

SHB 1778 - S COMM AMD
By Committee on Ways & Means

OUT OF ORDER 04/14/2009

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

3 "Sec. 1. RCW 77.15.050 and 1998 c 190 s 6 are each amended to read
4 as follows:

5 (1) Unless the context clearly requires otherwise, as used in this
6 chapter, "conviction" means:

7 (a) A final conviction in a state or municipal court;

8 (b) A failure to appear at a hearing to contest an infraction or
9 criminal citation; or

10 (c) An unvacated forfeiture of bail paid as a final disposition for
11 an offense (~~(or an unvacated forfeiture of bail or collateral deposited~~
12 ~~to secure the defendant's appearance in court))~~).

13 (2) A plea of guilty, or a finding of guilt for a violation of this
14 title or rule of the commission or director constitutes a conviction
15 regardless of whether the imposition of sentence is deferred or the
16 penalty is suspended.

17 "Sec. 2. RCW 77.15.700 and 2007 c 163 s 2 are each amended to read
18 as follows:

19 (1) The department shall impose revocation and suspension of
20 privileges in the following circumstances:

21 ~~((1))~~ (a) Upon conviction, if directed by statute for an
22 offense~~((+))~~.

23 ~~((2))~~ (b) Upon conviction of a violation not involving commercial
24 fishing, if the department finds that actions of the defendant
25 demonstrated a willful or wanton disregard for conservation of fish or
26 wildlife. ~~((Such))~~ Suspension of privileges under this subsection may
27 be permanent. ~~((This subsection (2) does not apply to violations~~
28 ~~involving commercial fishing;~~

1 ~~(3))~~ (c) If a person is convicted twice within ten years for a
2 violation involving unlawful hunting, killing, or possessing big
3 game(~~, the department shall order~~). Revocation and suspension (~~(of)~~)
4 under this subsection must be ordered for all hunting privileges for
5 two years. (~~(RCW 77.12.722 or 77.16.050 as it existed before June 11,~~
6 ~~1998, may comprise one of the convictions constituting the basis for~~
7 ~~revocation and suspension under this subsection;~~

8 ~~(4)(a))~~ (d) If a person violates, three times or more in a ten-
9 year period, recreational hunting or fishing laws or rules for which
10 the person: (i) Is convicted of an offense(~~(7)~~); (ii) has an
11 uncontested notice of infraction(~~(7)~~); (iii) fails to appear at a
12 hearing to contest (~~(an)~~) a fish and wildlife infraction(~~(7)~~); or (iv)
13 is found to have committed an infraction (~~(three times in ten years~~
14 ~~involving any violation of recreational hunting or fishing laws or~~
15 ~~rules, the department shall order a)~~). Revocation and suspension under
16 this subsection must be ordered of all recreational hunting and fishing
17 privileges for two years.

18 ~~((b))~~ (2)(a) A violation punishable as an infraction counts
19 towards the revocation and suspension of recreational hunting and
20 fishing privileges (~~(only where)~~) under this section if that violation
21 is:

22 (i) Punishable as a crime on July 24, 2005, and is subsequently
23 decriminalized; or

24 (ii) One of the following violations, as they exist on July 24,
25 2005: RCW 77.15.160 (~~((1) or (2))~~); WAC 220-56-116; WAC 220-56-
26 315(11); or WAC 220-56-355 (1) through (4).

27 ~~((c))~~ (b) The commission may, by rule, designate (~~(additional)~~)
28 infractions that do not count towards the revocation and suspension of
29 recreational hunting and fishing privileges.

30 ~~((5))~~ (3) If either the deferred education licensee or the
31 required nondeferred accompanying person, hunting under the authority
32 of RCW 77.32.155(2), is convicted of a violation of this title, except
33 for a violation of RCW 77.15.400 (1) through (3), the department may
34 revoke all hunting licenses and tags and may order a suspension of
35 (~~(one)~~) either or both the deferred education licensee's and the
36 nondeferred accompanying person's hunting privileges for one year.

1 **Sec. 3.** RCW 77.15.310 and 2003 c 39 s 38 are each amended to read
2 as follows:

3 (1) A person is guilty of unlawful failure to use or maintain an
4 approved fish guard on a diversion device if the person owns, controls,
5 or operates a device used for diverting or conducting water from a
6 lake, river, or stream and:

7 (a) The device is not equipped with a fish guard, screen, or bypass
8 approved by the director as required by RCW (~~(77.55.040 or 77.55.320)~~)
9 77.57.010 or 77.57.070; or

10 (b) The person knowingly fails to maintain or operate an approved
11 fish guard, screen, or bypass so as to effectively screen or prevent
12 fish from entering the intake.

13 (2) Unlawful failure to use or maintain an approved fish guard,
14 screen, or bypass on a diversion device is a gross misdemeanor.
15 Following written notification to the person from the department that
16 there is a violation, each day that a diversion device is operated
17 without an approved or maintained fish guard, screen, or bypass is a
18 separate offense.

19 **Sec. 4.** RCW 77.15.320 and 2000 c 107 s 241 are each amended to
20 read as follows:

21 (1) A person is guilty of unlawful failure to provide, maintain, or
22 operate a fishway for dam or other obstruction if the person owns,
23 operates, or controls a dam or other obstruction to fish passage on a
24 river or stream and:

25 (a) The dam or obstruction is not provided with a durable and
26 efficient fishway approved by the director as required by RCW
27 (~~(77.55.060)~~) 77.57.030;

28 (b) Fails to maintain a fishway in efficient operating condition;
29 or

30 (c) Fails to continuously supply a fishway with a sufficient supply
31 of water to allow the free passage of fish.

32 (2) Unlawful failure to provide, maintain, or operate a fishway for
33 dam or other obstruction is a gross misdemeanor. Following written
34 notification to the person from the department that there is a
35 violation, each day of unlawful failure to provide, maintain, or
36 operate a fishway is a separate offense.

1 **Sec. 5.** RCW 77.15.610 and 1998 c 190 s 33 are each amended to read
2 as follows:

3 (1) A person who holds a fur buyer's license or taxidermy license
4 is guilty of unlawful use of a commercial wildlife license if the
5 person:

6 (a) Fails to have the license in possession while engaged in fur
7 buying or practicing taxidermy for commercial purposes; or

8 (b) Violates any rule of the department regarding reporting
9 requirements or the use, possession, display, or presentation of the
10 taxidermy or fur buyer's license.

11 (2) Unlawful use of a commercial wildlife license is a misdemeanor.

12 **Sec. 6.** RCW 77.32.470 and 2008 c 35 s 1 are each amended to read
13 as follows:

14 (1) A personal use saltwater, freshwater, combination, temporary,
15 or family fishing weekend license is required for all persons fifteen
16 years of age or older to fish for or possess fish taken for personal
17 use from state waters or offshore waters.

18 (2) The fees for annual personal use saltwater, freshwater, or
19 combination licenses are as follows:

20 (a) A combination license allows the holder to fish for or possess
21 fish, shellfish, and seaweed from state waters or offshore waters. The
22 fee for this license is thirty-six dollars for residents, seventy-two
23 dollars for nonresidents, and five dollars for youth. There is an
24 additional fifty-cent surcharge for this license, to be deposited in
25 the rockfish research account created in RCW 77.12.702.

26 (b) A saltwater license allows the holder to fish for or possess
27 fish taken from saltwater areas. The fee for this license is eighteen
28 dollars for residents, thirty-six dollars for nonresidents, and five
29 dollars for resident seniors. There is an additional fifty-cent
30 surcharge for this license, to be deposited in the rockfish research
31 account created in RCW 77.12.702.

32 (c) A freshwater license allows the holder to fish for, take, or
33 possess food fish or game fish species in all freshwater areas. The
34 fee for this license is twenty dollars for residents, forty dollars for
35 nonresidents, and five dollars for resident seniors.

36 (3)(a) A temporary combination fishing license is valid for one to

1 five consecutive days and allows the holder to fish for or possess
2 fish, shellfish, and seaweed taken from state waters or offshore
3 waters. The fee for this temporary fishing license is:

4 (i) One day - Seven dollars for residents and fourteen dollars for
5 nonresidents;

6 (ii) Two days - Ten dollars for residents and twenty dollars for
7 nonresidents;

8 (iii) Three days - Thirteen dollars for residents and twenty-six
9 dollars for nonresidents;

10 (iv) Four days - Fifteen dollars for residents and thirty dollars
11 for nonresidents; and

12 (v) Five days - Seventeen dollars for residents and thirty-four
13 dollars for nonresidents.

14 (b) The fee for a charter stamp is seven dollars for a one-day
15 temporary combination fishing license for residents and nonresidents
16 for use on a charter boat as defined in RCW 77.65.150.

17 (c) A transaction fee to support the automated licensing system
18 will be taken from the amounts set forth in this subsection for
19 temporary licenses.

20 (d) Except for active duty military personnel serving in any branch
21 of the United States armed forces, the temporary combination fishing
22 license is not valid on game fish species for an eight-consecutive-day
23 period beginning on the opening day of the lowland lake fishing season
24 as defined by rule of the commission.

25 (e) The temporary combination fishing license fee for active duty
26 military personnel serving in any branch of the United States armed
27 forces is the resident rate as set forth in (a) of this subsection.
28 Active duty military personnel must provide a valid military
29 identification card at the time of purchase of the temporary license to
30 qualify for the resident rate.

31 (f) There is an additional fifty-cent surcharge on the temporary
32 combination fishing license and the associated charter stamp, to be
33 deposited in the rockfish research account created in RCW 77.12.702.

34 (4) A family fishing weekend license allows for a maximum of six
35 anglers: One resident and five youth; two residents and four youth; or
36 one resident, one nonresident, and four youth. This license allows the
37 holders to fish for or possess fish taken from state waters or offshore

1 waters. The fee for this license is twenty dollars. This license is
2 only valid during periods as specified by rule of the department.

3 (5) The commission may adopt rules to create and sell combination
4 licenses for all hunting and fishing activities at or below a fee equal
5 to the total cost of the individual license contained within any
6 combination.

7 (6) The commission may adopt rules to allow the use of two fishing
8 poles per fishing license holder for use on selected state waters. If
9 authorized by the commission, license holders must purchase a two-pole
10 stamp to use a second pole. The proceeds from the sale of the two-pole
11 stamp must be deposited into the state wildlife account created in RCW
12 77.12.170 and used for the operation and maintenance of state-owned
13 fish hatcheries. The fee for a two-pole stamp is twenty dollars for
14 residents and nonresidents, and five dollars for resident seniors.

15 **Sec. 7.** RCW 77.65.010 and 2005 c 20 s 1 are each amended to read
16 as follows:

17 (1) Except as otherwise provided by this title, a person (~~may~~
18 ~~not~~) must have a license or permit issued by the director in order to
19 engage in any of the following activities (~~without a license or permit~~
20 issued by the director)):

21 (a) Commercially fish for or take food fish or shellfish;

22 (b) Deliver from a commercial fishing vessel food fish or shellfish
23 taken for commercial purposes in offshore waters. As used in this
24 subsection, "deliver" means arrival at a place or port, and includes
25 arrivals from offshore waters to waters within the state and arrivals
26 from state or offshore waters;

27 (c) Operate a charter boat or commercial fishing vessel engaged in
28 a fishery;

29 (d) Engage in processing or wholesaling food fish or shellfish; or

30 (e) Act as a food fish guide (~~(for salmon)~~) for personal use in
31 freshwater rivers and streams, (~~(other than that part of the Columbia~~
32 ~~river below the bridge at Longview)) except that a charter boat license
33 is required to operate a vessel from which a person may for a fee fish
34 for food fish in state waters listed in RCW 77.65.150(4)(b).~~

35 (2) No person may engage in the activities described in subsection
36 (1) of this section unless the licenses or permits required by this

1 title are in the person's possession, and the person is the named
2 license holder or an alternate operator designated on the license and
3 the person's license is not suspended.

4 (3) A valid Oregon license that is equivalent to a license under
5 this title is valid in the concurrent waters of the Columbia river if
6 the state of Oregon recognizes as valid the equivalent Washington
7 license. The director may identify by rule what Oregon licenses are
8 equivalent.

9 (4) No license or permit is required for the production or
10 harvesting of private sector cultured aquatic products as defined in
11 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
12 aquatic products. However, if a means of identifying such products is
13 required by rules adopted under RCW 15.85.060, the exemption from
14 licensing or permit requirements established by this subsection applies
15 only if the aquatic products are identified in conformance with those
16 rules.

17 **Sec. 8.** RCW 77.65.370 and 1998 c 190 s 98 are each amended to read
18 as follows:

19 (1) A person shall not offer or perform the services of a
20 ((professional salmon)) food fish guide without a food fish guide
21 license in the taking of ((salmon)) food fish for personal use in
22 freshwater rivers and streams, ((other than in that part of the
23 Columbia river below the bridge at Longview, without a professional
24 salmon guide license)) except that a charter boat license is required
25 to operate a vessel from which a person may for a fee fish for food
26 fish in state waters listed in RCW 77.65.150(4)(b).

27 (2) Only an individual at least sixteen years of age may hold a
28 ((professional salmon)) food fish guide license. No individual may
29 hold more than one ((professional salmon)) food fish guide license.

30 **Sec. 9.** RCW 77.65.440 and 2000 c 107 s 55 are each amended to read
31 as follows:

32 The director shall issue the personal licenses listed in this
33 section according to the requirements of this title. The licenses and
34 their annual fees are:

	Personal License	Annual Fee		Governing Section
		Resident	Nonresident	
		(RCW 77.95.090 Surcharge)		
	(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
	(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
	(3) ((Salmon)) <u>Food Fish Guide</u>	\$130	\$630	RCW 77.65.370
		(plus \$20)	(plus \$100)	

9 **Sec. 10.** RCW 77.15.510 and 2001 c 253 s 43 are each amended to
10 read as follows:

11 (1) A person is guilty of ~~((commercial))~~ acting as a game fish
12 ~~((guiding))~~ guide, food fish guide, or chartering without a license
13 if:

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

16 (b) The person acts as a ~~((professional salmon))~~ food fish guide
17 and does not hold a ~~((professional salmon))~~ food fish guide license; or

18 (c) The person acts as a game fish guide and does not hold a game
19 fish guide license.

20 (2) ~~((Commercial))~~ Acting without a game fish ~~((guiding or~~
21 ~~chartering without a))~~ guide license, food fish guide license, or
22 charter license is a gross misdemeanor.

23 **Sec. 11.** RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to
24 read as follows:

25 (1) A taxidermy license allows the holder to practice taxidermy for
26 ~~((profit))~~ commercial purposes, as that term is defined in RCW
27 77.15.110. The fee for this license is one hundred eighty dollars.

28 (2) A fur dealer's license allows the holder to purchase, receive,
29 or resell raw furs for ~~((profit))~~ commercial purposes, as that term is
30 defined in RCW 77.15.110. The fee for this license is one hundred
31 eighty dollars.

32 (3) A ~~((fishing))~~ game fish guide license allows the holder to
33 offer or perform the services of a ~~((professional))~~ game fish guide in
34 the taking of game fish. The fee for this license is one hundred
35 eighty dollars for a resident and six hundred dollars for a
36 nonresident.

1 (4) A game farm license allows the holder to operate a game farm to
2 acquire, breed, grow, keep, and sell wildlife under conditions
3 prescribed by the rules adopted pursuant to this title. The fee for
4 this license is seventy-two dollars for the first year and forty-eight
5 dollars for each following year.

6 (5) A game fish stocking permit allows the holder to release game
7 fish into the waters of the state as prescribed by rule of the
8 commission. The fee for this permit is twenty-four dollars.

9 (6) A fishing or field trial permit allows the holder to promote,
10 conduct, hold, or sponsor a fishing or field trial contest in
11 accordance with rules of the commission. The fee for a fishing contest
12 permit is twenty-four dollars. The fee for a field trial contest
13 permit is twenty-four dollars.

14 (7)(a) An anadromous game fish buyer's license allows the holder to
15 purchase or sell steelhead trout and other anadromous game fish
16 harvested by Indian (~~(fishermen)~~) fishers lawfully exercising fishing
17 rights reserved by federal statute, treaty, or executive order, under
18 conditions prescribed by rule of the director. The fee for this
19 license is one hundred eighty dollars.

20 (b) An anadromous game fish buyer's license is not required for
21 those businesses that buy steelhead trout and other anadromous game
22 fish from Washington licensed game fish dealers and sell solely at
23 retail.

24 **Sec. 12.** RCW 77.08.010 and 2008 c 277 s 2 are each amended to read
25 as follows:

26 The definitions in this section apply throughout this title or
27 rules adopted under this title unless the context clearly requires
28 otherwise.

29 (1) "Angling gear" means a line attached to a rod and reel capable
30 of being held in hand while landing the fish or a hand-held line
31 operated without rod or reel.

32 (2) "Aquatic invasive species" means any invasive, prohibited,
33 regulated, unregulated, or unlisted aquatic animal or plant species as
34 defined under subsections (~~((48) through (53))~~) (3), (28), (40), (44),
35 (58), and (59) of this section, aquatic noxious weeds as defined under
36 RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW
37 77.60.130(1).

1 (3) "Aquatic plant species" means an emergent, submersed, partially
2 submersed, free-floating, or floating-leaving plant species that grows
3 in or near a body of water or wetland.

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

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

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

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

20 (8) "Commercial" means related to or connected with buying,
21 selling, or bartering.

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

23 (10) "Concurrent waters of the Columbia river" means those waters
24 of the Columbia river that coincide with the Washington-Oregon state
25 boundary.

26 (11) "Contraband" means any property that is unlawful to produce or
27 possess.

28 (12) "Deleterious exotic wildlife" means species of the animal
29 kingdom not native to Washington and designated as dangerous to the
30 environment or wildlife of the state.

31 ~~((+12))~~ (13) "Department" means the department of fish and
32 wildlife.

33 ~~((+13))~~ (14) "Director" means the director of fish and wildlife.

34 ~~((+14))~~ (15) "Endangered species" means wildlife designated by the
35 commission as seriously threatened with extinction.

36 ~~((+15))~~ (16) "Ex officio fish and wildlife officer" means a
37 commissioned officer of a municipal, county, state, or federal agency
38 having as its primary function the enforcement of criminal laws in

1 general, while the officer is in the appropriate jurisdiction. The
2 term "ex officio fish and wildlife officer" includes special agents of
3 the national marine fisheries service, state parks commissioned
4 officers, United States fish and wildlife special agents, department of
5 natural resources enforcement officers, and United States forest
6 service officers, while the agents and officers are within their
7 respective jurisdictions.

8 ((+16+)) (17) "Fish" includes all species classified as game fish
9 or food fish by statute or rule, as well as all fin fish not currently
10 classified as food fish or game fish if such species exist in state
11 waters. The term "fish" includes all stages of development and the
12 bodily parts of fish species.

13 ((+17+)) (18) "Fish and wildlife officer" means a person appointed
14 and commissioned by the director, with authority to enforce this title
15 and rules adopted pursuant to this title, and other statutes as
16 prescribed by the legislature. Fish and wildlife officer includes a
17 person commissioned before June 11, 1998, as a wildlife agent or a
18 fisheries patrol officer.

19 ((+18+)) (19) "Fish broker" means a person whose business it is to
20 bring a seller of fish and shellfish and a purchaser of those fish and
21 shellfish together.

22 (20) "Fishery" means the taking of one or more particular species
23 of fish or shellfish with particular gear in a particular geographical
24 area.

25 ((+19+)) (21) "Freshwater" means all waters not defined as
26 saltwater including, but not limited to, rivers upstream of the river
27 mouth, lakes, ponds, and reservoirs.

28 ((+20+)) (22) "Fur-bearing animals" means game animals that shall
29 not be trapped except as authorized by the commission.

30 ((+21+)) (23) "Game animals" means wild animals that shall not be
31 hunted except as authorized by the commission.

32 ((+22+)) (24) "Game birds" means wild birds that shall not be
33 hunted except as authorized by the commission.

34 ((+23+)) (25) "Game farm" means property on which wildlife is held
35 or raised for commercial purposes, trade, or gift. The term "game
36 farm" does not include publicly owned facilities.

37 ((+24+)) (26) "Game reserve" means a closed area where hunting for
38 all wild animals and wild birds is prohibited.

1 ~~((+25+))~~ (27) "Illegal items" means those items unlawful to be
2 possessed.

3 (28) "Invasive species" means a plant species or a nonnative animal
4 species that either:

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

7 (b) Threatens or may threaten natural resources or their use in the
8 state;

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

11 (d) Threatens or harms human health.

12 ~~((+26+))~~ (29) "License year" means the period of time for which a
13 recreational license is valid. The license year begins April 1st, and
14 ends March 31st.

15 ~~((+27+))~~ (30) "Limited-entry license" means a license subject to a
16 license limitation program established in chapter 77.70 RCW.

17 ~~((+28+))~~ (31) "Money" means all currency, script, personal checks,
18 money orders, or other negotiable instruments.

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

21 ~~((+29+))~~ (33) "Offshore waters" means marine waters of the Pacific
22 Ocean outside the territorial boundaries of the state, including the
23 marine waters of other states and countries.

24 ~~((+30+))~~ (34) "Open season" means those times, manners of taking,
25 and places or waters established by rule of the commission for the
26 lawful hunting, fishing, taking, or possession of game animals, game
27 birds, game fish, food fish, or shellfish that conform to the special
28 restrictions or physical descriptions established by rule of the
29 commission or that have otherwise been deemed legal to hunt, fish,
30 take, harvest, or possess by rule of the commission. "Open season"
31 includes the first and last days of the established time.

32 ~~((+31+))~~ (35) "Owner" means the person in whom is vested the
33 ownership dominion, or title of the property.

34 (36) "Person" means and includes an individual; a corporation; a
35 public or private entity or organization; a local, state, or federal
36 agency; all business organizations, including corporations and
37 partnerships; or a group of two or more individuals acting with a

1 common purpose whether acting in an individual, representative, or
2 official capacity.

3 ~~((+32+))~~ (37) "Personal use" means for the private use of the
4 individual taking the fish or shellfish and not for sale or barter.

5 ~~((+33+))~~ (38) "Personal property" or "property" includes both
6 corporeal and incorporeal personal property and includes, among other
7 property, contraband and money.

8 (39) "Predatory birds" means wild birds that may be hunted
9 throughout the year as authorized by the commission.

10 ~~((+34+))~~ (40) "Prohibited aquatic animal species" means an invasive
11 species of the animal kingdom that has been classified as a prohibited
12 aquatic animal species by the commission.

13 ~~((+35+))~~ (41) "Protected wildlife" means wildlife designated by the
14 commission that shall not be hunted or fished.

15 ~~((+36+))~~ (42) "Raffle" means an activity in which tickets bearing
16 an individual number are sold for not more than twenty-five dollars
17 each and in which a permit or permits are awarded to hunt or for access
18 to hunt big game animals or wild turkeys on the basis of a drawing from
19 the tickets by the person or persons conducting the raffle.

20 ~~((+37+))~~ (43) "Recreational and commercial watercraft" includes the
21 boat, as well as equipment used to transport the boat, and any
22 auxiliary equipment such as attached or detached outboard motors.

23 ~~((+38+))~~ (44) "Regulated aquatic animal species" means a
24 potentially invasive species of the animal kingdom that has been
25 classified as a regulated aquatic animal species by the commission.

26 ~~((+39+))~~ (45) "Resident" means:

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

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

35 ~~((+40+))~~ (46) "Retail-eligible species" means commercially
36 harvested salmon, crab, and sturgeon.

37 ~~((+41+))~~ (47) "Saltwater" means those marine waters seaward of
38 river mouths.

1 ~~((42))~~ (48) "Seaweed" means marine aquatic plant species that are
2 dependent upon the marine aquatic or tidal environment, and exist in
3 either an attached or free floating form, and includes but is not
4 limited to marine aquatic plants in the classes Chlorophyta,
5 Phaeophyta, and Rhodophyta.

6 ~~((43))~~ (49) "Senior" means a person seventy years old or older.

7 ~~((44))~~ (50) "Shellfish" means those species of marine and
8 freshwater invertebrates that have been classified and that shall not
9 be taken except as authorized by rule of the commission. The term
10 "shellfish" includes all stages of development and the bodily parts of
11 shellfish species.

12 ~~((45))~~ (51) "State waters" means all marine waters and fresh
13 waters within ordinary high water lines and within the territorial
14 boundaries of the state.

15 ~~((46))~~ (52) "To fish," "to harvest," and "to take," and their
16 derivatives means an effort to kill, injure, harass, or catch a fish or
17 shellfish.

18 ~~((47))~~ (53) "To hunt" and its derivatives means an effort to
19 kill, injure, capture, or harass a wild animal or wild bird.

20 ~~((48))~~ (54) "To process" and its derivatives mean preparing or
21 preserving fish, wildlife, or shellfish.

22 ~~((49))~~ (55) "To trap" and its derivatives means a method of
23 hunting using devices to capture wild animals or wild birds.

24 ~~((50))~~ (56) "Trafficking" means offering, attempting to engage,
25 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
26 or deleterious exotic wildlife.

27 ~~((51))~~ (57) "Unclaimed" means that no owner of the property has
28 been identified or has requested, in writing, the release of the
29 property to themselves nor has the owner of the property designated an
30 individual to receive the property or paid the required postage to
31 effect delivery of the property.

32 (58) "Unlisted aquatic animal species" means a nonnative animal
33 species that has not been classified as a prohibited aquatic animal
34 species, a regulated aquatic animal species, or an unregulated aquatic
35 animal species by the commission.

36 ~~((52))~~ (59) "Unregulated aquatic animal species" means a
37 nonnative animal species that has been classified as an unregulated
38 aquatic animal species by the commission.

1 (~~(+53)~~) (60) "Wholesale fish dealer" means a person who, acting
2 for commercial purposes, takes possession or ownership of fish or
3 shellfish and sells, barter, or exchanges or attempts to sell, barter,
4 or exchange fish or shellfish that have been landed into the state of
5 Washington or entered the state of Washington in interstate or foreign
6 commerce.

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

12 (~~(+54)~~) (62) "Wild birds" means those species of the class Aves
13 whose members exist in Washington in a wild state.

14 (~~(+55)~~) (63) "Wildlife" means all species of the animal kingdom
15 whose members exist in Washington in a wild state. This includes but
16 is not limited to mammals, birds, reptiles, amphibians, fish, and
17 invertebrates. The term "wildlife" does not include feral domestic
18 mammals, old world rats and mice of the family Muridae of the order
19 Rodentia, or those fish, shellfish, and marine invertebrates classified
20 as food fish or shellfish by the director. The term "wildlife"
21 includes all stages of development and the bodily parts of wildlife
22 members.

23 (~~(+56)~~) (64) "Youth" means a person fifteen years old for fishing
24 and under sixteen years old for hunting.

25 **Sec. 13.** RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c
26 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as
27 follows:

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

30 (a) Rentals or concessions of the department;

31 (b) The sale of real or personal property held for department
32 purposes, unless the property is seized or recovered through a fish,
33 shellfish, or wildlife enforcement action;

34 (c) The assessment of administrative penalties, and the sale of
35 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
36 RCW 77.65.490, except annual resident adult saltwater and all annual

1 razor clam and shellfish licenses, which shall be deposited into the
2 state general fund;

3 (d) Fees for informational materials published by the department;

4 (e) Fees for personalized vehicle, Wild on Washington, and
5 Endangered Wildlife license plates and Washington's Wildlife license
6 plate collection as provided in chapter 46.16 RCW;

7 (f) Articles or wildlife sold by the director under this title;

8 (g) Compensation for damage to department property or wildlife
9 losses or contributions, gifts, or grants received under RCW 77.12.320.
10 However, this excludes fish and shellfish overages, and court-ordered
11 restitution or donations associated with any fish, shellfish, or
12 wildlife enforcement action, as such moneys must be deposited pursuant
13 to RCW 77.15.425;

14 (h) Excise tax on anadromous game fish collected under chapter
15 82.27 RCW;

16 (i) ~~((The sale of personal property seized by the department for~~
17 ~~fish, shellfish, or wildlife violations;~~

18 ~~(j))~~ The department's share of revenues from auctions and raffles
19 authorized by the commission; and

20 ~~((k))~~ (j) The sale of watchable wildlife decals under RCW
21 77.32.560.

22 (2) State and county officers receiving any moneys listed in
23 subsection (1) of this section shall deposit them in the state treasury
24 to be credited to the state wildlife account.

25 NEW SECTION. Sec. 14. A new section is added to chapter 77.15 RCW
26 to read as follows:

27 (1) A person is guilty of unlawful use of a department permit if
28 the person:

29 (a) Violates any terms or conditions of the permit issued by the
30 department or the director; or

31 (b) Violates any rule of the commission or the director applicable
32 to the requirement for, issuance of, or use of the permit.

33 (2) Permits covered under subsection (1) of this section include,
34 but are not limited to, master hunter permits, depredation permits,
35 landowner hunting permits, commercial carp license permits, permits to
36 possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and
37 permits to hold, sponsor, or attend an event requiring a banquet permit

1 from the liquor control board. Permits excluded from subsection (1) of
2 this section include fish and wildlife lands vehicle use permits,
3 commercial use or activity permits, noncommercial use or activity
4 permits, parking permits, experimental fishery permits, trial
5 commercial fishery permits, and scientific collection permits.

6 (3) Unlawful use of a department permit is a misdemeanor.

7 (4) A person is guilty of unlawful use of an experimental fishery
8 permit or a trial commercial fishery permit if the person:

9 (a) Violates any terms or conditions of the permit issued by the
10 department or the director; or

11 (b) Violates any rule of the commission or the director applicable
12 to the issuance or use of the permit.

13 (5) Unlawful use of an experimental fishery permit or a trial
14 commercial fishery permit is a gross misdemeanor.

15 (6) The definitions in this subsection apply throughout this
16 section unless the context clearly requires otherwise.

17 (a) "Experimental fishery permit" means a permit issued by the
18 director for either:

19 (i) An "emerging commercial fishery," defined as a fishery for a
20 newly classified species for which the department has determined that
21 there is a need to limit participation; or

22 (ii) An "expanding commercial fishery," defined as a fishery for a
23 previously classified species in a new area, by a new method, or at a
24 new effort level, for which the department has determined that there is
25 a need to limit participation.

26 (b) "Trial commercial fishery permit" means a permit issued by the
27 department for trial harvest of a newly classified species or harvest
28 of a previously classified species in a new area or by a new means.

29 NEW SECTION. **Sec. 15.** A new section is added to chapter 77.32 RCW
30 to read as follows:

31 (1) In order to effectively manage wildlife in areas or at times
32 when a higher proficiency and demonstrated skill level are needed for
33 resource protection or public safety, the department establishes the
34 master hunter permit program. The master hunter permit program
35 emphasizes safe, ethical, responsible, and lawful hunting practices.
36 Program goals include improving the public's perception of hunting and
37 perpetuating the highest hunting standards.

1 (2) A master hunter permit is required to participate in controlled
2 hunts to eliminate problem animals that damage property or threaten
3 public safety. The commission may establish by rule the requirements
4 an applicant must comply with when applying for or renewing a master
5 hunter permit, including but not limited to a criminal background
6 check. The director may establish an advisory group to assist the
7 department with administering the master hunter program.

8 (3) The fee for an initial master hunter permit may not exceed
9 fifty dollars, and the cost of renewing a master hunter permit may not
10 exceed twenty-five dollars. Funds generated under this section must be
11 deposited into the fish and wildlife enforcement reward account
12 established in RCW 77.15.425, and the funds must be used exclusively to
13 administer the master hunter program.

14 NEW SECTION. **Sec. 16.** A new section is added to chapter 77.15 RCW
15 to read as follows:

16 (1) The department may suspend a person's master hunter permit for
17 the following reasons and corresponding lengths of time:

18 (a) If the person pays the required fine or is found to have
19 committed an infraction under this chapter or the department's rules,
20 the department shall suspend the person's master hunter permit for two
21 years;

22 (b) If the person pays the required fine or is convicted of a
23 misdemeanor, gross misdemeanor, or felony under this chapter, the
24 department shall suspend the person's master hunter permit for life;

25 (c) If the person pays the required fine or is convicted of
26 trespass, reckless endangerment, criminal conspiracy, or making a false
27 statement to law enforcement while hunting, fishing, or engaging in any
28 activity regulated by the department, the department shall suspend the
29 person's master hunter permit for life;

30 (d) If the person pays the required fine or is convicted of a
31 felony prohibiting the possession of firearms, unless firearm
32 possession is reinstated, the department shall suspend the person's
33 master hunter permit for life;

34 (e) If the person has a hunting or fishing license revoked or has
35 hunting or fishing license privileges suspended in another state, the
36 department shall suspend the person's master hunter permit for life;

1 (f) If the person is cited, or charged by complaint, for an offense
2 under this chapter; or for trespass, reckless endangerment, criminal
3 conspiracy, or making a false statement to law enforcement while
4 hunting, fishing, or engaging in any activity regulated by the
5 department, the department may immediately suspend the person's master
6 hunter permit until the offense has been adjudicated; or

7 (g) If the person submits fraudulent information to the department,
8 the department shall suspend the person's master hunter permit for
9 life.

10 (2) Any master hunter who is notified of an intended suspension may
11 request an appeal hearing under chapter 34.05 RCW.

12 **Sec. 17.** RCW 77.15.370 and 2005 c 406 s 3 are each amended to read
13 as follows:

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

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

21 (b) The person fishes in a fishway;

22 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
23 stones fish or shellfish in state waters, or possesses fish or
24 shellfish taken by such means, unless such means are authorized by
25 express rule of the commission or director; (~~or~~)

26 (d) The person fishes for or possesses a fish listed as threatened
27 or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or
28 possession of such fish is specifically allowed under federal or state
29 law; or

30 (e) The person possesses a sturgeon measuring in excess of the
31 maximum size limit as established by rules adopted by the department.

32 (2) Unlawful recreational fishing in the first degree is a gross
33 misdemeanor.

34 **Sec. 18.** RCW 77.15.425 and 2006 c 148 s 2 are each amended to read
35 as follows:

36 The fish and wildlife enforcement reward account is created in the

1 custody of the state treasurer. ((All receipts from criminal wildlife
2 penalty assessments under RCW 77.15.420 and 77.15.400 must be deposited
3 into the account.)) Deposits to the account include: Receipts from
4 fish and shellfish overages as a result of a department enforcement
5 action; fees for hunter education deferral applications; fees for
6 master hunter applications and master hunter certification renewals;
7 all receipts from criminal wildlife penalty assessments under RCW
8 77.15.400 and 77.15.420; all receipts of court-ordered restitution or
9 donations associated with any fish, shellfish, or wildlife enforcement
10 action; and proceeds from forfeitures and evidence pursuant to RCW
11 77.15.070 and 77.15.100. The department may accept money or personal
12 property from persons under conditions requiring the property or money
13 to be used consistent with the intent of expenditures from the fish and
14 wildlife enforcement reward account. Expenditures from the account may
15 be used only for investigation and prosecution of fish and wildlife
16 offenses, to provide rewards to persons informing the department about
17 violations of this title and rules adopted under this title, to offset
18 department-approved costs incurred to administer the hunter education
19 deferral program and the master hunter program, and for other valid
20 enforcement uses as determined by the commission. Only the director or
21 the director's designee may authorize expenditures from the account.
22 The account is subject to allotment procedures under chapter 43.88 RCW,
23 but an appropriation is not required for expenditures.

24 **Sec. 19.** RCW 77.15.568 and 2007 c 337 s 4 are each amended to read
25 as follows:

26 (1) A person is guilty of a secondary commercial fish receiver's
27 failure to account for commercial harvest if:

28 (a) The person sells fish or shellfish at retail, stores or holds
29 fish or shellfish for another in exchange for valuable consideration,
30 ships fish or shellfish in exchange for valuable consideration, or
31 brokers fish or shellfish in exchange for valuable consideration;

32 (b) The fish or shellfish were required to be entered on a
33 Washington fish receiving ticket or a Washington aquatic farm
34 production annual report; and

35 (c) The person fails to maintain records of each receipt of fish or
36 shellfish, as required under subsections (3) through (5) of this

1 section, at the location where the fish or shellfish are being sold, at
2 the location where the fish or shellfish are being stored or held, or
3 at the principal place of business of the shipper or broker.

4 (2) This section (~~((does not apply))~~) applies to a wholesale fish
5 dealer(~~(7)~~) acting in the capacity of a broker. However, this section
6 does not apply to a wholesale fish dealer acting in the capacity of a
7 wholesale fish dealer, to a fisher selling under a direct retail sale
8 endorsement, or to a registered aquatic farmer.

9 (3) Records of the receipt of fish or shellfish required to be kept
10 under this section must be in the English language and be maintained
11 for three years from the date fish or shellfish are received, shipped,
12 or brokered.

13 (4) Records maintained by persons that retail or broker must
14 include the following:

15 (a) The name, address, and phone number of the wholesale fish
16 dealer, fisher selling under a direct retail sale endorsement, or
17 aquatic farmer or shellstock shipper from whom the fish or shellfish
18 were purchased or received;

19 (b) The Washington fish receiving ticket number documenting
20 original receipt or aquatic farm production quarterly report
21 documenting production, if available;

22 (c) The date of purchase or receipt; and

23 (d) The amount and species of fish or shellfish purchased or
24 received.

25 (5) Records maintained by persons that store, hold, or ship fish or
26 shellfish for others must state the following:

27 (a) The name, address, and phone number of the person and business
28 from whom the fish or shellfish were received;

29 (b) The date of receipt; and

30 (c) The amount and species of fish or shellfish received.

31 (6) A secondary commercial fish receiver's failure to account for
32 commercial harvest is a misdemeanor.

33 **Sec. 20.** RCW 77.15.620 and 2002 c 301 s 7 are each amended to read
34 as follows:

35 (1) A person is guilty of engaging in fish dealing activity without
36 a license in the second degree if the person:

1 (a) Engages in the commercial processing of fish or shellfish,
2 including custom canning or processing of personal use fish or
3 shellfish and does not hold a wholesale dealer's license required by
4 RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct
5 retail endorsement under RCW 77.65.510;

6 (b) Engages in the wholesale selling, buying, or brokering of food
7 fish or shellfish and does not hold a wholesale dealer's or buying
8 license required by RCW 77.65.280(2) or 77.65.480 for anadromous game
9 fish;

10 (c) Is a fisher who lands and sells his or her catch or harvest in
11 the state to anyone other than a licensed wholesale dealer within or
12 outside the state and does not hold a direct retail endorsement
13 required by RCW 77.65.510; or

14 (d) Engages in the commercial manufacture or preparation of
15 fertilizer, oil, meal, caviar, fish bait, or other byproducts from food
16 fish or shellfish and does not hold a wholesale dealer's license
17 required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

18 (2) Engaging in fish dealing activity without a license in the
19 second degree is a gross misdemeanor.

20 (3) A person is guilty of engaging in fish dealing activity without
21 a license in the first degree if the person commits the act described
22 by subsection (1) of this section and the violation involves: (a) Fish
23 or shellfish worth two hundred fifty dollars or more; (b) a failure to
24 document such fish or shellfish with a fish receiving ticket or other
25 documentation required by statute or rule of the department; or (c)
26 violates any other rule of the department regarding wholesale fish
27 buying and dealing. Engaging in fish dealing activity without a
28 license in the first degree is a class C felony.

29 **Sec. 21.** RCW 77.12.870 and 2002 c 20 s 3 are each amended to read
30 as follows:

31 (1) The department, in consultation with the Northwest straits
32 commission, the department of natural resources, and other interested
33 parties, must create and maintain a database of known derelict fishing
34 gear, including the type of gear and its location.

35 (2) A person who loses or abandons commercial fishing gear within
36 the waters of the state is encouraged to report the location of the

1 loss and the type of gear lost to the department within forty-eight
2 hours of the loss.

3 ~~((3) The department, in consultation with fishing industry groups
4 and tribal comanagers, must evaluate methods to reduce future losses of
5 fishing gear and report the results of this evaluation to the
6 appropriate legislative committees by January 1, 2003.))~~

7 **Sec. 22.** RCW 77.12.879 and 2007 c 350 s 3 are each amended to read
8 as follows:

9 (1) The aquatic invasive species prevention account is created in
10 the state treasury. Moneys directed to the account from RCW 88.02.050
11 must be deposited in the account. Expenditures from the account may
12 only be used as provided in this section. Moneys in the account may be
13 spent only after appropriation.

14 (2) Funds in the aquatic invasive species prevention account may be
15 appropriated to the department to develop an aquatic invasive species
16 prevention program for recreational and commercial watercraft. Funds
17 must be expended as follows:

18 (a) To inspect recreational and commercial watercraft;

19 (b) To educate general law enforcement officers on how to enforce
20 state laws relating to preventing the spread of aquatic invasive
21 species;

22 (c) To evaluate and survey the risk posed by recreational and
23 commercial watercraft in spreading aquatic invasive species into
24 Washington state waters;

25 (d) To evaluate the risk posed by float planes in spreading aquatic
26 invasive species into Washington state waters; and

27 (e) To implement an aquatic invasive species early detection and
28 rapid response plan. The plan must address the treatment and immediate
29 response to the introduction to Washington waters of aquatic invasive
30 species. Agency and public review of the plan must be conducted under
31 chapter 43.21C RCW, the state environmental policy act. If the
32 implementation measures or actions would have a probable significant
33 adverse environmental impact, a detailed statement under chapter 43.21C
34 RCW must be prepared on the plan.

35 (3) Funds in the aquatic invasive species enforcement account
36 created in RCW 43.43.400 may be appropriated to the department and
37 Washington state patrol to develop an aquatic invasive species

1 enforcement program for recreational and commercial watercraft. The
2 department shall provide training to Washington state patrol employees
3 working at port of entry weigh stations, and other local law
4 enforcement employees, on how to inspect recreational and commercial
5 watercraft for the presence of aquatic invasive species. A person who
6 enters Washington transporting any commercial or recreational
7 watercraft that has been used in any designated aquatic invasive
8 species state or foreign country as defined by rule of the department
9 must have in his or her possession valid documentation that the
10 watercraft has been inspected and found free of aquatic invasive
11 species. The department is authorized to require persons transporting
12 recreational and commercial watercraft to stop at check stations.
13 Check stations must be plainly marked by signs, operated by at least
14 one uniformed fish and wildlife officer, and operated in a safe manner.
15 Any person stopped at a check station who possesses a recreational or
16 commercial watercraft that has been used in any designated aquatic
17 invasive species state or foreign country as defined by rule of the
18 department, or that is contaminated with aquatic invasive species, must
19 bear the expense for any necessary impoundment, transportation,
20 cleaning, and decontamination of the watercraft. Any person stopped at
21 a check station who possesses a recreational or commercial watercraft
22 that has been used in any designated aquatic invasive species state or
23 foreign country as defined by rule of the department, or that is
24 contaminated with aquatic invasive species, is exempt from the criminal
25 penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under
26 RCW 77.15.070, if that person complies with all department directives
27 for the proper decontamination of the watercraft and equipment.

28 (4) The department shall submit a biennial report to the
29 appropriate legislative committees describing the actions taken to
30 implement this section along with suggestions on how to better fulfill
31 the intent of chapter 464, Laws of 2005. (~~The first report is due~~
32 ~~December 1, 2007.~~)

33 **Sec. 23.** RCW 77.60.150 and 2001 c 273 s 1 are each amended to read
34 as follows:

35 (1) The department shall initiate a pilot project to evaluate the
36 feasibility and potential of intensively culturing shellfish on
37 currently nonproductive oyster reserve land in Puget Sound. The pilot

1 program shall include no fewer than three long-term lease agreements
2 with commercial shellfish growers. Except as provided in subsection
3 (~~(4)~~) (3) of this section, revenues from the lease of such lands
4 shall be deposited in the oyster reserve land account created in RCW
5 77.60.160.

6 (2) The department shall form one advisory committee each for the
7 Willapa Bay oyster reserve lands and the Puget Sound oyster reserve
8 lands. The advisory committees shall make recommendations on
9 management practices to conserve, protect, and develop oyster reserve
10 lands. The advisory committees may make recommendations regarding the
11 management practices on oyster reserve lands, in particular to ensure
12 that they are managed in a manner that will: (a) Increase revenue
13 through production of high-value shellfish; (b) not be detrimental to
14 the market for shellfish grown on nonreserve lands; and (c) avoid
15 negative impacts to existing shellfish populations. The advisory
16 committees may also make recommendation on the distribution of funds in
17 RCW 77.60.160(2)(a). The department shall attempt to structure each
18 advisory committee to include equal representation between shellfish
19 growers that participate in reserve sales and shellfish growers that do
20 not.

21 (~~(3) ((The department shall submit a brief progress report on the
22 status of the pilot programs to the appropriate standing committees of
23 the legislature by January 7, 2003.~~

24 ~~(4))~~ The department of natural resources, in consultation with the
25 department of fish and wildlife, shall administer the leases for oyster
26 reserves entered into under this chapter. In administering the leases,
27 the department of natural resources shall exercise its authority under
28 RCW (~~(79.96.090)~~) 79.135.300. Vacation of state oyster reserves by the
29 department (~~(of fish and wildlife)~~) shall not be a requirement for the
30 department of natural resources to lease any oyster reserves under this
31 section. The department of natural resources may recover reasonable
32 costs directly associated with the administration of the leases for
33 oyster reserves entered into under this chapter. All administrative
34 fees collected by the department of natural resources pursuant to this
35 section shall be deposited into the resource management cost account
36 established in RCW 79.64.020. The department of (~~(fish and wildlife)~~)
37 may not assess charges to recover the costs of consulting with the
38 department of natural resources under this subsection.

1 ((+5)) (4) The Puget Sound pilot program shall not include the
2 culture of geoduck.

3 **Sec. 24.** RCW 77.85.230 and 2003 c 391 s 5 are each amended to read
4 as follows:

5 (1) In consultation with the appropriate task force formed under
6 RCW 77.85.220, the conservation commission may contract with
7 universities, private consultants, nonprofit groups, or other entities
8 to assist it in developing a plan incorporating the following elements:

9 (a) An inventory of existing tide gates located on streams in the
10 county. The inventory shall include location, age, type, and
11 maintenance history of the tide gates and other factors as determined
12 by the appropriate task force in consultation with the county and
13 diking and drainage districts;

14 (b) An assessment of the role of tide gates located on streams in
15 the county; the role of intertidal fish habitat for various life stages
16 of salmon; the quantity and characterization of intertidal fish habitat
17 currently accessible to fish; the quantity and characterization of the
18 present intertidal fish habitat created at the time the dikes and
19 outlets were constructed; the quantity of potential intertidal fish
20 habitat on public lands and alternatives to enhance this habitat; the
21 effects of saltwater intrusion on agricultural land, including the
22 effects of backfeeding of saltwater through the underground drainage
23 system; the role of tide gates in drainage systems, including relieving
24 excess water from saturated soil and providing reservoir functions
25 between tides; the effect of saturated soils on production of crops;
26 the characteristics of properly functioning intertidal fish habitat; a
27 map of agricultural lands designated by the county as having long-term
28 commercial significance and the effect of that designation; and the
29 economic impacts to existing land uses for various alternatives for
30 tide gate alteration; and

31 (c) A long-term plan for intertidal salmon habitat enhancement to
32 meet the goals of salmon recovery and protection of agricultural lands.
33 The proposal shall consider all other means to achieve salmon recovery
34 without converting farmland. The proposal shall include methods to
35 increase fish passage and otherwise enhance intertidal habitat on
36 public lands pursuant to subsection (2) of this section, voluntary
37 methods to increase fish passage on private lands, a priority list of

1 intertidal salmon enhancement projects, and recommendations for funding
2 of high priority projects. The task force also may propose pilot
3 projects that will be designed to test and measure the success of
4 various proposed strategies.

5 (2) In conjunction with other public landowners and the appropriate
6 task force formed under RCW 77.85.220, the department shall develop an
7 initial salmon intertidal habitat enhancement plan for public lands in
8 the county. The initial plan shall include a list of public properties
9 in the intertidal zone that could be enhanced for salmon, a description
10 of how those properties could be altered to support salmon, a
11 description of costs and sources of funds to enhance the property, and
12 a strategy and schedule for prioritizing the enhancement of public
13 lands for intertidal salmon habitat. This initial plan shall be
14 submitted to the appropriate task force at least six months before the
15 deadline established in subsection (3) of this section.

16 (3) The final intertidal salmon enhancement plan shall be completed
17 within two years from the date the task force is formed under RCW
18 77.85.220 and funding has been secured. A final plan shall be
19 submitted by the appropriate task force to the lead entity for the
20 geographic area established under this chapter.

21 **Sec. 25.** RCW 77.85.050 and 2005 c 309 s 6 are each amended to read
22 as follows:

23 (1)(a) Counties, cities, and tribal governments must jointly
24 designate, by resolution or by letters of support, the area for which
25 a habitat project list is to be developed and the lead entity that is
26 to be responsible for submitting the habitat project list. No project
27 included on a habitat project list shall be considered mandatory in
28 nature and no private landowner may be forced or coerced into
29 participation in any respect. The lead entity may be a county, city,
30 conservation district, special district, tribal government, regional
31 recovery organization, or other entity.

32 (b) The lead entity shall establish a committee that consists of
33 representative interests of counties, cities, conservation districts,
34 tribes, environmental groups, business interests, landowners, citizens,
35 volunteer groups, regional fish enhancement groups, and other habitat
36 interests. The purpose of the committee is to provide a citizen-based
37 evaluation of the projects proposed to promote salmon habitat.

1 (c) The committee shall compile a list of habitat projects,
2 establish priorities for individual projects, define the sequence for
3 project implementation, and submit these activities as the habitat
4 project list. The committee shall also identify potential federal,
5 state, local, and private funding sources.

6 (2) The area covered by the habitat project list must be based, at
7 a minimum, on a WRIA, combination of WRIAs, or any other area as agreed
8 to by the counties, cities, and tribes in resolutions or in letters of
9 support meeting the requirements of this subsection. Preference will
10 be given to projects in an area that contain a salmon species that is
11 listed or proposed for listing under the federal endangered species
12 act.

13 (3) The lead entity shall submit the habitat project list to the
14 (~~{salmon recovery funding}~~) salmon recovery funding board in
15 accordance with procedures adopted by the board.

16 **Sec. 26.** RCW 77.120.030 and 2007 c 350 s 10 are each amended to
17 read as follows:

18 (1) The owner or operator in charge of any vessel covered by this
19 chapter is required to ensure that the vessel under their ownership or
20 control does not discharge ballast water into the waters of the state
21 except as authorized by this section.

22 (2) Discharge of ballast water into waters of the state is
23 authorized only if there has been an open sea exchange, or if the
24 vessel has treated its ballast water, to meet standards set by the
25 department consistent with applicable state and federal laws.

26 (3) The department, in consultation with (~~the ballast water work~~
27 ~~group, or similar~~) a collaborative forum, shall adopt by rule
28 standards for the discharge of ballast water into the waters of the
29 state and their implementation timelines. The standards are intended
30 to ensure that the discharge of ballast water poses minimal risk of
31 introducing nonindigenous species. In developing these standards, the
32 department shall consider the extent to which the requirement is
33 technologically and practically feasible. Where practical and
34 appropriate, the standards must be compatible with standards set by the
35 United States coast guard, the federal clean water act (33 U.S.C. Sec.
36 1251-1387), or the international maritime organization.

1 (4) The master, operator, or person in charge of a vessel is not
2 required to conduct an open sea exchange or treatment of ballast water
3 if the master, operator, or person in charge of a vessel determines
4 that the operation would threaten the safety of the vessel, its crew,
5 or its passengers, because of adverse weather, vessel design
6 limitations, equipment failure, or any other extraordinary conditions.
7 A master, operator, or person in charge of a vessel who relies on this
8 exemption must file documentation defined by the department, subject
9 to: (a) Payment of a fee not to exceed five thousand dollars; (b)
10 discharging only the minimal amount of ballast water operationally
11 necessary; (c) ensuring that ballast water records accurately reflect
12 any reasons for not complying with the mandatory requirements; and (d)
13 any other requirements identified by the department by rule as provided
14 in subsections (3) and (6) of this section.

15 (5) For treatment technologies requiring shipyard modification, the
16 department may enter into a compliance plan with the vessel owner. The
17 compliance plan must include a timeline consistent with drydock and
18 shipyard schedules for completion of the modification. The department
19 shall adopt rules for compliance plans under this subsection.

20 (6) For an exemption claimed in subsection (4) of this section, the
21 department shall adopt rules for defining exemption conditions,
22 requirements, compliance plans, or alternative ballast water management
23 strategies to meet the intent of this section.

24 (7) The department shall make every effort to align ballast water
25 standards with adopted international and federal standards while
26 ensuring that the goals of this chapter are met.

27 (8) The requirements of this section do not apply to a vessel
28 discharging ballast water or sediments that originated solely within
29 the waters of Washington ((state)), the Columbia river system, or the
30 internal waters of British Columbia south of latitude fifty degrees
31 north, including the waters of the Straits of Georgia and Juan de Fuca.

32 (9) Open sea exchange is an exchange that occurs fifty or more
33 nautical miles offshore. If the United States coast guard requires a
34 vessel to conduct an exchange further offshore, then that distance is
35 the required distance for purposes of compliance with this chapter.

36 **Sec. 27.** RCW 77.120.110 and 2007 c 350 s 14 are each amended to
37 read as follows:

1 (1) The ballast water management account is created in the state
2 treasury. All receipts from legislative appropriations, gifts, grants,
3 donations, penalties, and fees received under this chapter must be
4 deposited into the account.

5 (2) Moneys in the account may be spent only after appropriation.
6 Expenditures from the account may be used only to carry out the
7 purposes of this chapter or support the goals of this chapter through
8 research and monitoring except:

9 (a) Expenditures may not be used for the salaries of permanent
10 department employees; and

11 (b) Penalties deposited into the account may be used(~~(, in~~
12 ~~consultation with the ballast water work group created in section 11 of~~
13 ~~this act,)) only to support basic and applied research and carry out
14 education and outreach related to the state's ballast water management.~~

15 **Sec. 28.** RCW 77.120.120 and 2007 c 350 s 15 are each amended to
16 read as follows:

17 The department may issue a special operating authorization for
18 passenger vessels conducting or assisting in research and testing
19 activities to determine the presence of invasive species in ballast
20 water collected in the waters of southeast Alaska north of latitude
21 fifty-four degrees thirty minutes north to sixty-one degrees ten
22 minutes north, extending to longitude one hundred forty-nine degrees
23 thirty minutes west. (~~Such testing and research shall be reviewed by~~
24 ~~the ballast water work group, who may make recommendations to the~~
25 ~~department.)) The department may adopt rules for defining special
26 operating authorization conditions, requirements, limitations, and fees
27 as necessary to implement this section, consistent with the intent of
28 this chapter.~~

29 **Sec. 29.** RCW 77.95.200 and 1998 c 251 s 2 are each amended to read
30 as follows:

31 (1) The department shall develop and implement a program utilizing
32 remote site incubators in Washington state. The program shall identify
33 sites in tributaries that are suitable for reestablishing self-
34 sustaining, locally adapted populations of coho, chum, or chinook
35 salmon. The initial selection of sites shall be (~~completed by July 1,~~
36 ~~1999, and)) updated annually (~~thereafter~~).~~

1 (2) The department may only approve a remote site incubator project
2 if the department deems it is consistent with the conservation of wild
3 salmon and trout. The department shall only utilize appropriate
4 salmonid eggs in remote site incubators, and may acquire eggs by gift
5 or purchase.

6 (3) The department shall depend chiefly upon volunteer efforts to
7 implement the remote site incubator program through volunteer
8 cooperative projects and the regional fisheries enhancement groups.
9 The department may prioritize remote site incubator projects within
10 regional enhancement areas.

11 (4) The department may purchase remote site incubators and may use
12 agency employees to construct remote site incubators. ~~((The director
13 and the secretary of the department of corrections shall jointly
14 investigate the potential of producing remote site incubators through
15 the prison industries program of the department of corrections, and
16 shall jointly report their finding to the natural resources committees
17 of the house of representatives and the senate by December 1, 1999.))~~

18 (5) The department shall investigate the use of the remote site
19 incubator technology for the production of warm water fish.

20 (6) ~~((The department shall evaluate the initial results of the
21 program and report to the legislature by December 1, 2000.))~~ Annual
22 reports on the progress of the program shall be provided to the fish
23 and wildlife commission.

24 **Sec. 30.** RCW 77.95.310 and 1997 c 414 s 1 are each amended to read
25 as follows:

26 ~~((Beginning September 1, 1998, and each September 1st thereafter,))~~

27 (1) The department shall ~~((submit))~~ maintain a report ~~((to the
28 appropriate standing committees of the legislature))~~ identifying
29 ~~((the))~~ total salmon and steelhead harvest ~~((of the preceding season))~~.
30 This report shall include the final commercial harvests and
31 recreational harvests. At a minimum, the report shall clearly
32 identify:

33 ~~((1))~~ (a) The total treaty tribal and nontribal harvests by
34 species and by management unit;

35 ~~((2))~~ (b) Where and why the nontribal harvest does not meet the
36 full allocation allowed under *United States v. Washington*, 384 F. Supp.

1 312 (1974) (Boldt I) including a summary of the key policies within the
2 management plan that result in a less than full nontribal allocation;
3 and

4 ~~((+3))~~ (c) The location and quantity of salmon and steelhead
5 harvested under the wastage provisions of *United States v. Washington*,
6 384 F. Supp. 312 (1974).

7 (2) Upon request, the department shall present the report required
8 to be maintained under this section to the appropriate committees of
9 the legislature.

10 **Sec. 31.** RCW 77.12.184 and 2000 c 252 s 1 are each amended to read
11 as follows:

12 (1) The department shall deposit all moneys received from the
13 following activities into the state wildlife ~~((fund))~~ account created
14 in RCW 77.12.170:

15 (a) The sale of interpretive, recreational, historical,
16 educational, and informational literature and materials;

17 (b) The sale of advertisements in regulation pamphlets and other
18 appropriate mediums; and

19 (c) Enrollment fees in department-sponsored educational training
20 events.

21 (2) Moneys collected under subsection (1) of this section shall be
22 spent primarily for producing regulation booklets for users and for the
23 development, production, reprinting, and distribution of informational
24 and educational materials. The department may also spend these moneys
25 for necessary expenses associated with training activities, and other
26 activities as determined by the director.

27 (3) Regulation pamphlets may be subsidized through appropriate
28 advertising, but must be made available free of charge to the users.

29 (4) The director may enter into joint ventures with other agencies
30 and organizations to generate revenue for providing public information
31 and education on wildlife and hunting and fishing rules.

32 **Sec. 32.** RCW 77.12.190 and 1991 sp.s. c 31 s 17 are each amended
33 to read as follows:

34 Moneys in the state wildlife ~~((fund))~~ account created in RCW
35 77.12.170 may be used only for the purposes of this title, including

1 the payment of principal and interest on bonds issued for capital
2 projects.

3 **Sec. 33.** RCW 77.12.210 and 2000 c 107 s 218 are each amended to
4 read as follows:

5 The director shall maintain and manage real or personal property
6 owned, leased, or held by the department and shall control the
7 construction of buildings, structures, and improvements in or on the
8 property. The director may adopt rules for the operation and
9 maintenance of the property.

10 The commission may authorize the director to sell, lease, convey,
11 or grant concessions upon real or personal property under the control
12 of the department. This includes the authority to sell timber, gravel,
13 sand, and other materials or products from real property held by the
14 department, and to sell or lease the department's real or personal
15 property or grant concessions or rights-of-way for roads or utilities
16 in the property. Oil and gas resources owned by the state which lie
17 below lands owned, leased, or held by the department shall be offered
18 for lease by the commissioner of public lands pursuant to chapter 79.14
19 RCW with the proceeds being deposited in the state wildlife (~~fund~~)
20 account created in RCW 77.12.170: PROVIDED, That the commissioner of
21 public lands shall condition such leases at the request of the
22 department to protect wildlife and its habitat.

23 If the commission determines that real or personal property held by
24 the department cannot be used advantageously by the department, the
25 director may dispose of that property if it is in the public interest.

26 If the state acquired real property with use limited to specific
27 purposes, the director may negotiate terms for the return of the
28 property to the donor or grantor. Other real property shall be sold to
29 the highest bidder at public auction. After appraisal, notice of the
30 auction shall be published at least once a week for two successive
31 weeks in a newspaper of general circulation within the county where the
32 property is located at least twenty days prior to sale.

33 Proceeds from the sales shall be deposited in the state wildlife
34 (~~fund~~) account created in RCW 77.12.170.

35 **Sec. 34.** RCW 77.12.230 and 1987 c 506 s 32 are each amended to
36 read as follows:

1 The director may pay lawful local improvement district assessments
2 for projects that may benefit wildlife or wildlife-oriented recreation
3 made against lands held by the state for department purposes. The
4 payments may be made from money appropriated from the state wildlife
5 (~~fund~~) account created in RCW 77.12.170 to the department.

6 **Sec. 35.** RCW 77.12.323 and 1987 c 506 s 42 are each amended to
7 read as follows:

8 (1) There is established in the state wildlife (~~fund~~) account
9 created in RCW 77.12.170 a special wildlife account. Moneys received
10 under RCW 77.12.320 as now or hereafter amended as compensation for
11 wildlife losses shall be deposited in the state treasury to be credited
12 to the special wildlife account.

13 (2) The director may advise the state treasurer and the state
14 investment board of a surplus in the special wildlife account above the
15 current needs. The state investment board may invest and reinvest the
16 surplus, as the commission deems appropriate, in an investment
17 authorized by RCW 43.84.150 or in securities issued by the United
18 States government as defined by RCW 43.84.080 (1) and (4). Income
19 received from the investments shall be deposited to the credit of the
20 special wildlife account.

21 **Sec. 36.** RCW 77.12.380 and 1987 c 506 s 44 are each amended to
22 read as follows:

23 Upon receipt of a request under RCW 77.12.360, the commissioner of
24 public lands shall determine if the withdrawal would benefit the people
25 of the state. If the withdrawal would be beneficial, the commissioner
26 shall have the lands appraised for their lease value. Before
27 withdrawal, the department shall transmit to the commissioner a voucher
28 authorizing payment from the state wildlife (~~fund~~) account created in
29 RCW 77.12.170 in favor of the fund for which the lands are held. The
30 payment shall equal the amount of the lease value for the duration of
31 the withdrawal.

32 **Sec. 37.** RCW 77.12.390 and 1987 c 506 s 45 are each amended to
33 read as follows:

34 Upon receipt of a voucher under RCW 77.12.380, the commissioner of
35 public lands shall withdraw the lands from lease. The commissioner

1 shall forward the voucher to the state treasurer, who shall draw a
2 warrant against the state wildlife ((fund)) account created in RCW
3 77.12.170 in favor of the fund for which the withdrawn lands are held.

4 **Sec. 38.** RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33
5 are each reenacted and amended to read as follows:

6 The migratory waterfowl art committee is responsible for the
7 selection of the annual migratory bird stamp design and shall provide
8 the design to the department. If the committee does not perform this
9 duty within the time frame necessary to achieve proper and timely
10 distribution of the stamps to license dealers, the director shall
11 initiate the art work selection for that year. The committee shall
12 create collector art prints and related artwork, utilizing the same
13 design as provided to the department. The administration, sale,
14 distribution, and other matters relating to the prints and sales of
15 stamps with prints and related artwork shall be the responsibility of
16 the migratory waterfowl art committee.

17 The total amount brought in from the sale of prints and related
18 artwork shall be deposited in the state wildlife ((fund)) account
19 created in RCW 77.12.170. The costs of producing and marketing of
20 prints and related artwork, including administrative expenses mutually
21 agreed upon by the committee and the director, shall be paid out of the
22 total amount brought in from sales of those same items. Net funds
23 derived from the sale of prints and related artwork shall be used by
24 the director to contract with one or more appropriate individuals or
25 nonprofit organizations for the development of waterfowl propagation
26 projects within Washington which specifically provide waterfowl for the
27 Pacific flyway. The department shall not contract with any individual
28 or organization that obtains compensation for allowing waterfowl
29 hunting except if the individual or organization does not permit
30 hunting for compensation on the subject property.

31 The migratory waterfowl art committee shall have an annual audit of
32 its finances conducted by the state auditor and shall furnish a copy of
33 the audit to the commission.

34 **Sec. 39.** RCW 77.15.100 and 2000 c 107 s 235 are each amended to
35 read as follows:

36 (1) Unless otherwise provided in this title, fish, shellfish, or

1 wildlife unlawfully taken or possessed, or involved in a violation
2 shall be forfeited to the state upon conviction. Unless already held
3 by, sold, destroyed, or disposed of by the department, the court shall
4 order such fish or wildlife to be delivered to the department. Where
5 delay will cause loss to the value of the property and a ready
6 wholesale buying market exists, the department may sell property to a
7 wholesale buyer at a fair market value.

8 (2) When seized property is forfeited to the department, the
9 department may retain it for official use unless the property is
10 required to be destroyed, or upon application by any law enforcement
11 agency of the state, release the property to the agency for the use of
12 enforcing this title, or sell such property and deposit the proceeds
13 into the (~~state wildlife fund~~) fish and wildlife enforcement reward
14 account established under RCW (~~77.12.170~~) 77.15.425. Any sale of
15 other property shall be at public auction or after public advertisement
16 reasonably designed to obtain the highest price. The time, place, and
17 manner of holding the sale shall be determined by the director. The
18 director may contract for the sale to be through the department of
19 general administration as state surplus property, or, except where not
20 justifiable by the value of the property, the director shall publish
21 notice of the sale once a week for at least two consecutive weeks
22 before the sale in at least one newspaper of general circulation in the
23 county in which the sale is to be held.

24 **Sec. 40.** RCW 77.32.430 and 2005 c 192 s 2 are each amended to read
25 as follows:

26 (1) Catch record card information is necessary for proper
27 management of the state's food fish and game fish species and shellfish
28 resources. Catch record card administration shall be under rules
29 adopted by the commission. There is no charge for an initial catch
30 record card. Each subsequent or duplicate catch record card costs ten
31 dollars.

32 (2) A license to take and possess Dungeness crab is only valid in
33 Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has
34 in possession a valid catch record card officially endorsed for
35 Dungeness crab. The endorsement shall cost no more than three dollars,
36 including any or all fees authorized under RCW 77.32.050, when
37 purchased for a personal use saltwater, combination, or shellfish and

1 seaweed license. The endorsement shall cost no more than one dollar,
2 including any or all fees authorized under RCW 77.32.050, when
3 purchased for a temporary combination fishing license authorized under
4 RCW 77.32.470(3)(a).

5 (3) Catch record cards issued with affixed temporary short-term
6 charter stamp licenses are not subject to the ten-dollar charge nor to
7 the Dungeness crab endorsement fee provided for in this section.
8 Charter boat or guide operators issuing temporary short-term charter
9 stamp licenses shall affix the stamp to each catch record card issued
10 before fishing commences. Catch record cards issued with a temporary
11 short-term charter stamp are valid for one day.

12 (4) The department shall include provisions for recording marked
13 and unmarked salmon in catch record cards issued after March 31, 2004.

14 (5) The funds received from the sale of catch record cards and the
15 Dungeness crab endorsement must be deposited into the state wildlife
16 (~~fund~~) account created in RCW 77.12.170. The funds received from the
17 Dungeness crab endorsement may be used only for the sampling,
18 monitoring, and management of catch associated with the Dungeness crab
19 recreational fisheries. Moneys allocated under this section shall
20 supplement and not supplant other federal, state, and local funds used
21 for Dungeness crab recreational fisheries management.

22 **Sec. 41.** RCW 77.32.530 and 1996 c 101 s 5 are each amended to read
23 as follows:

24 (1) The commission in consultation with the director may authorize
25 hunting of big game animals and wild turkeys through auction. The
26 department may conduct the auction for the hunt or contract with a
27 nonprofit wildlife conservation organization to conduct the auction for
28 the hunt.

29 (2) The commission in consultation with the director may authorize
30 hunting of up to a total of (~~fifteen~~) thirty big game animals and
31 wild turkeys per year through raffle. The department may conduct
32 raffles or contract with a nonprofit wildlife conservation organization
33 to conduct raffles for hunting these animals. In consultation with the
34 gambling commission, the director may adopt rules for the
35 implementation of raffles involving hunting.

36 (3) The director shall establish the procedures for the hunts,
37 which shall require any participants to obtain any required license,

1 permit, or tag. Representatives of the department may participate in
2 the hunt upon the request of the commission to ensure that the animals
3 to be killed are properly identified.

4 (4) After deducting the expenses of conducting an auction or
5 raffle, any revenues retained by a nonprofit organization, as specified
6 under contract with the department, shall be devoted solely for
7 wildlife conservation, consistent with its qualification as a bona fide
8 nonprofit organization for wildlife conservation.

9 (5) The department's share of revenues from auctions and raffles
10 shall be deposited in the state wildlife (~~(fund)~~) account created in
11 RCW 77.12.170. The revenues shall be used to improve (~~(the habitat,~~
12 ~~health, and welfare of the species auctioned or raffled)~~) game
13 management and shall supplement, rather than replace, other funds
14 budgeted for management of (~~(that)~~) game species. The commission may
15 solicit input from groups or individuals with special interest in and
16 expertise on a species in determining how to use these revenues.

17 (6) A nonprofit wildlife conservation organization may petition the
18 commission to authorize an auction or raffle for a special hunt for big
19 game animals and wild turkeys.

20 **Sec. 42.** RCW 77.32.560 and 2003 c 317 s 2 are each amended to read
21 as follows:

22 (1) The department may sell watchable wildlife decals. Proceeds
23 from the sale of the decal must be deposited into the state wildlife
24 (~~(fund)~~) account created in RCW 77.12.170 and must be dedicated to the
25 support of the department's watchable wildlife activities. The
26 department may also use proceeds from the sale of the decal for
27 marketing the decal and for marketing watchable wildlife activities in
28 the state.

29 (2) The term "watchable wildlife activities" includes but is not
30 limited to: Initiating partnerships with communities to jointly
31 develop watchable wildlife projects, building infrastructure to serve
32 wildlife viewers, assisting and training communities in conducting
33 wildlife watching events, developing destination wildlife viewing
34 corridors and trails, tours, maps, brochures, and travel aides, and
35 offering grants to assist rural communities in identifying key wildlife
36 attractions and ways to protect and promote them.

1 (3) The commission must adopt by rule the cost of the watchable
2 wildlife decal. A person may, at their discretion, contribute more
3 than the cost as set by the commission by rule for the watchable
4 wildlife decal in order to support watchable wildlife activities. A
5 person who purchases a watchable wildlife decal must be issued one
6 vehicle use permit free of charge.

7 **Sec. 43.** RCW 77.44.050 and 1999 c 235 s 1 are each amended to read
8 as follows:

9 The warm water game fish account is hereby created in the state
10 wildlife (~~fund~~) account created in RCW 77.12.170. Moneys in the
11 account are subject to legislative appropriation and shall be used for
12 the purpose of funding the warm water game fish enhancement program,
13 including the development of warm water pond and lake habitat, culture
14 of warm water game fish, improvement of warm water fish habitat,
15 management of warm water fish populations, and other practical
16 activities that will improve the fishing for warm water fish. Funds
17 for warm water game fish as provided in RCW 77.32.440 shall not serve
18 as replacement funding for department-operated warm water fish projects
19 existing on December 31, 1994(~~(, except that an amount not to exceed~~
20 ~~ninety one thousand dollars may be used for warm water fish culture at~~
21 ~~the Rod Meseberg warm water fish production facility during the~~
22 ~~biennium ending June 30, 2001))~~).

23 NEW SECTION. **Sec. 44.** Whenever any personal property comes into
24 the possession of the officers of the department in connection with the
25 official performance of their duties and the personal property remains
26 unclaimed or not taken away for a period of sixty days from the date of
27 written notice to the owner thereof, if known, which notice shall
28 inform the owner of the disposition that may be made of the property
29 under this section and the time that the owner has to claim the
30 property and in all other cases for a period of sixty days from the
31 time the property came into the possession of the department, unless
32 the property has been held as evidence in any court, then, in that
33 event, after sixty days from date when the case has been finally
34 disposed of and the property released as evidence by order of the
35 court, the department may:

1 (1) At any time thereafter sell the personal property at public
2 auction to the highest and best bidder for cash in the manner
3 hereinafter provided;

4 (2) Retain the property for the use of the department subject to
5 giving notice in the manner prescribed in RCW 63.35.030 and the right
6 of the owner, or the owner's legal representative, to reclaim the
7 property within one year after receipt of notice, without compensation
8 for ordinary wear and tear if, in the opinion of the director, the
9 property consists of firearms or other items specifically usable in law
10 enforcement work. At the end of each calendar year during which there
11 has been such a retention, the department shall provide the office of
12 financial management and retain for public inspection a list of such
13 retained items and an estimation of each item's replacement value;

14 (3) Destroy an item of personal property at the discretion of the
15 director if the director determines that the following circumstances
16 have occurred:

17 (a) The property has no substantial commercial value or the
18 probable cost of sale exceeds the value of the property;

19 (b) The item has been unclaimed by any person after notice
20 procedures have been met, as prescribed in this section; and

21 (c) The director has determined that the item is illegal to possess
22 or sell or unsafe and unable to be made safe for use by any member of
23 the general public;

24 (4) If the item is not unsafe or illegal to possess or sell, such
25 item, after satisfying the notice requirements as prescribed in this
26 section may be offered by the director to bona fide dealers, in trade
27 for law enforcement equipment, which equipment must be treated as
28 retained property for the purpose of annual listing requirements of
29 subsection (2) of this section; or

30 (5) At the end of one year, any unclaimed firearm must be disposed
31 of pursuant to RCW 9.41.098(2). Any other item that is not unsafe or
32 illegal to possess or sell, but has been, or may be used, in the
33 judgment of the director, in a manner that is illegal, may be
34 destroyed.

35 NEW SECTION. **Sec. 45.** Before the personal property shall be sold,
36 a notice of such a sale fixing the time and place thereof which shall
37 be at a suitable place, which will be noted in the advertisement for

1 sale, and containing a description of the property to be sold must be
2 published at least once in a newspaper of general circulation in the
3 county in which the property is to be sold at least ten days prior to
4 the date fixed for the auction. The notice must be signed by the
5 director. If the owner fails to reclaim the property prior to the time
6 fixed for the sale in such a notice, the director shall conduct the
7 sale and sell the property described in the notice at public auction to
8 the highest and best bidder for cash, and upon payment of the amount of
9 the bid shall deliver the property to the bidder.

10 NEW SECTION. **Sec. 46.** The moneys arising from sales under the
11 provisions of this chapter must be first applied to the payment of the
12 costs and expenses of the sale and then to the payment of lawful
13 charges and expenses for the keep of the personal property and the
14 balance, if any, must be forwarded to the state treasurer to be
15 deposited into the fish and wildlife enforcement reward account under
16 RCW 77.15.425.

17 NEW SECTION. **Sec. 47.** If the owner of the personal property so
18 sold, or the owner's legal representative, shall, at any time within
19 three years after the money has been deposited in the fish and wildlife
20 enforcement reward account, furnish satisfactory evidence to the state
21 treasurer of the ownership of the personal property, the owner or the
22 owner's legal representative is entitled to receive from the fish and
23 wildlife enforcement reward account the amount so deposited, with
24 interest.

25 NEW SECTION. **Sec. 48.** (1) Chapter 63.24 RCW, unclaimed property
26 in hands of bailee, does not apply to personal property in the
27 possession of the department.

28 (2) The uniform unclaimed property act, chapter 63.29 RCW, does not
29 apply to personal property in the possession of the department.

30 NEW SECTION. **Sec. 49.** In addition to any other method of
31 disposition of unclaimed property provided under this chapter, the
32 department may donate unclaimed personal property to nonprofit
33 charitable organizations. A nonprofit charitable organization
34 receiving personal property donated under this section must use the

1 property, or its proceeds, to benefit needy persons. The charitable
2 organization must qualify for tax-exempt status under 26 U.S.C. Sec.
3 501(c)(3) of the federal internal revenue code.

4 NEW SECTION. **Sec. 50.** Sections 44 through 49 of this act
5 constitute a new chapter in Title 77 RCW.

6 NEW SECTION. **Sec. 51.** RCW 77.12.065 (Wildlife viewing tourism)
7 and 2003 c 183 s 1 are each repealed.

8 **Sec. 52.** RCW 77.12.820 and 1997 c 422 s 5 are each amended to read
9 as follows:

10 The eastern Washington pheasant enhancement account is created in
11 the custody of the state treasurer. All receipts under RCW 77.12.810
12 must be deposited in the account. Moneys in the account are subject to
13 legislative appropriation and shall be used for the purpose of funding
14 the eastern Washington pheasant enhancement program. The department
15 may use moneys from the account to improve pheasant habitat or to
16 purchase or produce pheasants. (~~Not less than eighty percent of~~
17 ~~expenditures from the account must be used to purchase or produce~~
18 ~~pheasants.)) The department must continue to release rooster pheasants
19 in eastern Washington. The eastern Washington pheasant enhancement
20 account funds must not be used for the purchase of land. The account
21 may be used to offer grants to improve pheasant habitat on public or
22 private lands that are open to public hunting. The department may
23 enter partnerships with private landowners, nonprofit corporations,
24 cooperative groups, and federal or state agencies for the purposes of
25 pheasant habitat enhancement in areas that will be available for public
26 hunting. The department shall submit an annual report to the
27 appropriate committees of the legislature by December 1st regarding the
28 department's eastern Washington pheasant activities.~~

29 NEW SECTION. **Sec. 53.** (1) The legislature finds that healthy
30 wildlife populations are a valuable and treasured public resource to
31 the people of the state of Washington. However, the legislature also
32 finds that as the human population increases and encroaches on wildlife
33 habitat, interactions between humans and wildlife will become more
34 frequent.

1 (2) The legislature further finds that interactions between humans
2 and wildlife can have significant financial impacts on the affected
3 landowner. Although the resulting wildlife damage is felt most closely
4 by the landowner, the general public, as beneficiaries and stewards of
5 healthy wildlife populations, should bear some responsibility, as
6 outlined in and limited by this act, for providing a measure of
7 restitution to the impacted landowner, provided that the landowner has
8 exhausted all legal, practicable self-help methods available to prevent
9 wildlife damage from occurring.

10 (3) The legislature further finds that the commercial agriculture,
11 horticulture, and livestock industries are important components of the
12 state economy that can be negatively impacted by interactions with
13 wildlife. However, the legislature also finds that other landowners,
14 both commercial and residential, may be faced with wildlife
15 interactions that result in property damage. It is the intent of the
16 legislature to craft a solution whereby all property owners have a
17 potential avenue to petition the state for some mitigation of the
18 damages caused by wildlife.

19 (4) The legislature further finds that it is in the best interests
20 of the state for the department of fish and wildlife to respond quickly
21 to wildlife damage complaints and to work with those affected to
22 prevent and minimize negative interactions while maintaining healthy
23 wildlife populations.

24 (5) The legislature further finds that negative wildlife
25 interactions can be best reduced by encouraging landowners to
26 contribute, through their land management practices, to healthy
27 wildlife populations and to provide access for related recreation.

28 **Sec. 54.** RCW 77.36.010 and 1996 c 54 s 2 are each amended to read
29 as follows:

30 ~~((Unless otherwise specified,))~~ The ~~((following))~~ definitions in
31 this section apply throughout this chapter~~((+))~~ unless the context
32 clearly requires otherwise.

33 (1) "Claim" means an application to the department for compensation
34 under this chapter.

35 (2) "Commercial crop" means a ~~((commercially raised))~~ horticultural
36 ~~((and/or))~~ or agricultural product ~~((and includes)), including the~~

1 growing or harvested product (~~but does not include livestock~~). For
2 the purposes of this chapter all parts of horticultural trees shall be
3 considered a commercial crop and shall be eligible for claims.

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

7 (3) "Commercial livestock" means cattle, sheep, and horses held or
8 raised by a person for sale.

9 (4) "Compensation" means a cash payment, materials, or service.

10 (5) "Damage" means economic losses caused by wildlife interactions.

11 (6) "Immediate family member" means spouse, state registered
12 domestic partner, brother, sister, grandparent, parent, child, or
13 grandchild.

14 (7) "Owner" means a person who has a legal right to commercial
15 crops, commercial livestock, or other property that was damaged during
16 a wildlife interaction.

17 (8) "Wildlife interaction" means the negative interaction and the
18 resultant damage between wildlife and commercial crops, commercial
19 livestock, or other property.

20 NEW SECTION. Sec. 55. A new section is added to chapter 77.36 RCW
21 to read as follows:

22 (1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the
23 department shall offer to distribute money appropriated to pay claims
24 to the owner of commercial crops for damage caused by wild deer or elk
25 or to the owners of commercial livestock that has been killed by bears,
26 wolves, or cougars, or injured by bears, wolves, or cougars to such a
27 degree that the market value of the commercial livestock has been
28 diminished. Payments for claims for damage to commercial livestock are
29 not subject to the limitations of RCW 77.36.070 and 77.36.080, but may
30 not exceed the total amount specifically appropriated therefor.

31 (b) Owners of commercial crops or commercial livestock are only
32 eligible for a claim under this subsection if:

33 (i) The owner satisfies the definition of "eligible farmer" in RCW
34 82.08.855;

35 (ii) The conditions of section 56 of this act have been satisfied;
36 and

1 (iii) The damage caused to the commercial crop or commercial
2 livestock satisfies the criteria for damage established by the
3 commission under this subsection.

4 (c) The commission shall adopt and maintain by rule criteria that
5 clarifies the damage to commercial crops and commercial livestock
6 qualifying for compensation under this subsection. An owner of a
7 commercial crop or commercial livestock must satisfy the criteria prior
8 to receiving compensation under this subsection. The criteria for
9 damage adopted under this subsection must include, but not be limited
10 to, a required minimum economic loss to the owner of the commercial
11 crop or commercial livestock, which may not be set at a value of less
12 than five hundred dollars.

13 (2)(a) The department may offer to provide noncash compensation
14 only to offset wildlife interactions to a person who applies to the
15 department for compensation for damage to property other than
16 commercial crops or commercial livestock that is the result of a
17 mammalian or avian species of wildlife on a case-specific basis if the
18 conditions of section 56 of this act have been satisfied and if the
19 damage satisfies the criteria for damage established by the commission
20 under this subsection.

21 (b) The commission shall adopt and maintain by rule criteria for
22 damage to property other than a commercial crop or commercial livestock
23 that is damaged by wildlife and may be eligible for compensation under
24 this subsection, including criteria for filing a claim for compensation
25 under this subsection.

26 (3)(a) To prevent or offset wildlife interactions, the department
27 may offer materials or services to a person who applies to the
28 department for assistance in providing mitigating actions designed to
29 reduce wildlife interactions if the actions are designed to address
30 damage that satisfies the criteria for damage established by the
31 commission under this subsection.

32 (b) The commission shall adopt and maintain by rule criteria for
33 mitigating actions designed to address wildlife interactions that may
34 be eligible for materials and services under this section, including
35 criteria for submitting an application under this section.

36 (4) An owner who files a claim under this section may appeal the
37 decision of the department pursuant to rules adopted by the commission
38 if the claim:

- 1 (a) Is denied; or
2 (b) Is disputed by the owner and the owner disagrees with the
3 amount of compensation determined by the department.

4 NEW SECTION. **Sec. 56.** A new section is added to chapter 77.36 RCW
5 to read as follows:

6 (1) No owner may receive compensation for wildlife interactions
7 under this chapter unless the owner has, as determined by the
8 department, first:

9 (a) Utilized applicable legal and practicable self-help preventive
10 measures available to prevent the damage, including the use of
11 nonlethal methods and department-provided materials and services when
12 available under section 55 of this act; and

13 (b) Exhausted all available compensation options available from
14 nonprofit organizations that provide compensation to private property
15 owners due to financial losses caused by wildlife interactions.

16 (2) In determining if the requirements of this section have been
17 satisfied, the department may recognize and consider the following:

18 (a) Property losses may occur without future or anticipated
19 knowledge of potential problems resulting in an owner being unable to
20 take preemptive measures.

21 (b) Normal agricultural practices, animal husbandry practices,
22 recognized standard management techniques, and other industry-
23 recognized management practices may represent adequate preventative
24 efforts.

25 (c) Under certain circumstances, as determined by the department,
26 wildlife may not logistically or practicably be managed by nonlethal
27 efforts.

28 (d) Not all available legal preventative efforts are cost-effective
29 for the owner to practicably employ.

30 (e) There are certain effective preventative control options not
31 available due to federal or state restrictions.

32 (f) Under certain circumstances, as determined by the department,
33 permitting public hunting may not be a practicable self-help method due
34 to the size and nature of the property, the property's setting, or the
35 ability of the landowner to accommodate public access.

36 (3) An owner is not eligible to receive compensation if the damages
37 are covered by insurance.

1 (4) The commission shall adopt rules implementing this section,
2 including requirements that owners document nonlethal preventive
3 efforts undertaken and all permits issued by the department under RCW
4 77.12.240 and 77.12.150.

5 NEW SECTION. **Sec. 57.** A new section is added to chapter 77.36 RCW
6 to read as follows:

7 The department shall establish:

8 (1) The form of affidavits or proof required to accompany all
9 claims under this chapter;

10 (2) The process, time, and methods used to identify and assess
11 damage, including the anticipated timeline for the initiation and
12 conclusion of department action;

13 (3) How claims will be prioritized when available funds for
14 reimbursement are limited;

15 (4) Timelines after the discovery of damage by which an owner must
16 file a claim or notify the department;

17 (5) Protocols for an owner to follow if the owner wishes to
18 undertake activities that would complicate the determination of
19 damages, such as harvesting damaged crops;

20 (6) The process for determining damage assessments, including the
21 role and selection of professional damage assessors and the
22 responsibility for reimbursing third-party assessors for their
23 services;

24 (7) Timelines for a claimant to accept, reject, or appeal a
25 determination made by the department;

26 (8) The identification of instances when an owner would be
27 ineligible for compensation;

28 (9) An appeals process for an owner eligible for compensation under
29 section 55 of this act who is denied a claim or feels the compensation
30 is insufficient; and

31 (10) Other policies necessary for administering this chapter.

32 NEW SECTION. **Sec. 58.** A new section is added to chapter 77.36 RCW
33 to read as follows:

34 (1) Except as otherwise provided in this section and as limited by
35 section 55 of this act and RCW 77.36.070 and 77.36.080, the cash

1 compensation portion of each claim by the department under this chapter
2 is limited to the lesser of:

3 (a) The value of the damage to the property by wildlife reduced by
4 the amount of compensation provided to the claimant by any nonprofit
5 organizations that provide compensation to private property owners due
6 to financial losses caused by wildlife interactions, except that,
7 subject to appropriation to pay compensation for damage to commercial
8 livestock, the value of killed or injured commercial livestock may be
9 no more than two hundred dollars per sheep, one thousand five hundred
10 dollars per head of cattle, and one thousand five hundred dollars per
11 horse; or

12 (b) Ten thousand dollars.

13 (2) The department may offer to pay a claim for an amount in excess
14 of ten thousand dollars to the owners of commercial crops or commercial
15 livestock filing a claim under section 55 of this act only if the
16 outcome of an appeal filed by the claimant under section 55 of this act
17 determines a payment higher than ten thousand dollars.

18 (3) All payments of claims by the department under this chapter
19 must be paid to the owner of the damaged property and may not be
20 assigned to a third party.

21 (4) The burden of proving all property damage, including damage to
22 commercial crops and commercial livestock, belongs to the claimant.

23 **Sec. 59.** RCW 77.36.070 and 1996 c 54 s 8 are each amended to read
24 as follows:

25 The department may pay no more than one hundred twenty thousand
26 dollars per fiscal year from the state wildlife ((fund)) account
27 created in RCW 77.12.170 for claims ~~((under RCW 77.36.040 and for~~
28 ~~assessment costs and compromise of claims. Such money shall be used to~~
29 ~~pay animal damage claims only if the claim meets the conditions of RCW~~
30 ~~77.36.040 and the damage occurred in a place where the opportunity to~~
31 ~~hunt was not restricted or prohibited by a county, municipality, or~~
32 ~~other public entity during the season prior to the occurrence of the~~
33 ~~damage)) and assessment costs for damage to commercial crops caused by~~
34 wild deer or elk submitted under section 55 of this act.

35 **Sec. 60.** RCW 77.36.080 and 1996 c 54 s 9 are each amended to read
36 as follows:

1 ~~(a) Threatened or endangered species shall not be hunted, trapped,~~
2 ~~or killed;~~

3 ~~(b) Except in an emergency situation, deer, elk, and protected~~
4 ~~wildlife shall not be killed without a permit issued and conditioned by~~
5 ~~the director or the director's designee. In an emergency, the~~
6 ~~department may give verbal permission followed by written permission to~~
7 ~~trap or kill any deer, elk, or protected wildlife that is damaging~~
8 ~~crops, domestic animals, or fowl; and~~

9 ~~(c) On privately owned cattle ranching lands, the land owner or~~
10 ~~lessee may declare an emergency only when the department has not~~
11 ~~responded within forty-eight hours after having been contacted by the~~
12 ~~land owner or lessee regarding damage caused by wild animals or wild~~
13 ~~birds. In such an emergency, the owner or lessee may trap or kill any~~
14 ~~deer, elk, or other protected wildlife that is causing the damage but~~
15 ~~deer and elk may only be killed if such lands were open to public~~
16 ~~hunting during the previous hunting season, or the closure to public~~
17 ~~hunting was coordinated with the department to protect property and~~
18 ~~livestock)).~~

19 ~~(2) ((Except for coyotes and Columbian ground squirrels,))~~ The
20 commission shall establish the limitations and conditions of this
21 section by rule. The rules must include:

22 (a) Appropriate protection for threatened or endangered species;

23 (b) Instances when verbal or written permission is required to kill
24 wildlife;

25 (c) Species that may be killed under this section; and

26 (d) Requirements for the disposal of wildlife trapped or killed
27 under this section ((remain the property of the state, and the person
28 trapping or killing the wildlife shall notify the department
29 immediately. The department shall dispose of wildlife so taken within
30 three days of receiving such a notification and in a manner determined
31 by the director to be in the best interest of the state)).

32 (3) In establishing the limitations and conditions of this section,
33 the commission shall take into consideration the recommendations of the
34 Washington state wolf conservation and management plan.

35 NEW SECTION. Sec. 62. A new section is added to chapter 77.36 RCW
36 to read as follows:

1 This chapter represents the exclusive remedy against the state for
2 damage caused by wildlife interactions.

3 **Sec. 63.** RCW 77.12.240 and 1989 c 197 s 1 are each amended to read
4 as follows:

5 (1) The (~~director~~) department may authorize the removal or
6 killing of wildlife that is destroying or injuring property, or when it
7 is necessary for wildlife management or research.

8 (2) The (~~director or other employees of the~~) department shall
9 dispose of wildlife taken or possessed by them under this title in the
10 manner determined by the director to be in the best interest of the
11 state. Proceeds from sales shall be deposited in the state treasury to
12 be credited to the state wildlife (~~fund~~) account created in RCW
13 77.12.170.

14 NEW SECTION. **Sec. 64.** The fish and wildlife commission shall
15 formally review the rules and policies adopted under sections 53
16 through 66 of this act. If, in the process of reviewing the rules, the
17 fish and wildlife commission identifies recommended statutory changes
18 related to the subject of sections 53 through 66 of this act and to the
19 ability of the fish and wildlife commission to fulfill the intent of
20 sections 53 through 66 of this act, those recommendations must be
21 forwarded to the appropriate policy committees of the legislature
22 during the regularly scheduled 2014 legislative session.

23 NEW SECTION. **Sec. 65.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 77.36.005 (Findings) and 1996 c 54 s 1;

26 (2) RCW 77.36.020 (Game damage control--Special hunt/remedial
27 action) and 2003 c 385 s 1 & 1996 c 54 s 3;

28 (3) RCW 77.36.040 (Payment of claims for damages--Procedure--
29 Limitations) and 1996 c 54 s 5;

30 (4) RCW 77.36.050 (Claimant refusal--Excessive claims) and 1996 c
31 54 s 6;

32 (5) RCW 77.36.060 (Claim refused--Posted property) and 1996 c 54 s
33 7; and

34 (6) RCW 77.12.260 (Agreements to prevent damage to private
35 property) and 1987 c 506 s 34, 1980 c 78 s 43, & 1955 c 36 s 77.12.260.

1 NEW SECTION. **Sec. 66.** The following sections are each decodified:
2 RCW 77.36.900; and
3 RCW 77.36.901.

4 NEW SECTION. **Sec. 67.** Sections 53 through 66 of this act apply
5 prospectively only and not retroactively. Sections 53 through 66 of
6 this act apply only to claims that arise on or after July 1, 2010.
7 Claims under chapter 77.36 RCW that arise prior to July 1, 2010, must
8 be adjudicated under chapter 77.36 RCW as it existed prior to July 1,
9 2010.

10 NEW SECTION. **Sec. 68.** The fish and wildlife commission shall
11 complete all initial rule-making activities that are required in order
12 to allow sections 53 through 66 of this act to take effect on July 1,
13 2010.

14 NEW SECTION. **Sec. 69.** Sections 53 through 66 of this act take
15 effect July 1, 2010.

16 NEW SECTION. **Sec. 70.** Section 64 of this act expires July 30,
17 2014.

18 **Sec. 71.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to read
19 as follows:

20 (1) The fish and wildlife commission consists of ~~((nine))~~ seven
21 registered voters of the state. ~~((In January of each odd-numbered~~
22 ~~year,))~~

23 (2) The governor shall appoint commissioners, who must be
24 registered voters, with the advice and consent of the senate ~~((three~~
25 ~~registered voters to the commission to serve for terms of six years~~
26 ~~from that January or until their successors are appointed and~~
27 ~~qualified)).~~ Commissioners serve for a term of four years.

28 (3) If a vacancy occurs on the commission prior to the expiration
29 of a term, the governor shall appoint a registered voter within sixty
30 days to complete the term. ~~((Three members shall be residents of that~~
31 ~~portion of the state lying east of the summit of the Cascade mountains,~~
32 ~~and three shall be residents of that portion of the state lying west of~~
33 ~~the summit of the Cascade mountains. Three additional members))~~

1 (4) The governor shall appoint commissioners representing the
2 various geographic areas of the state. Specifically, one member must
3 reside within the boundaries of each of the six administrative regions
4 recognized by the department on the effective date of this section.
5 One member shall be appointed at-large. No two members may be
6 residents of the same county.

7 (5) The legal office of the commission is at the administrative
8 office of the department in Olympia.

9 **Sec. 72.** RCW 77.04.060 and 1993 sp.s. c 2 s 63 are each amended to
10 read as follows:

11 (1) The commission shall hold at least one regular meeting during
12 the first two months of each calendar quarter, and special meetings
13 when called by the chair and by ~~((five))~~ three members. ~~((Five))~~ Four
14 members constitute a quorum for the transaction of business.

15 (2) The commission ~~((at a meeting in each odd-numbered year))~~ shall
16 elect one of its members as ~~((chairman))~~ chair and another member as
17 ~~((vice-chairman))~~ vice-chair, each of whom shall serve for a term of
18 two years or until a successor is elected and qualified.

19 (3) Members of the commission shall be compensated in accordance
20 with RCW 43.03.250. In addition, members are allowed their travel
21 expenses incurred while absent from their usual places of residence in
22 accordance with RCW 43.03.050 and 43.03.060.

23 NEW SECTION. Sec. 73. (1) In order to effectuate sections 71 and
24 72 of this act, on or before December 31, 2009, the governor shall
25 appoint from the existing commissioners seven individuals to continue
26 to serve on the commission.

27 (2) The governor shall appoint two members for a term ending
28 January 1, 2011, two members for a term ending January 1, 2012, two
29 members for a term ending January 1, 2013, and one member for a term
30 ending January 1, 2014.

31 (3) Nothing in this section prohibits the governor from appointing
32 a sitting commissioner whose position is considered vacated under
33 subsection (1) of this section as a commissioner under subsection (2)
34 of this section.

1 **Sec. 74.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to
2 read as follows:

3 There shall be a chief executive officer of each department to be
4 known as: (1) The secretary of social and health services, (2) the
5 director of ecology, (3) the director of labor and industries, (4) the
6 director of agriculture, (5) the director of fish and wildlife, (6) the
7 secretary of transportation, (7) the director of licensing, (8) the
8 director of general administration, (9) the director of community,
9 trade, and economic development, (10) the director of veterans affairs,
10 (11) the director of revenue, (12) the director of retirement systems,
11 (13) the secretary of corrections, (14) the secretary of health, (15)
12 the director of financial institutions, (16) the director of the
13 department of archaeology and historic preservation, (17) the director
14 of early learning, and (18) the executive director of the Puget Sound
15 partnership.

16 Such officers(~~(, except the director of fish and wildlife,)~~) shall
17 be appointed by the governor, with the consent of the senate, and hold
18 office at the pleasure of the governor. The director of fish and
19 wildlife shall be appointed by the (~~(fish and wildlife commission as~~
20 ~~prescribed by RCW 77.04.055)~~) governor according to the procedure set
21 forth in RCW 77.04.080.

22 **Sec. 75.** RCW 77.04.080 and 2000 c 107 s 205 are each amended to
23 read as follows:

24 (1) Persons eligible for appointment as director shall have
25 practical knowledge of the habits and distribution of fish and
26 wildlife.

27 (2) Whenever the position of director is vacated, the governor must
28 appoint a new director. The commission may advise the governor on this
29 appointment. The appointment must be made with the consent of the
30 senate. The director serves at the pleasure of the governor.

31 (3) The director shall supervise the administration and operation
32 of the department and perform the duties prescribed by law and
33 delegated by the commission. The director shall carry out the basic
34 goals and objectives prescribed under RCW 77.04.055. The director may
35 appoint and employ necessary personnel. The director may delegate, in
36 writing, to department personnel the duties and powers necessary for
37 efficient operation and administration of the department.

1 (4) Only persons having general knowledge of the fisheries and
2 wildlife resources and of the commercial and recreational fishing
3 industry in this state are eligible for appointment as director. The
4 director shall not have a financial interest in the fishing industry or
5 a directly related industry.

6 (5) The director shall receive the salary fixed by the governor
7 under RCW 43.03.040.

8 (6) The director is the ex officio secretary of the commission and
9 shall attend its meetings and keep a record of its business.

10 **Sec. 76.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
11 read as follows:

12 (1) In establishing policies to preserve, protect, and perpetuate
13 wildlife, fish, and wildlife and fish habitat, the commission shall
14 meet annually with the governor to:

15 (a) Review and prescribe basic goals and objectives related to
16 those policies; and

17 (b) Review the performance of the department in implementing fish
18 and wildlife policies.

19 The commission shall maximize fishing, hunting, and outdoor
20 recreational opportunities compatible with healthy and diverse fish and
21 wildlife populations.

22 (2) The commission shall establish hunting, trapping, and fishing
23 seasons and prescribe the time, place, manner, and methods that may be
24 used to harvest or enjoy game fish and wildlife.

25 (3) The commission shall establish provisions regulating food fish
26 and shellfish as provided in RCW 77.12.047.

27 (4) The commission shall have final approval authority for tribal,
28 interstate, international, and any other department agreements relating
29 to fish and wildlife.

30 (5) The commission shall adopt rules to implement the state's fish
31 and wildlife laws.

32 (6) The commission shall have final approval authority for the
33 department's budget proposals.

34 (7) The commission shall select its own staff (~~and shall appoint~~
35 ~~the director of the department. The director and commission staff~~),
36 which shall serve at the pleasure of the commission.

1 **Sec. 77.** RCW 77.04.013 and 1995 1st sp.s. c 2 s 1 are each amended
2 to read as follows:

3 The legislature supports the recommendations of the state fish and
4 wildlife commission with regard to the commission's responsibilities in
5 the merged department of fish and wildlife. It is the intent of the
6 legislature that, beginning July 1, 1996, the commission assume
7 regulatory authority for food fish and shellfish in addition to its
8 existing authority for game fish and wildlife. It is also the intent
9 of the legislature to provide to the commission the authority to review
10 and approve department agreements, to review and approve the
11 department's budget proposals, to adopt rules for the department,
12 ~~((and))~~ to select commission staff, and to advise the governor
13 regarding appointment of the director of the department.

14 The legislature finds that all fish, shellfish, and wildlife
15 species should be managed under a single comprehensive set of goals,
16 policies, and objectives, and that the decision-making authority should
17 rest with the fish and wildlife commission. The commission acts in an
18 open and deliberative process that encourages public involvement and
19 increases public confidence in department decision making.

20 NEW SECTION. **Sec. 78.** A new section is added to chapter 77.04 RCW
21 to read as follows:

22 The commission must provide an opportunity for the public to
23 provide oral and written comments at any regular or special meeting of
24 the commission held pursuant to RCW 77.04.060. Additionally, at any
25 open public meeting convened pursuant to chapter 42.30 RCW or any
26 gathering open to the public for purposes of providing information to
27 the public or accepting public input, the commission, department, or
28 both must provide the public an opportunity to: Provide written
29 comments; and provide oral comments to the commission, department, or
30 both, while addressing all in attendance.

31 **Sec. 79.** RCW 77.32.050 and 2003 c 389 s 1 are each amended to read
32 as follows:

33 (1) All recreational licenses, permits, tags, and stamps required
34 by this title and raffle tickets authorized under chapter 77.12 RCW
35 shall be issued under the authority of the commission. The commission
36 shall adopt rules for the issuance of recreational licenses, permits,

1 tags, stamps, and raffle tickets, and for the collection, payment, and
2 handling of license fees, terms and conditions to govern dealers, and
3 dealers' fees. A transaction fee on recreational documents issued
4 through an automated licensing system may be set by the commission and
5 collected from licensees. The department may authorize all or part of
6 such fee to be paid directly to a contractor providing automated
7 licensing system services. Fees retained by dealers shall be uniform
8 throughout the state. The department shall authorize dealers to
9 collect and retain dealer fees of at least two dollars for purchase of
10 a standard hunting or fishing recreational license document, except
11 that the commission may set a lower dealer fee for issuance of tags or
12 when a licensee buys a license that involves a stamp or display card
13 format rather than a standard department licensing document form.

14 (2) For the 2009-2011 biennium, the department may authorize an
15 additional transaction fee on recreational documents of no greater than
16 ten percent of the cost of a recreational document issued under this
17 section, including a recreational license, permit, tag, stamp, or
18 raffle ticket. The transaction fees shall be deposited into the state
19 wildlife account as created in RCW 77.12.170.

20 NEW SECTION. **Sec. 80.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected."

SHB 1778 - S COMM AMD
By Committee on Ways & Means

OUT OF ORDER 04/14/2009

24 On page 1, line 2 of the title, after "wildlife;" strike the
25 remainder of the title and insert "amending RCW 77.15.050, 77.15.700,
26 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370,
27 77.65.440, 77.15.510, 77.65.480, 77.08.010, 77.15.370, 77.15.425,
28 77.15.568, 77.15.620, 77.12.870, 77.12.879, 77.60.150, 77.85.230,
29 77.85.050, 77.120.030, 77.120.110, 77.120.120, 77.95.200, 77.95.310,

1 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.323, 77.12.380,
2 77.12.390, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.44.050,
3 77.12.820, 77.36.010, 77.36.070, 77.36.080, 77.36.030, 77.12.240,
4 77.04.030, 77.04.060, 43.17.020, 77.04.080, 77.04.055, 77.04.013, and
5 77.32.050; reenacting and amending RCW 77.12.170 and 77.12.690; adding
6 new sections to chapter 77.15 RCW; adding new sections to chapter 77.36
7 RCW; adding a new section to chapter 77.32 RCW; adding a new section to
8 chapter 77.04 RCW; adding a new chapter to Title 77 RCW; creating new
9 sections; decodifying RCW 77.36.900 and 77.36.901; repealing RCW
10 77.12.065, 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and
11 77.12.260; prescribing penalties; providing an effective date; and
12 providing an expiration date."

--- END ---