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## HOUSE BILL 1119

State of Washington 64th Legislature 2015 Regular Session

By Representatives Blake, Buys, Gregerson, and Van Werven

Read first time 01/13/15. Referred to Committee on Agriculture & Natural Resources.

AN ACT Relating to making changes to Title 77 RCW that gives 1 2 tools to the department of fish and wildlife to ensure hunter safety 3 by focusing on the actual person hunting and not the sporting equipment used by the hunter including, but 4 not limited 5 establishing the age of fourteen as the minimum age to participate in unaccompanied hunting; amending RCW 77.32.155, 77.32.010, 77.12.184, 6 7 and 77.15.425; reenacting and amending RCW 77.08.010; and adding a 8 new section to chapter 77.15 RCW.

- 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 10 **Sec. 1.** RCW 77.32.155 and 2013 c 23 s 243 are each amended to 11 read as follows:
- (1)(((a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sporting/hunting behavior. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification.
  - (b)(i) The director may establish a program for training persons in the safe handling of firearms, conservation, and sporting/hunting behavior and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of

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establishing the training program, exempt members of the United States military from the firearms skills portion of any instruction course completed over the internet.

- (ii) The director may cooperate with the national rifle association, organized sports/outdoor enthusiasts' groups, or other public or private organizations when establishing the training program.
- (c) Upon the successful completion of a course established under this section, the trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.
- (d) The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.
- (2)(a))) Except as otherwise provided in this section, a person born after January 1, 1972, must present proof of successfully passing a hunter education training course prior to purchasing, for the first time, a hunting license issued by the department under this chapter. Proof must be in the form of either:
- (a) A hunter education certificate of completion from a course instructed by or being taught under a contract with the department in the safe handling of firearms, outdoor safety, wildlife conservation, and ethical hunting behavior; or
- (b) A hunter education certificate from another state or country that has been approved by the department.
  - (2)(a) The department is authorized to create and administer a program for training persons in the safe handling of firearms, outdoor safety, wildlife conservation, and ethical hunting behavior and shall prescribe the type of instruction and the qualifications of the instructors.
- 31 <u>(b) A trainee who successfully completes a department-</u>
  32 <u>administered hunter education training course must be provided with</u>
  33 an approved hunter education certificate.
- 34 <u>(c) No one under age eight is eligible to take a hunter education</u> 35 <u>training course in Washington.</u>
  - (3)(a) The department is authorized to:
- (i) Charge a registration fee of not more than twenty dollars for any hunter education training course completed over the internet;
- (ii) Collect donations related to any hunter education training
  40 course; and

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- 1 (iii) Collect an application fee of up to ten dollars for providing a duplicate of a hunter education certificate issued by the 2 3 department.
- (b) All fees and donations collected under this subsection must 4 be collected as program income as that term is defined in 50 C.F.R. Sec. 80.120 (2013).
  - (c) The department must adopt and implement procedures that ensure the accountability of the receipt and expenditure of all fees and donations received under this subsection.
  - (4) Active duty members of the United States military who are residents of or stationed in Washington, or honorably discharged armed service members who are residents of Washington, are exempt from the firearms skills portion of any Washington hunter education training course instructed by or being taught under a contract with the department and completed over the internet.
  - (5) The temporary transfer of a firearm from the instructor of a hunter education training course to a student of any age participating in the hunter education training course is not a violation of RCW 9.41.113.
    - (6)(a) The ((director)) department may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied ((by a nondeferred Washingtonlicensed hunter who has held a Washington hunting license for the prior three years and is over eighteen years of age)), while hunting, by a hunter who is:
      - (i) Currently licensed to hunt by the department;
  - (ii) Age eighteen or older; and

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- 28 (iii) Whose department-issued license is not a one-year deferral 29 license.
- (b) The commission shall adopt rules for the administration of 30 31 this subsection to avoid potential fraud and abuse.
  - ((<del>(b)</del>)) <u>(c)</u> The ((<del>director</del>)) <u>department</u> is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one license year deferral of hunter education training from the department. This fee must be collected as program income as that term is defined in 50 C.F.R. Sec. 80.120 (2013), deposited into the fish and wildlife enforcement reward account created in RCW 77.15.425, and ((must be)) used exclusively to administer the deferral program created in this subsection.

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- (((c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.
- 5 (3)) (7) To encourage the participation of an adequate number of instructors for the ((training program)) hunter education training courses authorized under this section, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors.
- NEW SECTION. Sec. 2. A new section is added to chapter 77.15
  RCW to read as follows:
- 13 (1) Except as otherwise provided in this section, all hunters 14 under the age of fourteen must be accompanied, while hunting:
  - (a) By a hunter:

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- (i) Who is currently licensed to hunt by the department;
- 17 (ii) Whose department-issued hunting license is not a one-year 18 deferral license; and
- 19 (iii) Who is age eighteen or older;
- 20 (b) By a person who is age eighteen or older who has successfully 21 completed a hunter education training course as described in RCW 22 77.32.155; or
- (c) By a person who was born on or before January 1, 1972.
- (2) A hunter under the age of fourteen is not required to be accompanied as provided in this section if he or she is the immediate family member of a private property owner or lessee and is hunting on property his or her family owns or is leasing.
- 28 (3) A violation of this section is a natural resource infraction 29 subject to the provisions of chapter 7.84 RCW.
- 30 **Sec. 3.** RCW 77.32.010 and 2014 c 48 s 26 are each amended to 31 read as follows:
- (1)(a) Except as otherwise provided in this chapter or department rule, a recreational license issued by the ((director)) department is required to hunt, fish, or take wildlife or seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.
- 37 <u>(b) A person must be at least eight years old and in compliance</u> 38 <u>with RCW 77.32.155 to be issued a hunting license, unless that person</u>

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- has been issued a Washington hunter education certificate prior to
  the effective date of this section.
- 3 (c) All hunters under the age of fourteen are required to hunt in compliance with section 2 of this act.

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- (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or 79A.80.040 is required to park or operate a motor vehicle on a recreation site or lands, as defined in RCW 79A.80.010.
- 8 (3) The commission may, by rule, indicate that a fishing permit
  9 issued to a nontribal member by the Colville Tribes shall satisfy the
  10 license requirements in subsection (1) of this section on the waters
  11 of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and
  12 that a Colville Tribes tribal member identification card shall
  13 satisfy the license requirements in subsection (1) of this section on
  14 all waters of Lake Rufus Woods.
- 15 **Sec. 4.** RCW 77.12.184 and 2009 c 333 s 31 are each amended to 16 read as follows:
  - (1) The department ((shall)) <u>must</u> deposit all moneys received from the following activities into the state wildlife account created in RCW 77.12.170, except for moneys received for the purposes of providing the hunter education program as described in RCW 77.32.155:
- 21 (a) The sale of interpretive, recreational, historical, 22 educational, and informational literature and materials;
- 23 (b) The sale of advertisements in regulation pamphlets and other 24 appropriate mediums; and
- 25 (c) Enrollment fees in department-sponsored educational training 26 events.
  - (2) Moneys collected under subsection (1) of this section shall be spent primarily for producing regulation booklets for users and for the development, production, reprinting, and distribution of informational and educational materials. The department may also spend these moneys for necessary expenses associated with training activities, and other activities as determined by the ((director)) department.
  - (3) Regulation pamphlets may be subsidized through appropriate advertising, but must be made available free of charge to the users.
- 36 (4) The ((director)) department may enter into joint ventures 37 with other agencies and organizations to generate revenue for 38 providing public information and education on wildlife and hunting 39 and fishing rules.

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- 1 **Sec. 5.** RCW 77.15.425 and 2014 c 48 s 17 are each amended to 2 read as follows:
- 3 (1) The fish and wildlife enforcement reward account is created 4 in the custody of the state treasurer. Deposits to the account 5 include:
- 6 <u>(a)</u> Receipts from fish and shellfish overages as a result of a department enforcement action;
- 8 <u>(b) Fees</u> for hunter education deferral applications <u>received</u> 9 <u>under RCW 77.32.155;</u>
- 10 <u>(c)</u> Fees for master hunter applications and master hunter 11 certification renewals;
- 12 (d) All receipts from criminal wildlife penalty assessments under 13 RCW 77.15.370, 77.15.400, and 77.15.420;
- (e) All receipts of court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action; and
- 17 <u>(f) Proceeds</u> from forfeitures and evidence pursuant to RCW 18 77.15.070 and 77.15.100.
- 19 <u>(2)</u> The department may accept money or personal property from 20 persons under conditions requiring the property or money to be used 21 consistent with the intent of expenditures from the fish and wildlife 22 enforcement reward account.

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- (3) Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, to offset department-approved costs incurred to administer the hunter education deferral program and the master hunter permit program, and for other valid enforcement uses as determined by the commission.
- 30 <u>(4)</u> Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.
- 34 **Sec. 6.** RCW 77.08.010 and 2014 c 48 s 1 and 2014 c 202 s 301 are 35 each reenacted and amended to read as follows:
- The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

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(1) "Anadromous game fish buyer" means a person who purchases or sells steelhead trout and other anadromous game fish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director.

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- (2) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.
- 9 (3) "Bag limit" means the maximum number of game animals, game 10 birds, or game fish which may be taken, caught, killed, or possessed 11 by a person, as specified by rule of the commission for a particular 12 period of time, or as to size, sex, or species.
- 13 (4) "Building" means a private domicile, garage, barn, or public 14 or commercial building.
- 15 (5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.
  - (6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.
  - (7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.
- 28 (8) "Commercial" means related to or connected with buying, 29 selling, or bartering.
  - (9) "Commission" means the state fish and wildlife commission.
- 31 (10) "Concurrent waters of the Columbia river" means those waters 32 of the Columbia river that coincide with the Washington-Oregon state 33 boundary.
- 34 (11) "Contraband" means any property that is unlawful to produce 35 or possess.
- 36 (12) "Deleterious exotic wildlife" means species of the animal 37 kingdom not native to Washington and designated as dangerous to the 38 environment or wildlife of the state.
  - (13) "Department" means the department of fish and wildlife.
    - (14) "Director" means the director of fish and wildlife.

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- 1 (15) "Endangered species" means wildlife designated by the 2 commission as seriously threatened with extinction.
  - (16) "Ex officio fish and wildlife officer" means:

- (a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;
- (b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;
- (c) A commissioned fish and wildlife peace officer from another state who meets the training standards set by the Washington state criminal justice training commission pursuant to RCW 10.93.090, 43.101.080, and 43.101.200, and who is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency; or
- (d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.
- (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.
- (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

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- 1 (19) "Fish broker" means a person whose business it is to bring a 2 seller of fish and shellfish and a purchaser of those fish and 3 shellfish together.
  - (20) "Fish buyer" means:

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- 5 (a) A wholesale fish dealer or a retail seller who directly 6 receives fish or shellfish from a commercial fisher or receives fish 7 or shellfish in interstate or foreign commerce; or
- 8 (b) A person engaged by a wholesale fish dealer who receives fish 9 or shellfish from a commercial fisher.
- 10 (21) "Fishery" means the taking of one or more particular species 11 of fish or shellfish with particular gear in a particular 12 geographical area.
- 13 (22) "Food, food waste, or other substance" includes human and 14 pet food or other waste or garbage that could attract large wild 15 carnivores.
- 16 (23) "Freshwater" means all waters not defined as saltwater 17 including, but not limited to, rivers upstream of the river mouth, 18 lakes, ponds, and reservoirs.
- 19 (24) "Fur-bearing animals" means game animals that shall not be 20 trapped except as authorized by the commission.
- 21 (25) "Fur dealer" means a person who purchases, receives, or 22 resells raw furs for commercial purposes.
- 23 (26) "Game animals" means wild animals that shall not be hunted 24 except as authorized by the commission.
- 25 (27) "Game birds" means wild birds that shall not be hunted 26 except as authorized by the commission.
- (28) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.
- 31 (29) "Game reserve" means a closed area where hunting for all 32 wild animals and wild birds is prohibited.
  - (30) "Illegal items" means those items unlawful to be possessed.
- (31)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.
- 39 (b) "Intentionally feed, attempt to feed, or attract" does not 40 include keeping food, food waste, or other substance in an enclosed

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- garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.
  - (32) "Large wild carnivore" includes wild bear, cougar, and wolf.
- 5 (33) "License year" means the period of time for which a 6 recreational license is valid. The license year begins April 1st, and 7 ends March 31st.
- 8 (34) "Limited-entry license" means a license subject to a license 9 limitation program established in chapter 77.70 RCW.
- 10 (35) "Money" means all currency, script, personal checks, money 11 orders, or other negotiable instruments.
  - (36) "Natural person" means a human being.

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- (37)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.
- (b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.
  - (38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.
  - (39) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.
  - (40) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.
- 38 (41) "Owner" means the person in whom is vested the ownership 39 dominion, or title of the property.

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- 1 (42) "Person" means and includes an individual; a corporation; a 2 public or private entity or organization; a local, state, or federal 3 agency; all business organizations, including corporations and 4 partnerships; or a group of two or more individuals acting with a 5 common purpose whether acting in an individual, representative, or 6 official capacity.
  - (43) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.
- 10 (44) "Personal use" means for the private use of the individual 11 taking the fish or shellfish and not for sale or barter.

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- 12 (45) "Predatory birds" means wild birds that may be hunted 13 throughout the year as authorized by the commission.
- 14 (46) "Protected wildlife" means wildlife designated by the 15 commission that shall not be hunted or fished.
  - (47) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.
- 21 (48) "Resident" has the same meaning as defined in RCW 77.08.075.
- 22 (49) "Retail-eligible species" means commercially harvested 23 salmon, crab, and sturgeon.
- 24 (50) "Saltwater" means those marine waters seaward of river 25 mouths.
  - (51) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.
    - (52) "Senior" means a person seventy years old or older.
- 32 (53) "Shark fin" means a raw, dried, or otherwise processed 33 detached fin or tail of a shark.
- (54)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.
- 37 (b) "Shark fin derivative product" does not include a drug 38 approved by the United States food and drug administration and 39 available by prescription only or medical device or vaccine approved 40 by the United States food and drug administration.

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

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- 6 (56) "State waters" means all marine waters and fresh waters 7 within ordinary high water lines and within the territorial 8 boundaries of the state.
- 9 (57) "Taxidermist" means a person who, for commercial purposes, 10 creates lifelike representations of fish and wildlife using fish and 11 wildlife parts and various supporting structures.
- 12 (58) "To fish" and its derivatives means an effort to kill, 13 injure, harass, harvest, or capture a fish or shellfish.
- 14 (59) "To hunt" and its derivatives means an effort to kill, 15 injure, harass, harvest, or capture a wild animal or wild bird.
- 16 (60) "To process" and its derivatives mean preparing or 17 preserving fish, wildlife, or shellfish.
  - (61) "To take" and its derivatives means to kill, injure, harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.
- 20 (62) "To trap" and its derivatives means a method of hunting 21 using devices to capture wild animals or wild birds.
  - (63) "To waste" or "to be wasted" means to allow any edible portion of any game bird, food fish, game fish, shellfish, or big game animal other than cougar to be rendered unfit for human consumption, or to fail to retrieve edible portions of such a game bird, food fish, game fish, shellfish, or big game animal other than cougar from the field. For purposes of this chapter, edible portions of game birds must include, at a minimum, the breast meat of those birds. Entrails, including the heart and liver, of any wildlife species are not considered edible.
- 31 (64) "Trafficking" means offering, attempting to engage, or 32 engaging in sale, barter, or purchase of fish, shellfish, wildlife, 33 or deleterious exotic wildlife.
  - (65) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.
- 39 (66) "Unclassified wildlife" means wildlife existing in 40 Washington in a wild state that have not been classified as big game,

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game animals, game birds, predatory birds, protected wildlife, endangered wildlife, or deleterious exotic wildlife.

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- (67) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barters, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.
- 9 (68) "Wild animals" means those species of the class Mammalia 10 whose members exist in Washington in a wild state. The term "wild 11 animal" does not include feral domestic mammals or old world rats and 12 mice of the family Muridae of the order Rodentia.
- 13 (69) "Wild birds" means those species of the class Aves whose 14 members exist in Washington in a wild state.
  - (70) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.
- 24 (71) "Wildlife meat cutter" means a person who packs, cuts, 25 processes, or stores wildlife for consumption for another for 26 commercial purposes.
- 27 (72) "Youth" means a person fifteen years old for fishing and 28 under sixteen years old for hunting.
- 29 (73) "Accompanied" means to go hunting with another person while 30 staying within a range of the other person that permits continual 31 unaided visual and auditory communication.

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