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**SUBSTITUTE HOUSE BILL 2788**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives VanDeWege, Blake, Orcutt, Kretz, Nelson, Grant, Williams, Eickmeyer, Linville, and McCoy)

READ FIRST TIME 02/05/08.

1           AN ACT Relating to the organization of definitions in Title 77 RCW;  
2 amending RCW 77.12.047, 77.12.220, 77.12.852, 77.12.856, 77.12.860,  
3 77.60.130, 77.65.400, 77.70.370, and 77.36.010; reenacting and amending  
4 RCW 77.08.010; creating new sections; and repealing RCW 77.08.045,  
5 77.08.022, 77.12.850, 77.32.007, 77.36.010, 77.44.007, 77.95.050, and  
6 77.125.020.

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

8           NEW SECTION. **Sec. 1.** The legislature finds that over time the  
9 definitions that are used in Title 77 RCW have become dispersed  
10 throughout the title and are no longer easily accessible in one central  
11 location. The legislature further finds that collecting the  
12 definitions applicable to the entire title in one central, alphabetized  
13 section is a small step in the direction of good government in that it  
14 allows for easier location and understanding of the meaning of terms  
15 used in the title. It is the intent of the legislature to relocate,  
16 without making substantive changes, the location of terms found  
17 throughout Title 77 RCW into one central location, and to alphabetize  
18 that section, unless the unique construction of an existing chapter or  
19 section renders relocation inconsistent with the intent of this act.

1 It is not the intent of the legislature for a definition to be given a  
2 different or additional meaning solely due to the act of moving it to  
3 a central location.

4 NEW SECTION. **Sec. 2.** The code reviser is directed to put the  
5 defined terms in RCW 77.08.010 in alphabetical order.

6 **Sec. 3.** RCW 77.08.010 and 2007 c 350 s 2 and 2007 c 254 s 1 are  
7 each reenacted and amended to read as follows:

8 ((As used in)) The definitions in this section apply throughout  
9 this title or rules adopted under this title((τ)) unless the context  
10 clearly requires otherwise((÷)).

11 (1) "Director" means the director of the department of fish and  
12 wildlife.

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

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

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

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

27 (6) "Ex officio fish and wildlife officer" means a commissioned  
28 officer of a municipal, county, state, or federal agency having as its  
29 primary function the enforcement of criminal laws in general, while the  
30 officer is in the appropriate jurisdiction. The term "ex officio fish  
31 and wildlife officer" includes special agents of the national marine  
32 fisheries service, state parks commissioned officers, United States  
33 fish and wildlife special agents, department of natural resources  
34 enforcement officers, and United States forest service officers, while  
35 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) "Fish" includes all species classified as game fish or food  
30 fish by statute or rule, as well as all fin fish not currently  
31 classified as food fish or game fish if such species exist in state  
32 waters. The term "fish" includes all stages of development and the  
33 bodily parts of fish species.

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

1 (29) "Youth" means a person fifteen years old for fishing and under  
2 sixteen years old for hunting.

3 (30) "Senior" means a person seventy years old or older.

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

7 (32) "Saltwater" means those marine waters seaward of river mouths.

8 (33) "Freshwater" means all waters not defined as saltwater  
9 including, but not limited to, rivers upstream of the river mouth,  
10 lakes, ponds, and reservoirs.

11 (34) "State waters" means all marine waters and fresh waters within  
12 ordinary high water lines and within the territorial boundaries of the  
13 state.

14 (35) "Offshore waters" means marine waters of the Pacific Ocean  
15 outside the territorial boundaries of the state, including the marine  
16 waters of other states and countries.

17 (36) "Concurrent waters of the Columbia river" means those waters  
18 of the Columbia river that coincide with the Washington-Oregon state  
19 boundary.

20 (37) "Resident" means:

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

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

29 (38) "Nonresident" means a person who has not fulfilled the  
30 qualifications of a resident.

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

36 (40) "Commercial" means related to or connected with buying,  
37 selling, or bartering.

1 (41) "To process" and its derivatives mean preparing or preserving  
2 fish, wildlife, or shellfish.

3 (42) "Personal use" means for the private use of the individual  
4 taking the fish or shellfish and not for sale or barter.

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

8 (44) "Fishery" means the taking of one or more particular species  
9 of fish or shellfish with particular gear in a particular geographical  
10 area.

11 (45) "Limited-entry license" means a license subject to a license  
12 limitation program established in chapter 77.70 RCW.

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

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

21 (48) "Invasive species" means a plant species or a nonnative animal  
22 species that either:

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

25 (b) Threatens or may threaten natural resources or their use in the  
26 state;

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

29 (d) Threatens or harms human health.

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

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

36 (51) "Unregulated aquatic animal species" means a nonnative animal  
37 species that has been classified as an unregulated aquatic animal  
38 species by the commission.

1 (52) "Unlisted aquatic animal species" means a nonnative animal  
2 species that has not been classified as a prohibited aquatic animal  
3 species, a regulated aquatic animal species, or an unregulated aquatic  
4 animal species by the commission.

5 (53) "Aquatic plant species" means an emergent, submersed,  
6 partially submersed, free-floating, or floating-leaving plant species  
7 that grows in or near a body of water or wetland.

8 (54) "Retail-eligible species" means commercially harvested salmon,  
9 crab, and sturgeon.

10 (55) "Aquatic invasive species" means any invasive, prohibited,  
11 regulated, unregulated, or unlisted aquatic animal or plant species as  
12 defined under subsections (48) through (53) of this section, aquatic  
13 noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic  
14 nuisance species as defined under RCW 77.60.130(1).

15 (56) "Recreational and commercial watercraft" includes the boat, as  
16 well as equipment used to transport the boat, and any auxiliary  
17 equipment such as attached or detached outboard motors.

18 (57) "Aquatic farmer" means a private sector person who  
19 commercially farms and manages private sector cultured aquatic products  
20 on the person's own land or on land in which the person has a present  
21 right of possession.

22 (58) "Aquatic nuisance species" means a nonnative aquatic plant or  
23 animal species that threatens the diversity or abundance of native  
24 species, the ecological stability of infested waters, or commercial,  
25 agricultural, or recreational activities dependent on such waters.

26 (59) "Big game" has the meaning provided in RCW 77.08.030.

27 (60) "Contract" means, when applied to chapter 77.44 RCW, an  
28 agreement setting at a minimum, price, quantity of fish to be  
29 delivered, time of delivery, and fish health requirements.

30 (61) "Emerging commercial fishery" means the commercial taking of  
31 a newly classified species of food fish or shellfish, the commercial  
32 taking of a classified species with gear not previously used for that  
33 species, or the commercial taking of a classified species in an area  
34 from which that species has not previously been commercially taken.

35 (62) "Enhancement project" means, when used in chapter 77.95 RCW,  
36 salmon propagation activities including, but not limited to,  
37 hatcheries, spawning channels, rearing ponds, egg boxes, fishways, fish

1 screens, stream bed clearing, erosion control, habitat restoration, net  
2 pens, applied research projects, and any equipment, real property, or  
3 other interest necessary to the proper operation thereof.

4 (63) "Exclusive economic zone" means that zone defined in the  
5 federal fishery conservation and management act (16 U.S.C. Sec. 1802)  
6 as of January 1, 1995, or as of a subsequent date adopted by rule of  
7 the director.

8 (64) "Fish health requirements" means those site-specific fish  
9 health and genetic requirements actually used by the department in fish  
10 stocking.

11 (65) "Food fish" means those species of the classes Osteichthyes,  
12 Agnatha, and Chondrichthyes that have been classified and that shall  
13 not be fished for except as authorized by rule of the commission.  
14 "Food fish" includes all stages of development and the bodily parts of  
15 food fish species.

16 (66) "Game fish" has the meaning provided in RCW 77.08.020.

17 (67) "Immediate family member" means a spouse, brother, sister,  
18 grandparent, parent, child, or grandchild.

19 (68) "Local government" means any city, town, county, special  
20 district, municipal corporation, or quasi-municipal corporation.

21 (69) "Marine aquatic farming location" means a complete complex  
22 that may be composed of various marine enclosures, net pens, or other  
23 rearing vessels, food handling facilities, or other facilities related  
24 to the rearing of Atlantic salmon or other fin fish in marine waters.  
25 A marine aquatic farming location is distinguished from the individual  
26 facilities that collectively compose the location.

27 (70) "Migratory bird" means migratory waterfowl and coots, snipe,  
28 doves, and band-tailed pigeons.

29 (71) "Migratory bird stamp" means the stamp that is required by RCW  
30 77.32.350 to be in the possession of all persons to hunt migratory  
31 birds.

32 (72) "Migratory waterfowl" means members of the family Anatidae,  
33 including brants, ducks, geese, and swans.

34 (73) "Migratory waterfowl art committee" means the committee  
35 created by RCW 77.12.680. The committee's primary function is to  
36 select the annual migratory bird stamp design.

37 (74) "Ocean pink shrimp" means the species *Pandalus jordani*.



1       (75) "Prints and artwork" means replicas of the original stamp  
2 design that are sold to the general public. Prints and artwork are not  
3 to be construed to be the migratory bird stamp that is required by RCW  
4 77.32.350. Artwork may be any facsimile of the original stamp design,  
5 including color renditions, metal duplications, or any other kind of  
6 design.

7       (76) "Salmon" has the meaning provided in RCW 77.08.024.

8       (77) "Salmon stamp" means the stamp created under the Washington  
9 salmon stamp program and the Washington junior salmon stamp program,  
10 created in RCW 77.12.850 through 77.12.860.

11       (78) "Salmon stamp selection committee" means the salmon stamp  
12 selection committee created in RCW 77.12.856.

13       (79) "Special hunting season" means a hunting season established by  
14 rule of the commission for the purpose of taking specified wildlife  
15 under a special hunting permit.

16       (80) "Warm water game fish" includes the following species: Bass,  
17 channel catfish, walleye, crappie, and other species as identified by  
18 the department.

19       **Sec. 4.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to read  
20 as follows:

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

22       (a) Specifying the times when the taking of wildlife, fish, or  
23 shellfish is lawful or unlawful.

24       (b) Specifying the areas and waters in which the taking and  
25 possession of wildlife, fish, or shellfish is lawful or unlawful.

26       (c) Specifying and defining the gear, appliances, or other  
27 equipment and methods that may be used to take wildlife, fish, or  
28 shellfish, and specifying the times, places, and manner in which the  
29 equipment may be used or possessed.

30       (d) Regulating the importation, transportation, possession,  
31 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed  
32 within the state, whether acquired within or without the state.

33       (e) Regulating the prevention and suppression of diseases and pests  
34 affecting wildlife, fish, or shellfish.

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

1 (g) Specifying the statistical and biological reports required from  
2 fishers, dealers, boathouses, or processors of wildlife, fish, or  
3 shellfish.

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

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

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

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

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

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

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

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

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

28 (~~"Immediate family member" for the purposes of this section means~~  
29 ~~a spouse, brother, sister, grandparent, parent, child, or grandchild.~~)

30 (3) Except for subsection (1)(g) of this section, this section does  
31 not apply to private sector cultured aquatic products as defined in RCW  
32 15.85.020. Subsection (1)(g) of this section does apply to such  
33 products.

34 **Sec. 5.** RCW 77.12.220 and 2000 c 107 s 219 are each amended to  
35 read as follows:

36 (1) For purposes of this title, the commission may make agreements  
37 to obtain real or personal property or to transfer or convey property

1 held by the state to the United States or its agencies or  
2 instrumentalities, units of local government of this state, public  
3 service companies, or other persons, if in the judgment of the  
4 commission and the attorney general the transfer and conveyance is  
5 consistent with public interest. (~~For purposes of this section,~~  
6 ~~"local government" means any city, town, county, special district,~~  
7 ~~municipal corporation, or quasi-municipal corporation.~~)

8 (2) If the commission agrees to a transfer or conveyance under this  
9 section or to a sale or return of real property under RCW 77.12.210,  
10 the director shall certify, with the attorney general, to the governor  
11 that the agreement has been made. The certification shall describe the  
12 real property. The governor then may execute and the secretary of  
13 state attest and deliver to the appropriate entity or person the  
14 instrument necessary to fulfill the agreement.

15 **Sec. 6.** RCW 77.12.852 and 1999 c 342 s 3 are each amended to read  
16 as follows:

17 (1) The Washington salmon stamp program is created in the  
18 department. The purpose of the program is the creation of a stamp that  
19 will portray a salmonid species native to Washington and will be used  
20 for stamps, prints, and posters that can be sold in a wide range of  
21 prices and editions to appeal to citizens and collectors interested in  
22 supporting salmon restoration. The proceeds from the sale of the  
23 (~~Washington~~) salmon stamp shall be used for protection, preservation,  
24 and restoration of salmonid habitat in Washington.

25 (2) Every year the department will announce competition, open to  
26 all Washington artists, for the creation of the year's (~~Washington~~)  
27 salmon stamp. The department will market the salmon stamp and prints  
28 through a wide distribution method including web sites, license sites,  
29 and at public events.

30 (3) The winning artist will receive a monetary award and a certain  
31 number of artist proof prints.

32 **Sec. 7.** RCW 77.12.856 and 1999 c 342 s 5 are each amended to read  
33 as follows:

34 The salmon stamp selection committee is created. The selection  
35 committee is comprised of five individuals selected by the governor who  
36 will judge and select the winning entrant for the Washington salmon

1 stamp program and Washington junior salmon stamp program. The governor  
2 will select names from a collection of names forwarded from the  
3 department and from the state arts commission in the following  
4 categories: Artist, not competing in the salmon stamp program; art  
5 collector; fish biologist; printer; and public school teacher.

6 **Sec. 8.** RCW 77.12.860 and 1999 c 342 s 7 are each amended to read  
7 as follows:

8 The department is granted the authority to establish by rule the  
9 method for selecting appropriate designs for the ((Washington)) salmon  
10 stamp program and ((Washington)) junior salmon stamp program. The  
11 stamp shall be designed and produced in accordance with department  
12 rules.

13 **Sec. 9.** RCW 77.60.130 and 2007 c 341 s 59 are each amended to read  
14 as follows:

15 (1) The aquatic nuisance species committee is created for the  
16 purpose of fostering state, federal, tribal, and private cooperation on  
17 aquatic nuisance species issues. The mission of the committee is to  
18 minimize the unauthorized or accidental introduction of nonnative  
19 aquatic species and give special emphasis to preventing the  
20 introduction and spread of aquatic nuisance species. ((The term  
21 "aquatic nuisance species" means a nonnative aquatic plant or animal  
22 species that threatens the diversity or abundance of native species,  
23 the ecological stability of infested waters, or commercial,  
24 agricultural, or recreational activities dependent on such waters.))

25 (2) The committee consists of representatives from each of the  
26 following state agencies: Department of fish and wildlife, department  
27 of ecology, department of agriculture, department of health, department  
28 of natural resources, Puget Sound partnership, state patrol, state  
29 noxious weed control board, and Washington sea grant program. The  
30 committee shall encourage and solicit participation by: Federally  
31 recognized tribes of Washington, federal agencies, Washington  
32 conservation organizations, environmental groups, and representatives  
33 from industries that may either be affected by the introduction of an  
34 aquatic nuisance species or that may serve as a pathway for their  
35 introduction.

36 (3) The committee has the following duties:

1 (a) Periodically revise the state of Washington aquatic nuisance  
2 species management plan, originally published in June 1998;

3 (b) Make recommendations to the legislature on statutory provisions  
4 for classifying and regulating aquatic nuisance species;

5 (c) Recommend to the state noxious weed control board that a plant  
6 be classified under the process designated by RCW 17.10.080 as an  
7 aquatic noxious weed;

8 (d) Coordinate education, research, regulatory authorities,  
9 monitoring and control programs, and participate in regional and  
10 national efforts regarding aquatic nuisance species;

11 (e) Consult with representatives from industries and other  
12 activities that may serve as a pathway for the introduction of aquatic  
13 nuisance species to develop practical strategies that will minimize the  
14 risk of new introductions; and

15 (f) Prepare a biennial report to the legislature with the first  
16 report due by December 1, 2001, making recommendations for better  
17 accomplishing the purposes of this chapter, and listing the  
18 accomplishments of this chapter to date.

19 (4) The committee shall accomplish its duties through the authority  
20 and cooperation of its member agencies. Implementation of all plans  
21 and programs developed by the committee shall be through the member  
22 agencies and other cooperating organizations.

23 **Sec. 10.** RCW 77.65.400 and 2000 c 107 s 52 are each amended to  
24 read as follows:

25 (1) The director may by rule designate a fishery as an emerging  
26 commercial fishery. The director shall include in the designation  
27 whether the fishery is one that requires a vessel.

28 (2) (~~("Emerging commercial fishery" means the commercial taking of  
29 a newly classified species of food fish or shellfish, the commercial  
30 taking of a classified species with gear not previously used for that  
31 species, or the commercial taking of a classified species in an area  
32 from which that species has not previously been commercially taken.)~~)

33 Any species of food fish or shellfish commercially harvested in  
34 Washington ((state)) as of June 7, 1990, may be designated as a species  
35 in an emerging commercial fishery, except that no fishery subject to a  
36 license limitation program in chapter 77.70 RCW may be designated as an  
37 emerging commercial fishery.

1 (3) A person shall not take food fish or shellfish in a fishery  
2 designated as an emerging commercial fishery without an emerging  
3 commercial fishery license and a permit from the director. The  
4 director shall issue two types of permits to accompany emerging  
5 commercial fishery licenses: Trial fishery permits and experimental  
6 fishery permits. Trial fishery permits are governed by subsection (4)  
7 of this section. Experimental fishery permits are governed by RCW  
8 77.70.160.

9 (4) The director shall issue trial fishery permits for a fishery  
10 designated as an emerging commercial fishery unless the director  
11 determines there is a need to limit the number of participants under  
12 RCW 77.70.160. A person who meets the qualifications of RCW 77.65.040  
13 may hold a trial fishery permit. The holder of a trial fishery permit  
14 shall comply with the terms of the permit. Trial fishery permits are  
15 not transferable from the permit holder to any other person.

16 **Sec. 11.** RCW 77.70.370 and 1998 c 190 s 109 are each amended to  
17 read as follows:

18 (1) A Dungeness crab--coastal fishery licensee shall not take  
19 Dungeness crab in the waters of the exclusive economic zone westward of  
20 the states of Oregon or California and land crab taken in those waters  
21 into Washington state unless the licensee also holds the licenses,  
22 permits, or endorsements, required by Oregon or California to land crab  
23 into Oregon or California, respectively.

24 (2) This section becomes effective only upon reciprocal legislation  
25 being enacted by both the states of Oregon and California. (~~For~~  
26 ~~purposes of this section, "exclusive economic zone" means that zone~~  
27 ~~defined in the federal fishery conservation and management act (16~~  
28 ~~U.S.C. Sec. 1802) as of January 1, 1995, or as of a subsequent date~~  
29 ~~adopted by rule of the director.))~~

30 **Sec. 12.** RCW 77.36.010 and 1996 c 54 s 2 are each amended to read  
31 as follows:

32 Unless otherwise specified, the following definitions apply  
33 throughout this chapter:

34 (1) "Crop" means a commercially raised horticultural and/or  
35 agricultural product and includes growing or harvested product but does

1 not include livestock. For the purposes of this chapter all parts of  
2 horticultural trees shall be considered a crop and shall be eligible  
3 for claims.

4 (2) "Emergency" means an unforeseen circumstance beyond the control  
5 of the landowner or tenant that presents a real and immediate threat to  
6 crops, domestic animals, or fowl.

7 (3) "Immediate family member" (~~((means spouse, brother, sister,~~  
8 ~~grandparent, parent, child, or grandchild))~~) has the same meaning as  
9 defined in RCW 77.08.010.

10 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
11 each repealed:

12 (1) RCW 77.08.045 (Migratory waterfowl terms defined) and 1998 c  
13 191 s 31, 1987 c 506 s 12, & 1985 c 243 s 2;

14 (2) RCW 77.08.022 ("Food fish" defined) and 2000 c 107 s 208;

15 (3) RCW 77.12.850 (Definitions) and 1999 c 342 s 2;

16 (4) RCW 77.32.007 ("Special hunting season" defined) and 1984 c 240  
17 s 8;

18 (5) RCW 77.36.010 (Definitions) and 1996 c 54 s 2;

19 (6) RCW 77.44.007 (Definitions) and 2000 c 107 s 262, 1993 sp.s. c  
20 2 s 76, & 1991 c 253 s 2;

21 (7) RCW 77.95.050 ("Enhancement project" defined) and 1985 c 458 s  
22 6; and

23 (8) RCW 77.125.020 (Marine aquatic farming location--Defined) and  
24 2001 c 86 s 2.

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