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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-2320.2/01 2nd draft

ATTY/TYPIST: ML:mos

BRIEF DESCRIPTION:

2 SSB 5961 - H COMM AMD  
3 By Committee on Natural Resources

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

7 "Sec. 1. RCW 4.24.350 and 1997 c 206 s 1 are each amended to read  
8 as follows:

9 (1) In any action for damages, whether based on tort or contract or  
10 otherwise, a claim or counterclaim for damages may be litigated in the  
11 principal action for malicious prosecution on the ground that the  
12 action was instituted with knowledge that the same was false, and  
13 unfounded, malicious and without probable cause in the filing of such  
14 action, or that the same was filed as a part of a conspiracy to misuse  
15 judicial process by filing an action known to be false and unfounded.

16 (2) In any action, claim, or counterclaim brought by a judicial  
17 officer, prosecuting authority, or law enforcement officer for  
18 malicious prosecution arising out of the performance or purported  
19 performance of the public duty of such officer, an arrest or seizure of  
20 property need not be an element of the claim, nor do special damages  
21 need to be proved. A judicial officer, prosecuting authority, or law  
22 enforcement officer prevailing in such an action may be allowed an  
23 amount up to one thousand dollars as liquidated damages, together with  
24 a reasonable attorneys' fee, and other costs of suit. A government  
25 entity which has provided legal services to the prevailing judicial  
26 officer, prosecuting authority, or law enforcement officer has  
27 reimbursement rights to any award for reasonable attorneys' fees and  
28 other costs, but shall have no such rights to any liquidated damages  
29 allowed.

30 (3) No action may be brought against an attorney under this section  
31 solely because of that attorney's representation of a party in a  
32 lawsuit.

33 (4) As used in this section:

34 (a) "Judicial officer" means a justice, judge, magistrate, or other  
35 judicial officer of the state or a city, town, or county.

1 (b) "Prosecuting authority" means any officer or employee of the  
2 state or a city, town, or county who is authorized by law to initiate  
3 a criminal or civil proceeding on behalf of the public.

4 (c) "Law enforcement officer" means a member of the state patrol,  
5 a sheriff or deputy sheriff, or a member of the police force of a city,  
6 town, university, state college, or port district, or a (~~"wildlife  
7 agent" or "ex officio wildlife agent"~~) fish and wildlife officer or ex  
8 officio fish and wildlife officer as defined in RCW 77.08.010.

9 **Sec. 2.** RCW 43.70.185 and 1995 c 147 s 7 are each amended to read  
10 as follows:

11 (1) The department may enter and inspect any property, lands, or  
12 waters, of this state in or on which any marine species are located or  
13 from which such species are harvested, whether recreationally or for  
14 sale or barter, and any land or water of this state which may cause or  
15 contribute to the pollution of areas in or on which such species are  
16 harvested or processed. The department may take any reasonably  
17 necessary samples to determine whether such species or any lot, batch,  
18 or quantity of such species is safe for human consumption.

19 (2) If the department determines that any species or any lot,  
20 batch, or other quantity of such species is unsafe for human  
21 consumption because consumption is likely to cause actual harm or  
22 because consumption presents a potential risk of substantial harm, the  
23 department may, by order under chapter 34.05 RCW, prohibit or restrict  
24 the commercial or recreational harvest or landing of any marine species  
25 except the recreational harvest of shellfish as defined in chapter  
26 69.30 RCW if taken from privately owned tidelands.

27 (3) It is unlawful to harvest any marine species in violation of a  
28 departmental order prohibiting or restricting such harvest under this  
29 section or to possess or sell any marine species so harvested.

30 (4) Any person who sells any marine species taken in violation of  
31 this section is subject to the penalties provided in RCW 69.30.140 and  
32 69.30.150. Any person who harvests or possesses marine species taken  
33 in violation of this section is guilty of a civil infraction and is  
34 subject to the penalties provided in RCW 69.30.150. Notwithstanding  
35 this section, any person who harvests, possesses, sells, offers to  
36 sell, culls, shucks, or packs shellfish is subject to the penalty  
37 provisions of chapter 69.30 RCW. Charges shall not be brought against

1 a person under both chapter 69.30 RCW and this section in connection  
2 with this same action, incident, or event.

3 (5) The criminal provisions of this section are subject to  
4 enforcement by fish and wildlife (~~(enforcement)~~) officers or ex officio  
5 fish and wildlife (~~(enforcement patrol)~~) officers as defined in RCW  
6 (~~(75.08.011)~~) 77.08.010.

7 (6) As used in this section, marine species include all fish,  
8 invertebrate or plant species which are found during any portion of the  
9 life cycle of those species in the marine environment.

10 **Sec. 3.** RCW 46.09.200 and 1986 c 100 s 52 are each amended to read  
11 as follows:

12 The provisions of this chapter shall be enforced by all persons  
13 having the authority to enforce any of the laws of this state,  
14 including, without limitation, officers of the state patrol, county  
15 sheriffs and their deputies, all municipal law enforcement officers  
16 within their respective jurisdictions, (~~(state wildlife agents and~~  
17 ~~deputy wildlife agents)~~) fish and wildlife officers, state park  
18 rangers, (~~(state fisheries patrolmen,~~) and those employees of the  
19 department of natural resources designated by the commissioner of  
20 public lands under RCW 43.30.310, 76.04.035, and 76.04.045.

21 **Sec. 4.** RCW 46.10.200 and 1980 c 78 s 131 are each amended to read  
22 as follows:

23 The provisions of this chapter shall be enforced by all persons  
24 having the authority to enforce any of the laws of this state,  
25 including, without limitation, officers of the state patrol, county  
26 sheriffs and their deputies, all municipal law enforcement officers  
27 within their respective jurisdictions, fish and wildlife (~~(agents)~~)  
28 officers, state park rangers, (~~(state fisheries patrol officers,~~) and  
29 those employees of the department of natural resources designated by  
30 the commissioner of public lands under RCW 43.30.310, as having police  
31 powers to enforce the laws of this state.

32 **Sec. 5.** RCW 69.30.010 and 1995 c 147 s 1 are each amended to read  
33 as follows:

34 When used in this chapter, the following terms shall have the  
35 following meanings:

1 (1) "Shellfish" means all varieties of fresh and frozen oysters,  
2 mussels, clams, and scallops, either shucked or in the shell, and any  
3 fresh or frozen edible products thereof.

4 (2) "Sale" means to sell, offer for sale, barter, trade, deliver,  
5 consign, hold for sale, consignment, barter, trade, or delivery, and/or  
6 possess with intent to sell or dispose of in any commercial manner.

7 (3) "Shellfish growing areas" means the lands and waters in and  
8 upon which shellfish are grown for harvesting in commercial quantity or  
9 for sale for human consumption.

10 (4) "Establishment" means the buildings, together with the  
11 necessary equipment and appurtenances, used for the storage, culling,  
12 shucking, packing and/or shipping of shellfish in commercial quantity  
13 or for sale for human consumption.

14 (5) "Person" means any individual, partnership, firm, company,  
15 corporation, association, or the authorized agents of any such  
16 entities.

17 (6) "Department" means the state department of health.

18 (7) "Secretary" means the secretary of health or his or her  
19 authorized representatives.

20 (8) "Commercial quantity" means any quantity exceeding: (a) Forty  
21 pounds of mussels; (b) one hundred oysters; (c) fourteen horse clams;  
22 (d) six geoducks; (e) fifty pounds of hard or soft shell clams; or (f)  
23 fifty pounds of scallops. The poundage in this subsection (8)  
24 constitutes weight with the shell.

25 (9) "Fish and wildlife (~~(enforcement)~~) officer" means a (~~(fisheries~~  
26 ~~patrol officer or an ex officio fisheries patrol)~~) fish and wildlife  
27 officer as defined in RCW (~~(75.08.011 (4) and (5) or a wildlife agent~~  
28 ~~or an ex officio wildlife agent as defined in RCW 77.08.010 (5) and~~  
29 ~~(6))~~) 77.08.010.

30 (10) "Ex officio fish and wildlife officer" means an ex officio  
31 fish and wildlife officer as defined in RCW 77.08.010.

32 **Sec. 6.** RCW 69.30.110 and 1995 c 147 s 4 are each amended to read  
33 as follows:

34 It is unlawful for any person to possess a commercial quantity of  
35 shellfish or to sell or offer to sell shellfish in the state which have  
36 not been grown, shucked, packed, or shipped in accordance with the  
37 provisions of this chapter. Failure of a shellfish grower to display  
38 immediately a certificate of approval issued under RCW 69.30.050 to an

1 authorized representative of the department, a fish and wildlife  
2 (~~enforcement~~) officer, or an ex officio fish and wildlife  
3 (~~enforcement~~) officer subjects the grower to the penalty provisions  
4 of this chapter, as well as immediate seizure of the shellfish by the  
5 representative or officer.

6 Failure of a shellfish processor to display a certificate of  
7 approval issued under RCW 69.30.060 to an authorized representative of  
8 the department, a fish and wildlife (~~enforcement~~) officer, or an ex  
9 officio fish and wildlife (~~enforcement~~) officer subjects the  
10 processor to the penalty provisions of this chapter, as well as  
11 immediate seizure of the shellfish by the representative or officer.

12 Shellfish seized under this section shall be subject to prompt  
13 disposal by the representative or officer and may not be used for human  
14 consumption. The state board of health shall develop by rule  
15 procedures for the disposal of the seized shellfish.

16 **Sec. 7.** RCW 69.30.140 and 1995 c 147 s 6 are each amended to read  
17 as follows:

18 Any person convicted of violating any of the provisions of this  
19 chapter shall be guilty of a gross misdemeanor. A conviction is an  
20 unvacated forfeiture of bail or collateral deposited to secure the  
21 defendant's appearance in court, the payment of a fine, a plea of  
22 guilty, or a finding of guilt on a violation of this chapter,  
23 regardless of whether imposition of sentence is deferred or the penalty  
24 is suspended, and shall be treated as a (~~violation~~) conviction for  
25 purposes of license (~~forfeiture~~) revocation and suspension of  
26 privileges under RCW (~~75.10.120~~) 77.15.700(5).

27 **Sec. 8.** RCW 70.93.050 and 1980 c 78 s 132 are each amended to read  
28 as follows:

29 The director shall designate trained employees of the department to  
30 be vested with police powers to enforce and administer the provisions  
31 of this chapter and all rules (~~and regulations~~) adopted thereunder.  
32 The director shall also have authority to contract with other state and  
33 local governmental agencies having law enforcement capabilities for  
34 services and personnel reasonably necessary to carry out the  
35 enforcement provisions of this chapter. In addition, state patrol  
36 officers, fish and wildlife (~~agents~~) officers, fire wardens, deputy  
37 fire wardens and forest rangers, sheriffs and marshals and their

1 deputies, and police officers, and those employees of the department of  
2 ecology and the parks and recreation commission vested with police  
3 powers all shall enforce the provisions of this chapter and all rules  
4 (~~and regulations~~) adopted thereunder and are hereby empowered to  
5 issue citations to and/or arrest without warrant, persons violating any  
6 provision of this chapter or any of the rules (~~and regulations~~)  
7 adopted hereunder. All of the foregoing enforcement officers may serve  
8 and execute all warrants, citations, and other process issued by the  
9 courts in enforcing the provisions of this chapter and rules (~~and~~  
10 ~~regulations~~) adopted hereunder. In addition, mailing by registered  
11 mail of such warrant, citation, or other process to his or her last  
12 known place of residence shall be deemed as personal service upon the  
13 person charged.

14       **Sec. 9.** RCW 76.04.045 and 1986 c 100 s 5 are each amended to read  
15 as follows:

16       (1) All Washington state patrol officers, (~~wildlife agents,~~  
17 ~~fisheries patrol~~) fish and wildlife officers, deputy state fire  
18 marshals, and state park rangers, while in their respective  
19 jurisdictions, shall be ex officio rangers.

20       (2) Employees of the United States forest service, when recommended  
21 by their forest supervisor, and citizens of the state advantageously  
22 located may, at the discretion of the department, be commissioned as  
23 rangers and vested with the certain powers and duties of wardens as  
24 specified in this chapter and as directed by the department.

25       (3) Rangers shall receive no compensation for their services except  
26 when employed in cooperation with the state and under the provisions of  
27 this chapter and shall not create any indebtedness or incur any  
28 liability on behalf of the state: PROVIDED, That rangers actually  
29 engaged in extinguishing or preventing the spread of fire on forest  
30 land or elsewhere that may endanger forest land shall, when their  
31 accounts for such service have been approved by the department, be  
32 entitled to receive compensation for such services at a rate to be  
33 fixed by the department.

34       (4) The department may cancel the commission of any ranger or  
35 authority granted to any ex officio ranger who may be incompetent or  
36 unwilling to discharge properly the duties of the office.

1       **Sec. 10.** RCW 77.08.010 and 2000 c 107 s 207 are each amended to  
2 read as follows:

3       As used in this title or rules adopted under this title, unless the  
4 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; a  
9 public or private entity or organization; a local, state, or federal  
10 agency; all business organizations, including corporations and  
11 partnerships; or a group of two or more individuals acting with a  
12 common purpose whether acting in an individual, representative, or  
13 official capacity.

14       (5) "Fish and wildlife officer" means a person appointed and  
15 commissioned by the director, with authority to enforce this title and  
16 rules adopted pursuant to this title, and other statutes as prescribed  
17 by the legislature. Fish and wildlife officer includes a person  
18 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
19 patrol officer.

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

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

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

33       (9) "To fish," "to harvest," and "to take," and their derivatives  
34 means an effort to kill, injure, harass, or catch a fish or shellfish.

35       (10) "Open season" means those times, manners of taking, and places  
36 or waters established by rule of the commission for the lawful hunting,  
37 fishing, taking, or possession of game animals, game birds, game fish,  
38 food fish, or shellfish that conform to the special restrictions or  
39 physical descriptions established by rule of the commission or that



1 have otherwise been deemed legal to hunt, fish, take, harvest, or  
2 possess by rule of the commission. "Open season" includes the first  
3 and last days of the established time.

4 (11) "Closed season" means all times, manners of taking, and places  
5 or waters other than those established by rule of the commission as an  
6 open season. "Closed season" also means all hunting, fishing, taking,  
7 or possession of game animals, game birds, (~~(or)~~) game fish, food fish,  
8 or shellfish that do not conform to the special restrictions or  
9 physical descriptions established by rule of the commission as an open  
10 season or that have not otherwise been deemed legal to hunt, fish,  
11 take, harvest, or possess by rule of the commission as an open season.

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

14 (13) "Closed waters" means all or part of a lake, river, stream, or  
15 other body of water, where fishing (~~(for game fish)~~) or harvesting is  
16 prohibited.

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

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

23 (16) "Wildlife" means all species of the animal kingdom whose  
24 members exist in Washington in a wild state. This includes but is not  
25 limited to mammals, birds, reptiles, amphibians, fish, and  
26 invertebrates. The term "wildlife" does not include feral domestic  
27 mammals, old world rats and mice of the family Muridae of the order  
28 Rodentia, or those fish, shellfish, and marine invertebrates classified  
29 as food fish or shellfish by the director. The term "wildlife"  
30 includes all stages of development and the bodily parts of wildlife  
31 members.

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

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

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

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

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

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

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

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

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

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

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

22 (28) "Fish" includes all species classified as game fish or food  
23 fish by statute or rule, as well as all fin fish not currently  
24 classified as food fish or game fish if such species exist in state  
25 waters. The term "fish" includes all stages of development and the  
26 bodily parts of fish species.

27 (29) "Raffle" means an activity in which tickets bearing an  
28 individual number are sold for not more than twenty-five dollars each  
29 and in which a permit or permits are awarded to hunt or for access to  
30 hunt big game animals or wild turkeys on the basis of a drawing from  
31 the tickets by the person or persons conducting the raffle.

32 (30) "Youth" means a person fifteen years old for fishing and under  
33 sixteen years old for hunting.

34 (31) "Senior" means a person seventy years old or older.

35 (32) "License year" means the period of time for which a  
36 recreational license is valid. The license year begins April 1st, and  
37 ends March 31st.

38 (33) "Saltwater" means those marine waters seaward of river mouths.

1 (34) "Freshwater" means all waters not defined as saltwater  
2 including, but not limited to, rivers upstream of the river mouth,  
3 lakes, ponds, and reservoirs.

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

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

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

13 (38) "Resident" means a person who has maintained a permanent place  
14 of abode within the state for at least ninety days immediately  
15 preceding an application for a license, has established by formal  
16 evidence an intent to continue residing within the state, and who is  
17 not licensed to hunt or fish as a resident in another state.

18 (39) "Nonresident" means a person who has not fulfilled the  
19 qualifications of a resident.

20 (40) "Shellfish" means those species of marine and freshwater  
21 invertebrates that have been classified and that shall not be taken  
22 except as authorized by rule of the commission. The term "shellfish"  
23 includes all stages of development and the bodily parts of shellfish  
24 species.

25 (41) "Commercial" means related to or connected with buying,  
26 selling, or bartering. (~~Fishing for food fish or shellfish with gear  
27 unlawful for fishing for personal use, or possessing food fish or  
28 shellfish in excess of the limits permitted for personal use are  
29 commercial activities.~~)

30 (42) "To process" and its derivatives mean preparing or preserving  
31 (~~food~~) fish, wildlife, or shellfish.

32 (43) "Personal use" means for the private use of the individual  
33 taking the (~~food~~) fish or shellfish and not for sale or barter.

34 (44) "Angling gear" means a line attached to a rod and reel capable  
35 of being held in hand while landing the fish or a hand-held line  
36 operated without rod or reel.

37 (45) "Fishery" means the taking of one or more particular species  
38 of (~~food~~) fish or shellfish with particular gear in a particular  
39 geographical area.

1 (46) "Limited-entry license" means a license subject to a license  
2 limitation program established in chapter 77.70 RCW.

3 (47) "Seaweed" means marine aquatic plant species that are  
4 dependent upon the marine aquatic or tidal environment, and exist in  
5 either an attached or free floating form, and includes but is not  
6 limited to marine aquatic plants in the classes Chlorophyta,  
7 Phaeophyta, and Rhodophyta.

8 (48) "Trafficking" means offering, attempting to engage, or  
9 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
10 deleterious exotic wildlife.

11 **Sec. 11.** RCW 77.12.039 and 2000 c 107 s 5 are each amended to read  
12 as follows:

13 The director may accept money or real property from persons under  
14 conditions requiring the use of the property or money for the  
15 protection, rehabilitation, preservation, or conservation of the state  
16 wildlife, ~~((food))~~ fish, and shellfish resources, or in settlement of  
17 claims for damages to wildlife, ~~((food))~~ fish, and shellfish resources.  
18 The director shall only accept real property useful for the protection,  
19 rehabilitation, preservation, or conservation of ~~((these fisheries))~~  
20 fish, shellfish, and wildlife resources.

21 **Sec. 12.** RCW 77.12.043 and 1985 c 458 s 7 are each amended to read  
22 as follows:

23 (1) The director may enter into contracts and agreements with a  
24 person to secure ~~((food))~~ fish or shellfish or for the construction,  
25 operation, and maintenance of facilities for the propagation of  
26 ~~((food))~~ fish or shellfish.

27 (2) The director may enter into contracts and agreements to procure  
28 from private aquaculturists ~~((food))~~ fish or shellfish with which to  
29 stock state waters.

30 **Sec. 13.** RCW 77.12.045 and 1995 1st sp.s. c 2 s 10 are each  
31 amended to read as follows:

32 Consistent with federal law, the commission's authority extends to  
33 all areas and waters within the territorial boundaries of the state, to  
34 the offshore waters, and to the concurrent waters of the Columbia  
35 river.

1 Consistent with federal law, the commission's authority extends to  
2 fishing in offshore waters by residents of this state.

3 The commission may adopt rules consistent with the regulations  
4 adopted by the United States department of commerce for the offshore  
5 waters. The commission may adopt rules consistent with the  
6 recommendations or regulations of the Pacific marine fisheries  
7 commission, Columbia river compact, the Pacific salmon commission as  
8 provided in chapter ((75.40)) 77.75 RCW, or the international Pacific  
9 halibut commission.

10 **Sec. 14.** RCW 77.12.047 and 2000 c 107 s 7 are each amended to read  
11 as follows:

12 (1) The commission may adopt, amend, or repeal rules as follows:

13 (a) Specifying the times when the taking of wildlife, ((food))  
14 fish, or shellfish is lawful or unlawful.

15 (b) Specifying the areas and waters in which the taking and  
16 possession of wildlife, ((food)) fish, or shellfish is lawful or  
17 unlawful.

18 (c) Specifying and defining the gear, appliances, or other  
19 equipment and methods that may be used to take wildlife, ((food)) fish,  
20 or shellfish, and specifying the times, places, and manner in which the  
21 equipment may be used or possessed.

22 (d) Regulating the importation, transportation, possession,  
23 disposal, landing, and sale of wildlife, ((food)) fish, ((or))  
24 shellfish, or seaweed within the state, whether acquired within or  
25 without the state.

26 (e) Regulating the prevention and suppression of diseases and pests  
27 affecting wildlife, ((food)) fish, or shellfish.

28 (f) Regulating the size, sex, species, and quantities of wildlife,  
29 ((food)) fish, or shellfish that may be taken, possessed, sold, or  
30 disposed of.

31 (g) Specifying the statistical and biological reports required from  
32 ((fishermen)) fishers, dealers, boathouses, or processors of wildlife,  
33 ((food)) fish, or shellfish.

34 (h) Classifying species of marine and freshwater life as food fish  
35 or shellfish.

36 (i) Classifying the species of wildlife, ((food)) fish, and  
37 shellfish that may be used for purposes other than human consumption.

1       (j) Regulating the taking, sale, possession, and distribution of  
2 wildlife, fish, shellfish, or deleterious exotic wildlife.

3       (k) Establishing game reserves and closed areas where hunting for  
4 wild animals or wild birds may be prohibited.

5       (l) Regulating the harvesting of fish, shellfish, and wildlife in  
6 the federal exclusive economic zone by vessels or individuals  
7 registered or licensed under the laws of this state.

8       (m) Authorizing issuance of permits to release, plant, or place  
9 fish or shellfish in state waters.

10       (n) Governing the possession of fish, shellfish, or wildlife so  
11 that the size, species, or sex can be determined visually in the field  
12 or while being transported.

13       (o) Other rules necessary to carry out this title and the purposes  
14 and duties of the department.

15       (2) Subsections (1)(a), (b), (c), (d), and (f) of this section do  
16 not apply to private tideland owners and lessees and the immediate  
17 family members of the owners or lessees of state tidelands, when they  
18 take or possess oysters, clams, cockles, borers, or mussels, excluding  
19 razor clams, produced on their own private tidelands or their leased  
20 state tidelands for personal use.

21       "Immediate family member" for the purposes of this section means a  
22 spouse, brother, sister, grandparent, parent, child, or grandchild.

23       (3) Except for subsection (1)(g) of this section, this section does  
24 not apply to private sector cultured aquatic products as defined in RCW  
25 15.85.020. Subsection (1)(g) of this section does apply to such  
26 products.

27       **Sec. 15.** RCW 77.12.170 and 2000 c 107 s 216 are each amended to  
28 read as follows:

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

31       (a) Rentals or concessions of the department;

32       (b) The sale of real or personal property held for department  
33 purposes;

34       (c) The sale of licenses, permits, tags, and stamps~~((, and~~  
35 ~~punchcards))~~ required by ~~((this title))~~ chapter 77.32 RCW and section  
36 56 of this act, except annual resident adult saltwater and all  
37 shellfish licenses, which shall be deposited into the state general  
38 fund;

- 1 (d) Fees for informational materials published by the department;  
2 (e) Fees for personalized vehicle license plates as provided in  
3 chapter 46.16 RCW;  
4 (f) Articles or wildlife sold by the director under this title;  
5 (g) Compensation for damage to department property or wildlife  
6 losses or contributions, gifts, or grants received under RCW 77.12.320  
7 or 77.32.380;  
8 (h) Excise tax on anadromous game fish collected under chapter  
9 82.27 RCW;  
10 (i) The sale of personal property seized by the department for  
11 (~~food~~) fish, shellfish, or wildlife violations; and  
12 (j) The department's share of revenues from auctions and raffles  
13 authorized by the commission.  
14 (2) State and county officers receiving any moneys listed in  
15 subsection (1) of this section shall deposit them in the state treasury  
16 to be credited to the state wildlife fund.

17 **Sec. 16.** RCW 77.12.177 and 2000 c 107 s 10 are each amended to  
18 read as follows:

19 (1) Except as provided in this title, state and county officers  
20 receiving the following moneys shall deposit them in the state general  
21 fund:

22 (a) The sale of commercial licenses required under this title,  
23 except for licenses issued under (~~chapter 77.32 RCW~~) section 56 of  
24 this act; and

25 (b) Moneys received for damages to food fish or shellfish.

26 (2) The director shall make weekly remittances to the state  
27 treasurer of moneys collected by the department.

28 (3) All fines and forfeitures collected or assessed by a district  
29 court for a violation of this title or rule of the department shall be  
30 remitted as provided in chapter 3.62 RCW.

31 (4) Proceeds from the sale of food fish or shellfish taken in test  
32 fishing conducted by the department, to the extent that these proceeds  
33 exceed the estimates in the budget approved by the legislature, may be  
34 allocated as unanticipated receipts under RCW 43.79.270 to reimburse  
35 the department for unanticipated costs for test fishing operations in  
36 excess of the allowance in the budget approved by the legislature.

37 (5) Proceeds from the sale of salmon carcasses and salmon eggs from  
38 state general funded hatcheries by the department of general

1 administration shall be deposited in the regional fisheries enhancement  
2 group account established in RCW 77.95.090.

3 (6) Moneys received by the commission under RCW 77.12.039, to the  
4 extent these moneys exceed estimates in the budget approved by the  
5 legislature, may be allocated as unanticipated receipts under RCW  
6 43.79.270. Allocations under this subsection shall be made only for  
7 the specific purpose for which the moneys were received, unless the  
8 moneys were received in settlement of a claim for damages to food fish  
9 or shellfish, in which case the moneys may be expended for the  
10 conservation of these resources.

11 (7) Proceeds from the sale of herring spawn on kelp fishery  
12 licenses by the department, to the extent those proceeds exceed  
13 estimates in the budget approved by the legislature, may be allocated  
14 as unanticipated receipts under RCW 43.79.270. Allocations under this  
15 subsection shall be made only for herring management, enhancement, and  
16 enforcement.

17 **Sec. 17.** RCW 77.12.204 and 2000 c 107 s 217 are each amended to  
18 read as follows:

19 The department of fish and wildlife shall implement practices  
20 necessary to meet the standards developed under RCW 79.01.295 on  
21 agency-owned and managed agricultural and grazing lands. The standards  
22 may be modified on a site-specific basis as necessary and as determined  
23 by the department of fish and wildlife(~~(, for species that these~~  
24 ~~agencies respectively manage,)~~) to achieve the goals established under  
25 RCW 79.01.295(1). Existing lessees shall be provided an opportunity to  
26 participate in any site-specific field review. Department agricultural  
27 and grazing leases issued after December 31, 1994, shall be subject to  
28 practices to achieve the standards that meet those developed pursuant  
29 to RCW 79.01.295.

30 This section shall in no way prevent the department of fish and  
31 wildlife from managing its lands according to the provisions of RCW  
32 (~~(75.08.012)~~) 77.04.012, 77.12.210, or rules adopted pursuant to this  
33 chapter.

34 **Sec. 18.** RCW 77.12.264 and 2000 c 107 s 9 are each amended to read  
35 as follows:

36 The director shall relieve from active duty fish and wildlife  
37 officers who are injured in the performance of their official duties to



1 such an extent as to be incapable of active service. While relieved  
2 from active duty, the employees shall receive one-half of their salary  
3 less any compensation received through the provisions of RCW 41.40.200,  
4 41.40.220, and (~~75.08.206~~) 77.12.262.

5 **Sec. 19.** RCW 77.12.320 and 1987 c 506 s 41 are each amended to  
6 read as follows:

7 (1) The commission may make agreements with persons, political  
8 subdivisions of this state, or the United States or its agencies or  
9 instrumentalities, regarding fish, shellfish, and wildlife-oriented  
10 recreation and the propagation, protection, conservation, and control  
11 of fish, shellfish, and wildlife.

12 (2) The director may make written agreements with the owners or  
13 lessees of real or personal property to provide for the use of the  
14 property for fish, shellfish, and wildlife-oriented recreation. The  
15 director may adopt rules governing the conduct of persons in or on the  
16 real property.

17 (3) The director may accept compensation for fish, shellfish, and  
18 wildlife losses or gifts or grants of personal property for use by the  
19 department.

20 **Sec. 20.** RCW 77.12.325 and 1980 c 78 s 52 are each amended to read  
21 as follows:

22 The commission may cooperate with the Oregon fish and wildlife  
23 commission in the adoption of rules to (~~assure~~) ensure an annual  
24 yield of fish, shellfish, and wildlife on the Columbia river and to  
25 prevent the taking of fish, shellfish, and wildlife at places or times  
26 that might endanger fish, shellfish, and wildlife.

27 **Sec. 21.** RCW 77.12.425 and 1980 c 78 s 90 are each amended to read  
28 as follows:

29 The director may authorize removal, relocation, reconstruction, or  
30 other modification of an inadequate fishway or fish protective device  
31 required by RCW (~~77.16.210 and~~) 77.16.220 (as recodified by this act)  
32 which device was in existence on September 1, 1963, without cost to the  
33 owner for materials and labor. The modification may not materially  
34 alter the amount of water flowing through the fishway or fish  
35 protective device. Following modification, the fishway or fish

1 protective device shall be maintained at the expense of the person or  
2 governmental agency owning the obstruction or water diversion device.

3 **Sec. 22.** RCW 77.12.455 and 1995 1st sp.s. c 2 s 16 are each  
4 amended to read as follows:

5 The commission may prohibit the introduction, transportation or  
6 transplanting of (~~food~~) fish, shellfish, organisms, material, or  
7 other equipment which in the commission's judgment may transmit any  
8 disease or pests affecting (~~food~~) fish or shellfish.

9 **Sec. 23.** RCW 77.15.080 and 2000 c 107 s 233 are each amended to  
10 read as follows:

11 Based upon articulable facts that a person is engaged in fishing,  
12 harvesting, or hunting activities, fish and wildlife officers have the  
13 authority to temporarily stop the person and check for valid licenses,  
14 tags, permits, stamps, or catch record cards, and to inspect all fish,  
15 shellfish, seaweed, and wildlife in possession as well as the equipment  
16 being used to ensure compliance with the requirements of this title,  
17 and may request the person to write his or her signature for comparison  
18 with the signature on the license. Failure to comply with the request  
19 is prima facie evidence that the person is not the person named on the  
20 license.

21 **Sec. 24.** RCW 77.15.090 and 2000 c 107 s 234 are each amended to  
22 read as follows:

23 On a showing of probable cause that there has been a violation of  
24 any fish, seaweed, shellfish, or wildlife law of the state of  
25 Washington, or upon a showing of probable cause to believe that  
26 evidence of such violation may be found at a place, a court shall issue  
27 a search warrant or arrest warrant. Fish and wildlife officers may  
28 execute any such arrest or search warrant reasonably necessary to their  
29 duties under this title and may seize fish, seaweed, shellfish, and  
30 wildlife or any evidence of a crime and the fruits or instrumentalities  
31 of a crime as provided by warrant. The court may have a building,  
32 enclosure, vehicle, vessel, container, or receptacle opened or entered  
33 and the contents examined.

34 **Sec. 25.** RCW 77.15.094 and 2000 c 107 s 214 are each amended to  
35 read as follows:

1 Fish and wildlife officers and ex officio fish and wildlife  
2 officers may make a reasonable search without warrant of a vessel,  
3 conveyances, vehicles, containers, packages, or other receptacles for  
4 fish, seaweed, shellfish, and wildlife which they have reason to  
5 believe contain evidence of a violation of law or rules adopted  
6 pursuant to this title and seize evidence as needed for law  
7 enforcement. This authority does not extend to quarters in a boat,  
8 building, or other property used exclusively as a private domicile,  
9 does not extend to transitory residences in which a person has a  
10 reasonable expectation of privacy, and does not allow search and  
11 seizure without a warrant if the thing or place is protected from  
12 search without warrant within the meaning of Article I, section 7 of  
13 the state Constitution. Seizure of property as evidence of a crime  
14 does not preclude seizure of the property for forfeiture as authorized  
15 by law.

16 **Sec. 26.** RCW 77.15.096 and 1998 c 190 s 116 are each amended to  
17 read as follows:

18 Fish and wildlife officers may inspect without warrant at  
19 reasonable times and in a reasonable manner the premises, containers,  
20 fishing equipment, fish, seaweed, shellfish, and wildlife, and records  
21 required by the department of any commercial fisher or wholesale dealer  
22 or fish buyer. Fish and wildlife officers may similarly inspect  
23 without warrant the premises, containers, fishing equipment, fish,  
24 shellfish, and wildlife, and records required by the department of any  
25 shipping agent or other person placing or attempting to place fish,  
26 shellfish, or wildlife into interstate commerce, any cold storage plant  
27 that the department has probable cause to believe contains fish,  
28 shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and  
29 wildlife officers may inspect without warrant the records required by  
30 the department of any retail outlet selling fish, shellfish, or  
31 wildlife ((~~or both~~)), and, if the officers have probable cause to  
32 believe a violation of this title or rules of the commission has  
33 occurred, they may inspect without warrant the premises, containers,  
34 and fish, shellfish, and wildlife of any retail outlet selling fish,  
35 shellfish, or wildlife ((~~or both~~)).

36 **Sec. 27.** RCW 77.15.110 and 1998 c 190 s 8 are each amended to read  
37 as follows:

1 (1) For purposes of this chapter, a person acts for commercial  
2 purposes if the person:

3 (a) Acts with intent to sell, attempted to sell, sold, bartered,  
4 attempted to purchase, or purchased fish, seaweed, shellfish, or  
5 wildlife;

6 (b) Uses gear typical of that used in commercial fisheries;

7 (c) Exceeds the bag or possession limits for personal use by taking  
8 or possessing more than three times the amount of fish, seaweed,  
9 shellfish, or wildlife allowed;

10 (d) Delivers or attempts to deliver fish, seaweed, shellfish, or  
11 wildlife to a person who sells or resells fish, seaweed, shellfish, or  
12 wildlife including any licensed or unlicensed wholesaler; (~~or~~)

13 (e) Takes fish or shellfish using a vessel designated on a  
14 commercial fishery license and gear not authorized in a personal use  
15 fishery;

16 (f) Sells or deals in raw furs; or

17 (g) Performs taxidermy service on fish, shellfish, or wildlife  
18 belonging to another person for a fee or receipt of goods or services.

19 (2) For purposes of this chapter, the value of any fish, shellfish,  
20 or wildlife may be proved based on evidence of legal or illegal sales  
21 involving the person charged or any other person, of offers to sell or  
22 solicitation of offers to sell by the person charged or by any other  
23 person, or of any market price for the fish, shellfish, or wildlife  
24 including market price for farm-raised game animals. The value  
25 assigned to specific fish, shellfish, or wildlife by RCW ((77.21.070))  
26 77.15.420 may be presumed to be the value of such fish, shellfish, or  
27 wildlife. It is not relevant to proof of value that the person charged  
28 misrepresented that the fish, shellfish, or wildlife was taken in  
29 compliance with law if the fish, shellfish, or wildlife was unlawfully  
30 taken and had no lawful market value.

31 **Sec. 28.** RCW 77.15.150 and 1998 c 190 s 16 are each amended to  
32 read as follows:

33 (1) A person is guilty of unlawful use of poison or explosives if:

34 (a) The person lays out, sets out, or uses a drug, poison, or other  
35 deleterious substance that kills, injures, harms, or endangers fish,  
36 shellfish, or wildlife, except if the person is using the substance in  
37 compliance with federal and state laws and label instructions; or

1 (b) The person lays out, sets out, or uses an explosive that kills,  
2 injures, harms, or endangers fish, shellfish, or wildlife, except if  
3 authorized by law or permit of the director.

4 (2) Unlawful use of poison or explosives is a gross misdemeanor.

5 **Sec. 29.** RCW 77.15.180 and 1998 c 190 s 22 are each amended to  
6 read as follows:

7 (1) A person is guilty of unlawful interference with fishing or  
8 hunting gear in the second degree if the person:

9 (a) Takes or releases a wild animal from another person's trap  
10 without permission;

11 (b) Springs, pulls up, damages, possesses, or destroys another  
12 person's trap without the owner's permission; or

13 (c) Interferes with recreational gear used to take fish or  
14 shellfish.

15 (2) Unlawful interference with fishing or hunting gear in the  
16 second degree is a misdemeanor.

17 (3) A person is guilty of unlawful interference with fishing or  
18 hunting gear in the first degree if the person:

19 (a) Takes or releases (~~feed~~) fish or shellfish from commercial  
20 fishing gear without the owner's permission; or

21 (b) Intentionally destroys or interferes with commercial fishing  
22 gear.

23 (4) Unlawful interference with fishing or hunting gear in the first  
24 degree is a gross misdemeanor.

25 (5) A person is not in violation of unlawful interference with  
26 fishing or hunting gear if the person removes a trap placed on property  
27 owned, leased, or rented by the person.

28 **Sec. 30.** RCW 77.15.210 and 1998 c 190 s 24 are each amended to  
29 read as follows:

30 (1) A person is guilty of obstructing the taking of fish or  
31 wildlife if the person:

32 (a) Harasses, drives, or disturbs fish, shellfish, or wildlife with  
33 the intent of disrupting lawful pursuit or taking thereof; or

34 (b) Harasses, intimidates, or interferes with an individual engaged  
35 in the lawful taking of fish, shellfish, or wildlife or lawful predator  
36 control with the intent of disrupting lawful pursuit or taking thereof.

1 (2) Obstructing the taking of fish, shellfish, or wildlife is a  
2 gross misdemeanor.

3 (3) It is an affirmative defense to a prosecution for obstructing  
4 the taking of fish, shellfish, or wildlife that the person charged was:

5 (a) Interfering with a person engaged in hunting outside the  
6 legally established hunting season; or

7 (b) Preventing or attempting to prevent unauthorized trespass on  
8 private property.

9 (4) The person raising a defense under subsection (3) of this  
10 section has the burden of proof by a preponderance of the evidence.

11 **Sec. 31.** RCW 77.15.245 and 2000 c 248 s 1 and 2000 c 107 s 260 are  
12 each reenacted and amended to read as follows:

13 (1) Notwithstanding the provisions of RCW 77.12.240, 77.36.020,  
14 77.36.030, or any other provisions of law, it is unlawful to take,  
15 hunt, or attract black bear with the aid of bait.

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

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

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

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

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

35 (a) Nothing in this subsection shall be construed to prohibit the  
36 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or  
37 dogs by employees or agents of county, state, or federal agencies while  
38 acting in their official capacities for the purpose of protecting

1 livestock, domestic animals, private property, or the public safety.  
2 A dog or dogs may be used by the owner or tenant of real property  
3 consistent with a permit issued and conditioned by the director.

4 (b) Nothing in this subsection shall be construed to prohibit the  
5 director from issuing a permit or memorandum of understanding to a  
6 public agency, university, or scientific or educational institution for  
7 the use of a dog or dogs for the pursuit, capture and relocation, of  
8 black bear, cougar, bobcat, or lynx for scientific purposes.

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 a dog or dogs for the killing of black bear, cougar, or  
13 bobcat, for the protection of a state and/or federally listed  
14 threatened or endangered species.

15 (3) Notwithstanding subsection (2) of this section, the commission  
16 shall authorize the use of dogs only in selected areas within a game  
17 management unit to address a public safety need presented by one or  
18 more cougar. This authority may only be exercised after the commission  
19 has determined that no other practical alternative to the use of dogs  
20 exists, and after the commission has adopted rules describing the  
21 conditions in which dogs may be used. Conditions that may warrant the  
22 use of dogs within a game management unit include, but are not limited  
23 to, confirmed cougar/human safety incidents, confirmed cougar/livestock  
24 and cougar/pet depredations, and the number of cougar capture attempts  
25 and relocations.

26 (4) A person who violates subsection (1) or (2) of this section is  
27 guilty of a gross misdemeanor. In addition to appropriate criminal  
28 penalties, the ~~((director))~~ department shall revoke the hunting license  
29 of a person who violates subsection (1) or (2) of this section and ~~((a~~  
30 ~~hunting license shall not be issued))~~ order the suspension of wildlife  
31 hunting privileges for a period of five years following the revocation.  
32 Following a subsequent violation of subsection (1) or (2) of this  
33 section by the same person, a hunting license shall not be issued to  
34 the person at any time.

35 **Sec. 32.** RCW 77.15.250 and 1998 c 190 s 31 are each amended to  
36 read as follows:

37 (1)(a) A person is guilty of unlawfully releasing, planting, or  
38 placing fish, shellfish, or wildlife if the person knowingly releases,

1 plants, or places live fish, shellfish, wildlife, or aquatic plants  
2 within the state, (~~except for~~) and the fish, shellfish, or wildlife  
3 have not been classified as deleterious wildlife. This subsection does  
4 not apply to a release of game fish into private waters for which a  
5 game fish stocking permit has been obtained, or the planting of  
6 (~~food~~) fish or shellfish by permit of the commission.

7 (b) A violation of this subsection is a gross misdemeanor. In  
8 addition, the department shall order the person to pay all costs the  
9 department incurred in capturing, killing, or controlling the fish,  
10 shellfish, aquatic plants, or wildlife released or its progeny. This  
11 does not affect the existing authority of the department to bring a  
12 separate civil action to recover costs of capturing, killing,  
13 controlling the fish, shellfish, aquatic plants, or wildlife released  
14 or their progeny, or restoration of habitat necessitated by the  
15 unlawful release.

16 (2)(a) A person is guilty of unlawful release of deleterious exotic  
17 wildlife if the person knowingly releases, plants, or places live fish,  
18 shellfish, or wildlife within the state and such fish, shellfish, or  
19 wildlife has been classified as deleterious exotic wildlife by rule of  
20 the commission.

21 (b) A violation of this subsection is a class C felony. In  
22 addition, the department shall also order the person to pay all costs  
23 the department incurred in capturing, killing, or controlling the fish,  
24 shellfish, or wildlife released or its progeny. This does not affect  
25 the existing authority of the department to bring a separate civil  
26 action to recover costs of capturing, killing, controlling the fish,  
27 shellfish, or wildlife released or their progeny, or restoration of  
28 habitat necessitated by the unlawful release.

29 **Sec. 33.** RCW 77.15.260 and 1998 c 190 s 42 are each amended to  
30 read as follows:

31 (1) A person is guilty of unlawful trafficking in fish, shellfish,  
32 or wildlife in the second degree if the person traffics in fish,  
33 shellfish, or wildlife with a wholesale value of less than two hundred  
34 fifty dollars and:

35 (a) The fish or wildlife is classified as game, food fish,  
36 shellfish, game fish, or protected wildlife and the trafficking is not  
37 authorized by statute or rule of the department; or



1 (b) The fish, shellfish, or wildlife is unclassified and the  
2 trafficking violates any rule of the department.

3 (2) A person is guilty of unlawful trafficking in fish, shellfish,  
4 or wildlife in the first degree if the person commits the act described  
5 by subsection (1) of this section and:

6 (a) The fish, shellfish, or wildlife has a value of two hundred  
7 fifty dollars or more; or

8 (b) The fish, shellfish, or wildlife is designated as an endangered  
9 species or deleterious exotic wildlife and such trafficking is not  
10 authorized by any statute or rule of the department.

11 (3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the  
12 second degree is a gross misdemeanor.

13 (b) Unlawful trafficking in fish, shellfish, or wildlife in the  
14 first degree is a class C felony.

15 **Sec. 34.** RCW 77.15.270 and 1998 c 190 s 46 are each amended to  
16 read as follows:

17 (1) A person is guilty of providing false information regarding  
18 fish, shellfish, or wildlife if the person knowingly provides false or  
19 misleading information required by any statute or rule to be provided  
20 to the department regarding the taking, delivery, possession,  
21 transportation, sale, transfer, or any other use of fish, shellfish, or  
22 wildlife.

23 (2) Providing false information regarding fish, shellfish, or  
24 wildlife is a gross misdemeanor.

25 **Sec. 35.** RCW 77.15.290 and 1998 c 190 s 48 are each amended to  
26 read as follows:

27 (1) A person is guilty of unlawful transportation of fish or  
28 wildlife in the second degree if the person:

29 (a) Knowingly imports, moves within the state, or exports fish,  
30 shellfish, or wildlife in violation of any rule of the commission or  
31 the director governing the transportation or movement of fish,  
32 shellfish, or wildlife and the transportation does not involve big  
33 game, endangered fish or wildlife, deleterious exotic wildlife, or  
34 fish, shellfish, or wildlife having a value greater than two hundred  
35 fifty dollars; or

36 (b) Possesses but fails to affix or notch a big game transport tag  
37 as required by rule of the commission or director.

1 (2) A person is guilty of unlawful transportation of fish or  
2 wildlife in the first degree if the person:

3 (a) Knowingly imports, moves within the state, or exports fish,  
4 shellfish, or wildlife in violation of any rule of the commission or  
5 the director governing the transportation or movement of fish,  
6 shellfish, or wildlife and the transportation involves big game,  
7 endangered fish or wildlife, deleterious exotic wildlife, or fish,  
8 shellfish, or wildlife with a value of two hundred fifty dollars or  
9 more; or

10 (b) Knowingly transports shellfish, shellstock, or equipment used  
11 in commercial culturing, taking, handling, or processing shellfish  
12 without a permit required by authority of this title.

13 (3)(a) Unlawful transportation of fish or wildlife in the second  
14 degree is a misdemeanor.

15 (b) Unlawful transportation of fish or wildlife in the first degree  
16 is a gross misdemeanor.

17 **Sec. 36.** RCW 77.15.330 and 1998 c 190 s 56 are each amended to  
18 read as follows:

19 (1) A person is guilty of unlawfully holding a hunting or fishing  
20 contest if the person:

21 (a) Conducts, holds, or sponsors a hunting contest, a fishing  
22 contest involving game fish, or a competitive field trial using live  
23 wildlife without the permit required by RCW (~~77.32.211~~) 77.65.480; or

24 (b) Violates any rule of the commission or the director applicable  
25 to a hunting contest, fishing contest involving game fish, or a  
26 competitive field trial using live wildlife.

27 (2) Unlawfully holding a hunting or fishing contest is a  
28 misdemeanor.

29 **Sec. 37.** RCW 77.15.340 and 1998 c 190 s 57 are each amended to  
30 read as follows:

31 (1) A person is guilty of unlawful operation of a game farm if the  
32 person (a) operates a game farm without the license required by RCW  
33 (~~77.32.211~~) 77.65.480; or (b) violates any rule of the commission or  
34 the director applicable to game farms under RCW 77.12.570, 77.12.580,  
35 and 77.12.590.

36 (2) Unlawful operation of a game farm is a gross misdemeanor.

1       **Sec. 38.** RCW 77.15.370 and 1998 c 190 s 19 are each amended to  
2 read as follows:

3       (1) A person is guilty of unlawful recreational fishing in the  
4 first degree if:

5       (a) The person takes, possesses, or retains two times or more than  
6 the bag limit or possession limit of fish or shellfish allowed by any  
7 rule of the director or commission setting the amount of food fish,  
8 game fish, or shellfish that can be taken, possessed, or retained for  
9 noncommercial use;

10       (b) The person fishes in a fishway; or

11       (c) The person shoots, gaffs, snags, snares, spears, dipnets, or  
12 stones fish or shellfish in state waters, or possesses fish or  
13 shellfish taken by such means, unless such means are authorized by  
14 express rule of the commission or director.

15       (2) Unlawful recreational fishing in the first degree is a gross  
16 misdemeanor.

17       **Sec. 39.** RCW 77.15.380 and 2000 c 107 s 244 are each amended to  
18 read as follows:

19       (1) A person is guilty of unlawful recreational fishing in the  
20 second degree if the person fishes for, takes, possesses, or harvests  
21 fish or shellfish and:

22       (a) The person does not have and possess the license or the catch  
23 record card required by chapter ((75.25—~~or~~)) 77.32 RCW for such  
24 activity; or

25       (b) The action violates any rule of the commission or the director  
26 regarding seasons, bag or possession limits but less than two times the  
27 bag or possession limit, closed areas, closed times, or any other rule  
28 addressing the manner or method of fishing or possession of fish,  
29 except for use of a net to take fish as provided for in RCW 77.15.580.

30       (2) Unlawful recreational fishing in the second degree is a  
31 misdemeanor.

32       **Sec. 40.** RCW 77.15.390 and 2000 c 107 s 245 are each amended to  
33 read as follows:

34       (1) A person is guilty of unlawful taking of seaweed if the person  
35 takes, possesses, or harvests seaweed and:

36       (a) The person does not have and possess the license required by  
37 chapter ((75.25)) 77.32 RCW for taking seaweed; or

1 (b) The action violates any rule of the department or the  
2 department of natural resources regarding seasons, possession limits,  
3 closed areas, closed times, or any other rule addressing the manner or  
4 method of taking, possessing, or harvesting of seaweed.

5 (2) Unlawful taking of seaweed is a misdemeanor. This does not  
6 affect rights of the state to recover civilly for trespass, conversion,  
7 or theft of state-owned valuable materials.

8 **Sec. 41.** RCW 77.15.400 and 1999 c 258 s 2 are each amended to read  
9 as follows:

10 (1) A person is guilty of unlawful hunting of wild birds in the  
11 second degree if the person:

12 (a) Hunts for, takes, or possesses a wild bird and the person does  
13 not have and possess all licenses, tags, stamps, and permits required  
14 under this title;

15 (b) Maliciously destroys, takes, or harms the eggs or nests of a  
16 (~~game~~ ~~[wild]~~) wild bird except when authorized by permit;

17 (c) Violates any rule of the commission or director regarding  
18 seasons, bag or possession limits but less than two times the bag or  
19 possession limit, closed areas, closed times, or other rule addressing  
20 the manner or method of hunting or possession of wild birds; or

21 (d) Possesses a wild bird taken during a closed season for that  
22 wild bird or taken from a closed area for that wild bird.

23 (2) A person is guilty of unlawful hunting of wild birds in the  
24 first degree if the person takes or possesses two times or more than  
25 the possession or bag limit for (~~game~~ ~~[wild]~~) wild birds allowed by  
26 rule of the commission or director.

27 (3)(a) Unlawful hunting of wild birds in the second degree is a  
28 misdemeanor.

29 (b) Unlawful hunting of wild birds in the first degree is a gross  
30 misdemeanor.

31 **Sec. 42.** RCW 77.15.480 and 2000 c 107 s 247 are each amended to  
32 read as follows:

33 Articles or devices unlawfully used, possessed, or maintained for  
34 catching, taking, killing, attracting, or decoying wildlife, fish, and  
35 shellfish are public nuisances. If necessary, fish and wildlife  
36 officers and ex officio fish and wildlife officers may seize, abate, or  
37 destroy these public nuisances without warrant or process.

1       **Sec. 43.** RCW 77.15.510 and 1998 c 190 s 36 are each amended to  
2 read as follows:

3       (1) A person is guilty of commercial fish guiding or chartering  
4 without a license if:

5       (a) The person operates a charter boat and does not hold the  
6 charter boat license required for the food fish taken;

7       (b) The person acts as a professional salmon guide and does not  
8 hold a professional salmon guide license; or

9       (c) The person acts as a game fish guide and does not hold a  
10 (~~professional~~) game fish guide license.

11       (2) Commercial fish guiding or chartering without a license is a  
12 gross misdemeanor.

13       **Sec. 44.** RCW 77.15.550 and 1999 c 258 s 10 are each amended to  
14 read as follows:

15       (1) A person is guilty of violating commercial fishing area or time  
16 in the second degree if the person acts for commercial purposes and  
17 takes, fishes for, possesses, delivers, or receives (~~food~~) fish or  
18 shellfish:

19       (a) At a time not authorized by statute or rule;

20       (b) From an area that was closed to the taking of such (~~food~~)  
21 fish or shellfish for commercial purposes by statute or rule; or

22       (c) If such fish or shellfish do not conform to the special  
23 restrictions or physical descriptions established by rule of the  
24 department.

25       (2) A person is guilty of violating commercial fishing area or time  
26 in the first degree if the person commits the act described by  
27 subsection (1) of this section and:

28       (a) The person acted with knowledge that the area or time was not  
29 open to the taking or fishing of (~~food~~) fish or shellfish for  
30 commercial purposes; and

31       (b) The violation involved two hundred fifty dollars or more worth  
32 of (~~food~~) fish or shellfish.

33       (3)(a) Violating commercial fishing area or time in the second  
34 degree is a gross misdemeanor.

35       (b) Violating commercial fishing area or time in the first degree  
36 is a class C felony.

1       **Sec. 45.** RCW 77.15.600 and 1999 c 258 s 8 are each amended to read  
2 as follows:

3       (1) A person is guilty of engaging in commercial wildlife activity  
4 without a license if the person:

5       (a) Deals in raw furs for commercial purposes and does not hold a  
6 fur dealer license required by chapter ((77.32)) 77.65 RCW; or

7       (b) Practices taxidermy for commercial purposes and does not hold  
8 a taxidermy license required by chapter ((77.32)) 77.65 RCW.

9       (2) Engaging in commercial wildlife activities without a license is  
10 a gross misdemeanor.

11       **Sec. 46.** RCW 77.15.700 and 1998 c 190 s 66 are each amended to  
12 read as follows:

13       The department shall impose revocation and suspension of privileges  
14 upon conviction in the following circumstances:

15       (1) If directed by statute for an offense;

16       (2) If the department finds that actions of the defendant  
17 demonstrated a willful or wanton disregard for conservation of fish or  
18 wildlife. Such suspension of privileges may be permanent;

19       (3) If a person is convicted twice within ten years for a violation  
20 involving unlawful hunting, killing, or possessing big game, the  
21 department shall order revocation and suspension of all hunting  
22 privileges for two years. RCW ((77.16.020)) 77.12.722 or 77.16.050 as  
23 it existed before June 11, 1998, may comprise one of the convictions  
24 constituting the basis for revocation and suspension under this  
25 subsection;

26       (4) If a person is convicted three times in ten years of any  
27 violation of recreational hunting or fishing laws or rules, the  
28 department shall order a revocation and suspension of all recreational  
29 hunting and fishing privileges for two years;

30       (5) If a person is convicted twice within five years of a gross  
31 misdemeanor or felony involving unlawful commercial fish or shellfish  
32 harvesting, buying, or selling, the department shall impose a  
33 revocation and suspension of the person's commercial fishing privileges  
34 for one year. A commercial fishery license ((~~suspended~~)) revoked under  
35 this subsection may not be used by an alternate operator or transferred  
36 during the period of suspension.

1       **Sec. 47.** RCW 77.15.730 and 1994 c 264 s 45 are each amended to  
2 read as follows:

3       (1) Upon receipt of a report of failure to comply with the terms of  
4 a citation issued for a recreational violation from the licensing  
5 authority of a state that is a party to the wildlife violator compact  
6 under RCW (~~(77.17.010)~~) 77.75.070, the department shall suspend the  
7 violator's recreational license privileges under this title until  
8 (~~([there is])~~) there is satisfactory evidence of compliance with the  
9 terms of the wildlife citation. The department shall adopt by rule  
10 procedures for the timely notification and administrative review of  
11 such suspension of recreational licensing privileges.

12       (2) Upon receipt of a report of a conviction for a recreational  
13 offense from the licensing authority of a state that is a party to the  
14 wildlife violator compact under RCW (~~(77.17.010)~~) 77.75.070, the  
15 department shall enter such conviction in its records and shall treat  
16 such conviction as if it occurred in the state of Washington for the  
17 purposes of suspension, revocation, or forfeiture of recreational  
18 license privileges.

19       **Sec. 48.** RCW 77.16.220 and 1998 c 190 s 122 are each amended to  
20 read as follows:

21       A person shall not divert water from a lake, river, or stream  
22 containing game fish unless the water diversion device is equipped at  
23 or near its intake with a fish guard or screen to prevent the passage  
24 of game fish into the device and, if necessary, with a means of  
25 returning game fish from immediately in front of the fish guard or  
26 screen to the waters of origin. A person who (~~(is now)~~) was, on June  
27 11, 1947, otherwise lawfully diverting water from a lake, river, or  
28 stream shall not be deemed guilty of a violation of this section.

29       Plans for the fish guard, screen, and bypass shall be approved by  
30 the director prior to construction. The installation shall be approved  
31 by the director prior to the diversion of water.

32       The director may close a water diversion device operated in  
33 violation of this section and keep it closed until it is properly  
34 equipped with a fish guard, screen, or bypass.

35       **Sec. 49.** RCW 77.32.010 and 2000 c 107 s 264 are each amended to  
36 read as follows:

1 (1) Except as otherwise provided in this chapter, a recreational  
2 license issued by the director is required to(~~(:~~  
3 ~~(a))~~) hunt for or take wild animals(~~(, except bullfrogs,))~~) or wild  
4 birds, fish for, take, or harvest fish, shellfish, and seaweed(~~(,~~  
5 ~~except smelt, albacore, carp, and crawfish;~~  
6 ~~(b) Practice taxidermy for profit;~~  
7 ~~(c) Deal in raw furs for profit;~~  
8 ~~(d) Act as a fishing guide;~~  
9 ~~(e) Operate a game farm;~~  
10 ~~(f) Purchase or sell anadromous game fish; or~~  
11 ~~(g) Use department managed lands or facilities as provided by rules~~  
12 adopted pursuant to this title)). A recreational fishing or shellfish  
13 license is not required for carp, smelt, albacore, and crawfish, and a  
14 hunting license is not required for bullfrogs.

15 (2) A permit issued by the (~~(director))~~) department is required  
16 to(~~(:~~

17 ~~(a) Conduct, hold, or sponsor hunting or game fish fishing contests~~  
18 ~~or competitive field trials using live wildlife;~~

19 ~~(b) Collect wild animals, wild birds, game fish, food fish,~~  
20 ~~shellfish, or protected wildlife for research or display; or~~

21 ~~(c) Stock game fish.~~

22 ~~(3) Aquaculture as defined in RCW 15.85.020 is exempt from the~~  
23 ~~requirements of this section, except when being stocked in public~~  
24 ~~waters under contract with the department))~~ park a motor vehicle upon  
25 improved department access facilities.

26 **Sec. 50.** RCW 77.32.014 and 2000 c 107 s 265 are each amended to  
27 read as follows:

28 (~~(1))~~) Licenses, tags, and stamps issued pursuant to this chapter  
29 shall be (~~(invalid))~~) revoked and the privileges suspended for any  
30 period in which a person is certified by the department of social and  
31 health services or a court of competent jurisdiction as a person in  
32 noncompliance with a support order. Fish and wildlife officers and ex  
33 officio fish and wildlife officers shall enforce this section through  
34 checks of the department of licensing's computer data base. A listing  
35 on the department of licensing's data base that an individual's license  
36 is currently suspended pursuant to RCW 46.20.291(8) shall be prima  
37 facie evidence that the individual is in noncompliance with a support  
38 order. Presentation of a written release issued by the department of



1 social and health services stating that the person is in compliance  
2 with an order shall serve as prima facie proof of compliance with a  
3 support order.

4 ~~((2) It is unlawful to purchase, obtain, or possess a license  
5 required by this chapter during any period in which a license is  
6 suspended.))~~

7 **Sec. 51.** RCW 77.32.250 and 2000 c 107 s 269 are each amended to  
8 read as follows:

9 Licenses, permits, tags, and stamps required by this chapter and  
10 raffle tickets authorized under this chapter shall not be transferred.

11 ~~((Upon request of a fish and wildlife officer or ex officio fish  
12 and wildlife officer, persons licensed, operating under a permit, or  
13 possessing wildlife under the authority of this chapter shall produce  
14 required licenses, permits, tags, stamps, raffle tickets, or catch  
15 record cards for inspection and write their signatures for comparison  
16 and in addition display their wildlife. Failure to comply with the  
17 request is prima facie evidence that the person has no license or is  
18 not the person named.))~~

19 **Sec. 52.** RCW 77.32.535 and 1996 c 101 s 6 are each amended to read  
20 as follows:

21 If a private entity has a private lands wildlife management area  
22 agreement in effect with the department, the commission may authorize  
23 the private entity to conduct raffles for access to hunt for big game  
24 animals and wild turkeys to meet the conditions of the agreement. The  
25 private entity shall comply with all applicable rules adopted under RCW  
26 ~~((77.12.770))~~ 77.32.530 for the implementation of raffles; however,  
27 raffle hunts conducted pursuant to this section shall not be counted  
28 toward the number of raffle hunts the commission may authorize under  
29 RCW ~~((77.12.770))~~ 77.32.530. The director shall establish the  
30 procedures for the hunts, which shall require any participants to  
31 obtain any required license, permit, or tag. Representatives of the  
32 department may participate in the hunt upon the request of the  
33 commission to ensure that the animals to be killed are properly  
34 identified.

35 **Sec. 53.** RCW 77.44.070 and 1991 c 253 s 4 are each amended to read  
36 as follows:

1 Any agency of state or federal government, political subdivision of  
2 the state, private or public utility company, corporation, or sports  
3 group, or any purchaser of fish under RCW ((77.18.020)) 77.44.060 may  
4 purchase resident game fish from an aquatic farmer for stocking  
5 purposes if permit requirements of this title and the department have  
6 been met.

7 **Sec. 54.** RCW 77.55.280 and 1997 c 425 s 4 are each amended to read  
8 as follows:

9 When a private landowner is applying for hydraulic project approval  
10 under this chapter and that landowner has entered into a habitat  
11 incentives agreement with the department and the department of natural  
12 resources as provided in RCW ((77.12.830)) 77.55.300, the department  
13 shall comply with the terms of that agreement when evaluating the  
14 request for hydraulic project approval.

15 **Sec. 55.** RCW 77.55.290 and 1998 c 249 s 3 are each amended to read  
16 as follows:

17 (1) In order to receive the permit review and approval process  
18 created in this section, a fish habitat enhancement project must meet  
19 the criteria under (a) and (b) of this subsection:

20 (a) A fish habitat enhancement project must be a project to  
21 accomplish one or more of the following tasks:

22 (i) Elimination of human-made fish passage barriers, including  
23 culvert repair and replacement;

24 (ii) Restoration of an eroded or unstable stream bank employing the  
25 principle of bioengineering, including limited use of rock as a  
26 stabilization only at the toe of the bank, and with primary emphasis on  
27 using native vegetation to control the erosive forces of flowing water;  
28 or

29 (iii) Placement of woody debris or other instream structures that  
30 benefit naturally reproducing fish stocks.

31 The department shall develop size or scale threshold tests to  
32 determine if projects accomplishing any of these tasks should be  
33 evaluated under the process created in this section or under other  
34 project review and approval processes. A project proposal shall not be  
35 reviewed under the process created in this section if the department  
36 determines that the scale of the project raises concerns regarding  
37 public health and safety; and

1 (b) A fish habitat enhancement project must be approved in one of  
2 the following ways:

3 (i) By the department pursuant to chapter (~~(75.50 or 75.52)~~) 77.95  
4 or 77.100 RCW;

5 (ii) By the sponsor of a watershed restoration plan as provided in  
6 chapter 89.08 RCW;

7 (iii) By the department as a department-sponsored fish habitat  
8 enhancement or restoration project;

9 (iv) Through the review and approval process for the jobs for the  
10 environment program;

11 (v) Through the review and approval process for conservation  
12 district-sponsored projects, where the project complies with design  
13 standards established by the conservation commission through  
14 interagency agreement with the United States fish and wildlife service  
15 and the natural resource conservation service;

16 (vi) Through a formal grant program established by the legislature  
17 or the department for fish habitat enhancement or restoration; and

18 (vii) Through other formal review and approval processes  
19 established by the legislature.

20 (2) Fish habitat enhancement projects meeting the criteria of  
21 subsection (1) of this section are expected to result in beneficial  
22 impacts to the environment. Decisions pertaining to fish habitat  
23 enhancement projects meeting the criteria of subsection (1) of this  
24 section and being reviewed and approved according to the provisions of  
25 this section are not subject to the requirements of RCW  
26 43.21C.030(2)(c).

27 (3) Hydraulic project approval is required for projects that meet  
28 the criteria of subsection (1) of this section and are being reviewed  
29 and approved under this section. An applicant shall use a joint  
30 aquatic resource permit application form developed by the department of  
31 ecology permit assistance center to apply for approval under this  
32 chapter. On the same day, the applicant shall provide copies of the  
33 completed application form to the department and to each appropriate  
34 local government. Local governments shall accept the application as  
35 notice of the proposed project. The department shall provide a  
36 fifteen-day comment period during which it will receive comments  
37 regarding environmental impacts. In no more than forty-five days, the  
38 department shall either issue hydraulic project approval, with or  
39 without conditions, deny approval, or make a determination that the

1 review and approval process created by this section is not appropriate  
2 for the proposed project. The department shall base this determination  
3 on identification during the comment period of adverse impacts that  
4 cannot be mitigated by hydraulic project approval. If the department  
5 determines that the review and approval process created by this section  
6 is not appropriate for the proposed project, the department shall  
7 notify the applicant and the appropriate local governments of its  
8 determination. The applicant may reapply for approval of the project  
9 under other review and approval processes.

10 Any person aggrieved by the approval, denial, conditioning, or  
11 modification of hydraulic project approval under this section may  
12 formally appeal the decision to the hydraulic appeals board pursuant to  
13 the provisions of this chapter.

14 (4) No local government may require permits or charge fees for fish  
15 habitat enhancement projects that meet the criteria of subsection (1)  
16 of this section and that are reviewed and approved according to the  
17 provisions of this section.

18 NEW SECTION. **Sec. 56.** A new section is added to chapter 77.65 RCW  
19 to read as follows:

20 (1) A license issued by the director is required to:

21 (a) Practice taxidermy for commercial purposes;

22 (b) Deal in raw furs for commercial purposes;

23 (c) Act as a fishing guide;

24 (d) Operate a game farm; or

25 (e) Purchase or sell anadromous game fish.

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

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

29 (b) Collect wild animals, wild birds, game fish, food fish,  
30 shellfish, or protected wildlife for research or display;

31 (c) Stock game fish; or

32 (d) Conduct commercial activities on department-owned or controlled  
33 lands.

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

1       **Sec. 57.** RCW 77.70.010 and 1997 c 58 s 884 are each amended to  
2 read as follows:

3       (1) A license renewed under the provisions of this chapter that has  
4 been suspended under RCW ((75.28.042)) 77.65.080 shall be subject to  
5 the following provisions:

6       (a) A license renewal fee shall be paid as a condition of  
7 maintaining a current license; and

8       (b) The department shall waive any other license requirements,  
9 unless the department determines that the license holder has had  
10 sufficient opportunity to meet these requirements.

11       (2) The provisions of subsection (1) of this section shall apply  
12 only to a license that has been suspended under RCW ((75.28.042))  
13 77.65.080 for a period of twelve months or less. A license holder  
14 shall forfeit a license subject to this chapter and may not recover any  
15 license renewal fees previously paid if the license holder does not  
16 meet the requirements of RCW 74.20A.320(9) within twelve months of  
17 license suspension.

18       **Sec. 58.** RCW 77.70.150 and 1999 c 126 s 1 are each amended to read  
19 as follows:

20       (1) A sea urchin dive fishery license is required to take sea  
21 urchins for commercial purposes. A sea urchin dive fishery license  
22 authorizes the use of only one diver in the water at any time during  
23 sea urchin harvest operations. If the same vessel has been designated  
24 on two sea urchin dive fishery licenses, two divers may be in the  
25 water. A natural person may not hold more than two sea urchin dive  
26 fishery licenses.

27       (2) Except as provided in subsection (6) of this section, the  
28 director shall issue no new sea urchin dive fishery licenses. For  
29 licenses issued for the year 2000 and thereafter, the director shall  
30 renew existing licenses only to a natural person who held the license  
31 at the end of the previous year. If a sea urchin dive fishery license  
32 is not held by a natural person as of December 31, 1999, it is not  
33 renewable. However, if the license is not held because of revocation  
34 or suspension of licensing privileges, the director shall renew the  
35 license in the name of a natural person at the end of the revocation or  
36 suspension if the license holder applies for renewal of the license  
37 before the end of the year in which the revocation or suspension ends.

1 (3) Where a licensee failed to obtain the license during the  
2 previous year because of a license suspension or revocation by the  
3 ((department)) director or the court, the licensee may qualify for a  
4 license by establishing that the person held such a license during the  
5 last year in which the person was eligible.

6 (4) Surcharges as provided for in this section shall be collected  
7 and deposited into the sea urchin dive fishery account hereby created  
8 in the custody of the state treasurer. Only the director or the  
9 director's designee may authorize expenditures from the account. The  
10 sea urchin dive fishery account is subject to allotment procedures  
11 under chapter 43.88 RCW, but no appropriation is required for  
12 expenditures. Expenditures from the account shall only be used to  
13 retire sea urchin licenses until the number of licenses is reduced to  
14 twenty-five, and thereafter shall only be used for sea urchin  
15 management and enforcement.

16 (a) A surcharge of one hundred dollars shall be charged with each  
17 sea urchin dive fishery license renewal for licenses issued in 2000  
18 through 2005.

19 (b) For licenses issued for the year 2000 and thereafter, a  
20 surcharge shall be charged on the sea urchin dive fishery license for  
21 designating an alternate operator. The surcharge shall be as follows:  
22 Five hundred dollars for the first year or each of the first two  
23 consecutive years after 1999 that any alternate operator is designated  
24 and two thousand five hundred dollars each year thereafter that any  
25 alternate operator is designated.

26 (5) Sea urchin dive fishery licenses are transferable. After  
27 December 31, 1999, there is a surcharge to transfer a sea urchin dive  
28 fishery license. The surcharge is five hundred dollars for the first  
29 transfer of a license valid for calendar year 2000, and two thousand  
30 five hundred dollars for any subsequent transfer, whether occurring in  
31 the year 2000 or thereafter. Notwithstanding this subsection, a one-  
32 time transfer exempt from surcharge applies for a transfer from the  
33 natural person licensed on January 1, 2000, to that person's spouse or  
34 child.

35 (6) If fewer than twenty-five natural persons are eligible for sea  
36 urchin dive fishery licenses, the director may accept applications for  
37 new licenses. The additional licenses may not cause more than twenty-  
38 five natural persons to be eligible for a sea urchin dive fishery  
39 license. New licenses issued under this section shall be distributed

1 according to rules of the department that recover the value of such  
2 licensed privilege.

3 **Sec. 59.** RCW 77.70.190 and 1999 c 126 s 2 are each amended to read  
4 as follows:

5 (1) A sea cucumber dive fishery license is required to take sea  
6 cucumbers for commercial purposes. A sea cucumber dive fishery license  
7 authorizes the use of only one diver in the water at any time during  
8 sea cucumber harvest operations. If the same vessel has been  
9 designated on two sea cucumber dive fishery licenses, two divers may be  
10 in the water. A natural person may not hold more than two sea cucumber  
11 dive fishery licenses.

12 (2) Except as provided in subsection (6) of this section, the  
13 director shall issue no new sea cucumber dive fishery licenses. For  
14 licenses issued for the year 2000 and thereafter, the director shall  
15 renew existing licenses only to a natural person who held the license  
16 at the end of the previous year. If a sea cucumber dive fishery  
17 license is not held by a natural person as of December 31, 1999, it is  
18 not renewable. However, if the license is not held because of  
19 revocation or suspension of licensing privileges, the director shall  
20 renew the license in the name of a natural person at the end of the  
21 revocation or suspension if the license holder applies for renewal of  
22 the license before the end of the year in which the revocation or  
23 suspension ends.

24 (3) Where a licensee failed to obtain the license during either of  
25 the previous two years because of a license suspension by the  
26 ((department)) director or the court, the licensee may qualify for a  
27 license by establishing that the person held such a license during the  
28 last year in which the person was eligible.

29 (4) Surcharges as provided for in this section shall be collected  
30 and deposited into the sea cucumber dive fishery account hereby created  
31 in the custody of the state treasurer. Only the director or the  
32 director's designee may authorize expenditures from the account. The  
33 sea cucumber dive fishery account is subject to allotment procedures  
34 under chapter 43.88 RCW, but no appropriation is required for  
35 expenditures. Expenditures from the account shall only be used to  
36 retire sea cucumber licenses until the number of licenses is reduced to  
37 twenty-five, and thereafter shall only be used for sea cucumber  
38 management and enforcement.

1 (a) A surcharge of one hundred dollars shall be charged with each  
2 sea cucumber dive fishery license renewal for licenses issued in 2000  
3 through 2005.

4 (b) For licenses issued for the year 2000 and thereafter, a  
5 surcharge shall be charged on the sea cucumber dive fishery  
6 (~~{license}~~) license for designating an alternate operator. The  
7 surcharge shall be as follows: Five hundred dollars for the first year  
8 or each of the first two consecutive years after 1999 that any  
9 alternate operator is designated and two thousand five hundred dollars  
10 each year thereafter that any alternate operator is designated.

11 (5) Sea cucumber dive fishery licenses are transferable. After  
12 December 31, 1999, there is a surcharge to transfer a sea cucumber dive  
13 fishery license. The surcharge is five hundred dollars for the first  
14 transfer of a license valid for calendar year 2000 and two thousand  
15 five hundred dollars for any subsequent transfer whether occurring in  
16 the year 2000 or thereafter. Notwithstanding this subsection, a one-  
17 time transfer exempt from surcharge applies for a transfer from the  
18 natural person licensed on January 1, 2000, to that person's spouse or  
19 child.

20 (6) If fewer than twenty-five persons are eligible for sea cucumber  
21 dive fishery licenses, the director may accept applications for new  
22 licenses. The additional licenses may not cause more than twenty-five  
23 natural persons to be eligible for a sea cucumber dive fishery license.  
24 New licenses issued under this section shall be distributed according  
25 to rules of the department that recover the value of such licensed  
26 privilege.

27 **Sec. 60.** RCW 79A.60.100 and 1994 c 264 s 80 are each amended to  
28 read as follows:

29 (1) Every law enforcement officer of this state and its political  
30 subdivisions has the authority to enforce this chapter. Law  
31 enforcement officers may enforce recreational boating rules adopted by  
32 the commission. Such law enforcement officers include, but are not  
33 limited to, county sheriffs, officers of other local law enforcement  
34 entities, (~~wildlife agents and fisheries patrol~~) fish and wildlife  
35 officers (~~of the department of fish and wildlife~~), through the  
36 director, the state patrol, (~~through its chief,~~) and state park  
37 rangers. In the exercise of this responsibility, all such officers may



1 stop and board any vessel and direct it to a suitable pier or anchorage  
2 to enforce this chapter.

3 (2) This chapter shall be construed to supplement federal laws and  
4 regulations. To the extent this chapter is inconsistent with federal  
5 laws and regulations, the federal laws and regulations shall control.

6 NEW SECTION. **Sec. 61.** (1) RCW 77.12.055 and 77.65.470 are each  
7 recodified as sections in chapter 77.15 RCW.

8 (2) RCW 77.12.425 and 77.16.220 are each recodified as sections in  
9 chapter 77.55 RCW.

10 (3) RCW 77.32.220 is recodified as a section in chapter 77.65 RCW.

11 NEW SECTION. **Sec. 62.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 77.12.030 (Authority to regulate wildlife) and 1987 c 506  
14 s 14, 1984 c 240 s 2, 1980 c 78 s 14, 1969 ex.s. c 18 s 2, & 1955 c 36  
15 s 77.12.030;

16 (2) RCW 77.12.040 (Regulating the taking or possessing of game--  
17 Emergency rules--Game reserves, closed areas and waters) and 1987 c 506  
18 s 15, 1984 c 240 s 3, 1980 c 78 s 15, 1969 ex.s. c 18 s 3, & 1955 c 36  
19 s 77.12.040;

20 (3) RCW 77.12.105 (Authority to retain or transfer wildlife) and  
21 1987 c 506 s 22, 1980 c 78 s 71, 1977 c 44 s 2, & 1955 c 36 s  
22 77.16.030;

23 (4) RCW 77.12.250 (Entry upon property in course of duty) and 2000  
24 c 107 s 220, 1980 c 78 s 42, & 1955 c 36 s 77.12.250;

25 (5) RCW 77.12.295 (Fish and wildlife harvest in federal exclusive  
26 economic zone--Rules) and 1995 1st sp.s. c 2 s 9 & 1993 sp.s. c 2 s 99;

27 (6) RCW 77.12.457 (Planting food fish or shellfish--Permit  
28 authorized by rule) and 1998 c 190 s 73, 1995 1st sp.s. c 2 s 17, 1983  
29 1st ex.s. c 46 s 30, & 1955 c 12 s 75.16.020;

30 (7) RCW 77.12.724 (Possession of fish and wildlife--Rules) and 1998  
31 c 190 s 120, 1987 c 506 s 63, & 1980 c 78 s 78; and

32 (8) RCW 77.32.420 (Recreational licenses--Nontransferable--  
33 Enforcement provisions) and 2000 c 107 s 272, 1998 c 191 s 4, 1993  
34 sp.s. c 17 s 8, 1989 c 305 s 12, 1987 c 87 s 7, 1984 c 80 s 8, 1983 1st  
35 ex.s. c 46 s 98, 1980 c 78 s 135, & 1977 ex.s. c 327 s 15."

1 **SSB 5961** - H COMM AMD  
2 By Committee on Natural Resources

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4 On page 1, line 2 of the title, after "statutes;" strike the  
5 remainder of the title and insert "amending RCW 4.24.350, 43.70.185,  
6 46.09.200, 46.10.200, 69.30.010, 69.30.110, 69.30.140, 70.93.050,  
7 76.04.045, 77.08.010, 77.12.039, 77.12.043, 77.12.045, 77.12.047,  
8 77.12.170, 77.12.177, 77.12.204, 77.12.264, 77.12.320, 77.12.325,  
9 77.12.425, 77.12.455, 77.15.080, 77.15.090, 77.15.094, 77.15.096,  
10 77.15.110, 77.15.150, 77.15.180, 77.15.210, 77.15.250, 77.15.260,  
11 77.15.270, 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380,  
12 77.15.390, 77.15.400, 77.15.480, 77.15.510, 77.15.550, 77.15.600,  
13 77.15.700, 77.15.730, 77.16.220, 77.32.010, 77.32.014, 77.32.250,  
14 77.32.535, 77.44.070, 77.55.280, 77.55.290, 77.70.010, 77.70.150,  
15 77.70.190, and 79A.60.100; reenacting and amending RCW 77.15.245;  
16 adding new sections to chapter 77.65 RCW; adding new sections to  
17 chapter 77.15 RCW; adding new sections to chapter 77.55 RCW;  
18 recodifying RCW 77.12.055, 77.65.470, 77.12.425, 77.16.220, and  
19 77.32.220; and repealing RCW 77.12.030, 77.12.040, 77.12.105,  
20 77.12.250, 77.12.295, 77.12.457, 77.12.724, and 77.32.420."

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