

SENATE BILL REPORT

ESHB 1885

As of February 18, 2010

Title: An act relating to feeding wildlife.

Brief Description: Regarding the feeding of wildlife.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Van De Wege, Blake, Warnick, Takko, Ormsby and Liias).

Brief History: Passed House: 1/29/10, 55-41.

Committee Activity: Natural Resources, Ocean & Recreation: 2/18/10.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Curt Gavigan (786-7437)

Background: Role of the Department of Fish and Wildlife (DFW). DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

Natural Resource Infractions. Natural resource infractions are civil, not criminal, offenses. An infraction is initiated by issuing a notice of infraction. Such notice represents a determination that an infraction has been committed. A person may contest the violation. If so, the state must demonstrate that the violation occurred by a preponderance of the evidence.

Summary of Bill: Prohibition on Feeding Certain Wildlife. The bill prohibits a person from providing food so as to intentionally constitute a lure, attraction, or enticement for potentially habituated wildlife. Potentially habituated wildlife include bear, cougar, wolf, coyote, deer, elk, and raccoon.

Enforcement Procedure. An officer may issue a written warning requiring a person to correct a violation within two days if the officer receives a complaint and has probable cause to believe a violation occurred. If a person does not correct a violation as directed, an officer may issue a natural resource infraction.

Exemptions. The bill exempts a variety of activities from the violation including: hunting; farming or ranching; feeding wildlife with the Director of Fish and Wildlife's authorization;

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certain waste disposal activities; and the operation of a zoo, wildlife refuge, or wildlife rehabilitation facility.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The goal of the bill is to limit the intentional feeding of wild animals. Feeding can create unsustainable wild animal populations, create aggressive behavior by animals that have lost the fear of humans, and spread disease among animals. The bill contains numerous safeguards, including requirements for warnings, exemptions for many activities, and the need to demonstrate intent.

Persons Testifying: PRO: Representative Van De Wege, prime sponsor; Tom Davis, Dan Brinson, DFW; Carey Morris, The Humane Society; Sylvia Moss, Progressive Animal Welfare Society.