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HOUSE BILL 1748

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Walsh, Blake, Morrell, and Hasegawa

Read first time 01/28/09. Referred to Committee on Agriculture & Natural Resources.

1            AN ACT Relating to senior fishing licenses; and amending RCW  
2            77.32.480 and 77.08.010.

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

4            **Sec. 1.** RCW 77.32.480 and 2007 c 254 s 3 are each amended to read  
5            as follows:

6            Upon written application, a combination fishing license shall be  
7            issued at the reduced rate of five dollars, and all hunting licenses  
8            shall(~~(7)~~) be issued at the reduced rate of a youth hunting license fee  
9            for the following individuals:

10            (1) A resident (~~((sixty five years old or older))~~) senior who is an  
11            honorably discharged veteran of the United States armed forces having  
12            a service-connected disability;

13            (2) A resident who is an honorably discharged veteran of the United  
14            States armed forces with a thirty percent or more service-connected  
15            disability;

16            (3) A resident with a disability who permanently uses a wheelchair;

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

18            (5) A resident with a developmental disability as defined in RCW

1 71A.10.020 with documentation of the disability certified by a  
2 physician licensed to practice in this state.

3 **Sec. 2.** RCW 77.08.010 and 2008 c 277 s 2 are each amended to read  
4 as follows:

5 The definitions in this section apply throughout this title or  
6 rules adopted under this title unless the context clearly requires  
7 otherwise.

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

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

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

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

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

25 (6) "Closed season" means all times, manners of taking, and places  
26 or waters other than those established by rule of the commission as an  
27 open season. "Closed season" also means all hunting, fishing, taking,  
28 or possession of game animals, game birds, game fish, food fish, or  
29 shellfish that do not conform to the special restrictions or physical  
30 descriptions established by rule of the commission as an open season or  
31 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
32 or possess by rule of the commission as an open season.

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

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

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

1 (10) "Concurrent waters of the Columbia river" means those waters  
2 of the Columbia river that coincide with the Washington-Oregon state  
3 boundary.

4 (11) "Deleterious exotic wildlife" means species of the animal  
5 kingdom not native to Washington and designated as dangerous to the  
6 environment or wildlife of the state.

7 (12) "Department" means the department of fish and wildlife.

8 (13) "Director" means the director of fish and wildlife.

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

11 (15) "Ex officio fish and wildlife officer" means a commissioned  
12 officer of a municipal, county, state, or federal agency having as its  
13 primary function the enforcement of criminal laws in general, while the  
14 officer is in the appropriate jurisdiction. The term "ex officio fish  
15 and wildlife officer" includes special agents of the national marine  
16 fisheries service, state parks commissioned officers, United States  
17 fish and wildlife special agents, department of natural resources  
18 enforcement officers, and United States forest service officers, while  
19 the agents and officers are within their respective jurisdictions.

20 (16) "Fish" includes all species classified as game fish or food  
21 fish by statute or rule, as well as all fin fish not currently  
22 classified as food fish or game fish if such species exist in state  
23 waters. The term "fish" includes all stages of development and the  
24 bodily parts of fish species.

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

31 (18) "Fishery" means the taking of one or more particular species  
32 of fish or shellfish with particular gear in a particular geographical  
33 area.

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

37 (20) "Fur-bearing animals" means game animals that shall not be  
38 trapped except as authorized by the commission.

- 1 (21) "Game animals" means wild animals that shall not be hunted  
2 except as authorized by the commission.
- 3 (22) "Game birds" means wild birds that shall not be hunted except  
4 as authorized by the commission.
- 5 (23) "Game farm" means property on which wildlife is held or raised  
6 for commercial purposes, trade, or gift. The term "game farm" does not  
7 include publicly owned facilities.
- 8 (24) "Game reserve" means a closed area where hunting for all wild  
9 animals and wild birds is prohibited.
- 10 (25) "Invasive species" means a plant species or a nonnative animal  
11 species that either:
- 12 (a) Causes or may cause displacement of, or otherwise threatens,  
13 native species in their natural communities;
- 14 (b) Threatens or may threaten natural resources or their use in the  
15 state;
- 16 (c) Causes or may cause economic damage to commercial or  
17 recreational activities that are dependent upon state waters; or
- 18 (d) Threatens or harms human health.
- 19 (26) "License year" means the period of time for which a  
20 recreational license is valid. The license year begins April 1st, and  
21 ends March 31st.
- 22 (27) "Limited-entry license" means a license subject to a license  
23 limitation program established in chapter 77.70 RCW.
- 24 (28) "Nonresident" means a person who has not fulfilled the  
25 qualifications of a resident.
- 26 (29) "Offshore waters" means marine waters of the Pacific Ocean  
27 outside the territorial boundaries of the state, including the marine  
28 waters of other states and countries.
- 29 (30) "Open season" means those times, manners of taking, and places  
30 or waters established by rule of the commission for the lawful hunting,  
31 fishing, taking, or possession of game animals, game birds, game fish,  
32 food fish, or shellfish that conform to the special restrictions or  
33 physical descriptions established by rule of the commission or that  
34 have otherwise been deemed legal to hunt, fish, take, harvest, or  
35 possess by rule of the commission. "Open season" includes the first  
36 and last days of the established time.
- 37 (31) "Person" means and includes an individual; a corporation; a  
38 public or private entity or organization; a local, state, or federal

1 agency; all business organizations, including corporations and  
2 partnerships; or a group of two or more individuals acting with a  
3 common purpose whether acting in an individual, representative, or  
4 official capacity.

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

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

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

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

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

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

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

25 (39) "Resident" means:

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

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

34 (40) "Retail-eligible species" means commercially harvested salmon,  
35 crab, and sturgeon.

36 (41) "Saltwater" means those marine waters seaward of river mouths.

37 (42) "Seaweed" means marine aquatic plant species that are  
38 dependent upon the marine aquatic or tidal environment, and exist in

1 either an attached or free floating form, and includes but is not  
2 limited to marine aquatic plants in the classes Chlorophyta,  
3 Phaeophyta, and Rhodophyta.

4 (43) "Senior" means a person (~~(seventy)~~) sixty-five years old or  
5 older.

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

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

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

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

18 (48) "To process" and its derivatives mean preparing or preserving  
19 fish, wildlife, or shellfish.

20 (49) "To trap" and its derivatives means a method of hunting using  
21 devices to capture wild animals or wild birds.

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

25 (51) "Unlisted aquatic animal species" means a nonnative animal  
26 species that has not been classified as a prohibited aquatic animal  
27 species, a regulated aquatic animal species, or an unregulated aquatic  
28 animal species by the commission.

29 (52) "Unregulated aquatic animal species" means a nonnative animal  
30 species that has been classified as an unregulated aquatic animal  
31 species by the commission.

32 (53) "Wild animals" means those species of the class Mammalia whose  
33 members exist in Washington in a wild state and the species *Rana*  
34 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
35 domestic mammals or old world rats and mice of the family Muridae of  
36 the order Rodentia.

37 (54) "Wild birds" means those species of the class Aves whose  
38 members exist in Washington in a wild state.

1 (55) "Wildlife" means all species of the animal kingdom whose  
2 members exist in Washington in a wild state. This includes but is not  
3 limited to mammals, birds, reptiles, amphibians, fish, and  
4 invertebrates. The term "wildlife" does not include feral domestic  
5 mammals, old world rats and mice of the family Muridae of the order  
6 Rodentia, or those fish, shellfish, and marine invertebrates classified  
7 as food fish or shellfish by the director. The term "wildlife"  
8 includes all stages of development and the bodily parts of wildlife  
9 members.

10 (56) "Youth" means a person fifteen years old for fishing and under  
11 sixteen years old for hunting.

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