

SHB 1079 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/12/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. 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 ~~(("Person of disability" means a permanently disabled person
30 who is not ambulatory without the assistance of a wheelchair, crutches,
31 or 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+))~~ (28) "Raffle" means an activity in which tickets bearing
38 an individual number are sold for not more than twenty-five dollars

1 each and in which a permit or permits are awarded to hunt or for access
2 to 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+))~~ (29) "Youth" means a person fifteen years old for fishing
5 and under sixteen years old for hunting.

6 ~~((+31+))~~ (30) "Senior" means a person seventy years old or older.

7 ~~((+32+))~~ (31) "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+))~~ (32) "Saltwater" means those marine waters seaward of
11 river mouths.

12 ~~((+34+))~~ (33) "Freshwater" means all waters not defined as
13 saltwater including, but not limited to, rivers upstream of the river
14 mouth, lakes, ponds, and reservoirs.

15 ~~((+35+))~~ (34) "State waters" means all marine waters and fresh
16 waters within ordinary high water lines and within the territorial
17 boundaries of the state.

18 ~~((+36+))~~ (35) "Offshore waters" means marine waters of the Pacific
19 Ocean outside the territorial boundaries of the state, including the
20 marine waters of other states and countries.

21 ~~((+37+))~~ (36) "Concurrent waters of the Columbia river" means those
22 waters of the Columbia river that coincide with the Washington-Oregon
23 state boundary.

24 ~~((+38+))~~ (37) "Resident" means:

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

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

33 ~~((+39+))~~ (38) "Nonresident" means a person who has not fulfilled
34 the qualifications of a resident.

35 ~~((+40+))~~ (39) "Shellfish" means those species of marine and
36 freshwater invertebrates that have been classified and that shall not
37 be taken except as authorized by rule of the commission. The term

1 "shellfish" includes all stages of development and the bodily parts of
2 shellfish species.

3 ~~((41))~~ (40) "Commercial" means related to or connected with
4 buying, selling, or bartering.

5 ~~((42))~~ (41) "To process" and its derivatives mean preparing or
6 preserving fish, wildlife, or shellfish.

7 ~~((43))~~ (42) "Personal use" means for the private use of the
8 individual taking the fish or shellfish and not for sale or barter.

9 ~~((44))~~ (43) "Angling gear" means a line attached to a rod and
10 reel capable of being held in hand while landing the fish or a hand-
11 held line operated without rod or reel.

12 ~~((45))~~ (44) "Fishery" means the taking of one or more particular
13 species of fish or shellfish with particular gear in a particular
14 geographical area.

15 ~~((46))~~ (45) "Limited-entry license" means a license subject to a
16 license limitation program established in chapter 77.70 RCW.

17 ~~((47))~~ (46) "Seaweed" means marine aquatic plant species that are
18 dependent upon the marine aquatic or tidal environment, and exist in
19 either an attached or free floating form, and includes but is not
20 limited to marine aquatic plants in the classes Chlorophyta,
21 Phaeophyta, and Rhodophyta.

22 ~~((48))~~ (47) "Trafficking" means offering, attempting to engage,
23 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
24 or deleterious exotic wildlife.

25 ~~((49))~~ (48) "Invasive species" means a plant species or a
26 nonnative animal species that either:

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

29 (b) Threatens or may threaten natural resources or their use in the
30 state;

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

33 (d) Threatens or harms human health.

34 ~~((50))~~ (49) "Prohibited aquatic animal species" means an invasive
35 species of the animal kingdom that has been classified as a prohibited
36 aquatic animal species by the commission.

37 ~~((51))~~ (50) "Regulated aquatic animal species" means a

1 potentially invasive species of the animal kingdom that has been
2 classified as a regulated aquatic animal species by the commission.

3 ~~((+52+))~~ (51) "Unregulated aquatic animal species" means a
4 nonnative animal species that has been classified as an unregulated
5 aquatic animal species by the commission.

6 ~~((+53+))~~ (52) "Unlisted aquatic animal species" means a nonnative
7 animal species that has not been classified as a prohibited aquatic
8 animal species, a regulated aquatic animal species, or an unregulated
9 aquatic animal species by the commission.

10 ~~((+54+))~~ (53) "Aquatic plant species" means an emergent, submersed,
11 partially submersed, free-floating, or floating-leaving plant species
12 that grows in or near a body of water or wetland.

13 ~~((+55+))~~ (54) "Retail-eligible species" means commercially
14 harvested salmon, crab, and sturgeon.

15 **Sec. 2.** RCW 77.32.400 and 1998 c 191 s 1 are each amended to read
16 as follows:

17 (1) The commission shall authorize the director to issue designated
18 harvester cards to persons ~~((ef))~~ with a disability. The commission
19 shall adopt rules defining who is a person with a disability and rules
20 governing the conduct of persons ~~((ef))~~ with a disability who fish and
21 harvest shellfish and their designated harvesters.

22 (2) It is lawful for a designated harvester to fish for, take, or
23 possess the personal-use daily bag limit of fish or shellfish~~((, game~~
24 ~~fish, or food fish))~~ for a ~~((disabled))~~ person with a disability if the
25 harvester is licensed and has a designated harvester card, and if the
26 ~~((disabled))~~ person with a disability is present on site and in
27 possession of ~~((a combination))~~ the appropriate fishing license issued
28 under ~~((RCW 77.32.490))~~ this chapter. Except as provided in subsection
29 (4) of this section, the person with a disability must be present and
30 participating in the fishing activity.

31 (3) A designated harvester card will be issued to such a
32 ~~((licensee))~~ person with a disability upon written application to the
33 director. The application must be submitted on a department official
34 form and must be accompanied by a licensed medical doctor's
35 certification of disability.

36 (4) A person with a ~~((combination fishing license issued under RCW~~
37 ~~77.32.490))~~ disability utilizing the services of a designated harvester

1 is not required to be present at the location where the designated
2 harvester is harvesting shellfish for the ~~((disabled))~~ person with a
3 disability. The ~~((licensee))~~ person with a disability is required to
4 be in the direct line of sight of the designated harvester who is
5 harvesting shellfish for him or her, unless it is not possible to be in
6 a direct line of sight because of a physical obstruction or other
7 barrier. If such a barrier or obstruction exists, the ~~((licensee))~~
8 person with a disability is required to be within one-quarter mile of
9 the designated harvester who is harvesting shellfish for him or her.

10 ~~((5) Except as provided in subsection (4) of this section, the~~
11 ~~disabled person needs to be present and participating in the fishing~~
12 ~~activity.))~~

13 **Sec. 3.** RCW 77.32.480 and 1998 c 191 s 18 are each amended to read
14 as follows:

15 Upon written application, a combination fishing license shall be
16 issued at the reduced rate of five dollars, and all hunting licenses
17 shall, ~~((upon written application,))~~ be issued at the reduced rate of
18 a youth hunting license fee for the following individuals:

19 (1) A resident sixty-five years old or older who is an honorably
20 discharged veteran of the United States armed forces having a service-
21 connected disability;

22 (2) ~~((Residents who are honorably discharged veterans of the United~~
23 ~~States armed forces))~~ A resident who is an honorably discharged veteran
24 of the United States armed forces with a thirty percent or more
25 service-connected disability; ~~((and))~~

26 (3) ~~((An honorably discharged veteran of the United States armed~~
27 ~~forces who is))~~ A resident ~~((and is confined to))~~ with a disability who
28 permanently uses a wheelchair;

29 (4) A resident who is blind or visually impaired; and

30 (5) A resident with a developmental disability as defined in RCW
31 71A.10.020 with documentation of the disability certified by a
32 physician licensed to practice in this state.

33 **Sec. 4.** RCW 77.32.550 and 2006 c 16 s 1 are each amended to read
34 as follows:

35 (1) A group fishing permit allows a group of individuals to fish,

1 and harvest shellfish, without individual licenses or the payment of
2 individual license fees.

3 (2) The director must issue a group fishing permit on a seasonal
4 basis to a state-operated facility or state-licensed nonprofit facility
5 or program for (~~(physically or mentally disabled)~~) persons(~~(, mentally~~
6 ~~ill persons)~~) with physical or mental disabilities, hospital patients,
7 (~~(handicapped persons,)~~) seriously or terminally ill persons, persons
8 who are dependent on the state because of emotional or physical
9 developmental disabilities, or senior citizens who are in the care of
10 the facility. The permit is valid only for use during open season.

11 (3) The director may set conditions and issue a group fishing
12 permit to groups working in partnership with and participating in
13 department outdoor education programs. At the discretion of the
14 director, a processing fee may be applied.

15 (4) The commission may adopt rules that provide the conditions
16 under which a group fishing permit is issued.

17 **Sec. 5.** RCW 77.32.238 and 1989 c 297 s 2 are each amended to read
18 as follows:

19 (1) The commission shall adopt rules defining who is a person with
20 a disability and governing the conduct of persons with a disability who
21 hunt and their designated licensed hunters. It is unlawful for any
22 person to possess a loaded firearm in or on a motor vehicle except a
23 (~~(disabled hunter)~~) person with a disability who possesses a disabled
24 hunter permit and all appropriate hunting licenses may (~~(possess a~~
25 ~~loaded firearm or other legal hunting device in and may)~~) discharge a
26 firearm or other legal hunting device from a nonmoving motor vehicle
27 that has the engine turned off. (~~(Disabled hunters)~~) A person with a
28 disability who possesses a disabled hunter permit shall not be exempt
29 from permit requirements for carrying concealed weapons, or from rules,
30 laws, or ordinances concerning the discharge of these weapons. No
31 hunting shall be permitted from a motor vehicle that is parked on or
32 beside the maintained portion of a public road, except as authorized by
33 the commission by rule.

34 (2) A person (~~(of)~~) with a disability holding a disabled hunter
35 permit may be accompanied by one (~~(nondisabled)~~) licensed hunter who
36 may assist the (~~(disabled hunter)~~) person with a disability by killing
37 game wounded by the (~~(disabled hunter)~~) person with a disability, and

1 by tagging and retrieving game killed by the ((disabled hunter)) person
2 with a disability or the designated licensed hunter. A nondisabled
3 hunter shall not possess a loaded gun in, or shoot from, a motor
4 vehicle.

5 **Sec. 6.** RCW 77.32.237 and 1989 c 297 s 1 are each amended to read
6 as follows:

7 The commission shall attempt to enhance the hunting opportunities
8 ((ef)) for persons ((ef)) with a disability. The commission shall
9 authorize the director to issue disabled hunter permits to persons
10 ((ef)) with a disability. The commission shall adopt rules governing
11 the conduct of ((disabled hunters)) persons with a disability who hunt
12 and their ((nondisabled companions)) designated licensed hunter.

13 NEW SECTION. **Sec. 7.** RCW 77.32.490 (Reduced rate combination
14 fishing license) and 1998 c 191 s 19 are each repealed."

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ADOPTED 04/12/2007

15 On page 1, line 1 of the title, after "fees;" strike the remainder
16 of the title and insert "amending RCW 77.08.010, 77.32.400, 77.32.480,
17 77.32.550, 77.32.238, and 77.32.237; and repealing RCW 77.32.490."

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