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SECOND SUBSTITUTE SENATE BILL 5474

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State of Washington                      65th Legislature                      2017 Regular Session

By Senate Ways & Means (originally sponsored by Senator Pearson)

READ FIRST TIME 02/24/17.

1            AN ACT Relating to initiating proactive steps to address elk hoof  
2 disease; amending RCW 77.12.047; adding a new section to chapter  
3 77.12 RCW; and creating new sections.

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

5            NEW SECTION.        **Sec. 1.**        The legislature finds that elk hoof  
6 disease poses a significant threat to the state, including elk  
7 populations and livestock. While the legislature recognizes the  
8 efforts of the department of fish and wildlife thus far, more  
9 aggressive steps are necessary to achieve a better understanding of  
10 the hoof disease epidemic facing the state's elk populations and to  
11 ensure proactive management and treatment actions are pursued.

12            **Sec. 2.**        RCW 77.12.047 and 2001 c 253 s 14 are each amended to  
13 read as follows:

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

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

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

19            (c) Specifying and defining the gear, appliances, or other  
20 equipment and methods that may be used to take wildlife, fish, or

1 shellfish, and specifying the times, places, and manner in which the  
2 equipment may be used or possessed.

3 (d) Regulating the importation, transportation, possession,  
4 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed  
5 within the state, whether acquired within or without the state.  
6 However, the rules of the department must prohibit any person,  
7 including department staff, from translocating a live elk from an  
8 area with elk affected by hoof disease to any other location except  
9 consistent with a process developed by the department for  
10 translocation for monitoring or hoof disease management purposes.

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

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

16 (g) Specifying the statistical and biological reports required  
17 from fishers, dealers, boathouses, or processors of wildlife, fish,  
18 or shellfish.

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

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

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

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

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

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

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

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

37 (2)(a) Subsections (1)(a), (b), (c), (d), and (f) of this section  
38 do not apply to private tideland owners and lessees and the immediate  
39 family members of the owners or lessees of state tidelands, when they  
40 take or possess oysters, clams, cockles, borers, or mussels,

1 excluding razor clams, produced on their own private tidelands or  
2 their leased state tidelands for personal use.

3 (b) "Immediate family member" for the purposes of this section  
4 means a spouse, brother, sister, grandparent, parent, child, or  
5 grandchild.

6 (3) Except for subsection (1)(g) of this section, this section  
7 does not apply to private sector cultured aquatic products as defined  
8 in RCW 15.85.020. Subsection (1)(g) of this section does apply to  
9 such products.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12  
11 RCW to read as follows:

12 Subject to the availability of amounts appropriated for this  
13 specific purpose, the legislature designates Washington State  
14 University college of veterinary medicine as the state lead in  
15 developing a program to monitor and assess causes of and potential  
16 solutions for elk hoof disease. The college must establish an elk  
17 monitoring system in southwest Washington in order to carry out this  
18 mission. In conducting this work, the college must work  
19 collaboratively with entities including the department, the state  
20 veterinarian, and any tribes with interest in participating. The  
21 college must provide regular updates, at minimum on an annual basis,  
22 to the appropriate committees of the legislature and the commission  
23 on its findings, program needs, and any recommendations.

24 NEW SECTION. **Sec. 4.** The department of fish and wildlife must  
25 immediately adopt or amend any rule as necessary to implement, and  
26 ensure rules are consistent with, this act.

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