
13 accused;
- 14 (c) A forfeiture of bail or a vacation of bail posted to the court;
15 or
- 16 (d) The imposition of a deferred or suspended sentence by the
17 court.

18 (4) No license described under Title 77 RCW shall be reissued to a
19 person violating this section for a minimum of ten years, at ((that
20 [which])) which time a person may petition the director ((of wildlife))
21 for a reinstatement of his or her license or licenses. The ten-year
22 period shall be tolled during any time the convicted person is
23 incarcerated in any state or local correctional or penal institution,
24 in community supervision, or home detention for an offense under this
25 section. Upon review by the director, and if all provisions of the
26 court that imposed sentencing have been completed, the director may
27 reinstate in whole or in part the licenses and privileges under Title
28 77 RCW.

29 **Sec. 75.** RCW 77.16.170 and 1988 c 36 s 51 are each amended to read
30 as follows:

31 It is unlawful to take a wild animal from another person's trap
32 without permission, or to spring, pull up, damage, possess, or destroy
33 the trap; however, it is not unlawful for a property owner, lessee, or
34 tenant to remove a trap placed on the owner's, lessee's, or tenant's
35 property by a trapper.

36 Trappers shall attach to the chain of their traps or devices a
37 legible metal tag with either the department ((of wildlife))

1 identification number of the trapper or the name and address of the
2 trapper in English letters not less than one-eighth inch in height.

3 When an individual presents a trapper identification number to the
4 department (~~(of wildlife)~~) and requests identification of the trapper,
5 the department (~~(of wildlife)~~) shall provide the individual with the
6 name and address of the trapper. Prior to disclosure of the trapper's
7 name and address, the department (~~(of wildlife)~~) shall obtain the name
8 and address of the requesting individual in writing and after
9 disclosing the trapper's name and address to the requesting individual,
10 the requesting individual's name and address shall be disclosed in
11 writing to the trapper whose name and address was disclosed.

12 **Sec. 76.** RCW 77.18.010 and 1991 c 253 s 2 are each amended to read
13 as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Department" means the (~~(Washington)~~) department of fish and
17 wildlife.

18 (2) "Contract" means an agreement setting at a minimum, price,
19 quantity of fish to be delivered, time of delivery, and fish health
20 requirements.

21 (3) "Fish health requirements" means those site specific fish
22 health and genetic requirements actually used by the department of fish
23 and wildlife in fish stocking.

24 (4) "Aquatic farmer" means a private sector person who commercially
25 farms and manages private sector cultured aquatic products on the
26 person's own land or on land in which the person has a present right of
27 possession.

28 (5) "Person" means a natural person, corporation, trust, or other
29 legal entity.

30 **Sec. 77.** RCW 77.32.380 and 1991 sp.s. c 7 s 12 are each amended to
31 read as follows:

32 Persons sixteen years of age or older who use clearly identified
33 department lands and access facilities are required to possess a
34 conservation license or a hunting, fishing, trapping, or free license
35 on their person while using the facilities. The fee for this license
36 is ten dollars annually.

1 The spouse, all children under eighteen years of age, and guests
2 under eighteen years of age of the holder of a valid conservation
3 license may use department lands and access facilities when accompanied
4 by the license holder.

5 Youth groups may use department lands and game access facilities
6 without possessing a conservation license when accompanied by a license
7 holder.

8 The conservation license is nontransferable and must be validated
9 by the signature of the holder. Upon request of a wildlife agent or ex
10 officio wildlife agent a person using clearly identified department
11 (~~of wildlife~~) lands shall exhibit the required license.

12 NEW SECTION. **Sec. 78.** A new section is added to chapter 77.12 RCW
13 to read as follows:

14 Steelhead trout shall be managed solely as a recreational fishery
15 for non-Indian fishermen under the rule-setting authority of the fish
16 and wildlife commission.

17 Commercial non-Indian steelhead fisheries are not authorized.

18 NEW SECTION. **Sec. 79.** On July 1, 1994, the state treasurer shall
19 follow the recommendations of the director of financial management on
20 the disbursement of funds from the state wildlife fund to the
21 department of fish and wildlife solely for the purposes of funding
22 programs for wildlife and game fish. Funds from the state wildlife
23 fund shall be used only for the department of fish and wildlife after
24 June 30, 1994.

25 NEW SECTION. **Sec. 80.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 43.131.375 and 1991 c 253 s 5; and

28 (2) RCW 43.131.376 and 1991 c 253 s 6.

29 NEW SECTION. **Sec. 81.** Sections 1 through 6 of this act shall
30 constitute a new chapter in Title 43 RCW.

31 NEW SECTION. **Sec. 82.** The legislature finds that recreational
32 fishing opportunities for salmon and marine bottomfish have been
33 dwindling in recent years. It is important to restore diminished
34 recreational fisheries and to enhance the salmon and marine bottomfish

1 resource to assure sustained productivity. Investments made in
2 recreational fishing programs will repay the people of the state many
3 times over in increased economic activity and in an improved quality of
4 life.

5 NEW SECTION. **Sec. 83.** There is created within the department of
6 fish and wildlife the Puget Sound recreational salmon and marine fish
7 enhancement program. The department of fish and wildlife shall
8 identify a coordinator for the program who shall act as spokesperson
9 for the program and shall:

10 (1) Coordinate the activities of the Puget Sound recreational
11 salmon and marine fish enhancement program, including the Lake
12 Washington salmon fishery;

13 (2) Provide reports as needed to the legislature and the public;
14 and

15 (3) Work within and outside of the department to achieve the goals
16 stated in this chapter.

17 NEW SECTION. **Sec. 84.** The department shall: Develop a short-term
18 program of hatchery-based salmon enhancement using freshwater pond
19 sites for the final rearing phase; solicit support from cooperative
20 projects, regional enhancement groups, and other supporting
21 organizations; conduct comprehensive research on resident and migratory
22 salmon production opportunities; and conduct research on marine
23 bottomfish production limitations and on methods for artificial
24 propagation of marine bottomfish.

25 Long-term responsibilities of the department are to: Fully
26 implement enhancement efforts for Puget Sound and Hood Canal resident
27 salmon and marine bottomfish; identify opportunities to reestablish
28 salmon runs into areas where they no longer exist; encourage naturally
29 spawning salmon populations to develop to their fullest extent; and
30 fully utilize hatchery programs to improve recreational fishing.

31 NEW SECTION. **Sec. 85.** The department shall seek recommendations
32 from persons who are expert on the planning and operation of programs
33 for enhancement of recreational fisheries. The department shall fully
34 use the expertise of the University of Washington college of fisheries
35 and the sea grant program to develop research and enhancement programs.

1 NEW SECTION. **Sec. 86.** The department shall develop new locations
2 for the freshwater rearing of delayed-release chinook salmon. In
3 calendar year 1994, at least one freshwater pond chinook salmon rearing
4 site shall be developed and begin production in each of the following
5 areas: South Puget Sound, central Puget Sound, north Puget Sound, and
6 Hood Canal. Natural or artificial pond sites shall be preferred to net
7 pens due to higher survival rates experienced from pond rearing.
8 Rigorous predatory bird control measures shall be implemented. The
9 goal of the program is to increase the production and planting of
10 delayed release chinook salmon to a level of three million fish
11 annually by the year 2000.

12 NEW SECTION. **Sec. 87.** The department shall conduct research,
13 develop methods, and implement programs for the artificial rearing and
14 release of marine bottomfish species. Lingcod, halibut, rockfish, and
15 Pacific cod shall be the species of primary emphasis due to their
16 importance in the recreational fishery.

17 NEW SECTION. **Sec. 88.** The department shall undertake additional
18 research to more fully evaluate improved enhancement techniques,
19 hooking mortality rates, methods of mass marking, improvement of catch
20 models, and sources of marine bottomfish mortality. Research shall be
21 designed to give the best opportunity to provide information that can
22 be applied to real-world recreational fishing needs.

23 NEW SECTION. **Sec. 89.** The department shall work with the
24 department of ecology, the department of wildlife, and local government
25 entities to streamline the siting process for new enhancement projects.
26 The department is encouraged to work with the legislature to develop
27 statutory changes that enable expeditious processing and granting of
28 permits for fish enhancement projects.

29 NEW SECTION. **Sec. 90.** The department's information and education
30 section shall develop a public awareness program designed to educate
31 the public on the elements of the recreational fishing program and to
32 recruit volunteers to assist the department in implementing
33 recreational fishing projects. Economic benefits of the program shall
34 be emphasized.

1 NEW SECTION. **Sec. 91.** The department shall increase efforts to
2 document the effects of bird predators, harbor seals, sea lions, and
3 predatory fish upon the salmon and marine fish resource. Every
4 opportunity shall be explored to convince the federal government to
5 amend the marine mammal protection act to allow for balanced management
6 of predators, as well as to work with the United States fish and
7 wildlife service to achieve workable control measures for predatory
8 birds.

9 NEW SECTION. **Sec. 92.** Indian tribal fishing interests and non-
10 Indian commercial fishing groups shall be invited to participate in
11 development of plans for selective fisheries that target hatchery-
12 produced fish and minimize catch of naturally spawned fish. In
13 addition, talks shall be initiated on the feasibility of altering the
14 rearing programs of department hatcheries to achieve higher survival
15 and greater production of chinook and coho salmon.

16 NEW SECTION. **Sec. 93.** The department shall coordinate the sport
17 fishing program with the wild stock initiative to assure that the two
18 programs are compatible and potential conflicts are avoided.

19 NEW SECTION. **Sec. 94.** The department shall develop plans for
20 increased recreational access to salmon and marine fish resources.
21 Proposals for new boat launching ramps and pier fishing access shall be
22 developed.

23 NEW SECTION. **Sec. 95.** The department shall contract with private
24 consultants, aquatic farms, or construction firms, where appropriate,
25 to achieve the highest benefit-to-cost ratio for recreational fishing
26 projects.

27 NEW SECTION. **Sec. 96.** The requirements and provisions of this
28 chapter are to be performed in addition to and not at the expense of
29 existing salmon programs of the department. Nothing in this chapter
30 shall be construed to authorize the department to advocate or to
31 improve recreational fishing at the expense of commercial fishing or to
32 increase recreational enhancement to the detriment of commercial
33 enhancement.

1 NEW SECTION. **Sec. 97.** Beginning January 1, 1994, persons who
2 recreationally fish for salmon or marine bottomfish in marine area
3 codes 5 through 13 and Lake Washington shall be assessed an annual
4 recreational surcharge of ten dollars, in addition to other licensing
5 requirements. Funds from the surcharge shall be deposited in the
6 recreational fisheries enhancement account created in section 98 of
7 this act, except that the first five hundred thousand dollars shall be
8 deposited in the general fund before June 30, 1995, to repay the
9 appropriation made by section 105, chapter, Laws of 1993
10 (section 105 of this act).

11 NEW SECTION. **Sec. 98.** The recreational fisheries enhancement
12 account is created in the state treasury. All receipts from section 97
13 of this act shall be deposited into the account. Moneys in the account
14 may be spent only after appropriation. Expenditures from the account
15 may be used only for recreational fisheries enhancement programs.

16 NEW SECTION. **Sec. 99.** A new section is added to chapter 75.08 RCW
17 to read as follows:

18 The department may adopt rules pertaining to harvest of fish and
19 wildlife in the federal exclusive economic zone by vessels or
20 individuals registered or licensed under the laws of this state.

21 NEW SECTION. **Sec. 100.** A new section is added to chapter 1.20 RCW
22 to read as follows:

23 The legislature finds that the arboreta in this state act as urban
24 wildlife habitat and living museums devoted to the display and
25 conservation of woody plant species from around the world that can grow
26 in the Pacific Northwest. Arboreta enhance public appreciation for the
27 aesthetic diversity of temperate woody plants, conserve both natural
28 and cultivated woody plant taxa to preserve their diversity for future
29 appreciation, educate the public and students concerning urban
30 landscape use and the natural biology of temperate woody plants, and
31 cooperate with similar institutions in this region and around the world
32 in achieving these common goals.

33 The Washington park arboretum, formerly known as the University of
34 Washington arboretum, is one of the chief centers for accurate
35 botanical and gardening information on the Pacific coast. The two
36 hundred-acre arboretum is run in a cooperative effort by the city of

1 Seattle and the University of Washington. The legislature finds that
2 it is fitting and proper to recognize the importance of the overall
3 mission of the Washington park arboretum and declares that the
4 Washington park arboretum is an official arboretum of the state of
5 Washington.

6 NEW SECTION. **Sec. 101.** The department shall develop and present
7 to the legislature, no later than January 1, 1994, proposed legislation
8 for a recreational fishing capital facilities improvement program
9 financed through general obligation bonds.

10 NEW SECTION. **Sec. 102.** Sections 1 through 6, 8 through 59, 61,
11 and 63 through 79 of this act shall take effect July 1, 1994.

12 NEW SECTION. **Sec. 103.** Section 62 of this act shall take effect
13 July 1, 1995.

14 NEW SECTION. **Sec. 104.** Sections 83 through 98 of this act shall
15 constitute a new chapter in Title 75 RCW.

16 NEW SECTION. **Sec. 105.** The sum of five hundred thousand dollars,
17 or as much thereof as may be necessary, is appropriated for the
18 biennium ending June 30, 1995, from the general fund to the
19 recreational fisheries enhancement account created in section 98 of
20 this act for the purpose of achieving early implementation of this act.
21 Funds appropriated by this section shall be repaid to the general fund
22 from the proceeds of the surcharge established in section 97 of this
23 act. Repayment shall occur before June 30, 1995.

24 NEW SECTION. **Sec. 106.** Sections 60, 82 through 99, 103, and 104
25 of this act are necessary for the immediate preservation of the public
26 peace, health, or safety, or support of the state government and its
27 existing public institutions, and shall take effect July 1, 1993.

28 NEW SECTION. **Sec. 107.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected."

1 **SHB 2055** - CONF REPT - S3466.3

2 By Conference Committee

3 RULED BEYOND SCOPE & OBJECT; NOT ADOPTED; RETURNED CONF COMM 4/25/93

4 On page 1, line 2 of the title, after "wildlife;" strike the
5 remainder of the title and insert "amending RCW 41.06.070, 43.17.010,
6 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.035, 75.08.055,
7 75.08.400, 75.10.010, 75.10.200, 75.12.040, 75.20.005, 75.20.050,
8 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106,
9 75.20.110, 75.20.130, 75.20.300, 75.20.310, 75.24.065, 75.25.005,
10 75.25.080, 75.25.170, 75.25.180, 75.50.010, 75.50.070, 75.50.080,
11 75.50.130, 75.52.010, 75.52.020, 75.52.035, 75.52.100, 75.52.110,
12 75.52.160, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 77.04.020,
13 77.04.030, 77.04.040, 77.04.055, 77.04.080, 77.04.100, 77.08.010,
14 77.12.055, 77.12.103, 77.12.440, 77.12.710, 77.12.730, 77.12.750,
15 77.16.060, 77.16.135, 77.16.170, 77.18.010, and 77.32.380; reenacting
16 and amending RCW 75.08.011 and 77.04.060; adding a new section to
17 chapter 77.12 RCW; adding a new section to chapter 75.08 RCW; adding a
18 new section to chapter 1.20 RCW; adding a new chapter to Title 43 RCW;
19 adding a new chapter to Title 75 RCW; creating new sections; repealing
20 RCW 43.131.375 and 43.131.376; making an appropriation; providing
21 effective dates; and declaring an emergency."

--- END ---