

SENATE BILL REPORT

SB 5638

As Reported By Senate Committee On:
Natural Resources, Parks & Recreation, February 24, 1999

Title: An act relating to making corrections to the fish and wildlife enforcement code.

Brief Description: Correcting fish and wildlife enforcement code provisions.

Sponsors: Senators Hargrove, Oke, Morton and T. Sheldon; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources, Parks & Recreation: 2/17/98, 2/24/99 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & RECREATION

Majority Report: That Substitute Senate Bill No. 5638 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; T. Sheldon, Vice Chair; Hargrove, Morton, Oke, Rossi, Snyder, Spanel and Stevens.

Staff: David Johnson (786-7754)

Background: In 1998 the enforcement codes dealing with fisheries and game were merged into a single fish and wildlife enforcement code. This was a result of the merger of the two departments into the Department of Fish and Wildlife. After review of the newly merged laws by law enforcement and prosecutors, some oversights and omissions were discovered. With this input, an effort has been made to correct problems with the merged enforcement code.

Summary of Substitute Bill: Hunting and fishing regulation statutes are clarified to include trafficking and possession. Also, the regulation of the hunting of wild animals and birds, not just game animals and birds is allowed. Wild animals and birds are larger groups than game animals and birds and include animals such as coyotes.

Shellfish are clearly included as one of the animals it is illegal to waste. Shellfish collecting is subject to special restrictions or physical descriptions the department may impose. Suspensions apply to all licensed activities including dealing, guiding, and others, not just hunting and fishing.

The use of department-controlled lands, in addition to department-owned lands, is made subject to rules of the department. Firearm laws are clarified to forbid possession of a loaded firearm on a motor vehicle or unlawful use of a firearm. Current enforcement officer titles replace outdated titles.

Unlicensed commercial taxidermy, regardless of profit, is outlawed. Mining activities are specifically regulated as a hydraulic project. Duplicative provisions dealing with game farms and trapping requirements are repealed.

Treaty tribal fishermen must have their tribe's written authorization to fish with the assistance of others.

The elements of the crime of hunting under the influence of liquor or drugs are modernized and the offense is increased to a gross misdemeanor.

Substitute Bill Compared to Original Bill: The definition of trafficking was clarified in the substitute. References to wild birds are added where they were lacking. Section 15 dealing with mining and hydraulic project approval was removed.

Appropriation: None.

Fiscal Note: Requested on February 5, 1999.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This is a technical clean-up bill after the merger of enforcement codes last year.

Testimony Against: None.

Testified: PRO: Bruce Bjork, WNFW; Jay Geck, AG.