

SB 5319 - S AMD 31

By Senators Oke, Jacobsen

ADOPTED 02/22/2006

1 Beginning on page 2, line 20, strike all of section 2 and insert
2 the following:

3 "Sec. 2. RCW 77.08.010 and 2005 c 104 s 1 are each amended to read
4 as follows:

5 As used in this title or rules adopted under this title, unless the
6 context clearly requires otherwise:

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

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

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

10 (4) "Person" means and includes an individual; a corporation; a
11 public or private entity or organization; a local, state, or federal
12 agency; all business organizations, including corporations and
13 partnerships; or a group of two or more individuals acting with a
14 common purpose whether acting in an individual, representative, or
15 official capacity.

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

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

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

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

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

7 (10) "Open season" means those times, manners of taking, and places
8 or waters established by rule of the commission for the lawful hunting,
9 fishing, taking, or possession of game animals, game birds, game fish,
10 food fish, or shellfish that conform to the special restrictions or
11 physical descriptions established by rule of the commission or that
12 have otherwise been deemed legal to hunt, fish, take, harvest, or
13 possess by rule of the commission. "Open season" includes the first
14 and last days of the established time.

15 (11) "Closed season" means all times, manners of taking, and places
16 or waters other than those established by rule of the commission as an
17 open season. "Closed season" also means all hunting, fishing, taking,
18 or possession of game animals, game birds, game fish, food fish, or
19 shellfish that do not conform to the special restrictions or physical
20 descriptions established by rule of the commission as an open season or
21 that have not otherwise been deemed legal to hunt, fish, take, harvest,
22 or possess by rule of the commission as an open season.

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

25 (13) "Closed waters" means all or part of a lake, river, stream, or
26 other body of water, where fishing or harvesting is prohibited.

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

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

33 (16) "Wildlife" means all species of the animal kingdom whose
34 members exist in Washington in a wild state. This includes but is not
35 limited to mammals, birds, reptiles, amphibians, fish, and
36 invertebrates. The term "wildlife" does not include feral domestic
37 mammals, old world rats and mice of the family Muridae of the order
38 Rodentia, or those fish, shellfish, and marine invertebrates classified

1 as food fish or shellfish by the director. The term "wildlife"
2 includes all stages of development and the bodily parts of wildlife
3 members.

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

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

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

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

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

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

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

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

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

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

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

32 (28) "Fish" includes all species classified as game fish or food
33 fish by statute or rule, as well as all fin fish not currently
34 classified as food fish or game fish if such species exist in state
35 waters. The term "fish" includes all stages of development and the
36 bodily parts of fish species.

37 (29) "Raffle" means an activity in which tickets bearing an
38 individual number are sold for not more than twenty-five dollars each

1 and in which a permit or permits are awarded to hunt or for access to
2 hunt big game animals or wild turkeys on the basis of a drawing from
3 the tickets by the person or persons conducting the raffle.

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

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

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

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

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

14 (35) "State waters" means all marine waters and fresh waters within
15 ordinary high water lines and within the territorial boundaries of the
16 state.

17 (36) "Offshore waters" means marine waters of the Pacific Ocean
18 outside the territorial boundaries of the state, including the marine
19 waters of other states and countries.

20 (37) "Concurrent waters of the Columbia river" means those waters
21 of the Columbia river that coincide with the Washington-Oregon state
22 boundary.

23 (38) "Resident" means:

24 (a) A person who has maintained a permanent place of abode within
25 the state for at least ninety days immediately preceding an application
26 for a license, has established by formal evidence an intent to continue
27 residing within the state, and who is not licensed to hunt or fish as
28 a resident in another state; and

29 (b) A person age eighteen or younger who does not qualify as a
30 resident under (a) of this subsection, but who has a parent that
31 qualifies as a resident under (a) of this subsection.

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

34 (40) "Shellfish" means those species of marine and freshwater
35 invertebrates that have been classified and that shall not be taken
36 except as authorized by rule of the commission. The term "shellfish"
37 includes all stages of development and the bodily parts of shellfish
38 species.

1 (41) "Commercial" means related to or connected with buying,
2 selling, or bartering.

3 (42) "To process" and its derivatives mean preparing or preserving
4 fish, wildlife, or shellfish.

5 (43) "Personal use" means for the private use of the individual
6 taking the fish or shellfish and not for sale or barter.

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

10 (45) "Fishery" means the taking of one or more particular species
11 of fish or shellfish with particular gear in a particular geographical
12 area.

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

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

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

23 (49) "Invasive species" means a plant species or a nonnative animal
24 species that either:

25 (a) Causes or may cause displacement of, or otherwise threatens,
26 native species in their natural communities;

27 (b) Threatens or may threaten natural resources or their use in the
28 state;

29 (c) Causes or may cause economic damage to commercial or
30 recreational activities that are dependent upon state waters; or

31 (d) Threatens or harms human health.

32 (50) "Prohibited aquatic animal species" means an invasive species
33 of the animal kingdom that has been classified as a prohibited aquatic
34 animal species by the commission.

35 (51) "Regulated aquatic animal species" means a potentially
36 invasive species of the animal kingdom that has been classified as a
37 regulated aquatic animal species by the commission.

1 (52) "Unregulated aquatic animal species" means a nonnative animal
2 species that has been classified as an unregulated aquatic animal
3 species by the commission.

4 (53) "Unlisted aquatic animal species" means a nonnative animal
5 species that has not been classified as a prohibited aquatic animal
6 species, a regulated aquatic animal species, or an unregulated aquatic
7 animal species by the commission.

8 (54) "Aquatic plant species" means an emergent, submersed,
9 partially submersed, free-floating, or floating-leaving plant species
10 that grows in or near a body of water or wetland.

11 (55) "Retail-eligible species" means commercially harvested salmon,
12 crab, and sturgeon.

13 (56) "Body-gripping trap" means a steel trap that grips an animal's
14 body or body part, including steel-jawed foothold trap, neck snare, or
15 foot snare.

16 (57) "Raw fur" means a pelt that has not been processed for
17 purposes of retail sale.

18 (58) "Animal problem" means damage, injury, or reasonable threat of
19 damage or injury, caused by furbearing mammals, unclassified wildlife,
20 or deleterious exotic wildlife to: Public or private property or
21 resources; livestock or other domestic animals; or human health or
22 safety.

23 (59) "Nuisance wildlife" means moles, mice, rats, mountain beavers,
24 gophers, nutria, and other wildlife so designated by the commission by
25 rule.

26 (60) "Nuisance bird problem" means damage, injury, or reasonable
27 threat of damage or injury, caused by avian species to: Public or
28 private property or resources; human health; or public safety.

29 (61) "Programmatic trapping permit" means a permit issued by the
30 director for the following purposes: (a) For furbearer management unit
31 purposes; (b) to prevent damage or injury, or a reasonable threat of
32 damage or injury, to (i) public or private property or resources; (ii)
33 livestock or other domestic animals; (iii) agricultural, timber, and
34 horticultural resources; (iv) human health or safety; or (v) other
35 purposes so designated by the commission by rule.

36 (62) "Conditional use trapping permit" means an emergency permit,
37 limited to specific times, purposes, and areas, issued by the director

1 to address unanticipated and immediate damage or injury to public or
2 private property or resources or other purposes designated by the
3 commission by rule.

4 (63) "Restricted use trapping permit" means a permit issued by the
5 director to protect either sensitive or endangered species and habitat,
6 or both, or other purposes designated by the commission by rule."

7 On page 12, line 31, after "July 1," strike "2005" and insert
8 "2006"

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