

SENATE BILL REPORT

SSB 5179

As Passed Senate, March 6, 2003

Title: An act relating to body-gripping traps.

Brief Description: Allowing the use of body-gripping traps in certain circumstances.

Sponsors: Senate Committee on Parks, Fish & Wildlife (originally sponsored by Senators Oke, Mulliken, Rasmussen and T. Sheldon).

Brief History:

Committee Activity: Parks, Fish & Wildlife: 1/28/03, 2/10/03 [DPS, DNP].

Passed Senate: 3/6/03, 37-12.

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Majority Report: That Substitute Senate Bill No. 5179 be substituted therefor, and the substitute bill do pass.

Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Jacobsen, Morton, Spanel and Swecker.

Minority Report: Do not pass.

Signed by Senator Esser.

Staff: Genevieve Pisarski (786-7488)

Background: In November 2000 Washington voters approved Initiative 713. The initiative makes it a gross misdemeanor to use any body-gripping trap to capture any mammal or to use a leghold or neck snare trap to capture a mammal for recreation or commerce. It is also illegal to buy, sell, barter or otherwise exchange the fur of a mammal trapped with a body-gripping trap. Common rat and mouse traps are exempt. The director of the Department of Fish and Wildlife may grant permits to use certain traps in limited circumstances, including protection of public health and safety, and wildlife research.

It is consistent with the requirements of Article 2, Section 41, of the Washington State Constitution for the Legislature to repeal or modify a citizen's initiative after two years.

Summary of Bill: It is unlawful to use a prohibited body-gripping trap, steel-jawed foothold trap, neck snare, or foot snare to capture any mammal except to address an animal problem, for scientific research, or for mammal population management. It is unlawful knowingly to deal in the raw fur of animals trapped for any other purpose.

Trapping is authorized only to control animal problems, for scientific research, and for mammal population management and must be conducted by a licensed trapper in accordance with rules adopted by the Fish and Wildlife Commission to ensure the humane treatment of captured animals and in accordance with a furbearer management program. Trapping may

also be authorized to capture live raptors for falconry, scientific research, or to manage a bird problem.

Use of traps commonly used by property owners to control moles, mice, rats, mountain beavers, and gophers is not prohibited and does not require a license.

Furbearing mammals cannot be captured alive for sale or personal use.

Lawfully trapped animals not intended for release must be humanely dispatched, or, if they are intended for release, be immediately released or taken to a rehabilitation center, if necessary.

All trappers must report annually the animals caught, under penalty of license suspension. The department must analyze the data and report to the Legislature.

The US Department of Agriculture Wildlife Services Program and the US Fish and Wildlife Service are exempt.

A property owner who discovers an unauthorized trap may, but is not required to, notify the department.

A trapper whose license has been revoked must complete the commission's trapping education program, before another license can be issued.

Appropriation: None.

Fiscal Note: Requested on January 21, 2003.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The proposed substitute addresses the concerns about the existing law. The permit requirements in the existing law make it impossible to control effectively animal-caused damage to livestock, timber, crops, and property or to maintain safety at airports. The economic impact is very great; immediate relief is necessary. The USDA should be exempt.

Testimony Against: Simple repeal is preferable, because the numerous concerns are not addressed thoroughly. Animal populations have been severely depleted or eliminated by trapping; the effect is not apparent until after the damage is done. The existing law adopted by initiative should not be amended until the Supreme Court has ruled on the initiative. Trapping is not a scientific method of animal population management. Traps are cruel and dangerous to people and pets. Except for allowing trapping of moles and gophers, the existing law is sufficient for protecting property and public safety. Trappers should not have to be licensed.

Testified: Frederic Blauert, Farm Bureau, WA Sheep Producers; Bob Chorush; Jennifer Forbes; Rick Nelson, WA Cattlemen (pro); Stewart A. Metz (con); Dan Fazio, WA Farm Bureau (pro); Shawn Newman, Initiative Referendum Inst. (con); Jim Robertson (con); Carla Robertson (con); Nels Hanson, WA Farm Forestry Assn. (pro); Mark Skatrud (con); M.R.

Armstrong (pro); Bill Garvin, WFPA (pro); Bruce Bjork, Steve Pozzanghera, John Broome, WDFW (concerns); Nina Carter, Audubon (concerns).

House Amendment(s): Use of traps with teeth or serrated edges is not allowed. Use of other body-gripping traps requires a permit. Permits can be "programmatic" (to prevent damage or injury), "conditional use" (to respond to emergencies), and "restricted use" (to protect endangered species and habitat) and can be issued only for addressing an animal problem, a nuisance bird problem, falconry, furbearer management, and scientific research.

Dealing in pelts of animals lawfully trapped is not prohibited.

What must be included in required annual reporting by licensed trappers is specified.

All federal wildlife management agencies and their agents are exempt.

Licensed trappers under 15 years of age must be supervised. Licensed trappers active since 2000 are exempt from education requirements.

Revocation of a trapping license occurs upon repeat violation.