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**SUBSTITUTE HOUSE BILL 1012**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Sump, Doumit, Hatfield, Eickmeyer, G. Chandler, McMorris, Pennington, Linville, Ericksen, Koster, Bush, Mulliken, Kessler, Mielke, Grant and Schoesler)

Read first time 02/18/1999.

1 AN ACT Relating to methods of taking cougar and black bear;  
2 amending RCW 77.16.360; creating a new section; and declaring an  
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that increased human  
6 population has resulted in growth and development into areas previously  
7 wild in nature. This growth is leading to an inevitable interaction  
8 between wild animals and humans. These interactions may threaten  
9 homes, property, pets, and livestock, and may even be life threatening.  
10 The legislature further finds that the population levels of both  
11 black bear and cougar have experienced steady growth in recent years.  
12 These populations, though fluctuating, have the potential to reach  
13 unmanageable levels.

14 **Sec. 2.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as  
15 follows:

16 (1) Notwithstanding the provisions of RCW (~~77.12.240 and 77.12.265~~  
17 ~~or other provisions of law~~) 77.36.020 or 77.36.030, it is unlawful to  
18 take, hunt, or attract black bear with the aid of bait.

1 (a) Nothing in this subsection shall be construed to prohibit the  
2 killing of black bear with the aid of bait by employees or agents of  
3 county, state, or federal agencies while acting in their official  
4 capacities for the purpose of protecting livestock, domestic animals,  
5 private property, or the public safety.

6 (b) Nothing in this subsection shall be construed to prevent the  
7 establishment and operation of feeding stations for black bear in order  
8 to prevent damage to commercial timberland.

9 (c) Nothing in this subsection shall be construed to prohibit the  
10 director from issuing a permit or memorandum of understanding to a  
11 public agency, university, or scientific or educational institution for  
12 the use of bait to attract black bear for scientific purposes.

13 (d) As used in this subsection, "bait" means a substance placed,  
14 exposed, deposited, distributed, scattered, or otherwise used for the  
15 purpose of attracting black bears to an area where one or more persons  
16 hunt or intend to hunt them.

17 (2) Notwithstanding RCW (~~((77.12.240 or any other provisions of~~  
18 ~~law))~~ 77.36.020 or 77.36.030, it is unlawful to hunt or pursue black  
19 bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

20 (a) Nothing in this subsection shall be construed to prohibit the  
21 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or  
22 dogs by employees or agents of county, state, or federal agencies while  
23 acting in their official capacities for the purpose of protecting  
24 livestock, domestic animals, private property, or the public safety.  
25 (~~(A dog or dogs may be used by the owner or tenant of real property~~  
26 ~~consistent with a permit issued and conditioned by the director under~~  
27 ~~RCW 77.12.265.))~~

28 (b) Nothing in this subsection shall be construed to prohibit the  
29 director from issuing a permit or memorandum of understanding to a  
30 public agency, university, or scientific or educational institution for  
31 the use of a dog or dogs for the pursuit of black bear, cougar, bobcat,  
32 or lynx for scientific purposes.

33 (3) Notwithstanding subsections (1) and (2) of this section:

34 (a) The commission shall authorize the use of dogs or bait only in  
35 selected areas within a game management unit or units to address a  
36 specific black bear or cougar population or public safety need. This  
37 authority may only be exercised after the commission has determined  
38 that no other practical alternative to the use of dogs or bait exists,  
39 and after the commission has adopted a rule or rules describing the

1 conditions in which dogs or bait may be used. Conditions which may  
2 warrant the use of dogs or bait within a game management unit include,  
3 but are not limited to, confirmed cougar and black bear human safety  
4 incidents, confirmed cougar and black bear livestock and pet  
5 depredations, and the number of cougar and black bear capture attempts  
6 and relocations;

7 (b) The director may authorize the use of dogs or bait with a  
8 permit issued pursuant to RCW 77.12.240.

9 (4) A person who violates subsection (1) or (2) of this section is  
10 guilty of a gross misdemeanor. In addition to appropriate criminal  
11 penalties, the director shall revoke the hunting license of a person  
12 who violates subsection (1) or (2) of this section and a hunting  
13 license shall not be issued for a period of five years following the  
14 revocation. Following a subsequent violation of subsection (1) or (2)  
15 of this section by the same person, a hunting license shall not be  
16 issued to the person at any time.

17 NEW SECTION. Sec. 3. This act is necessary for the immediate  
18 preservation of the public peace, health, or safety, or support of the  
19 state government and its existing public institutions, and takes effect  
20 immediately.

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