

## Summary

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**Meeting dates:** August 2, 2013, Fish and Wildlife Commission Meeting

**Agenda item:** 2014 Agency Request Legislative Package

**Presenter(s):** Ann Larson, Legislative Liaison

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**Background summary:**

WDFW's Executive Management Team reviewed the 2014 agency request package on July 18, 2013. The deadline for submission of agency-request legislation to OFM and the Governor's Office for the 2014 Legislative Session is September 15 for proposals with a fiscal impact and October 1 without a fiscal impact.

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**Policy issue(s) you are bringing to the Commission for consideration:**

The agency request package is made up of several legislative proposals that include:

- Invasive Species
  - Background Checks
  - Enforcement Omnibus
  - Wildlife Conflict Accounts
  - Hunter Education
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**Public involvement process used and what you learned:**

Current stakeholder efforts are underway for initial feedback and will continue through September.

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**Action requested:**

The Fish and Wildlife Commission will review proposed agency request legislation for the 2014 Legislation Session on August 2, 2013. The request for Commission approval is scheduled for August 16, 2013 via conference call.

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**Draft motion language:**

Move to approve the 2014 agency request legislative proposals as presented.

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**Justification for Commission action:**

The Fish and Wildlife Commission sets policy for the Department of Fish and Wildlife, and is responsible for final review and approval of Department goals, objectives, and budget proposals (RCW 77.04.055).

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**Communications Plan:**

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**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2014 AGENCY REQUEST LEGISLATIVE SUMMARY**

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**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE**  
**2014 AGENCY REQUEST LEGISLATIVE TIMELINE**

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May 15-16	EMT Meeting: Discuss the budget environment and set the standards for 2014 supplemental budget and legislative requests.
May 24	Draft legislative proposals due from program to LAO by COB.
May 29	Meeting with Director, Deputy Director, and Legislative Liaison to review draft proposals.
May 30	Program leads begin stakeholder outreach and development of communication materials.
June 17	<b>EMT Meeting:</b> Introduction and discussion of draft legislative proposals to be developed into agency request legislation.
July 12	Revised proposals due to LAO by COB.
July 18	<b>EMT Meeting:</b> Review and approval of final legislative package.
July 26	Fiscal notes due to LAO for request legislation by COB.
August 2-3	<b>FWC Meeting:</b> Fish and Wildlife Commission meeting presentation to review agency request legislation and budget package.
August 16	<b>FWC Meeting:</b> Fish and Wildlife Commission conference call to amend/approve agency request legislative package before final submittal to Governor's Office.
August 16	Finalized fiscal notes reviewed by program's budget analyst, approved by program AD, and due to Business Services AD by COB for final approval.
August 23	Final agency request legislation packages due to LAO by COB.
September 15	Agency request legislation with a fiscal impact due to Governor's Office.
October 1	Agency request legislation with no fiscal impact due to Governor's Office.
October	Programs present legislative and budget packages to OFM and Legislative Staff.

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# Aquatic Invasive Species Management



**Problem:** Aquatic invasive species (AIS) pose an ongoing threat to Washington's environment and economy. If they become established, they can undermine the state's biodiversity and can cause millions of dollars of economic damage by out-competing species that are grown commercially.

Preventing the introduction and spread of AIS in Washington is challenging and unpredictable. Authorities must be vigilant against known and unknown threats, respond rapidly when they are discovered, and persistent in controlling invasive species that become established. State lawmakers have recognized the threats that invasive species pose to the state's natural ecosystems and resource-based economies and have enacted eight laws over the past 15 years directing the Washington Department of Fish and Wildlife (WDFW) to address specific AIS problems.

However, gaps in current authorities continue to expose the state to the risk of hundreds of millions of dollars in costs from harm to economic, environmental, and human health resources. Our state's hydroelectric and irrigation industries, and salmon recovery efforts are at greatest risk. A significant authority gap this proposed legislation addresses is improving rapid response capacity to quickly contain and attempt eradication of an invasive species with adequate resources.

**Proposed solution:** WDFW proposes to revise and update current laws to address the threat of invasive species to Washington's land, water, and other natural resources. The proposal is based on recent recommendations to the Legislature by the department and the Washington Invasive Species Council, and recommendations by the Pacific Northwest Economic Region (PNWER) coalition, the Northwest Power and Conservation Council (NWPCC), and the Western Regional Panel of the Aquatic Nuisance Species Task Force (WRP). It also reflects WDFW's extensive experience applying existing statutory authority to respond to AIS threats.

The proposal focuses primarily on managing threats from aquatic invasive species but is worded to permit the incorporation of provisions related to terrestrial (land-based) species in the future.

**Potential benefits:** Preventing the introduction and spread of invasive species avoids large costs to Washington's natural ecosystems and natural resource-based industries and preserves the state's investments in habitat restoration to support salmon recovery and provide adequate habitat for other fish and animal species. This was highlighted in a 2010 report by the NWPCC's Independent Economic Advisory Board that significant improvements in prevention efforts were needed to help stop or delay potential impacts in the hundreds of millions of dollars per year if zebra or quagga mussels were introduced into the Columbia River basin system.

## For more information:

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# Aquatic Invasive Species Management



Cost-effective AIS prevention relies on early detection and rapid response, and the proposed legislative overhaul would provide WDFW with proven tools, modeled on the state's integrated pest management and noxious weed laws, and recommendations from regional initiatives to establish strong and consistent authorities among Western states for fighting invasive species. This approach enhances consultation and coordination with state and federal agencies, tribes, local governments, affected industries, environmental groups, and the public.

**Specific provisions:** The proposal is designed to:

- Improve the state's ability to rapidly respond when aquatic invasive species pose substantial, imminent risk by providing explicit authorities to issue rapid response orders and request emergency measures by the governor;
- Improve the state's invasive species inspection program by permitting non-law enforcement personnel to operate AIS highway check stations;
- Requires a person or business to post the scientific names of plant and animal species when they are sold or distributed in public venues;
- Consolidate current legislative directives for invasive species management into a single chapter in state law (Title 77 RCW);
- Improve the current invasive species classification system to strongly link classification with management actions and provide for greater flexibility and clarity in managing invasive species based on risk and available resources;

**State legislation:**

- **1998 c 153** - The Zebra Mussel and European Green Crab Task Force is established to develop a report with recommendations for invasive species management.
- 1999 (HJM 4008) - A joint memorial to the President of the United States and members of Congress is adopted to support the appropriation of \$4 million in the federal Nonindigenous Aquatic Nuisance Species Act to help states develop aquatic nuisance management plans.
- **2002 c 149** – The Aquatic Nuisance Species Committee is established to provide recommendations to improve the management of aquatic invasive animal species. The committee eventually submits six reports to the Legislature that confirm invasive species are a long-term problem and recommend comprehensive management changes.
- **2005 c 464** - AIS prevention and enforcement programs are established under WDFW to enhance zebra/quagga mussel management and to provide recommendations to better implement legislative intent. Four reports to the Legislature have been submitted supporting ANS Committee findings and recommendations.
- **2006 c 152** - the Washington Invasive Species Council is established to provide policy direction, planning, and coordination for preventing and combating invasive species and to make recommendations necessary to carry out legislative intent. The council has submitted three annual reports and a comprehensive strategic plan that concludes the state's current species-by-species legislative patchwork does not adequately protect state resources.

## For more information:

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**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2014 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**Bill Title: Invasive Species Management**

**Statement of Need:**

Preventing the introduction and spread of invasive species avoids large costs to Washington’s natural ecosystems and resource-based industries. Prevention preserves the state’s investments in habitat restoration to support salmon recovery and prevent further harm to threatened and endangered species.

The Department of Fish and Wildlife proposes restructuring current statutes and comprehensive modernization of invasive species management authorities to address the continued and growing threat of invasive species to Washington’s land, water, and other natural resources. The proposal is based on statute-directed recommendations to the legislature collectively drawn from reports from the department and the Washington Invasive Species Council, and recommendations by the Aquatic Nuisance Species Committee Pacific Northwest Economic Region coalition, the Northwest Power and Conservation Council, and the Western Regional Panel of the Aquatic Nuisance Species Task Force.

Recommendations are based on extensive reviews of, and experience applying the Department’s statutory authority in the context of Washington State’s readiness to respond adequately to invasive species threats. The proposal focuses primarily on managing threats from aquatic invasive species but is worded to permit the incorporation of provisions related to terrestrial (land-based) species in the future.

The proposed legislation meets the Governor’s Goal 2: Prosperous Economy and Goal 4: Healthy and Safe Communities.

**Summary of Major Provisions and Impact on Existing Laws:**

**Part 1 – Invasive Species - - Management - - New statutes** constituting a new Title 77 RCW chapter - - consolidates existing policies authorities; modifies and expands existing, and establishes new, policies and authorities.

Section	Summary Description
101	<u>Findings</u> : Builds upon prior legislative intent language to provide clear basis for scope of invasive species management proposed in new chapter and statutes.
102	<u>Definitions</u> : Clarifies existing definitions and provides definitions for important terms used in new chapter. Key terms include: “Aquatic conveyance;” “Aquatic invasive species;” “Clean and drain;” “Commercial purposes;” “Decontaminate;” and “Invasive species.”
103	<u>General provisions</u> : Clarifies department role as lead agency; emphasis on application of integrated management including offering technical assistance to local governments and private groups; encourages alignment with regional, national, international standards; manages invasive species in support of salmon recovery and threatened and endangered species; provides general rule making authority; and clarifies exemption of ballast water regulated under chapter 77.120 RCW .
104	<u>Invasive species classification system</u> : Enhances invasive species classification rulemaking system through consultation with the Washington Invasive Species Council (WISC); simplifies classification to “prohibited” and “regulated;” provides more flexibility to classify invasive species by differing invasive risk, management priority, and geographic designations similar to WSDA noxious weed classification model; adds new regulated sub-classification for species possessed for personal use (aquarium, live food market, and pets); requires rulemaking to establish standards determining risk levels; emphasizes need to align classifications with regional and national listings.

Section	Summary Description
105	<u>Interim classification (uncodified)</u> : Provides a classification bridge until rulemaking is completed; and adds federally listed “Injurious Species” to Prohibited Level 1 classification in keeping with emphasis on aligning with national listings.
106	<u>Prohibited acts</u> : Clarifies unlawful possession and introduction acts for prohibited and regulated invasive species; and adds new requirement for labeling Regulated type 2 invasive species by taxonomic species name when used for commercial purposes.
107	<u>Rapid response orders – Prohibited level 1 invasive species</u> : Clarifies and enhances rapid response capabilities for species classified as prohibited level 1; sets clear procedures for issuing orders, extent and duration of orders, and opportunities for water body and property owners to develop pre-approved rapid response plans; sets responsibility and process for collection of management costs; and requires rulemaking to establish standard protocols for water body and property owners to develop proactive rapid response plans for department approval.
108	<u>Infested site management plans – Prohibited level 2 invasive species</u> : Clarifies and enhances management responsibilities for water bodies or properties containing prohibited level 2 invasive species; provides authority for department to direct the development and implementation of infested site management plans to the water body or property owner; requires rulemaking to define a process by which the department may direct this responsibility; requires consultation with local authorities on infested site signage placement; sets the penalty for failure to develop and implement a plan; directs the department to publicly list infested sites; and requires the department to consult with appropriate water body and property owners before posting infested site signage.
109	<u>Emergency measures</u> : Adds department director authority to petition governor for emergency measures based on WSDA model; adds WISC as consulting forum and participation requirements; sets implementation authorities including entering into agreements with others as necessary to address emergency; and requires director to continually evaluate and report to governor on status and recommendations.
110	<u>Aquatic conveyances brought into state</u> : Enhances decontamination certification requirements to include person bringing any aquatic conveyance into the state; and requires rulemaking to develop guidelines on what constitutes allowable forms of documentation.
111	<u>Clean and drain</u> : Adds clean and drain requirement for aquatic conveyances transported overland based on national campaign; identifies enforcement options for compliance with clean and drain requirements; and requires rulemaking to define exempt conditions that allow transport for short distances.
112	<u>Mandatory aquatic invasive species (AIS) check stations</u> : Enhances department authority to establish mandatory AIS check stations to include any aquatic conveyance and allow operation by non-commissioned staff; clarifies requirements for person transporting an aquatic conveyance; identifies enforcement options for compliance; adds enforcement probable cause authority for violators; and clarifies exemption of penalties if person complies with station requirements.
113	<u>Decontamination requirements</u> : Clarifies decontamination, destruction of invasive species, and seizure authorities; identifies enforcement options for compliance with decontamination requirements including seizure of aquatic conveyance for high risk situations; clarifies decontamination orders must be in writing and specify hearing options for contesting; identifies period of time an aquatic conveyance can be kept to decontaminate; clarifies difference if seizure is for forfeiture; clarifies release of aquatic conveyance upon completion of decontamination certification; clarifies timeline and options for hearings; and clarifies payment or reimbursement requirements based on outcome of hearing.
114	<u>Inspection and decontamination stations</u> : Allows department to operate inspection and decontamination stations; defines requirements of inspections stations; defines requirements of decontamination stations; defines certification validity period; requires posting of station location and contact information; and requires rulemaking to set decontamination standards.
115	<u>Authorized representative designation</u> : Allows department to use authorized representatives to operate department inspection and decontamination stations and mandatory inspection stations; representatives may be volunteers, other law enforcement agencies, or independent businesses;

Section	Summary Description
	requires rulemaking governing service conditions and fees; and identification requirements.
116	<u>AIS prevention account</u> : Sets existing account in new chapter.
117	<u>Transfer AIS enforcement account from WSP to WDFW</u> : Clarifies funding direction to lead invasive species enforcement agency.
118	<u>AIS enforcement account</u> : Sets account in new chapter; clarifies funding can be used to reimburse WA State Patrol as part of Enforcement program.
119	<u>Liberally construed</u> : Existing state agency authority under RCW 1.12.010.
120	<u>Designation of new Title 77 RCW chapter</u> : Standard language as recommended in 2011 WA Bill Drafting Guide to establish a new chapter.

**Part 2 – Invasive Species - - Enforcement - - New and revised statutes** within enforcement chapter 77.15 RCW.

Section	Summary Description
201	<u>AIS inspection authority</u> : Expands authority to stop and inspect an aquatic conveyance that does not meet clean and drain requirements or has AIS.
202	<u>Search and arrest warrant authority</u> : Clarifies warrant and arrest authority for invasive species management.
203	<u>Unlawful use of invasive species – 2nd degree</u> : Clarifies prohibited acts resulting in a gross misdemeanor penalty including: failure to stop based on articulable evidence; failure to stop at a mandatory AIS check station; possesses prohibited level 1 or level 2 invasive species without department authorization; possesses or introduces a prohibited level 3 invasive species; introduces a regulated type 1, type 2, or type 3 invasive species; fails to properly label a regulated type 2 invasive species used in a commercial transaction; fails to comply with a decontamination order; and fails to comply with an infested site prevention, containment, control, or eradication order for a prohibited level 1 or level 2 invasive species.
204	<u>Unlawful use invasive species – 1st degree</u> : Authorities based on current Deleterious Exotic Wildlife enforcement statutes; clarifies prohibited acts resulting in up to a felony class C penalty including: introduction or trafficking in a prohibited level 1 or level 2 invasive species; commits subsequent violation of second degree unlawful use within 5 years.

**Part 3 – Invasive Species - - Technical Provisions - - Amendments** to and **repeals** of statutes to consolidate or support Parts 1 and 2.

Section	Summary Description
301	<u>RCW 77.08.010 Definitions</u> : Amendment to delete definitions for incorporation into new invasive species chapter including: aquatic invasive species; aquatic plant species; invasive species; prohibited aquatic animal species; recreational and commercial watercraft; regulated aquatic animal species; unlisted aquatic animal species; and unregulated aquatic animal species.
302	<u>RCW 77.12.020 Wildlife to be classified</u> : Amendment to delete subsections regarding invasive species classification for incorporation into new invasive species chapter including: prohibited aquatic animal species; regulated aquatic animal species; unregulated aquatic animal species; unlisted aquatic animal species; and exemption for invasive species related to ballast water management under those classifications.
303	<u>RCW 77.12.047 Scope of commission’s authority to adopt rules</u> : Amendment adding new invasive species rule making subsection under commission scope.
304	<u>RCW 77.15.080 Inspection authority</u> : Amendment deleting subsection related to AIS articulable facts authority for incorporation in new invasive species chapter.
305	<u>RCW 77.15.290 Unlawful transportation of aquatic plants</u> : Amendment deleting sections on



Section	Summary Description
306	transportation of aquatic plants for incorporation into new invasive species chapter. <u>RCW 43.06.010 Governor's general powers and duties</u> : Amendment adding new subsection similar to WSDA authority for governor to order emergency measures.
307	<u>RCW 43.43.400 State patrol AIS enforcement program and account</u> : Amendment modifying and simplifying section to address aquatic conveyances in coordination with new invasive species chapter.
308	<u>RCW 10.31.100 Probable cause authority</u> : Amendment adding new subsection to provide probable cause authority for mandatory AIS check stations similar to Idaho model.
309	Repeal following statutes: (1) <u>77.12.875 Prohibited aquatic animal species - - Infested state waters</u> : Incorporation into new AIS chapter. (2) <u>77.12.878 Infested state waters - - Rapid response plan</u> : Incorporation into new invasive species chapter. (3) <u>77.12.879 Aquatic invasive species prevention account - - Aquatic invasive species prevention program for recreational and commercial watercraft - - Enforcement program - - Check stations - - Training - - Signage</u> : Incorporation into new invasive species chapter. (4) <u>77.12.882 Aquatic invasive species - - Inspection of recreational and commercial watercraft - - Rule - - Signage</u> : Incorporation into new invasive species chapter. (5) <u>77.15.253 Unlawful use of prohibited aquatic animal species - - Penalties</u> : Incorporation into new invasive species chapter. (6) <u>77.15.293 Unlawfully avoiding aquatic invasive species check stations - - Penalty</u> : Incorporation into new invasive species chapter. (7) <u>77.60.110 Zebra mussels and European green crabs - - Draft rules - - Prevention of introduction and disposal</u> : Incorporation into new invasive species chapter. (8) <u>77.60.120 Infested waters - - List published</u> : Incorporation into new invasive species chapter.

**Affected Agencies:**

Department of Fish and Wildlife  
 Recreation and Conservation Office (Washington Invasive Species Council) – Coordination in progress  
 Department of Natural Resources – Coordination in progress  
 Department of Ecology – Coordination in progress  
 Washington State Patrol – Coordination in progress  
 Department of Licensing – Coordination in progress

**Stakeholders Information:** See Attachment A

**Agency Contacts:**

Bill Tweit, Special Assistant, Fish Program, (360) 902-2723  
 Allen Pleus, Aquatic Invasive Species Unit Lead, Fish Program, (360) 902-2724  
 Ann Larson, Legislative Liaison, (360) 902-2226

**Legal Review:**

Jessica Fogel, Assistant Attorney General – reviewed and in support.

**Code Reviser Draft of the Proposed Bill:** See Attachment B

**Fiscal Impact Information:** See Attachment C for Fiscal Note and fact sheet

**Agency Decision Package:** The package will be submitted later in the process. We are working with the Fiscal and Budget Offices.

**Attachment A**

**Stakeholder Information:**

Department leads responsible for keeping their stakeholder contacts up to date. Add/remove stakeholders as necessary.

**Washington Invasive Species Council – State agency and other state representatives**

Name	Affiliation	Summary of Position	Contact Information	Lead	Status	Support Type	Letter on File
Pene Speaks	Dept of Natural Resources	General support	360-407-6938 <a href="mailto:Pene.Speaks@wadnr.gov">Pene.Speaks@wadnr.gov</a>	Bill	Pending Dec 13 WISC mtg	Pending Dec 13 WISC mtg	
Mary Toohey	Dept of Agriculture	General support	360-902-1907 <a href="mailto:Mtoohey@agr.wa.gov">Mtoohey@agr.wa.gov</a>	Bill	“	“	
Lizbeth Seebacher	Dept of Ecology	General support	(360) 407-6938 <a href="mailto:lsee461@ecy.wa.gov">lsee461@ecy.wa.gov</a>	Bill	“	“	
Rob Fimbel	Dept of Parks & Rec	General support	360-902-8661 <a href="mailto:Robert.fimbel@parks.wa.gov">Robert.fimbel@parks.wa.gov</a>	Bill	“	“	
Kevin Anderson	Puget Sound Partnership	General support	360-464-1216 <a href="mailto:Kevin.Anderson@psp.wa.gov">Kevin.Anderson@psp.wa.gov</a>	Bill	“	“	
Chris Christopherson	Dept of Transportation	General support	360-705-7851 <a href="mailto:Christc@wsdot.wa.gov">Christc@wsdot.wa.gov</a>	Bill	“	“	
Alison Halpern	Noxious Weed Control Board	General support	360-561-4428 <a href="mailto:Ahalpern@agr.wa.gov">Ahalpern@agr.wa.gov</a>	Bill	“	“	
Phil Rockefeller/ Raquel Crosier	NW Power & Conservation Council	General support	360-534-9347 <a href="mailto:PRockefeller@NWCouncil.org">PRockefeller@NWCouncil.org</a>	Bill	“	“	
Mike Mackey	Chelan County	General support	(509) 667-6550 <a href="mailto:Mike.Mackey@co.chelan.wa.us">Mike.Mackey@co.chelan.wa.us</a>	Bill	“	“	
Pat Stevenson	Stillaguamish Tribe	General support	(360) 631-0946 <a href="mailto:pstevenson@stillaguamish.nsn.us">pstevenson@stillaguamish.nsn.us</a>	Bill	“	“	
Lisa Younger	The Nature Conservancy	General support	206-343-4345 <a href="mailto:lyounger@tnc.org">lyounger@tnc.org</a>	Bill	“	“	
?	Oregon Invasive Species Council	General support		Bill			
?	Idaho Invasive Species Council	General support		Allen			

**Other State/Local Government**

<b>Name</b>	<b>Affiliation</b>	<b>Summary of Position</b>	<b>Contact Information</b>	<b>Lead</b>	<b>Status</b>	<b>Support Type</b>	<b>Letter on File</b>
Johan Hellman	WA Public Ports Assoc	Likely support	(360) 943-0760 <a href="mailto:jhellman@washingtonports.org">jhellman@washingtonports.org</a>	Allen	Reviewing		
John Kounts	WA Public Utility District Association	No position yet	206-841-4199 <a href="mailto:jkounts@wpuda.org">jkounts@wpuda.org</a>	Kelly			
Eric Johnson/ Josh Weiss	WA Assoc. of Counties	No position yet	360-481-2241 <a href="mailto:ejohnson@wacounties.org">ejohnson@wacounties.org</a>	Kelly			
Jeff Adams	Washington Sea Grant	General support	360-337-4619 <a href="mailto:jaws@u.washington.edu">jaws@u.washington.edu</a>	Allen			
Fran Wilshusen	NW Indian Fisheries Commission	No position yet	(360) 528-4351 <a href="mailto:fwilshusen@nwifc.org">fwilshusen@nwifc.org</a>	Allen			
Blaine Parker	Columbia Inter-Tribal Fisheries Commission	Likely support	503-731-1268 <a href="mailto:parb@critfc.org">parb@critfc.org</a>	Bill			
?	Upper Columbia United Tribes	No position yet		Bill			
Jim Irish	City of La Center, Mayor	General support	360-263-5123 <a href="mailto:jirish@ci.lacenter.wa.us">jirish@ci.lacenter.wa.us</a>	Allen			
Kelly Linville	City of Bellingham	Likely support	(360) 778-7965 <a href="mailto:cfogelsong@cob.org">cfogelsong@cob.org</a>	Bill			
Kit Paulsen	City of Bellevue	Likely support	(425) 452-4861 <a href="mailto:kpaulsen@bellevuewa.gov">kpaulsen@bellevuewa.gov</a>	Allen			
Sally Abella	King County DNR	Likely support	(206) 296-8382 <a href="mailto:sally.abella@kingcounty.gov">sally.abella@kingcounty.gov</a>	Allen			
Dave Williams/ Carl Schroeder	Association of Cities	No position yet		Kelly			
Tom Dresser	Grant PUD	Support	<a href="mailto:TDresser@gcpud.org">TDresser@gcpud.org</a>	Bill		email	
	Chelan PUD	Likely support		Bill			
	Douglas PUD	Likely support		Bill			
Ron Schultz	WA State Conservation Commission	Likely support	360-407-7507 <a href="mailto:rshultz@scc.wa.gov">rshultz@scc.wa.gov</a>	Allen			

### Conservation and Citizen Groups

Name	Affiliation	Summary of Position	Contact Information	Lead	Status	Support Type	Letter on File
Darcy Nonemacher, Clifford Traisman	WA Environmental Council	No position yet	<a href="mailto:darcy@wecprotects.org">darcy@wecprotects.org</a>	Allen			
Herb Curl	WA Invasive Species Coalition	General support	206-715-4013 <a href="mailto:hcurl55@comcast.net">hcurl55@comcast.net</a>	Allen			
BiJay Adams	WA Lake Protection Association	General support	<a href="mailto:jbay@libertylake.org">jbay@libertylake.org</a>	Allen			
Gerri Guinn	Diamond Lake Improvement Association (Senator Morton contact?)	General support	509-270-4179 <a href="mailto:gguinn@conceptacable.com">gguinn@conceptacable.com</a>	Allen			
Lisa Pelly	Washington Rivers Conservancy	No position yet	(206) 419-0934 <a href="mailto:lisap@drizzle.com">lisap@drizzle.com</a>	Bill			
Rich Lincoln	Wild Salmon Center	General Support	(971) 255-5575	Bill			
?	Conservation Commission	No position yet					
Betsy Peabody	Puget Sound Restoration	No position yet		Kelly			
Jim Jesernig	WA Assoc of Conservation Districts	No position yet		Kelly			

### Industry Representatives

Name	Affiliation	Summary of Position	Contact Information	Lead	Status	Support Type	Letter on File
Steve Greaves	WA Boating Alliance/ Rec Boating Assoc. of WA	General Support	206-371-0486 <a href="mailto:sgreaves@portagebaysystems.com">sgreaves@portagebaysystems.com</a>	Bill/Allen			
Peter Schrappen	NW Marine Trade Assoc.	General Support	(206) 634-0911 <a href="mailto:peter@nmta.net">peter@nmta.net</a>	Bill/Allen			
Mike Schwisow	WA State Water Resources Association	No position yet	360-705-1975 <a href="mailto:mschwisow@aol.com">mschwisow@aol.com</a>	Bill			
Dianne Cooper	Taylor Shellfish	No position yet	360-426-6178 <a href="mailto:dianec@taylorshellfish.com">dianec@taylorshellfish.com</a>	Allen			
John Stuhlmiller Tom Davis	WA Farm Bureau	General Support – concern with Sec. 113	360-528-2903 <a href="mailto:jstuhlmiller@wsfb.com">jstuhlmiller@wsfb.com</a>	Bill		email	

		arrest authority				
Glenn Reed	Pacific Seafood Processors Assoc.	No position yet	206-910-5150 <a href="mailto:glennr@pspafish.net">glennr@pspafish.net</a>	Bill		
Pete Heide	WA Forest Protection Assoc.	No position yet	360-705-9287 <a href="mailto:pheide@wfpa.org">pheide@wfpa.org</a>	Bill		
?	Columbia River Gillnetters	No position yet		Bill		
?	Live Food Market Trade	No position yet		Allen		
Brad Kiesling	PetsSmart (national)	Tentative support	623-587-2361 <a href="mailto:bkiesling@ssg.petsmart.com">bkiesling@ssg.petsmart.com</a>	Allen		
Kristin Hamlin	Petco (national)	Support email	858-453-7845 x3806 <a href="mailto:Kristin.hamlin@petco.com">Kristin.hamlin@petco.com</a>	Allen		email

### Legislators & Staff

Name	Affiliation	Summary of Position	Contact Information	Lead	Status	Support Type	Letter on File
Curt Gavigan	Senate Energy, NR, & Marine Committee	N/A	(360) 786-7437 <a href="mailto:curt.gavigan@leg.wa.gov">curt.gavigan@leg.wa.gov</a>	Ann	Reviewing		
Jason Callahan	House Ag & HR Committee	N/A	(360) 786-7117 <a href="mailto:jason.callahan@leg.wa.gov">jason.callahan@leg.wa.gov</a>	Ann			
J.T. Austin	Governor's Office	No position yet	<a href="mailto:jt.austin@gov.wa.gov">jt.austin@gov.wa.gov</a>	Bill			
Sen. Jim Honeyford	(R) 15 <sup>th</sup> Leg District	Potential sponsor	(360) 786-7684				
Sen. James Hargrove	(D) 24 <sup>th</sup> Leg District	Likely support	360-786-7646				
Sen. Linda Evans Parlette	(R) 12 <sup>th</sup> Leg District	Potential sponsor	360-786-7622				
Sen. Ranker	(D) 40 <sup>th</sup> Leg District	Likely support	(360) 786-7678				
Sen. Fraser	(D) 22 <sup>nd</sup> Leg District	Likely support	(360) 786-7642				
Rep. Brian Blake	(D) 19 <sup>th</sup> Leg District	Likely support	360-786-7870				

## Attachment B

### PART 1

#### INVASIVE SPECIES--MANAGEMENT

NEW SECTION. **Sec. 1.101.** The legislature finds that:

(1) The state's fish, wildlife, and habitat are exceptionally valuable environmental resources for the state's citizens.

(2) The state also has exceptionally valuable economic resources. These include the state's hydroelectric power, agriculture, forests, water supplies, commercial and recreational fisheries, aquaculture, and outdoor recreational opportunities.

(3) Invasive species pose a grave threat to these environmental and economic resources, especially to salmon recovery and state and federally listed threatened and endangered species.

(4) If allowed to become established, invasive species can threaten human health and cause environmental and economic disasters affecting not only our state, but other states and nations.

(5) The risk of invasive species spreading into Washington increases as travel and commerce grows in volume and efficiency, and the risk of the species becoming established and causing harm increases as climate change makes Washington more hospitable to invasive species.

(6) Managing invasive species through pathways regulated by the department is critical to preventing the introduction and spread of a broad range of such species, including plants, diseases, and parasites.

(7) Washington's citizens must work together to protect the state from invasive species.

(8) Public and private partnerships, agreements with tribes, and interstate agreements or compacts are important for preventing new arrivals and managing existing populations of invasive species, and coordinating these actions on local, state, national, and international levels.

(9) The department requires authority for this mission to effectively counter the unpredictable nature of invasive species' introductions and spread, enable the utilization of new advances in invasive ecology science, and implement applicable techniques and technology to address invasive species.

(10) An integrated management approach provides the best way for the state to manage invasive species and includes opportunities for creating an informed public, encouraging public involvement, and striving for local, regional, national, and international cooperation and consistency on management standards. An integrated management approach also applies sound science to minimize the chance that invasive species used for beneficial purposes will result in environmental harm.

(11) This chapter provides authority for the department to effectively address invasive species using an integrated management approach.

NEW SECTION.    **Sec. 1.102.**    The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aquatic conveyance" means personal property used or placed in an aquatic environment and having the potential to transport an aquatic invasive species from one place to another. Primary aquatic conveyances are readily identifiable objects transported over land or water and include vehicles, watercraft, trailers, float planes, navigation aids, docks, pilings, large



water pumps, and materials used for aquatic habitat mitigation or restoration. Secondary aquatic conveyances include smaller objects such as wading boots, inflatable rafts, personal fishing gear, and associated equipment such as ballast tanks, anchors, ropes, and stored nets that are carried on or in a primary aquatic conveyance.

(2) "Aquatic invasive species" means an invasive species with a lifecycle that is at least partly dependent upon fresh, brackish, or marine waters. Examples include aquatic animals such as nutria, waterfowl, amphibians, fish, and shellfish.

(3) "Authorized representative" means a person authorized by the department to implement invasive species management actions under this chapter.

(4) "Certificate of inspection" and "certificate of decontamination" means a department document that declares, to the extent technically or measurably possible, that an aquatic conveyance does not carry or contain an invasive species. Certification may be in the form of decals, labels, rubber stamp imprints, tags, permits, and written statements.

(5) "Clean and drain" means to remove the following from areas on or within an aquatic conveyance to the extent technically and measurably possible:

(a) Visible native and nonnative aquatic animals, plants, or other organisms; and

(b) Raw water.

(6) "Commercial purposes" means taking, delivering, selling, buying, or trading invasive species where there is present or future exchange of money, goods, or any valuable consideration.

(7) "Contain," when used as an invasive species management term, means to physically prevent or attempt to prevent an invasive species from spreading beyond a property or water body.

(8) "Control," as an invasive species management term, means:

(a) To reduce or attempt to reduce the risk of an invasive species from spreading beyond a property or water body through reductions in the species' population size; or

(b) Applying a treatment to mitigate against the effects of an invasive species, such as coatings that minimize attachment to an object, or fencing to protect a sensitive area.

(9) "Cryptogenic species" means a species that scientists cannot commonly agree are native or nonnative or are part of the animal kingdom.

(10) "Decontaminate" means, to the extent technically and measurably possible, to kill or otherwise remove all known or suspected invasive species carried on or contained within an aquatic conveyance or structural property by use of physical, chemical, or other methods.

(11) "Eradicate" means, to the extent technically and measurably possible, to kill, destroy, remove, or stop the further growth or reproduction of an invasive species from a property or water body for the purpose of complete elimination by using physical, chemical, or other methods.

(12) "Inspection and decontamination station" means a location where the public can bring aquatic conveyances to have those conveyances inspected for aquatic invasive species and certified as free of such species or, if aquatic invasive species are present, decontaminated and then certified as free of such species.

(13) "Introduce" means to intentionally or unintentionally release, place, or allow the escape, dissemination, or establishment of an invasive species on or into a water body or property as a result of human activity or a failure to act.

(14) "Invasive species" means nonnative species not naturally occurring in Washington for purposes of breeding, resting, or foraging, and that pose an invasive risk of harming or threatening the state's environmental, economic, or human resources. Invasive species include introduced species not found historically in this state and all stages of species development and body parts. They may also include genetically modified or cryptogenic species.

(15) "Invasive species council" means the Washington invasive species council established in RCW 79A.25.310, or a similar collaborative state agency forum. The term includes the council and all of its officers, employees, agents, and contractors.

(16) "Manage" includes actions taken by the department or others as directed by the department to prevent the introduction of, or to contain, control, or eradicate, invasive species.

(17) "Mandatory check station" means a location where a person transporting an aquatic conveyance must stop and allow the conveyance to be inspected for aquatic invasive species.

(18)(a) "Possess" means to have authority over the use of a property or water body and includes actual and constructive possession.

(i) "Actual possession" is when a person has physical control and authority over the use of a property or water body that may carry or contain an invasive species.

(ii) "Constructive possession" is when a person does not have physical control of a property or water body that may carry or contain an invasive species but still has authority over the use of that property or water body.

(b) For the purposes of this subsection, "authority over" includes the ability to import, export, transport, purchase, sell, barter, distribute, propagate, or destroy a property.

(19) "Prevent" means precautionary actions and includes stopping or blocking an invasive species from entering the state, a property, or a water body along pathways of introduction, and may include conducting early detection to monitor for invasive species' presence.

(20) "Prohibited invasive species" means a classification category of invasive species that pose a moderate to high invasive risk of harming or threatening the state's environmental, economic, or human resources. These species offer little to no benefit to the state and are managed to prevent, contain, control, or eradicate invasive risks.

(21) "Property" means both real and personal property.

(22) "Rapid response" means to react in an expedited manner when invasive species are detected, for the time-sensitive purpose of containing or eradicating the species before it spreads or becomes further established.

(23) "Raw water" means water originally from a water body and held on or within property. "Raw water" does not include water from precipitation that is captured in a conveyance, structure, or depression that is not otherwise intended to function as a water body, or water from a potable water supply system, unless the water contains visible aquatic organisms.

(24) "Regulated invasive species" means a classification category of invasive species that pose a moderate to unknown invasive risk of harming or threatening the state's environmental, economic, or human resources. These species are considered beneficial for aquaculture, recreation, species management, or other purposes in some or all parts of the state and are managed to minimize or prevent invasive risks.

(25) "Water body" means an area that carries or contains a collection of water, regardless whether the feature carrying or

containing the water is natural or nonnatural. Examples include basins, bays, coves, streams, rivers, springs, lakes, wetlands, reservoirs, ponds, irrigation canals, and ditches.

NEW SECTION. **Sec. 1.103.** (1) The department is the lead agency for managing invasive species of the animal kingdom statewide. This authority excludes, unless otherwise directed by department regulated pathway as provided in this chapter, invasive pests, domesticated animals, or livestock managed by the department of agriculture under Titles 15, 16, and 17 RCW, forest invasive insect and disease species managed by the department of natural resources under Title 76 RCW, and mosquito and algae control and shellfish sanitation managed by the department of health under Titles 69, 70, and 90 RCW.

(2) Subject to the availability of amounts appropriated for these specific purposes, the department may develop and implement integrated invasive species management actions and programs authorized by this chapter, including rapid response, prevention, containment, control, eradication, enforcement, education, and outreach, and may participate in local, state, regional, national, and international efforts regarding invasive species to support the intent of this chapter. The department may provide technical assistance or other support to tribes, local governments, and private groups to promote an informed public and assist the department in meeting the intent of this chapter.

(3) The department may remove or kill an invasive species as necessary to carry out the provisions of this chapter.

(4) The department must, as practical and appropriate, align management classifications, standards, and enforcement provisions by rule with regional, national, and international standards and enforcement provisions. The department may enter into

partnerships, memorandums of agreement and understanding, and state or interstate compacts as necessary to accomplish the intent of this chapter.

(5) The department must manage invasive species to support salmon recovery and the overall protection of threatened or endangered species.

(6) The department may adopt rules as needed to implement the provisions of this chapter.

(7) This chapter does not apply to the possession or introduction of aquatic invasive species by ballast water where managed by the department under chapter 77.120 RCW, unless the introduction is in violation of ballast water discharge requirements and the aquatic invasive species are classified as prohibited level 1 or level 2 invasive species.

NEW SECTION. **Sec. 1.104.** (1) The department, in consultation with the invasive species council, may classify or reclassify and list by rule prohibited invasive species as level 1, level 2, or level 3, based on degree of invasive risk, the type of management action required, and resources available to conduct the management action.

(a) Prohibited level 1 invasive species pose a high invasive risk, are not known or considered to have an established population prior to initial detection, and are a priority for department led or department approved prevention and rapid response actions.

(b) Prohibited level 2 invasive species pose a high invasive risk, are considered to have an established population or are likely to establish a population, and are a priority for department led or department approved infested site management actions.

(c) Prohibited level 3 invasive species pose a moderate to high invasive risk, may or may not be known or considered to have an established population, and may be appropriate for prevention, rapid response, or other management actions by the department, another agency or local government, tribes, or the public.

(2) The department, in consultation with the invasive species council, may classify and list by rule regulated type 1 invasive species. This classification is used for species that pose a low to moderate invasive risk that can be managed based on intended use or geographic scope of introduction, have a beneficial use, and are a priority for department led or department approved management of the species' beneficial use and invasive risks.

(3) Species not classified as prohibited level 1, level 2, or level 3 invasive species under subsections (1) of this section, or as regulated type 1 invasive species under subsection (2) of this section, are automatically classified statewide as regulated type 2 or regulated type 3 invasive species and do not require listing by rule.

(a) Regulated type 2 invasive species pose a low or unknown invasive risk and are possessed for personal or commercial purposes, such as for aquariums, live food markets, or as nondomesticated pets.

(b) Regulated type 3 invasive species pose a low or unknown invasive risk and include all other species that do not meet the criteria for classification as a regulated type 2 invasive species.

(4) Classification of prohibited and regulated invasive species:

(a) May be by individual invasive species or larger taxonomic groups up to the family name;

(b) Must align, as practical and appropriate, with regional and national classification levels;

(c) Must be associated with a property, water body, or other geographic region or area up to a statewide designation, with the option for classifications to vary between geographic regions or areas, including a statewide designation with exceptions for specific geographic locations; and

(d) Must define general possession and introduction conditions acceptable under department authorization, a permit, or as otherwise provided by rule.

(5) Prior to or at the time of classifying invasive species by rule as prohibited or regulated invasive species under subsections (1) and (2) of this section, the department, in consultation with the invasive species council, must adopt rules establishing standards for determining invasive risk levels and criteria for determining beneficial use that take into consideration environmental impacts, and especially effects on salmon recovery and threatened or endangered species.

NEW SECTION.   **Sec. 1.105.** (1) Until the department adopts rules classifying invasive species pursuant to this chapter, species and classifications identified in this section are automatically managed as follows:

(a) Zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena rostriformis bugensis*), European green crab (*Carcinus maenas*), and all members of the genus *Eriocheir* (including Chinese mitten crab), all members of the walking catfish family (*Clariidae*), all members of the snakehead family (*Channidae*), silver carp (*Hypophthalmichthys molitrix*), largescale silver carp (*Hypophthalmichthys harmandi*), black carp (*Mylopharyngodon*



*piceus*), and bighead carp (*Hypophthalmichthys nobilis*) are prohibited level 1 invasive species statewide;

(b) Prohibited aquatic animal species classified under RCW 77.12.020(8)(a), except those as noted in subsection (1) of this section, are prohibited level 3 invasive species statewide; and

(c) Regulated aquatic animal species classified under RCW 77.12.020(8)(b) are regulated type 1 invasive species statewide; and

(d) Nonnative aquatic animal species classified under RCW 77.12.020(4) as game fish or food fish are regulated type 1 invasive species statewide.

(2) The department, in consultation with the invasive species council, may change these classifications by rule.

NEW SECTION. **Sec. 1.106.** (1) Prohibited level 1, level 2, and level 3 invasive species may not be possessed, introduced on or into a water body or property, or trafficked without department authorization, a permit, or as otherwise provided by rule.

(2) Regulated type 1, type 2, and type 3 invasive species may not be introduced on or into a water body or property without department authorization, a permit, or as otherwise provided by rule.

(3) Regulated type 2 invasive species used for commercial purposes must be readily and clearly identified in writing by taxonomic species name or subspecies name where necessary to distinguish the subspecies from a prohibited or regulated type 1 invasive species.

NEW SECTION. **Sec. 107.** (1) The director may issue rapid response orders for expedited management actions in or on a water body or property where a prohibited level 1 invasive species is

detected or is found to be established. Rapid response orders are in effect until:

(a) The invasive species are contained or eradicated by the department; or

(b) An infested site management plan under section 108 of this act is implemented by the department or is approved by the department and implemented by the water body or property owner or owner's authorized representative if directed to do so by the department.

(2) To the extent possible, the department's management actions under a rapid response order must be in a manner best suited to contain, control, and eradicate the invasive species while minimizing disturbances and adverse impacts to the water body or property owner or owner's authorized representative.

(3) Rapid response management actions may be immediately implemented by the affected water body or property owner or owner's authorized representative if the owner or owner's authorized representative have a department approved rapid response plan in place prior to the detection of a prohibited level 1 invasive species.

(4) The department must intervene and conduct rapid response management actions if the affected water body or property owner or owner's representative fails to implement a department approved rapid response management plan in an effective or timely manner, or the department determines the scope of the department approved rapid response management plan is insufficient for the situation.

(5) The department shall provide written updates on management actions under the rapid response order to the water body or property owner or owner's authorized representative every seven days for the duration of the rapid response

management order, and a final update at the conclusion of a rapid response order.

(6) The department may require management actions as part of a rapid response order, including:

(a) Restrictions or closures on the movement of conveyances within, to, or from the rapid response order area;

(b) The use of mandatory check stations to inspect conveyances transported within, to, or from the rapid response order area;

(c) Removal of conveyances from the water body or property for decontamination; and

(d) The use of physical or chemical control or eradication treatments in coordination with state, federal, or tribal laws;

(7) Rapid response orders must be served, by any method sufficient for the service of civil process, on all persons known to qualify as an owner or owner's authorized representative of a water body or property within the rapid response order area. Rapid response orders must specify:

(a) The target prohibited level 1 invasive species;

(b) Secondary prohibited level 1, level 2, or level 3 invasive species or other known invasive or noxious species that may require additional management actions to maintain containment under applicable local, state, federal, or tribal law or regulation;

(c) The geographic area of the rapid response order; and

(d) The management method or methods that must be followed for containing, controlling, or eradicating the species.

(8) The director may institute legal action for the collection of costs for management work undertaken by the department to contain, control or eradicate invasive species as part of a rapid response order.

(a) The costs for management work undertaken by the department constitute a lien against the water body or property and may be enforced by proceedings on the lien, except as provided by RCW 79.44.060. The owner or owner's authorized representative is liable for payment of the costs, and nothing in this chapter may be construed to prevent collection of any judgment on account thereof by means available pursuant to law, in substitution for enforcement of the lien. Necessary costs and expenses, including attorneys' fees incurred by the department in carrying out this section, may be recovered at same time as a part of the action filed under this section.

(b) Funds received by the department in payment for the expense of containing, controlling, or eradicating invasive species must be transferred to the aquatic invasive species prevention account created in section 116 of this act, the aquatic invasive species enforcement account created in section 118 of this act, or other related account as determined appropriate by the director in proportions to costs incurred, to be expended as required to carry out the purposes of this chapter.

(c) The county auditor shall record in the auditor's office any lien created under this chapter, and any lien bears interest at the rate of twelve percent per annum from the date on which the department approves the amount expended in managing the invasive species.

(9) Within two years of the effective date of this act, the department shall, in coordination with the invasive species council, develop rapid response management plan protocols that water body or property owners and owner's authorized representatives may use to develop rapid response management plans for department approval.

NEW SECTION. **Sec. 108.** (1) The department must develop and implement an infested site management plan, or may direct the owner or owner's representative of the site to develop and implement the plan, for species classified as prohibited level 2 invasive species under section 104 of this act. If the department directs the owner or owner's representative to develop the plan, he or she must do so within the timeframe established by the department and submit the plan for the department's approval prior to implementation. Minimum plan requirements include management actions, scope, objectives, implementation timeline, and reporting requirements.

(2) The department, in consultation with the invasive species council, must define by rule the process, including payment of costs and opportunity for appeal, whereby the department directs an infested site owner or the owner's representative under subsection (1) of this section to develop and implement an infested site management plan. Management plans may include:

(a) Education and outreach actions to provide information and materials to affected infested site area stakeholders, describing the management plan requirements, stakeholder roles and responsibilities, and ways stakeholders can help with implementation of the plan;

(b) Containment actions to stop all aquatic conveyances that have not been decontaminated from entering or exiting an infested site;

(c) Control actions to remove and properly dispose of or otherwise kill sufficient numbers of the invasive species to maintain a low level of presence for the purpose of preventing or minimizing population growth; and

(d) Eradication actions to remove and properly dispose or otherwise kill the entire population of invasive species.

(3) Where a rapid response order has been issued by the department under section 107 of this act:

(a) An infested site management plan must be approved prior to reclassifying a prohibited level 1 invasive species as a prohibited level 2 invasive species; and

(b) Infested site management plans requiring owner or owner representative management actions under subsection (1) of this section may be developed and implemented, prior to rule-making under subsection (2) of this section, in coordination with representatives of affected state, federal, tribal, local governments.

(4) A person who violates an order to develop and implement an infested site management plan under subsections (1) of this section is guilty of unlawful use of an invasive species under section 204 or section 205 of this act, depending on the violation type and whether the person has prior invasive species convictions.

(5) The department must publicly list as an infested sites those properties, water bodies, or portions of water bodies carrying or containing a prohibited level 2 invasive species. The department may list as an infested site those areas carrying or containing a prohibited level 3 invasive species.

(6) When posting signs at a water body or property that is designated as an infested site, the department must consult with appropriate state and federal agencies, tribes, and others as necessary regarding placement of these signs.

NEW SECTION. **Sec. 109.** (1) If the director finds that there exists an imminent danger of a prohibited level 1 or level 2 invasive species infestation that seriously endangers or threatens life, health, economic well-being, or the environment, the

director must ask the governor to order, under RCW 43.06.010(14), emergency measures to contain, control, or eradicate the invasive species. The director's findings must contain an evaluation of the effect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010(14), the director may consult with the invasive species council to advise the governor on emergency measures necessary under RCW 43.06.010(14) and this section, and make subsequent recommendations to the governor. The invasive species council must involve representatives of the affected water body or property, state and local government, tribes, public health interests, technical service providers, and environmental organizations, as appropriate.

(3) Upon the governor's approval of emergency measures, the director may implement those measures to prevent, contain, control, or eradicate invasive species that are the subject of the emergency order. These measures, after thorough evaluation of all other alternatives, may include the surface and aerial application of pesticides. The director also may enter into agreements with individuals, companies, tribes, or agencies to accomplish the prevention, containment, control, or eradication of the invasive species, notwithstanding the provisions of chapter 15.58 or 17.21 RCW or any other statute.

(4) The director must continually evaluate the effects of the emergency measures and report these to the governor at intervals of not less than ten days. The director must immediately advise the governor if the director finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. **Sec. 110.** (1) A person who enters Washington by road transporting a primary aquatic conveyance that has been used

outside of Washington must have in his or her possession documentation that the conveyance is free of aquatic invasive species.

(2) A violation of this section is an infraction under RCW 77.15.160.

(3) The department must develop and maintain rules to implement this section, including guidance on what constitutes allowable forms of official documentation from other states and countries.

NEW SECTION.      **Sec. 111.**      (1) After a primary aquatic conveyance is used in a water body, both the primary and any associated secondary aquatic conveyances must be cleaned and drained prior to being transported over a state, public, or forest road, unless otherwise allowed by department authorization, a permit, or rule.

(2) A violation of this section is an infraction under RCW 77.15.160.

(3) A fish and wildlife officer or ex officio fish and wildlife officer may order a person transporting a primary aquatic conveyance in violation of subsection (1) of this section to:

(a) Clean and drain the conveyance at the discovery site, if the department determines there are sufficient resources available; or

(b) Transport the conveyance to a reasonably close location where resources are sufficient to meet the clean and drain requirements.

(5) The department must adopt rules regarding the way a person may receive authorization to transport a primary aquatic conveyance that is not cleaned and drained in accordance with subsection (1) of this section where:



(a) The clean and drain services are not readily available at the last water body used, and the person's residence or a recognized local cleaning and draining location is within a reasonable distance; or

(b) A recognized local cleaning and draining location is within a reasonable distance from the person's residence.

NEW SECTION.     **Sec. 112.** (1) The department may establish mandatory check stations to inspect aquatic conveyances for aquatic invasive species. The check stations must be operated by at least one fish and wildlife officer, ex officio fish and wildlife officer, or authorized representative, and must be plainly marked by signs and operated in a safe manner.

(2) A person who encounters a mandatory check station while transporting a primary aquatic conveyance must:

(a) Stop at the mandatory check station;

(b) Allow the aquatic conveyance and associated secondary aquatic conveyance equipment to be inspected for clean and drain requirements and aquatic invasive species;

(c) Follow clean and drain orders if clean and drain requirements are not met; and

(d) Follow decontamination orders pursuant to section 113 of this act if an aquatic invasive species is found.

(3) A person who violates this section is guilty of unlawful use of an invasive species under section 204 or section 205 of this act, depending on the violation type and whether the person has prior invasive species convictions. However, a person who complies with the department directives under this section is exempt from criminal penalties under sections 204 and 205 of this act, civil penalties under RCW 77.15.160(4), and civil forfeiture

under RCW 77.15.070, unless the person has a prior invasive species conviction within the past five years.

NEW SECTION.     **Sec. 113.**     (1) Upon discovery of an aquatic conveyance that carries or contains an aquatic invasive species without department authorization, a permit, or as otherwise provided by rule, a fish and wildlife officer or ex officio fish and wildlife officer must:

    (a) Order decontamination at the discovery site, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are available at the discovery site;

    (b) Order prohibition on the launch of the aquatic conveyance in a water body until decontamination is completed and certified, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site;

    (c) Order the person transporting the aquatic conveyance to immediately transport the conveyance to an approved decontamination station, and prohibit the launch of the conveyance in a water body until decontamination is completed and certified, if the situation presents a moderate risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site; or

    (d) Seize and transport the aquatic conveyance to an approved decontamination station until decontamination is completed and certified, if the situation presents a high risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site.

    (2) A person who violates an order under subsections (1)(a), (1)(b), or (1)(c) of this section is guilty of unlawful use of an

invasive species under section 204 or section 205 of this act, depending on the violation type and whether the person has prior invasive species convictions.

(3) The owner or person possessing the aquatic conveyance subject to orders issued under subsection (1)(b) through (d) of this section must bear any costs for seizure, transportation, or decontamination.

(4) Orders issued under subsection (1)(b) through (d) of this section must be in writing and must include notice of the opportunity for a hearing to determine the validity of the orders.

(5) If a decontamination order is issued under subsection (1)(d) of this section, the department may seize the aquatic conveyance for two working days or a reasonable additional period of time thereafter as needed to meet decontamination requirements based on factors including conveyance size, type of aquatic invasive species present, quantity of infestation, degree of infestation complexity, and decontamination station resource capacity.

(6) If an aquatic conveyance is subject to forfeiture under RCW 77.15.070, the timelines and other provisions under that section apply to the seizure.

(7) Upon decontamination and issuing a certificate of decontamination, an aquatic conveyance must be released to the person in possession of the aquatic conveyance at the time the decontamination order was issued or to the owner of the aquatic conveyance.

(8) The owner or person in possession of an aquatic conveyance that was ordered to be decontaminated may contest the validity of the department's orders by requesting a hearing in writing within thirty days of the department's orders. Hearing requests must be filed in the form and manner prescribed by department rule. The

hearing must be conducted within ninety days of the request. Hearings regarding decontamination orders are limited to the issues of decontamination necessity and the validity of any seizure, transportation, and decontamination costs. The hearing may be conducted by the director or the director's designee and may occur telephonically.

(9) If the owner or person in possession of the aquatic conveyance that was ordered to be decontaminated prevails at the hearing, he or she is entitled to reimbursement by the department for any costs assessed by the department or decontamination station operator for the seizure, transportation, and decontamination. If the department prevails at the hearing, the department is not responsible for and will not reimburse any costs of the owner or person who transported the aquatic conveyance.

NEW SECTION.     **Sec. 114.**     (1) The department may operate inspection and decontamination stations statewide. Decontamination stations can be part of or separate from inspection stations.

(2) Inspection stations will inspect aquatic conveyances to determine whether the conveyances carry or contain aquatic invasive species. If an aquatic conveyance is free of aquatic invasive species, then inspection station staff will issue a certificate of inspection. A certificate of inspection is valid until the conveyance's next use in a water body.

(3) If a conveyance carries or contains aquatic invasive species, then inspection station staff will require the conveyance's decontamination before issuing a certificate of decontamination. The certificate of decontamination will then serve as the conveyance's certificate of inspection until the conveyance's next use in a water body.

(4) The department must identify, in a way that is readily available to the public, the location and contact information for inspection and decontamination stations.

(5) The department must adopt, by rule, standards for inspection and decontamination that, where practical and appropriate, align with regional, national, and international standards.

NEW SECTION.     **Sec. 115.**     (1) The department may engage authorized representatives to operate its inspection and decontamination stations and mandatory check stations. Such authorized representatives may be department volunteers, other law enforcement agencies, or independent businesses.

(2) The department must adopt rules governing the types of services that authorized representatives may perform under this chapter.

(3) Authorized representatives must have official identification, training, and administrative capacity to fulfill their responsibilities under this section.

(4) Within two years from the effective date of this section, the department shall provide the legislature with recommendations for a fee schedule that authorized representatives may charge for inspection and decontamination services.

NEW SECTION.     **Sec. 116.**     (1) The aquatic invasive species prevention account is created in the custody of the state treasurer. All receipts directed to the account from fees collected under RCW 88.02.640 as well as legislative appropriations, gifts, donations, fees, and penalties received under this chapter must be deposited into the account.

(2) Expenditures from the account may only be used to implement the provisions of this chapter.

(3) Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec. 117.** All moneys in the aquatic invasive species enforcement account created in RCW 43.43.400 are transferred to the aquatic invasive species enforcement account created in section 118 of this act.

NEW SECTION. **Sec. 118.** (1) The aquatic invasive species enforcement account is created in in the custody of the state treasurer. All receipts directed to the account from fees collected under RCW 88.02.640 as well as legislative appropriations, gifts, donations, fees, and penalties received under this chapter must be deposited into the account.

(2) Expenditures from the account may be used for training fish and wildlife officers and ex officio fish and wildlife officers, and other actions as necessary, to implement the enforcement program provisions of this chapter.

(3) Expenditures from the account may also be used by the department to provide reimbursements to the Washington state patrol for actions that include inspection of aquatic conveyances and associated equipment that are required to stop at port-of-entry weigh stations managed by the Washington state patrol.

NEW SECTION. **Sec. 119.** The provisions of this chapter must be liberally construed to carry out the intent of the legislature.

NEW SECTION.    **Sec. 120.**    Sections 101 through 104 and 106 through 116 and section 118 of this act constitute a new chapter in Title 77 RCW.

**PART 2**  
**INVASIVE SPECIES--ENFORCEMENT**

NEW SECTION. **Sec. 1.201.** A new section is added to chapter 77.15 RCW to read as follows:

(1) Based upon reasonable suspicion that a person possesses an aquatic conveyance that has not been cleaned and drained or carries or contains aquatic invasive species in violation of this title, fish and wildlife officers or ex officio fish and wildlife officers may temporarily stop the person and inspect the aquatic conveyance for compliance with the requirements of this title.

(2) Based upon reasonable suspicion that a person possesses an aquatic conveyance that failed to stop at a mandatory check station, fish and wildlife officers or ex officio fish and wildlife officers may temporarily stop the person and inspect the aquatic conveyance for compliance with the requirements of this title or order the person to return to the check station.

(3) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. **Sec. 1.202.** A new section is added to chapter 77.15 RCW to read as follows:

(1) Upon a showing of probable cause that there has been a violation of an invasive species law of the state of Washington, or upon a showing of probable cause to believe that evidence of such a violation may be found at a place, a court must issue a search warrant or arrest warrant. Fish and wildlife officers or ex officio fish and wildlife officers may execute any such search or arrest warrant reasonably necessary to carry out their duties under this title with regard to an invasive species law and may



seize invasive species or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have property opened or entered and the contents examined.

(2) Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

**Sec. 1.203.** RCW 77.15.160 and 2012 c 176 s 15 are each amended to read as follows:

The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

(1) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.

(g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.

(c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

(4) (a) Invasive species management infractions:

(i) Out-of-state documentation: Entering Washington by road and transporting a primary aquatic conveyance that has been used outside of Washington without meeting documentation requirements as provided under section 110 of this act.

(ii) Clean and drain requirements: Transporting or causing the transport of a primary aquatic conveyance upon any state, public, or forest road without meeting the clean and drain or authorization requirements.

(iii) Clean and drain orders: Failing to obey a clean and drain order.

(b) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this subsection (4).

(5) Other infractions:

(a) Contests: Unlawfully conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit;  
or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

~~((e) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However:~~

~~(i) This subsection does not apply to plants that are:~~

~~(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;~~

~~(B) Legally obtained for aquarium use, wetland or lakeshore~~

~~restoration, or ornamental purposes;~~

~~(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;~~

~~(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or~~

~~(E) Being transported in such a way as the commission may otherwise prescribe; and~~

~~(ii) This subsection does not apply to a person who:~~

~~(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or~~

~~(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.)~~

NEW SECTION. **Sec. 1.204.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the second degree if the person:

(a) Fails to stop if directed to do so by a fish and wildlife officer or ex officio fish and wildlife officer for inspection of a primary aquatic conveyance if the officer can point to reasonable suspicion that the aquatic conveyance does not meet clean and drain requirements or carries or contains a prohibited level 1, level 2, or level 3 invasive species or a regulated type 1 invasive species;

(b) Fails to stop at a mandatory check station or to return to the mandatory check station for inspection if directed to do so by a fish and wildlife officer or ex officio fish and wildlife officer;

(c) Fails to allow an aquatic conveyance stopped at a mandatory check station to be inspected for clean and drain requirements or aquatic invasive species;

(d) Fails to comply with a decontamination order;

(e) Possesses, except in the case of trafficking, a prohibited level 1 or level 2 invasive species without department authorization, a permit, or as otherwise provided by rule;

(f) Possesses, introduces on or into a water body or property, or traffics in a prohibited level 3 invasive species without department authorization, a permit, or as otherwise provided by rule;

(g) Introduces on or into a water body or property a regulated type 1, type 2, or type 3 invasive species without department authorization, a permit, or as otherwise provided by rule;

(h) Fails to readily and clearly identify in writing by taxonomic species name or subspecies name a regulated type 2 invasive species used for commercial purposes; or

(i) Fails to comply with a prevention, containment, control, or eradication measure imposed by rule for an infested site carrying or containing a prohibited level 1 or level 2 invasive species.

(2) A violation of subsection (1) of this section is a gross misdemeanor. In addition to criminal penalties, a court may order the person to pay all costs in capturing, killing, or controlling the invasive species, including its progeny. This subsection does not affect the authority of the department to bring a separate

civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with the department directives pursuant to section 112 of this act for mandatory check stations. Such a person is exempt from criminal penalties under this section or section 205 of this act, and forfeiture under this chapter, unless the person has a prior conviction under those sections within the past five years;

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and immediately returning it to the water body from which it came; or

(c) Possessing or introducing aquatic invasive species by ballast water or ballast water discharge where managed by the department under chapter 77.120 RCW.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.

NEW SECTION. **Sec. 1.205.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of invasive species in the first degree if the person:

(a) Traffics or introduces on or into a water body or property a prohibited level 1 or level 2 invasive species without department authorization, a permit, or as otherwise provided by rule; or

(b) Commits a subsequent violation of unlawful use of invasive species in the second degree within five years of the date of a prior conviction under section 204 of this act.

(2) A violation of this section is a class C felony. In addition to criminal penalties, a court may order the person to pay all costs in managing the invasive species, including the species' progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with department directives pursuant to section 112 of this act for mandatory check stations, and who is exempt from criminal penalties under this section and forfeiture under this chapter, unless the person has a prior conviction under this section or section 204 of this act within the past five years; or

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and is immediately returning it to the water body from which it came.

(4) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and section 102 of this act apply throughout this section.



**PART 3**  
**INVASIVE SPECIES--TECHNICAL PROVISIONS**

**Sec. 1.301.** RCW 77.08.010 and 2012 c 176 s 4 are 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.

(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.

(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.

(3) (~~"Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (4), (34), (49), (53), (70), and (71) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under~~ RCW ~~77.60.130(1).~~

~~(4) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.~~

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

~~((6))~~ (4) "Building" means a private domicile, garage, barn, or public or commercial building.

~~((7))~~ (5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

~~((8))~~ (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.

~~((9))~~ (7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

~~((10))~~ (8) "Commercial" means related to or connected with buying, selling, or bartering.

~~((11))~~ (9) "Commission" means the state fish and wildlife commission.

~~((12))~~ (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((13))~~ (11) "Contraband" means any property that is unlawful to produce or possess.

~~((14))~~ (12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

~~((15))~~ (13) "Department" means the department of fish and wildlife.

~~((16))~~ (14) "Director" means the director of fish and wildlife.

~~((17))~~ (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

~~((18))~~ (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.

~~((19))~~ (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.

~~((20))~~ (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.

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

~~((22))~~ (20) "Fish buyer" means a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.

~~((23))~~ (21) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((24))~~ (22) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

~~((25))~~ (23) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((26))~~ (24) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

~~((27))~~ (25) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

~~((28))~~ (26) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

~~((29))~~ (27) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

~~((30))~~ (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 wild animals and wild birds is prohibited.

~~((32))~~ (30) "Illegal items" means those items unlawful to be possessed.

~~((33))~~ (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.

(b) "Intentionally 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.

~~((34) "Invasive species" means a plant species or a nonnative animal species that either:~~

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

~~— (b) Threatens or may threaten natural resources or their use in the state;~~

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

~~(d) Threatens or harms human health.~~  
~~(35))~~ (32) "Large wild carnivore" includes wild bear, cougar, and wolf.

~~((36))~~ (33) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((37))~~ (34) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((38))~~ (35) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

~~((39))~~ (36) "Natural person" means a human being.

~~((40))~~ (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.

~~((41))~~ (38) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((42))~~ (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.

~~((43))~~ (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, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((44))~~ (41) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~((45))~~ (42) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((46))~~ (43) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

~~((47))~~ (44) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((48))~~ (45) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((49))~~ ~~"Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.~~

~~((50))~~ (46) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((51))~~ (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.

~~((52))~~ ~~"Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.~~

~~((53))~~ ~~"Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.~~

~~((54))~~ (48) "Resident" has the same meaning as defined in RCW 77.08.075.

~~((55))~~ (49) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((56))~~ (50) "Saltwater" means those marine waters seaward of river mouths.

~~((57))~~ (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.

~~((58))~~ (52) "Senior" means a person seventy years old or older.

~~((59))~~ (53) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

~~((60))~~ (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.



(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

~~((61))~~ (55) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((62))~~ (56) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((63))~~ (57) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

~~((64))~~ (58) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((65))~~ (59) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((66))~~ (60) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((67))~~ (61) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((68))~~ (62) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((69))~~ (63) "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.

~~((70)) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.~~

~~(71) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.~~

~~(72))~~ (64) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, 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.

~~((73))~~ (65) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((74))~~ (66) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((75))~~ (67) "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.

~~((476))~~ (68) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

~~((477))~~ (69) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

**Sec. 1.302.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to read as follows:

(1) The director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in freshwater except those classified as food fish by the director.

(5) The director may recommend to the commission that a species of wildlife should not be hunted or fished. The commission may designate species of wildlife as protected.

(6) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate an endangered species.

(7) If the director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment

or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate deleterious exotic wildlife.

~~(8) ((Upon recommendation by the director, the commission may classify nonnative aquatic animal species according to the following \_\_\_\_\_ categories:~~

~~— (a) Prohibited aquatic animal species: These species are considered by the commission to have a high risk of becoming an invasive species and may not be possessed, imported, purchased, sold, propagated, transported, or released into state waters except \_\_\_\_\_ as \_\_\_\_\_ provided \_\_\_\_\_ in \_\_\_\_\_ RCW \_\_\_\_\_ 77.15.253;~~

~~— (b) Regulated aquatic animal species: These species are considered by the commission to have some beneficial use along with a moderate, but manageable risk of becoming an invasive species, and may not be released into state waters, except as provided in RCW 77.15.253. The commission shall classify the following commercial aquaculture species as regulated aquatic animal species, and allow their release into state waters pursuant to rule of the commission: Pacific oyster (*Crassostrea gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and suminoe oyster (*Crassostrea ariankensis*);~~

~~— (c) Unregulated aquatic animal species: These species are considered by the commission as having some beneficial use along with a low risk of becoming an invasive species, and are not subject \_\_\_\_\_ to \_\_\_\_\_ regulation \_\_\_\_\_ under \_\_\_\_\_ this \_\_\_\_\_ title;~~

~~— (d) Unlisted aquatic animal species: These species are not designated as a prohibited aquatic animal species, regulated aquatic animal species, or unregulated aquatic animal species by the commission, and may not be released into state waters. Upon~~

~~request, the commission may determine the appropriate category for an unlisted aquatic animal species and classify the species accordingly;~~

~~— (e) This subsection (8) does not apply to the transportation or release of nonnative aquatic animal species by ballast water or ballast water discharge.~~

~~— (9))~~ Upon recommendation by the director, the commission may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species.

**Sec. 1.303.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to read as follows:

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

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

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

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state.

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

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

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

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

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

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

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

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

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

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

(o) Regulating invasive species management, including possession and introduction of invasive species on or into a water body or property.

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

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

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

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

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

**Sec. 1.304.** RCW 77.15.080 and 2012 c 176 s 9 are each amended to read as follows:

~~((1))~~ Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. Fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

~~((2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife~~

~~officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.)~~)

**Sec. 1.305.** RCW 77.15.290 and 2012 c 176 s 21 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of fish or wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule.

(2) A person is guilty of unlawful transportation of fish or wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or wildlife and the transportation involves big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or wildlife in the second degree is a misdemeanor.



(b) Unlawful transportation of fish or wildlife in the first degree is a gross misdemeanor.

(4) This section does not apply to ~~((:—(a) Any person stopped at an))~~ invasive species ~~((check station who possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or (b) any person who has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use))~~.

**Sec. 1.306.** RCW 43.06.010 and 1994 c 223 s 3 are each amended to read as follows:

In addition to those prescribed by the Constitution, the governor may exercise the powers and perform the duties prescribed in this and the following sections:

(1) The governor shall supervise the conduct of all executive and ministerial offices;

(2) The governor shall see that all offices are filled, including as provided in RCW 42.12.070, and the duties thereof performed, or in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session;

(3) The governor shall make the appointments and supply the vacancies mentioned in this title;

(4) The governor is the sole official organ of communication between the government of this state and the government of any other state or territory, or of the United States;

(5) Whenever any suit or legal proceeding is pending against this state, or which may affect the title of this state to any property, or which may result in any claim against the state, the governor may direct the attorney general to appear on behalf of the state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(6) The governor may require the attorney general or any prosecuting attorney to inquire into the affairs or management of any corporation existing under the laws of this state, or doing business in this state, and report the same to the governor, or to any grand jury designated by the governor, or to the legislature when next in session;

(7) The governor may require the attorney general to aid any prosecuting attorney in the discharge of the prosecutor's duties;

(8) The governor may offer rewards, not exceeding one thousand dollars in each case, payable out of the state treasury, for information leading to the apprehension of any person convicted of a felony who has escaped from a state correctional institution or for information leading to the arrest of any person who has committed or is charged with the commission of a felony;

(9) The governor shall perform such duties respecting fugitives from justice as are prescribed by law;

(10) The governor shall issue and transmit election proclamations as prescribed by law;

(11) The governor may require any officer or board to make, upon demand, special reports to the governor, in writing;

(12) The governor may, after finding that a public disorder, disaster, energy emergency, or riot exists within this state or any part thereof which affects life, health, property, or the public peace, proclaim a state of emergency in the area affected,

and the powers granted the governor during a state of emergency shall be effective only within the area described in the proclamation;

(13) The governor may, after finding that there exists within this state an imminent danger of infestation of plant pests as defined in RCW 17.24.007 or plant diseases which seriously endangers the agricultural or horticultural industries of the state of Washington, or which seriously threatens life, health, or economic well-being, order emergency measures to prevent or abate the infestation or disease situation, which measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides;

(14) The governor, after finding that there exists an imminent danger of infestation of invasive species as defined in section 102 of this act, which seriously endangers or threatens the environment, economy, human health, or well-being of the state of Washington, may order emergency measures to prevent or abate the infestation, which measures, after thorough evaluation of all other alternatives, may include the surface or aerial application of pesticides;

(15) On all compacts forwarded to the governor pursuant to RCW 9.46.360(6), the governor is authorized and empowered to execute on behalf of the state compacts with federally recognized Indian tribes in the state of Washington pursuant to the federal Indian Gaming Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III gaming, as defined in the Act, on Indian lands.

**Sec. 1.307.** RCW 43.43.400 and 2011 c 171 s 8 are each amended to read as follows:

(1) Funds in the aquatic invasive species enforcement account created in section 118 of this act may be appropriated to the Washington State Patrol.

(2) Funds must be used in cooperation with the department of fish and wildlife's aquatic invasive species enforcement program to inspect for unlawful use of aquatic invasive species on aquatic conveyances that are required to stop a Washington State Patrol port of entry weigh stations.

~~(("Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under RCW 77.08.010 [(3),] (28), (40), (44), (58), and (59), aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).~~

~~—(b) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.)~~

~~((inspect recreational and commercial watercraft)) ((. The watercraft must be inspected for the presence of aquatic invasive species))~~

~~—(i) Establish random check stations, to inspect recreational and commercial watercraft as provided for in RCW 77.12.879(3);~~

~~—(ii) Inspect or delegate inspection of recreational and commercial watercraft. If the department conducts the inspection, there will be no cost to the person requesting the inspection;~~

~~—(iii) Provide training to all department employees that are deployed in the field to inspect recreational and commercial watercraft;~~

~~—(iv) Provide an inspection receipt verifying that the watercraft is not contaminated after the watercraft has been~~

~~inspected at a check station or has been inspected at the request of the owner of the recreational or commercial watercraft. The inspection receipt is valid until the watercraft is used again.~~

~~(4) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.)~~

**Sec. 1.308.** RCW 10.31.100 and 2010 c 274 s 201 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a

person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of

physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence of each person involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to

believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon"



has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) A law enforcement officer having probable cause to believe that a person has committed a violation under section 203 of this act may arrest the person in connection with the violation.

(12) A law enforcement officer having probable cause to believe that a person has committed a violation under section 204 or 205 of this act may issue a citation for an infraction to the person in connection with the violation.

(13) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((12))~~ (14) No police officer may be held criminally or civilly liable for making an arrest pursuant to subsection (2) or (8) of this section if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 1.309. The following acts or parts of acts are each repealed:

(1) RCW 77.12.875 (Prohibited aquatic animal species--Infested state waters) and 2002 c 281 s 5;

(2) RCW 77.12.878 (Infested waters--Rapid response plan) and 2002 c 281 s 6;

(3) RCW 77.12.879 (Aquatic invasive species prevention account--Aquatic invasive species prevention program for recreational and commercial watercraft--Enforcement program--Check stations--Training--Report to the legislature) and 2011 c 171 s 113, 2011 c 169 s 4, 2009 c 333 s 22, 2007 c 350 s 3, & 2005 c 464 s 3;

(4) RCW 77.12.882 (Aquatic invasive species--Inspection of recreational and commercial watercraft--Rules--Signage) and 2007 c 350 s 4;

(5) RCW 77.15.253 (Unlawful use of prohibited aquatic animal species--Penalty) and 2007 c 350 s 5 & 2002 c 281 s 4;

(6) RCW 77.15.293 (Unlawfully avoiding aquatic invasive species check stations--Penalty) and 2007 c 350 s 7;

(7) RCW 77.60.110 (Zebra mussels and European green crabs--Draft rules--Prevention of introduction and dispersal) and 1998 c 153 s 2; and

(8) RCW 77.60.120 (Infested waters--List published) and 1998 c 153 s 3.



## Background checks for Department of Fish and Wildlife employees and volunteers



### Problem:

The Department of Fish and Wildlife (WDFW) lacks authority under state law to perform background checks of certain employees and prospective employees, including those who will, during the course of their employment:

- Have access to criminal history record information as defined in state or federal law (RCW 10.97.030 or 28 CFR 20.3(d) (2011)); or
- Be issued a firearm.

Without such authority, the department risks legal liability and could put the health and safety of its employees and the public at risk.

### Proposed solution:

WDFW proposes to create a new section in state law (Chapter 77.12 RCW) to authorize the Department to perform background checks of people in the groups described above.

The bill also would require employees to meet the provisions of the state's concealed weapons permit law (RCW 9.41.070) before they could be issued a firearm for work purposes. The concealed weapons law requires fingerprint checks as well as background checks and outlines specific requirements for any person who seeks a permit. WDFW would pay any application costs associated with these provisions.

### Potential benefits:

This proposal would protect public safety and minimize the department's risk of liability from employees who carry firearms as part of their duties. It also would help to protect the privacy of job applicants and employees who are undergoing background checks.

### Contact Information:

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**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2014 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**Bill Title:**

Related to authorizing the department of fish and wildlife to perform background checks

**Statement of Need:**

The Washington Department of Fish and Wildlife (WDFW) seeks statutory authority to perform background checks of employees' and prospective employees' criminal history record information when these employees and prospective employees will, in the course of employment, have access to criminal history record information as defined in RCW 10.97.030 and 28 CFR Sec. 20.3(d) (2011), or be issued a firearm. The Department must ensure that its employees and prospective employees have clean backgrounds. Otherwise, the Department risks liability and the health and safety of the Department, its employees, and the public. This advances Governor Inslee's "Results Washington" Goal 5 for efficient, effective, and accountable government.

**Summary of Major Provisions and Impact on Existing Laws:**

Create a new section in chapter 77.12 RCW to allow the Department to perform pre-employment and post-employment background checks of employees' and prospective employees' criminal history record information when these employees and prospective employees will, in the course of employment, have access to criminal history record information or be issued a firearm. Employees who will be issued a firearm must meet the requirements of RCW 9.41.070, which requires a background check and finger print check, whether they will carry a concealed pistol or not. Any application costs associated with the provisions of RCW 9.41.070 will be borne by the department.

**Affected Agencies:**

WDFW, WSP, and the Labor Relations Office (LRO).

**Stakeholder Information:**

Name	Affiliation	Summary of Position	Contact Information
<b>Shane Esquibel</b>	Labor Relations Office	Pending	Shane Esquibel, LRO Staff Atty/Labor Negotiator: <a href="mailto:Shane.esquibel@ofm.wa.gov">Shane.esquibel@ofm.wa.gov</a> ; 360-725-5510
<b>Rhonda Fenrich</b>	Washington Assoc. of Fish and Wildlife Professionals	Pending	Rhonda Fenrich, WAFWP Atty: <a href="mailto:rhonda@fglaborlaw.com">rhonda@fglaborlaw.com</a>
<b>Greg Devereux</b>	Washington Federation of State Employees	Pending	Greg Devereux, WFSE Exec Dir: <a href="mailto:greg@wfse.org">greg@wfse.org</a>
<b>Jason Berry</b>	Washington State Patrol	Pending	Captain Jason Berry, WSP Legislative Liaison: <a href="mailto:Jason.berry@wsp.wa.gov">Jason.berry@wsp.wa.gov</a>
<b>Jim Cline</b>	Fish and Wildlife Officers' Guild	Pending	Jim Cline, FWOG Atty: <a href="mailto:jcline@clinlawfirm.com">jcline@clinlawfirm.com</a>
<b>Wayne Johnson</b>	Teamsters 760 (for Fish and Wildlife Sergeants)	Pending	Wayne Johnson, Teamsters' Business Agent: <a href="mailto:Waynej760@yvn.com">Waynej760@yvn.com</a>

**Agency Contacts:**

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Ann Larson, (360) 902-2226

**Legal Review:**

Gil Hodgson, Assistant Attorney General, (360) 664-4172

Joe Panesko, Assistant Attorney General, (360) 586-0643

Lori Preuss, Criminal Justice Liaison, (360) 902-2930

**Code Reviser Draft of the Proposed Bill:**

Code Reviser Draft Z-0011.6/13 attached.

**Fiscal Impact Information:**

Fiscal note attached. This bill will have a negative fiscal impact on the agency because it will have to pay WSP to run criminal background checks. We anticipate needing 300-400 criminal background checks, at \$10/person checked.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0011.6/13 6th draft

ATTY/TYPIST: ML:seg

BRIEF DESCRIPTION: Concerning the authority of the department of fish and wildlife to perform background checks.

AN ACT Relating to the authority of the department of fish and wildlife to perform background checks; adding a new section to chapter 77.12 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW to read as follows:

(1) The department has the authority to conduct background checks and shall conduct them for: Current employees of the department; applicants seeking or being considered for any paid or unpaid position with the department; and any service provider, contractor, student intern, volunteer, or other individual acting on behalf of the department who, through employment or other involvement with the department, meets or will meet one or more of the following criteria: (a) Has or will have access to criminal history record information as defined in RCW 10.97.030 and 28 C.F.R. Sec. 20.3(d) (2011); (b) has been issued or will be issued a firearm; or (c) has or may have access

to or interaction with children or vulnerable adults as the term "vulnerable adult" is defined in RCW 43.43.830.

(2) For the purposes of this section, the term "background check" includes: A fingerprint-based background check through the Washington state patrol identification and criminal history section and the federal bureau of investigation. The criminal history record information furnished to the department must include records of arrests, charges, or allegations of criminal conduct or other nonconviction data.

NEW SECTION. **Sec. 2.** Nothing in section 1 of this act limits or diminishes the department of fish and wildlife's current authority to conduct background checks.



# Enforcement omnibus



**Problem:** Under current law, legal penalties are insufficient for activities such as possessing endangered fish species, coming too close to or feeding endangered southern resident orca whales, possessing wildlife illegally taken in another state or county, or rehabilitating sick or injured wildlife without a permit. Also, a few current laws contain inadvertent omissions or ambiguities that make compliance and enforcement unnecessarily challenging.

**Proposed solution:** The Washington Department of Fish and Wildlife (WDFW) is seeking legislation to correct deficiencies in current Title 77 fish and wildlife laws. The proposal would strengthen statutory penalties for certain fish-and wildlife-related crimes that endanger people and natural resources. It also would correct minor statutory errors and uncertainties that impede the Department's efficiency and effectiveness. Among other improvements, the proposed legislation would:

- Apply additional penalties for possessing certain endangered fish species.
- Refine definitions and statutes relating to commercial fish and shellfish catch-accounting.
- Increase the penalty for coming too close to, or feeding, endangered southern resident orca whales.
- Strengthen prohibitions on trafficking in shark fin.
- Make it a gross misdemeanor to possess or transport into Washington wildlife that was illegally taken in another state or country.
- Make violations of record-keeping and reporting rules by wildlife rehabilitators an infraction, and all other rehabilitator offenses a crime, such as operating without a Department permit or habituating wildlife to humans.

## Contact Information:

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**Benefits:** This proposal supports state stewardship of fishing and hunting opportunities that generate more than \$6 billion for Washington's economy each year. It will also help create healthy and safe communities through protection of the state's fish, wildlife, and their habitat. Finally, it will increase the Department's efficiency, effectiveness, and accountability through more specific definitions and statutory requirements.

## WDFW Title 77 omnibus legislation—Proposal detail:

### **Increasing penalties for taking protected wildlife**

**WDFW's Proposal (Policy change):** Would impose a criminal penalty of \$2,000 for possessing endangered green sturgeon or brood-length white sturgeon, and \$500 for possessing endangered wild salmon or wild steelhead. Populations of these four species are in decline and require additional protection.

### **Refining statutes relating to commercial fish and shellfish catch accounting**

**WDFW's Proposal (Technical change):** Would more clearly define the term “fish buyer” and thereby eliminate stakeholder confusion. Merges two catch-accounting statutes into one, to more clearly explain catch-accounting requirements for people acting in the capacity of commercial fishers and shellfishers, buyers, and sellers.

### **Increasing the penalty for violations involving endangered southern resident orca whales**

**WDFW's Proposal (Policy change):** Would increase the fine from \$42 to \$500 for coming too close to or feeding endangered southern resident orca whales, which require additional protection. More closely aligns the state penalty with the federal civil penalty, which carries a maximum of \$10,000 per violation.

### **Strengthening prohibitions on trafficking in shark fin**

**WDFW's Proposal (Policy change):** Would remove a provision that allows trafficking in shark fin and shark-fin derivative products if the shark fin were lawfully harvested or lawfully acquired prior to July 22, 2011. Will bring Washington's law into parity with Oregon's and California's laws.

### **Creating penalties for possessing wildlife unlawfully taken in another state or country**

**WDFW's Proposal (Policy change):** Would create a crime for possessing or transporting into Washington wildlife that was illegally taken or possessed in another state or country. Mirrors the federal Lacey Act of 1900, which prohibits trafficking in wildlife, fish, and plants that have been illegally taken, transported or sold.

### **Providing penalties for unlawful wildlife-rehabilitation activities**

**WDFW's Proposal (Policy change):** Would create an infraction to penalize wildlife-rehabilitator record-keeping and reporting violations, and a crime to punish more serious violations, such as rehabilitating wildlife without a department permit, or habituating wildlife to humans.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE**  
**2014 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**Bill Title:** An act relating to Fish and Wildlife Enforcement.

**Statement of Need:**

The Washington Department of Fish and Wildlife (WDFW) requires new and amended statutes in Title 77 RCW to facilitate the enforcement, investigation, and prosecution of fish and wildlife offenses. This advances Governor Inslee's "Results Washington" Goal 2 for a prosperous economy, Goal 4 for healthy and safe communities, and Goal 5 for efficient, effective, and accountable government.

**Summary of Major Provisions and Impact on Existing Laws:**

1. Amends RCW 77.08.010 to clarify the definition of "fish buyer" to reduce confusion among commercial fishers, brokers, buyers, and sellers. Adds definitions for the terms "to take," "to waste," and "unclassified wildlife," which are undefined in Title 77 RCW and WAC but are referenced in both.
2. Amends RCW 77.08.075 to refine the definition of "resident" to include *active-duty* members of the U.S. armed forces who are permanently stationed in Washington.
3. Amends RCW 77.15.080 to include "ex officio fish and wildlife officers," which was inadvertently omitted in the current statute.
4. Amends RCW 77.15.100 to replace "harvested" with "taken or possessed" for consistency with other sections.
5. Amends RCW 77.15.120 to replace "kills" with "takes" for consistency, and to define "active nests" and "perennial nests."
6. Amends RCW 77.15.130 to replace "kills" with "takes" for consistency, to define "active nests" and "perennial nests," and to replace the term "jointly and separately" with "jointly and severally."
7. Amends RCW 77.15.160 to correct infractions relating to unclassified fish and wildlife, egg/nest destruction, hunting/fishing contests, and aquatic plants, and to add infractions for minor wildlife-rehabilitation violations.
8. Amends RCW 77.15.170 to replace "kills" with "takes," and to delete the definition of "waste," since the definition has been moved to RCW 77.08.010.
9. Amends RCW 77.15.180 to replace "takes" with "removes," to clarify the statute's meaning.
10. Amends RCW 77.15.190 to add "wild birds," which was inadvertently omitted in the current statute.
11. Amends RCW 77.15.240 to allow the use of dogs to haze wildlife if the activity is WDFW-approved/controlled and is being used to prevent commercial-crop damage or human/wildlife conflict.
12. Amends RCW 77.15.250 to prohibit unlawful possession of live wildlife and deleterious exotic wildlife in violation of Title 77 RCW or rule of the department. The current statute prohibits unlawfully releasing, planting, or placing live wildlife and deleterious exotic wildlife within the state, but it is unintentionally silent on possessing such wildlife.
13. Amends RCW 77.15.370 to prohibit unlawful possession of brood-length white sturgeon or any green sturgeon, wild salmon, or wild steelhead, and to impose a criminal wildlife penalty (CWP) modeled on RCW 77.15.420 if the violation results in the death of the fish. White sturgeon are in decline due to environmental factors, and Washington's populations of green sturgeon, wild salmon, and wild steelhead range from being listed as "endangered" to "species of concern" by the federal government. This amendment makes the CWP joint and several if two or more persons are convicted. It suspends a person's fishing privileges until the CWP is paid in full and allows courts to double the CWP in certain instances.
14. Amends RCW 77.15.380(2)(b) to include "shellfish," which was unintentionally omitted in the current statute, and to prohibit harassing fish.
15. Amends RCW 77.15.390 to remove "harvests," since "takes" covers harvesting.
16. Amends RCW 77.15.420 to replace "killed" with "taken" and "harassed" for consistency; to remove the reference to "forfeiture of bail," since bail forfeitures are no longer allowed for fish and wildlife crimes;

and to replace the term “jointly and separately” with “jointly and severally.” Also amends subsections (7)(c) and (d) so that criminal wildlife penalties may be doubled if the trier of fact (a judge or jury) makes the determination necessary to double the penalties.

17. Amends RCW 77.15.460 to mirror RCW 46.09.480, to prohibit the discharge of rifles and shotguns from upon nonmoving off-road vehicles unless the shooter has a disabled hunter permit.
18. Amends RCW 77.15.470 to include “ex officio fish and wildlife officers,” which was inadvertently omitted in the current statute.
19. Amends RCW 77.15.480 to remove “catching” and “killing,” because those terms are already covered by “taking,” and to add “harassing.”
20. Amends RCW 77.15.630 to penalize insufficient catch-accounting by any commercial fisher, wholesale fish dealer, anadromous game-fish buyer, or fish buyer who receives or delivers fish or shellfish for commercial purposes. Defines “receives” and “delivers” for clarity.
21. Amends RCW 77.15.740 to define “vessel” consistent with RCW 79A.60.010, and to set the base penalty at \$500 for feeding or coming too close to endangered southern resident orca whales. This more closely aligns the state penalty with the federal civil penalty, which carries a maximum of \$10,000 per violation.
22. Amends RCW 77.15.770 to remove the provision that allows people to sell, purchase, or exchange shark fins for commercial purposes if the fins were harvested or acquired before July 22, 2011.
23. Creates a new section in chapter 77.15 RCW to prohibit possession of any fish, shellfish, or wildlife taken in another state or country in violation of that state’s or country’s laws or regulations relating to licenses or tags, seasons, areas, methods, or bag or possession limits.
24. Creates a new section in chapter 77.15 RCW to prohibit wildlife rehabilitation without department authority for temporary actions or a wildlife rehabilitator permit, or contrary to permit provisions.
25. Amends RCW 77.32.010 to replace “wild animals or wild birds,” and “fish and shellfish” with “wildlife,” since “wildlife” covers all species of the animal kingdom, including mammals, birds, reptiles, amphibians, fish, and invertebrates, whose members exist in Washington in a wild state. Also restores WDFW’s express statutory authority to implement the Lake Rufus Woods agreement between the Department and the Colville Confederated Tribes.
26. Repeals RCW 77.15.560 because its provisions were melded into RCW 77.15.630.
27. This is a standard savings clause.

**Affected Agencies:**

WA Association of Prosecuting Attorneys	Supports	Tom McBride, Executive Secretary (360) 753-2175
WA Association of Sheriffs and Police Chiefs	Supports	Joanna Arlow, Policy Director (360) 486-2380

**Stakeholders Information:**

Name	Affiliation	Summary of Position	Contact Information
<b>Humane Society of the United States</b>	Independent group		Jennifer Hillman, Lobbyist <a href="mailto:jhillman@humanesociety.org">jhillman@humanesociety.org</a> (206) 783-1451 desk (206) 818-7758 cell
<b>Hunters Heritage Council</b>	Independent group		Ed Owens, Lobbyist (360) 456-1334 Ed_owens@comcast.net
<b>WA State Farm Bureau</b>	Independent group		John Stuhlmiller (360) 528-2903
<b>WDFW Enforcement Advisory Committee</b>	Advisory committee to WDFW’s Enforcement Program		John Suessman, Chair <a href="mailto:jsuessman@cjtc.state.wa.us">jsuessman@cjtc.state.wa.us</a>

**Agency Contacts:**

Deputy Chief Mike Cenci, (360) 902-2938  
Lori Preuss, Criminal Justice Liaison, (360) 902-2930  
Ann Larson, Legislative Liaison, (360) 902-2226

**Legal Review:** completed 7/17/2013

Joe Panesko, Assistant Attorney General, (360) 586-0643  
Michael Young, Assistant Attorney General, (360) 664-2962

**Code Reviser Draft of the Proposed Bill:****Fiscal Impact Information:**

The department estimates that the criminal wildlife penalties proposed for four species in Section 9 of the bill will result in \$30,000 per year in collected revenue that would be deposited into the agency's Fish and Wildlife Enforcement Reward Account (07V).

**Agency Decision Package:**

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-0039.4/13 4th draft

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: An act relating to fish and wildlife law enforcement.

AN ACT Relating to fish and wildlife law enforcement; adding new sections to chapter 77.15 RCW; repealing RCW 77.15.560; and amending 77.08.010, 77.08.075, 77.15.080, 77.15.100, 77.15.120, 77.15.130, 77.15.160, 77.15.170, 77.15.180, 77.15.190, 77.15.240, 77.15.250, 77.15.370, 77.15.380, 77.15.390, 77.15.420, 77.15.460, 77.15.470, 77.15.480, 77.15.630, 77.15.740, 77.15.770, and 77.32.010.

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

**Sec. 1.** RCW 77.08.010 and 2012 c 176 s 4 are each 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.

(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.

(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.

(3) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (4), (34), (49), (53), (70), and (71) of this section, aquatic noxious weeds as defined under RCW [17.26.020](#)(5)(c), and aquatic nuisance species as defined under RCW [77.60.130](#)(1).

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

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

(6) "Building" means a private domicile, garage, barn, or public or commercial building.

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

(8) "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.

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

(10) "Commercial" means related to or connected with buying, selling, or bartering.

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



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

(13) "Contraband" means any property that is unlawful to produce or possess.

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

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

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

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

(18) "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.

(19) "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.

(20) "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.

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

(22) "Fish buyer" means: ~~a person engaged by a wholesale fish dealer to purchase food fish or shellfish from a licensed commercial fisher.~~

(a) A person who directly receives, for commercial purposes, fish or shellfish from any commercial fisher, including a person acting as an agent for a wholesale fish dealer for such purpose; or

(b) A wholesale fish dealer or retail seller who receives, for commercial purposes, fish or shellfish from any commercial fisher or otherwise receives, for commercial purposes, fish or shellfish in interstate or foreign commerce.

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

(24) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

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

- (26) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.
- (27) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.
- (28) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.
- (29) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.
- (30) "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) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.
- (32) "Illegal items" means those items unlawful to be possessed.
- (33)(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.
- (b) "Intentionally 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.
- (34) "Invasive species" means a plant species or a nonnative animal species that either:
- (a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;
- (b) Threatens or may threaten natural resources or their use in the state;
- (c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or
- (d) Threatens or harms human health.
- (35) "Large wild carnivore" includes wild bear, cougar, and wolf.

(36) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(37) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(38) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(39) "Natural person" means a human being.

(40)(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.

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

(42) "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.

(43) "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, ~~harvest,~~ or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(44) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(45) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(46) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

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

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

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

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

(51) "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.

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

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

(54) "Resident" has the same meaning as defined in RCW [77.08.075](#).

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

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

(57) "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.

(58) "Senior" means a person seventy years old or older.

(59) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

(60) (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.

(b) "Shark fin derivative product" does not include a drug approved by the United States food and drug administration and available by prescription only or medical device or vaccine approved by the United States food and drug administration.

(61) "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.

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

(63) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

(64) "To fish," ~~"to harvest," and "to take,"~~ and their-its derivatives means an effort to kill, injure, harass, harvest, or ~~catch-capture~~ a fish or shellfish.

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

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

(67) "To take" and its derivatives means to kill, injure, harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

~~(67)~~ (68) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(69) "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 game birds, food fish, game fish, shellfish, or big game animal other than cougar from the field. Entrails, including the heart and liver, are not considered edible.

~~(68)~~ (70) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~(69)~~ (71) "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.

~~(70)~~ (72) "Unclassified wildlife" means wildlife existing in Washington in a wild state that have not been classified as big game, game animals, game birds, predatory birds, protected wildlife, endangered wildlife, or deleterious exotic wildlife.

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

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

~~(72)~~ (75) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, 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.

~~(73)~~ (76) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~(74)~~(77) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~(75)~~(78) "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.

~~(76)~~(79) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

~~(77)~~(80) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

**Sec. 2.** RCW 77.08.075 and 2012 c 176 s 5 are each amended to read as follows:

For the purposes of this title or rules adopted under this title, "resident" means:

(1) A natural person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, is not licensed to hunt or fish as a resident in another state or country, and is not receiving resident benefits of another state or country.

(a) For purposes of this section, "permanent place of abode" means a residence in this state that a person maintains for personal use.

(b) A natural person can demonstrate that the person has maintained a permanent place of abode in Washington by showing that the person:

(i) Uses a Washington state address for federal income tax or state tax purposes;

(ii) Designates this state as the person's residence for obtaining eligibility to hold a public office or for judicial actions;



(iii) Is a registered voter in the state of Washington; or  
(iv) Is a custodial parent with a child attending prekindergarten, kindergarten, elementary school, middle school, or high school in this state.

(c) A natural person can demonstrate the intent to continue residing within the state by showing that he or she:

(i) Has a valid Washington state driver's license; or  
(ii) Has a valid Washington state identification card, if the person is not eligible for a Washington state driver's license; and  
(iii) Has registered the person's vehicle or vehicles in Washington state;

(2) The spouse of a member of the United States armed forces if the member qualifies as a resident under subsection (1), (3), or (4) of this section, or a natural person age eighteen or younger who does not qualify as a resident under subsection (1) of this section, but who has a parent or legal guardian who qualifies as a resident under subsection (1), (3), or (4) of this section;

(3) A member of the United States armed forces temporarily stationed in Washington state on predeployment orders. A copy of the person's military orders is required to meet this condition;

(4) An active duty, non-retired member of the United States armed forces who is permanently stationed in Washington state or who designates Washington state on their—his or her military "state of legal residence certificate" or enlistment or re-enlistment documents. A copy of the person's "state of legal residence certificate" or enlistment or re-enlistment documents is required to meet the conditions of this subsection.

**Sec. 1-3.** RCW 77.15.080 and 2012 c 176 s 9 are each amended to read as follows:

(1) Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish,

shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. Fish and wildlife officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her fishing, harvesting, or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. Fish and wildlife officers and ex officio fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

(2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.

**Sec. 4.** RCW 77.15.100 and 2012 c 176 s 10 are each amended to read as follows:

(1) Fish, shellfish, and wildlife are property of the state under RCW 77.04.012. Fish and wildlife officers may sell seized, commercially ~~harvested~~ taken or possessed fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425. Seized, recreationally ~~harvested~~ taken or possessed fish, shellfish, and wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

(2) Unless otherwise provided in this title, fish, shellfish, or wildlife ~~taken, or possessed, or harvested~~ taken, or possessed, in violation of this title or department rule shall be forfeited to the state upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For criminal cases resulting in other types of dispositions, the fish, shellfish,

or wildlife may be returned, or its equivalent value paid, if the fish, shellfish, or wildlife have already been donated or sold.

**Sec. 5.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if the person hunts, fishes, takes, possesses, or maliciously harasses ~~or kills~~ fish or wildlife, or maliciously destroys the ~~nests or~~ eggs, active nests, or perennial nests of fish or wildlife, and the fish or wildlife is designated by the commission as endangered, and the taking has not been authorized by rule of the commission. For purposes of this subsection, "active nests" means nests that are attended by an adult or contain eggs or young; and "perennial nests" means nests that are reused annually regardless of whether they are active or not.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the ~~killing, possessing, taking, possessing, or malicious- harassing~~ harassing, or ~~harming~~ of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title to be suspended for two years.

**Sec. ~~4-6.~~** RCW 77.15.130 and 2012 c 176 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts, fishes, maliciously takes, harasses, or possesses,~~or maliciously kills protected~~ fish or wildlife, or the person possesses or maliciously destroys the eggs, ~~or active nests,~~ or perennial nests of ~~protected~~ fish or wildlife, and the fish or wildlife is designated by the commission as protected, and the taking has not been authorized by rule of the commission; or

(b) The person violates any rule of the commission regarding the taking, ~~harming, harassment, harassing, or~~ possession,~~or transport~~ of protected fish or wildlife.

(2) For purposes of this section, "active nests" means nests that are attended by an adult or contain eggs or young; and "perennial nests" means nests that are reused annually regardless of whether they are active or not.

(3) Unlawful taking of protected fish or wildlife is a misdemeanor.

~~(3)~~(4) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of protected wildlife listed in this subsection, the court shall require payment of the following amounts for each animal ~~killed~~ taken, harassed, or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

(a) Ferruginous hawk, two thousand dollars;

(b) Common loon, two thousand dollars;

(c) Bald eagle, two thousand dollars;

(d) Golden eagle, two thousand dollars; and

(e) Peregrine falcon, two thousand dollars.

~~(4)~~(5) If two or more persons are convicted under subsection (1) of this section, and subsection ~~(3)~~(4) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and separatelyseverally.

~~(5)~~(6) (a) The criminal wildlife penalty assessment under subsection ~~(3)~~(4) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any

provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

~~(6)~~(7) A defaulted criminal wildlife penalty assessment authorized under subsection ~~(3)~~(4) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

~~(7)~~(8) The department shall revoke the hunting license and suspend the hunting privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

~~(8)~~(9) The criminal wildlife penalty assessments provided in subsection ~~(3)~~(4) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the trier of fact determines that the person ~~killed~~took or possessed the protected wildlife in question with the intent of bartering, selling, or otherwise deriving economic profit from the wildlife or wildlife parts.

**Sec. 2-7.** RCW 77.15.160 and 2013 c 307 s 2 are each amended to read as follows:

The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

(1) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish—and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession, the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(e) Seaweed: Taking or possessing, ~~or harvesting~~ less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, or possessing, ~~or harvesting of~~ seaweed.

(f) Unclassified fish or shellfish: Fishing for, harassing, or taking unclassified fish or shellfish in violation of this title or any department rule ~~by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.~~

(g) Wasting fish or shellfish: ~~Killing, t~~Taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and recklessly allowing the fish or shellfish to be wasted.

(2) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that are attended by an adult or contain eggs or fledglingsyoung.

(b) Unclassified wildlife: Hunting for, harassing, or t~~Taking~~ unclassified wildlife in violation of this title or any department rule ~~by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.~~

(c) Wasting wildlife: ~~Killing, t~~Taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and recklessly allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

(3) Trapping, taxidermy, fur dealing, ~~and~~ wildlife meat cutting, and wildlife rehabilitator infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

(c) Wildlife rehabilitator's recordkeeping and reporting: If a person is a primary permittee or a subpermittee on a wildlife rehabilitation permit issued by the department, failing to:

- (i) Maintain records as required by department rule; or
- (ii) Report information from these records as required by department rule.

(4) Aquatic invasive species infraction: Entering Washington by road and transporting a recreational or commercial watercraft that has been used outside of Washington without meeting documentation requirements as provided under RCW 77.12.879.

(5) Other infractions:

(a) Contests: Unlawfully conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

- (i) Violates any terms or conditions of the scientific permit; or
- (ii) Violates any department rule applicable to the issuance or use of scientific permits.

(e) Transporting aquatic plants: Unlawfully transporting aquatic plants on any state or public road, including forest roads. However:

(i) This subsection does not apply to plants that are:

(A) Being transported to the department or to another destination designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;



(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the commission may otherwise prescribe; and

(ii) This subsection does not apply to a person who:

(A) Is stopped at an aquatic invasive species check station and possesses a recreational or commercial watercraft that is contaminated with an aquatic invasive plant species if that person complies with all department directives for the proper decontamination of the watercraft and equipment; or

(B) Has voluntarily submitted a recreational or commercial watercraft for inspection by the department or its designee and has received a receipt verifying that the watercraft has not been contaminated since its last use.

**Sec. 5-8.** RCW 77.15.170 and 2012 c 176 s 16 are each amended to read as follows:

(1) ~~(a)~~ A person is guilty of waste of fish and wildlife if he or she:

~~((a))~~ (i)(a) ~~The person kills, takes,~~ or possesses fish, shellfish, or wildlife having a value of two hundred fifty dollars or more or wildlife classified as big game; and

~~((b))~~ (ii)(b) ~~The person~~ Recklessly allows such fish, shellfish, or wildlife to be wasted.

~~(b) For the purposes of this subsection, "to be wasted" means to allow any edible portion of any game animal, game bird, food fish, game fish, or shellfish to be rendered unfit for human consumption, or, to fail to retrieve edible portions, except internal organs, of such game animals, game birds, food fish, game fish, or shellfish from the field. Entrails, including the heart and liver, are not considered edible.~~

(2) Waste of fish and wildlife is a gross misdemeanor. Upon conviction, the department shall revoke any license or tag used in the crime and shall order suspension of the person's privileges to engage in the activity in which the person committed waste of fish and wildlife for a period of one year.

(3) It is prima facie evidence of waste if:

(a) A processor purchases or engages a quantity of food fish, shellfish, or game fish that cannot be processed within sixty hours after the food fish, game fish, or shellfish are taken from the water, unless the food fish, game fish, or shellfish are preserved in good marketable condition; or

(b) A person brings a big game animal to a wildlife meat cutter and then abandons the animal. For purposes of this subsection (3)(b), a big game animal is deemed to be abandoned when its carcass is placed in the custody of a wildlife meat cutter for butchering and processing and:

(i) Having been placed in such custody for an unspecified period of time, the meat is not removed within thirty days after the wildlife meat cutter gives notice to the person who brought in the carcass or, having been so notified, the person who brought in the carcass refuses or fails to pay the agreed upon or reasonable charges for the butchering or processing of the carcass; or

(ii) Having been placed in such custody for a specified period of time, the meat is not removed at the end of the specified period or the person who brought in the carcass refuses to pay the agreed upon or reasonable charges for the butchering or processing of the carcass.

**Sec. 9.** RCW 77.15.180 and 2001 c 253 s 29 are each amended to read as follows:

(1) A person is guilty of unlawful interference with fishing or hunting gear in the second degree if the person:

(a) ~~Takes~~ Removes or releases a wild animal from another person's trap without permission;

(b) Springs, pulls up, damages, possesses, or destroys another person's trap without the owner's permission; or

- (c) Interferes with recreational gear used to take fish or shellfish.
- (2) Unlawful interference with fishing or hunting gear in the second degree is a misdemeanor.
- (3) A person is guilty of unlawful interference with fishing or hunting gear in the first degree if the person:
  - (a) ~~Takes~~ Removes or releases fish or shellfish from commercial fishing gear without the owner's permission; or
  - (b) Intentionally destroys or interferes with commercial fishing gear.
- (4) Unlawful interference with fishing or hunting gear in the first degree is a gross misdemeanor.
- (5) A person is not in violation of unlawful interference with fishing or hunting gear if the person removes a trap placed on property owned, leased, or rented by the person.

**Sec. 4-10.** RCW 77.15.190 and 2012 c 176 s 17 are each amended to read as follows:

- (1) A person is guilty of unlawful trapping if the person:
  - (a) Sets out traps that are capable of taking wild animals, wild birds, game animals, or furbearing mammals and does not possess ~~((all))~~ the licenses, tags, or permits required under this title;
  - (b) Violates any department rule regarding seasons, bag, or possession limits, closed areas including game reserves, closed times, or any other rule governing the trapping of wild animals or wild birds, with the exception of reporting rules; or
  - (c) Fails to identify the owner of the traps or devices by neither
    - (i) attaching a metal tag with the owner's department-assigned identification number or the name and address of the trapper legibly written in numbers or letters not less than one-eighth inch in height nor
    - (ii) inscribing into the metal of the trap such number or name and address.

(2) Unlawful trapping is a misdemeanor.

**Sec. 5-11.** RCW 77.15.240 and 2012 c 176 s 18 are each amended to read as follows:

- (1) A person is guilty of unlawful use of dogs if the person:

(a) Negligently fails to prevent a dog under the person's control from pursuing, harassing, attacking, or killing deer, elk, moose, caribou, mountain sheep, or animals classified as endangered under this title; or

(b) Uses the dog to hunt deer or elk.

(2) For purposes of this section, a dog is "under a person's control" if the dog is owned or possessed by, or in the custody of, a person.

(3) Unlawful use of dogs is a misdemeanor.

(4) This section does not apply to a person using a dog to conduct department-approved and controlled hazing activity, as long as there is no physical contact between the dog and the wildlife, and the hazing is being done only for the purposes of wildlife control and the prevention of damage to commercial crops. For purposes of this section, "hazing" is defined as the act of chasing or herding wildlife in an effort to move them from one location to another.

(5) (a) Based on a reasonable belief that a dog is pursuing, harassing, attacking, or killing a ~~snow-bound~~ deer, elk, moose, caribou, mountain sheep, or animals classified as protected or endangered under this title, fish and wildlife officers and ex officio fish and wildlife officers may:

(i) Lawfully take a dog into custody; or

(ii) If necessary to avoid repeated harassment, injury, or death of wildlife under this section, destroy the dog.

(b) Fish and wildlife officers and ex officio fish and wildlife officers who destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

**Sec. 11.12.** RCW 77.15.250 and 2001 c 253 s 32 are each amended to read as follows:

(1) (a) A person is guilty of unlawfully releasing, planting, possessing or placing fish, shellfish, or wildlife if the person knowingly releases, plants, possesses or places live fish, shellfish, wildlife, or aquatic plants within the state in violation of this title or rule of the department, and the fish, shellfish, or wildlife

have not been classified as deleterious wildlife. This subsection does not apply to a release of game fish into private waters for which a game fish stocking permit has been obtained, or the planting of fish or shellfish by permit of the commission.

(b) A violation of this subsection is a gross misdemeanor. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, aquatic plants, ~~or~~ wildlife, or progeny unlawfully released, planted, possessed, or placed ~~or its progeny~~. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, aquatic plants, ~~or~~ wildlife, or progeny unlawfully released, planted, possessed, or placed ~~or their progeny~~, or the costs of habitat restoration ~~of habitat~~ necessitated by the unlawful release, planting, possession, or placing.

(2)(a) A person is guilty of unlawfully release ~~of releasing, planting, possessing, or placing~~ deleterious exotic wildlife if the person knowingly releases, plants, possesses, or places live fish, shellfish, or wildlife within the state in violation of this title or rule of the department, and ~~such the~~ fish, shellfish, or wildlife ~~has~~ have been classified as deleterious exotic wildlife by rule of the commission.

(b) A violation of this subsection is a class C felony. In addition, the department shall ~~also~~ order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, ~~or~~ wildlife, or progeny unlawfully released, planted, possessed, or placed ~~or its progeny~~. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, ~~or~~ wildlife, or progeny unlawfully released, planted, possessed, or placed ~~or their progeny~~, or the costs of habitat restoration ~~of habitat~~ necessitated by the unlawful release, planting, possession, or placing.

**Sec. 9-13.** RCW 77.15.370 and 2012 c 176 s 2 are each amended to read as follows:

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

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

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express department rule;

(d) The person fishes for, takes, maliciously harasses, or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 223.102 (2006) or Sec. 224.101 (2010), unless fishing for, taking, maliciously harassing, or ~~possession of possessing~~ such fish is specifically allowed under federal or state law;

(e) The person takes, harasses, or possesses a white sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department; ~~or~~

(f) The person takes, maliciously harasses, or possesses a green sturgeon ~~or of any size;~~

(g) The person takes, maliciously harasses, or possesses a wild salmon or wild steelhead during a season closed ~~for that species~~ for wild salmon or wild steelhead. —A—"Wwild salmon" is defined as a salmon with an unclipped adipose fin, regardless of whether the salmon's ventral fin is clipped. A—"Wwild steelhead" is defined as a steelhead with no fins clipped.

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

(3) In addition to the penalties set forth in subsection (2) of this section, if a person is convicted of violating this section and the violation results in the death of fish listed in this subsection, the

court shall require payment of the following amounts for each fish taken, harassed, or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425:

(a) White sturgeon longer than 65 inches in fork length, two thousand dollars;

(b) Green sturgeon, two thousand dollars; and

(c) Wild salmon or wild steelhead, five hundred dollars.

(4) If two or more persons are convicted under subsection (1) of this section, and subsection (3) of this section is applicable, the criminal wildlife penalty assessment must be imposed against the persons jointly and severally.

(5) (a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

(b) This subsection may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(6) A defaulted criminal wildlife penalty assessment authorized under subsection (3) of this section may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(7) The department shall revoke the fishing license and suspend the fishing privileges of a person assessed a criminal wildlife penalty assessment under this section until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

(8) The criminal wildlife penalty assessments provided in subsection (3) of this section must be doubled in the following instances:

(a) When a person commits a violation that requires payment of a criminal wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title; or

(b) When the trier of fact determines that the person took or possessed the fish in question with the intent of bartering, selling, or otherwise deriving economic profit from the fish or fish parts.

**Sec. ~~7-14~~.** RCW 77.15.380 and 2012 c 176 s 23 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for fish or shellfish and, whether or not the person possesses fish or shellfish, the person has not purchased the appropriate fishing or shellfishing license and catch record card issued to Washington residents or nonresidents under chapter 77.32 RCW.

(2) A person is guilty of unlawful recreational fishing in the second degree if the person takes, harasses, or possesses, ~~or harvests~~ fish or shellfish and:

(a) The person owns, but does not have in the person's possession, the license or the catch record card required by chapter 77.32 RCW for such activity; or

(b) The action violates any department rule regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing for, taking, harassing, or (~~possession of~~) possessing fish or shellfish. This section does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.

(3) Unlawful recreational fishing in the second degree is a misdemeanor.

**Sec. ~~13-15~~.** RCW 77.15.390 and 2012 c 176 s 24 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, or possesses, ~~or harvests~~ seaweed and:



(a) The person has not purchased a personal use shellfish and seaweed license issued to Washington residents or nonresidents under chapter 77.32 RCW; or

(b) The person takes, or possesses, ~~or harvests~~ seaweed in an amount that is two times or more of the daily possession limit of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec. 11.16.** RCW 77.15.420 and 2005 c 406 s 5 are each amended to read as follows:

(1) If a person is convicted of violating RCW 77.15.410 and that violation results in the death of wildlife listed in this section, the court shall require payment of the following amounts for each animal ~~killed-taken~~, harassed, or possessed. This shall be a criminal wildlife penalty assessment that shall be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425.

- |     |  |          |
|-----|--|----------|
| (a) | Moose, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission, except for mountain caribou and grizzly bear as listed under (d) of this subsection . . . | \$4,000  |
| (b) | Elk, deer, black bear, and cougar . . .  | \$2,000  |
| (c) | Trophy animal elk and deer . . .   | \$6,000  |
| (d) | Mountain caribou, grizzly bear, and trophy animal mountain sheep . . .   | \$12,000 |

~~(2) No forfeiture of bail may be less than the amount of the bail established for hunting during closed season plus the amount of the criminal wildlife penalty assessment in subsection (1) of this section.~~

~~(3)~~ (a) For the purpose of this section a "trophy animal" is:

~~(a)~~ (i) A buck deer with four or more antler points on both sides, not including eyeguards;

~~(b)~~ (ii) A bull elk with five or more antler points on both sides, not including eyeguards; or

~~(c)~~ (iii) A mountain sheep with a horn curl of three-quarter curl or greater.

(b) For purposes of this subsection, "eyeguard" means an antler protrusion on the main beam of the antler closest to the eye of the animal.

~~(4)~~ (3) If two or more persons are convicted of illegally possessing wildlife in subsection (1) of this section, the criminal wildlife penalty assessment shall be imposed on them jointly and separatelyseverally.

~~(5)~~ (4) The criminal wildlife penalty assessment shall be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this title. The criminal wildlife penalty assessment shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. This section may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

~~(6)~~(5) A defaulted criminal wildlife penalty assessment may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

~~(7)~~(6) A person assessed a criminal wildlife penalty assessment under this section shall have his or her hunting license revoked and all hunting privileges suspended until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed.

~~(8)~~(7) The criminal wildlife penalty assessments provided in subsection (1) of this section shall be doubled in the following instances:

(a) When a person is convicted of spotlighting big game under RCW 77.15.450;

(b) When a person commits a violation that requires payment of a wildlife penalty assessment within five years of a prior gross misdemeanor or felony conviction under this title;

(c) When the trier of fact determines that the person ~~killed~~took or possessed the animal in question with the intent of bartering, selling, or otherwise deriving economic profit from the animal or the animal's parts; or

(d) When the trier of fact determines that the ~~a~~ person ~~kills~~took the animal under the supervision of a licensed guide.

**Sec. 8-17.** RCW 77.15.460 and 2012 c 176 s 28 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle ~~or a nonmoving off-road vehicle~~, as long as the engine is turned off and the motor vehicle ~~or off-road vehicle~~ is not parked on or beside the maintained portion of a public road, except as

authorized by the commission by rule. This subsection does not apply to off-road vehicles, which are unlawful to use for hunting under RCW 46.09.480, unless the person has a department permit issued under RCW 77.32.237.

(5) For purposes of subsection (1) of this section, a rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the rifle or shotgun.

**Sec. 9-18.** RCW 77.15.470 and 2000 c 107 s 246 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed fish and wildlife officer, or if directed by an ex officio fish and wildlife officer participating in a department-authorized check station; or

(c) Produce for inspection upon request by a fish and wildlife officer or ex officio fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title.

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

**Sec. 17-19.** RCW 77.15.480 and 2001 c 253 s 42 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for ~~catching,~~ taking, harassing, ~~killing,~~ attracting, or decoying wildlife, fish, and shellfish are public nuisances. If necessary, fish and wildlife officers and ex officio fish and wildlife officers may

seize, abate, or destroy these public nuisances without warrant or process.

**Sec. 9-20.** RCW 77.15.630 and 2012 c 176 s 31 are each amended to read as follows:

~~(1)~~ (1) A person licensed as a commercial fisher, wholesale fish dealer, anadromous game fish buyer, or a fish buyer, or a person not so licensed but acting in such capacity, is guilty of unlawful fish and shellfish catch accounting in the second degree if he or she receives or delivers for commercial purposes fish or shellfish worth less than two hundred fifty dollars; and ~~A person is guilty of unlawful fish and shellfish catch accounting in the second degree, whether or not he or she is licensed as~~ A person who acts in the capacity of a commercial fisher, wholesale fish dealer, anadromous game fish buyer, or a fish buyer, if he or she acts in such capacity; and is guilty of unlawful fish and shellfish catch accounting in the second degree if the person:

~~(a) Possesses~~ obtains possession of or receives fish or shellfish for commercial purposes worth less than two hundred fifty dollars; and

~~(b)~~ (a) Fails to document such fish or shellfish with a fish-receiving ticket or other documentation required by statute or department rule; ~~or~~

~~(c)~~ (b) Fails to sign the fish receiving ticket or other required documentation, fails to provide all of the information required by statute or department rule on the fish receiving ticket or other documentation, or both; or

(c) Fails to submit the fish receiving ticket to the department as required by statute or department rule.

~~(2)~~ (2) A person is guilty of unlawful fish and shellfish catch accounting in the first degree if the person commits ~~the~~ an act described by subsection (1) of this section and:

(a) The violation involves fish or shellfish worth two hundred fifty dollars or more;

(b) The person acted with knowledge that the fish or shellfish were taken from a closed area, at a closed time, or by a person not licensed to take such fish or shellfish for commercial purposes; or

(c) The person acted with knowledge that the fish or shellfish were taken in violation of any tribal law.

(3)(a) Unlawful fish and shellfish catch accounting in the second degree is a gross misdemeanor.

(b) Unlawful fish and shellfish catch accounting in the first degree is a class C felony. Upon conviction, the department shall suspend all privileges to engage in fish buying or dealing for two years.

(4) For purposes of this section, a person "receives" fish or shellfish when title or control of the fish or shellfish is transferred or conveyed to him or her. A person "delivers" fish or shellfish when title or control of the fish or shellfish is transferred or conveyed from him or her.

**Sec. 15-21.** RCW 77.15.740 and 2012 c 176 s 37 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it is unlawful to:

(a) Cause a vessel or other object to approach, in any manner, within two hundred yards of a southern resident orca whale;

(b) Position a vessel to be in the path of a southern resident orca whale at any point located within four hundred yards of the whale. This includes intercepting a southern resident orca whale by positioning a vessel so that the prevailing wind or water current carries the vessel into the path of the whale at any point located within four hundred yards of the whale;

(c) Fail to disengage the transmission of a vessel that is within two hundred yards of a southern resident orca whale; or

(d) Feed a southern resident orca whale.

(2) A person is exempt from subsection (1) of this section if that person is:

(a) Operating a federal government vessel in the course of his or her official duties, or operating a state, tribal, or local government vessel when engaged in official duties involving law enforcement, search and rescue, or public safety;

(b) Operating a vessel in conjunction with a vessel traffic service established under 33 C.F.R. and following a traffic separation scheme, or complying with a vessel traffic service measure of direction. This also includes support vessels escorting ships in the traffic lanes, such as tug boats;

(c) Engaging in an activity, including scientific research, pursuant to a permit or other authorization from the national marine fisheries service and the department;

(d) Lawfully engaging in a treaty Indian or commercial fishery that is actively setting, retrieving, or closely tending fishing gear;

(e) Conducting vessel operations necessary to avoid an imminent and serious threat to a person, vessel, or the environment, including when necessary for overall safety of navigation and to comply with state and federal navigation requirements; or



(f) Engaging in rescue or clean-up efforts of a beached southern resident orca whale overseen, coordinated, or authorized by a volunteer stranding network.

(3) For the purpose of this section, "vessel" includes aircraft while on the surface of the water, and every description of canoes, fishing vessels, kayaks, personal watercraft on the water that is used or capable of being used as a means of transportation on the water. However, it does not include inner tubes, air mattresses, sailboards, and small, rafts or flotation devices or toys customarily used by swimmers, recreational vessels watercraft, tour boats, whale watching boats, vessels watercraft engaged in whale watching activities, or other small craft including power boats and sailboats.

(4) (a) A violation of this section is a natural resource infraction punishable under chapter 7.84 RCW and carries a fine of five hundred dollars, not including statutory assessments added pursuant to RCW 3.62.090.

(b) A person who qualifies for an exemption under subsection (2) of this section may offer that exemption as an affirmative defense, which that person must prove by a preponderance of the evidence.

**Sec. 16-22.** RCW 77.15.770 and 2011 c 324 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, a person is guilty of unlawful trade in shark fins in the second degree if:

(a) The person sells, offers for sale, purchases, offers to purchase, or otherwise exchanges a shark fin or shark fin derivative product for commercial purposes; or

(b) The person prepares or processes a shark fin or shark fin derivative product for human or animal consumption for commercial purposes.

(2) Except as otherwise provided in this section, a person is guilty of unlawful trade in shark fins in the first degree if:

(a) The person commits the act described by subsection (1) of this section and the violation involves shark fins or a shark fin derivative product with a total market value of two hundred fifty dollars or more;

(b) The person commits the act described by subsection (1) of this section and acted with knowledge that the shark fin or shark fin derivative product originated from a shark that was harvested in an area or at a time where or when the harvest was not legally allowed or by a person not licensed to harvest the shark; or

(c) The person commits the act described by subsection (1) of this section and the violation occurs within five years of entry of a prior conviction under this section or a prior conviction for any other gross misdemeanor or felony under this title involving fish, other than a recreational fishing violation.

(3)(a) Unlawful trade in shark fins in the second degree is a gross misdemeanor. Upon conviction, the department shall suspend any commercial fishing privileges for the person that requires a license under this title for a period of one year.

(b) Unlawful trade in shark fins in the first degree is a class C felony. Upon conviction, the department shall suspend any commercial fishing privileges for the person that requires a license under this title for a period of one year.

(4) Any person who obtains a license or permit issued by the department to take or possess sharks or shark parts for bona fide research or educational purposes, and who sells, offers for sale, purchases, offers to purchase, or otherwise trades a shark fin or shark fin derivative product, exclusively for bona fide research or

educational purposes, may not be held liable under or subject to the penalties of this section.

~~((5) Nothing in this section prohibits the sale, offer for sale, purchase, offer to purchase, or other exchange of shark fins or shark fin derivative products for commercial purposes, or preparation or processing of shark fins or shark fin derivative products for purposes of human or animal consumption for commercial purposes, if the shark fins or shark fin derivative products were lawfully harvested or lawfully acquired prior to July 22, 2011.))~~

**Sec. 12-23.** A new section is added to chapter 77.15 RCW to read as follows:

(1) It is unlawful for any person to possess in Washington any fish, shellfish, or wildlife that was taken in another state or country in violation of any that state's or country's laws or regulations of that state or country relating to licenses or tags, seasons, areas, methods, or bag or possession limits.

(2) As used in this section, the terms "fish," "shellfish," and "wildlife" has ~~have~~ the meaning ascribed to ~~the~~those terms in the applicable law or regulation of the state or country of ~~its~~the fish's, shellfish's, or wildlife's origin.

~~(2)~~(3) Unlawful possession of fish, shellfish, or wildlife taken or possessed in violation of another state's or country's laws or regulations is a gross misdemeanor.

**Sec. 13-24.** A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of engaging in wildlife rehabilitation without a permit if he or she captures, transports, treats, feeds, houses, conditions, or trains injured, diseased, oiled, or abandoned wildlife without department authority for

temporary actions or a wildlife rehabilitation permit issued by the department.

(2) A person who is a primary permittee or subpermittee on a wildlife rehabilitation permit issued by the department is guilty of unlawful use of a wildlife rehabilitation permit if the person violates any permit provisions other than those addressing recordkeeping and reporting requirements.

(3) A violation of this section is a misdemeanor.

**Sec. 18-25.** RCW 77.32.010 and 2011 c 320 s 19 are each amended to read as follows:

(1) Except as otherwise provided in this chapter or department rule, a recreational license issued by the director is required to hunt, ~~for~~ fish, or take ~~wildlifewild animals or wild birds, fish for or, take, or harvest fish, shellfish, and 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.

(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.

(3) ~~During the 2009-2011 fiscal biennium t~~To enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, the commission may, by rule, indicate that a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and that a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

**Sec. 20-26.** The following acts or parts of acts are each repealed:

(1) RCW 77.15.560 (Commercial fish, shellfish harvest or delivery--Failure to report--Penalty) and 1998 c 190 s 41.

**Sec. 21-27.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE**  
**2014 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**Bill Title:** An Act Relating to Wildlife Interactions

**Statement of Need:** The 2009 Legislature modified chapter 77.36 RCW regarding wildlife interactions in a fairly comprehensive manner. The main intent of these changes was to better address growing conflicts, property damage complaints, and public safety issues. Human-wildlife interactions will continue to increase over time as Washington’s human population expands and that growth makes a larger footprint on the state’s landscape. In addition to occupying more real estate, the increasing public needs and use of Washington’s wildlands for recreation brings more people into contact with wildlife.

Maintaining safe communities and a clean healthy environment are key goals for Governor Inslee and a basic tenant of this proposal. Washington’s ability to maintain healthy wildlife populations and at the same time keep people safe from dangerous situations with wild animals will increasingly rely on education, assisting the public to employ proactive measures, and quick effective response once conflicts and property damage occur.

As part of the 2009 overhaul of the conflict statutes, the Legislature asked that the department return in 2014 with any recommended changes needed to achieve their intent. In 2013, the Legislature made changes to these statutes to make them more consistent with the state’s wolf conservation and management plan. The main changes addressed the use of proactive measures for livestock owners and compensation for losses of livestock due to wolves. While compensation (traditionally for elk and deer) has historically been an important strategy to achieve landowner acceptance of healthy wildlife populations, with five years experience implementing the new statutes, the use of proactive measures has become the cornerstone of a solid wildlife conflict program. Compensation is used more and more as a fallback for when proactive measures are not successful.

The purpose of this proposal is to further modify the conflict statutes to facilitate the use of proactive measures to minimize property damage and dangerous interactions.

**Summary of Major Provisions and Impact on Existing Laws:**

- Modify RCW 77.36 to facilitate payment to landowners for property damage and establish an independent account where unspent funds are deposited and available for future use for proactive measures, mitigation, assessment, and payment of claims.

**Affected Agencies:**

Washington Department of Fish and Wildlife

**Stakeholders Information:**

Name	Affiliation	Summary of Position	Contact Information
Mark Pidgeon	Hunters Heritage	Anticipate Support	(425) 221-3986
Lorna Smith	Western Wildlife Outreach	Anticipate Support	(425) 879-9708
Dan Paul	HSUS	Anticipate Support	(206) 913-2280
Jack Field	Cattleman’s	Anticipate Support	(509) 925-9871
Tom Davis	Farm Bureau	Anticipate Support	(360) 357-9975
Mitch Friedman	Cons NW	Anticipate Support	(360) 671-9950 x13
Helen Engle	Wash State Audubon	Anticipate support	

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Linda Saunders	Wolf Haven International	Anticipate support	(360) 264-4695 x216
Bob McCoy	Mountain Lion Foundation	Anticipate support	(425) 392-3303

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**Agency Contacts:** Nate Pamplin, Assistant Director, Wildlife Program (360) 902-2693  
Dave Ware, Game Division Manager, Wildlife Program (360)902-2509

**Legal Review:**

Neil Wise, Assistant Attorney General, (360) 664-8977  
Joe Panesko, Assistant Attorney General, (360) 586-0643

**Code Reviser Draft of the Proposed Bill:** not available currently

**Fiscal Impact Information:** \$50,000, this proposal modifies current annual spending authority of \$120,000 WL and \$30,000 GF for deer and elk compensation and adds \$50,000 from the general fund per year for large carnivore compensation. Any funds remaining at the end of the biennium would be transferred into a non-appropriated account for non-lethal technical assistance and management tools to prevent/minimize property damage, as well as for assessment and compensation of losses.

**Agency Decision Package:** not available currently

**Sec. 1.** RCW 77.36.070 and 2009 c 333 s 55 are each amended to read as follows:

Limit on total claims from wildlife account per fiscal year.

(1) The department may pay no more than one hundred twenty thousand dollars per fiscal year from the state wildlife account created in RCW 77.12.170 for claims and assessment costs for damage to commercial crops caused by wild deer or elk submitted under RCW 77.36.100.

(2) If any expenditures authorized under subsection (1) of this section are unspent as of June 30th of a fiscal year, the state treasurer shall transfer the unspent amount to the wildlife conflict account created in section 4 of this act.

**Sec. 2.** RCW 77.36.080 and 2009 c 333 s 55 are each amended to read as follows:

Limit on total claims from general fund per fiscal year –  
Emergency exceptions.

(1) ~~(1)~~ Unless the legislature declares an emergency under this section, the department may pay no more than thirty thousand dollars per fiscal year from the general fund for claims and assessment costs for damage to commercial crops caused by wild deer or elk submitted under RCW 77.36.100.

~~(1)~~ (2) If any expenditures authorized under subsection (1) of this section are unspent as of June 30th of a fiscal year, the state treasurer shall transfer the unspent amount to the wildlife conflict account created in section 4 of this act.

~~(2)~~ (a) The legislature may declare an emergency if weather, fire, or other natural events result in deer or elk causing excessive damage to commercial crops.

(b) After an emergency declaration, the department may pay as much as may be subsequently appropriated, in addition to the funds authorized under subsection (1) of this section, for claims and assessment costs under RCW 77.36.100. Such money shall be used to pay wildlife interaction claims only if the claim meets the conditions of RCW 77.36.100 and the department has expended all funds



authorized under RCW 77.36.070 or subsection (1) of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 77.36 RCW to read as follows:

(1) The department may pay no more than fifty thousand dollars per fiscal year from the general fund for mitigation, claims, and assessment costs for injury or loss of property caused by large carnivores submitted under RCW 77.36.100.

(2) Notwithstanding other provisions of this chapter, the department may also accept and expend money from other sources to address injury or loss of property caused by wildlife consistent with the requirements on that source of funding.

(3) If any expenditure authorized under subsection (1) of this section is unspent as of June 30th of a fiscal year, the state treasurer shall transfer the unspent amount to the wildlife conflict account created in section 4 of this act.

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

(1) The wildlife conflict account is created in the custody of the state treasurer. Any transfers under RCW 77.36.070, 77.36.080, and section 3 of this act must be deposited in the account. The department may also deposit into the account any grants, gifts, or donations to the state for the purposes of providing compensation for injury or loss of livestock caused by deer, elk, or large carnivores. Consistent with this chapter, expenditures from the account may be used only for prevention, mitigation, assessment, and payments for injury or loss of property caused by deer, elk, or large carnivores. 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.

(2) (a) The department must maintain a list of claims submitted under RCW 77.36.100, organized chronologically by the date the injury or loss of property caused by deer, elk, or large carnivores that have been approved for payment but not yet been fully paid by the department. As funding becomes available to the department under this section, or any other source, the department must pay claims in the chronologic order they appear on the list. The department must maintain, and is authorized to pay, claims that appear on the list due to injury or loss that occurred in a previous fiscal biennium.

(b) The payment of a claim included on the list maintained by the department under this section is conditional on the availability of specific funding for this purpose and is not a guarantee of reimbursement.

**Sec. 5.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read as follows:

(1) (a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.XXX (wolf conflict claims) 77.36.100, and section 3 of this act, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the livestock has been diminished. Payments for claims for damage to livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not, except as provided chapter 77.36 RCW, exceed the total amount specifically appropriated therefor. (b) Owners of commercial crops or livestock are only eligible for a claim under this subsection if:

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

(ii) The conditions of RCW 77.36.110 have been satisfied; and

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

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

(2) (a) Subject to the availability of nonstate funds, nonstate resources other than cash, or amounts appropriated for this specific purpose, the department may offer to provide compensation to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis if the conditions of RCW 77.36.110 have been satisfied and if the damage satisfies the criteria for damage established by the commission under (b) of this subsection.

(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or livestock

that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3) (a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the commission under this section. (b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

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

(a) Is denied; or

(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

(5) The commission shall adopt rules setting limits and conditions for the department's expenditures on claims and assessments for commercial crops, livestock, other property, and mitigating actions.



# Improving hunter education and increasing public safety



## Problem:

State law requires anyone born after January 1, 1972, to complete a hunter education course approved by the Washington Department of Fish and Wildlife (WDFW) before buying his or her first hunting license. The course is free, and the volunteer instructors are unpaid. Each year, about 12,500 students participate across the state.

State law allows hunters age 10 and older to receive a one-year deferral from the hunter education requirement, but hunters with a deferral, regardless of their age, must be supervised in the field by an adult who has held a hunting license for the three preceding years.

While successful, the current program has several attributes that could be improved. For example:

- Many hunter education graduates are between 8 and 13 years old, so licensed hunters as young as 8 can go hunting by themselves, without supervision.
- Since instructors are not paid, some of these volunteers have collected donations during class to help cover the cost of course material and other expenses, such as classrooms and shooting range rental fees. This practice is contrary to the department's policies.
- Courses are free of charge, so prospective hunters sometimes register for several classes but attend only one, resulting in multiple empty seats at each course.
- It is difficult and time-intensive for WDFW staff in the field to determine whether hunters who accompany those with deferrals meet the three-year license requirement.

## Proposed solution and potential benefits:

WDFW is seeking several clarifications and revisions to the state hunter education law (RCW 77.32.155). The department's proposal would:

- Require that all hunter education students be at least 8 years old.
- Require that a licensed hunter at least 18 years old, who is not hunting under a one-year hunter education deferral, to accompany hunters between the ages of 8 and 14 and hunters of any age who are hunting under a deferral. However, hunters between 8 and 14 could hunt unaccompanied on their family's property, where they would be familiar with the land and unlikely to encounter other hunters.
- Establish fees of up to \$20 per student for all hunter education courses, whether offered in-person or online, and \$10 for duplicate certificates. Those fees would raise an estimated \$262,000 per year for hunter education, based on projected participation of 12,500 fee-paying students and production of 1,200 duplicate certificates.
- Authorize the use of fee revenue to cover (a) administrative costs of internet-based training, (b) stipends for instructors, and (c) instructional costs.

## Contact Information:

### Dave Whipple

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### Ann Larson

WDFW Legislative Liaison  
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[wdfw.wa.gov](http://wdfw.wa.gov)

## Improving hunter education and increasing public safety

### Contact Information:

#### **Dave Whipple**

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360-902-2847

David.Whipple@dfw.wa.gov

#### **Ann Larson**

WDFW Legislative Liaison

360.902.2226

ann.larson@dfw.wa.gov

**wdfw.wa.gov**

### The proposal would have the following benefits:

- The minimum age limit and the requirement that young hunters be accompanied by older licensed hunters would increase the safety of hunters and non-hunters alike. Making the accompaniment requirement consistent for young hunters and those who have received hunter education deferrals would simplify WDFW enforcement and license administration.
- The course fee would deter students from registering for more than one class and leave space for more students to attend.
- Fee revenue would cover a variety of program costs, including such expenses as range rental and course material.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE**  
**2014 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**Bill Title:**

Related to the hunter education training program

**Statement of Need:**

The Washington Department of Fish and Wildlife's (WDFW's) Hunter Education Division relies solely on federal funding to support the hunter-education training it provides. This training has always been free for course attendees, and instructors are unpaid. However, this has led to students registering for numerous classes but only showing up for one class, resulting in multiple empty seats for each course. It has also led to volunteer instructors collecting donations for themselves during class, which is contrary to WDFW's statutory authority and department policy.

Second, anyone who wants to hunt in Washington must successfully complete a state-approved Hunter Education course if the person was born after January 1, 1972. Once the person completes the course, he or she is free to obtain a hunting license. Many course graduates who obtain licenses are youth under the age of 14. On occasion, these youth are found to be hunting alone and without supervision. Due to the dangers inherent in these situations, the Department seeks to impose a minimum age of hunter education students, as well as limitations on hunters between the ages of 8 and 14.

This bill is directly related to two of the Governor's priorities. The legislation will promote *Goal 5: Efficient, Effective and Accountable Government* by addressing inefficiencies related to empty hunter education classroom seats because demand for classes creates waiting lists. Additionally, legal and policy issues related to the accountability of student donations to volunteer instructors will be alleviated. The bill also supports *Goal 4: Healthy and Safe Communities* by increasing hunter safety through establishing a minimum age for hunters, as well as requiring young hunters to be accompanied by older licensed hunters except under specific circumstances.

**Summary of Major Provisions and Impact on Existing Laws:**

This bill will amend RCW 77.32.155 to allow WDFW to charge nominal fees for its Hunter Education training and to provide duplicate hunter education certificates. This will deter students from registering for more than one class, allow the Department to provide volunteer instructors with money they need to purchase equipment and teaching aids for classes, and to cover the administrative costs to provide duplicate hunter education certificates. This bill will also require hunters under the age of 14 to be accompanied by a licensed hunter aged 18 or older, and will set a minimum age of 8 years old to take a Hunter Education training course. This will increase the safety of youth hunters and other hunters in the field.

**Affected Agencies:**

Washington Department of Fish and Wildlife

**Stakeholders Information:**

Name	Affiliation	Summary of Position	Contact Information
<b>Butch Buffaloe</b>	Hunter Education Resource Org.	Support is anticipated; their board will review	Butch Buffaloe: <a href="mailto:Bbuffalo@verizon.net">Bbuffalo@verizon.net</a> ; (509) 539-8792
<b>Harold Costa</b>	WA Hunter	Support is anticipated; their board will	Harold Costa:

	Education Instructor's Assoc.	review	<a href="mailto:Hcosta1945@gmail.com">Hcosta1945@gmail.com</a> ; (360) 749-4409
<b>Bob Cromwell</b>	Safari Club Int'l	Support is anticipated; their board will review	Bob Cromwell: <a href="mailto:Bobcrom@gmail.com">Bobcrom@gmail.com</a> ; (206) 498-4152
<b>Dan Connelly</b>	Pheasants Forever	Support is anticipated; their board will review	<b>Dan Connelly</b> , Regional Rep: <a href="mailto:DConnelly@pheasantsforever.org">DConnelly@pheasantsforever.org</a> ; (702) 606-6775
<b>Mike Hale</b>	Rocky Mtn. Elk Foundation	Support is anticipated; their board will review	Mike Hale, State Director: <a href="mailto:MHale@rmef.org">MHale@rmef.org</a> ; (509) 826-5571
<b>John K. Smith</b>	Inland Northwest Wildlife Council	Support is anticipated; their board will review	John K. Smith, President; <a href="mailto:INWC@aol.com">INWC@aol.com</a> ; (509) 487-8552
<b>Jeff Gardner</b>	Richland Rod and Gun Club	Support is anticipated; their board will review	Jeff Gardner, President; (509) 554-2450

**Agency Contacts:**

David Whipple, Hunter Education Division Manager, (360) 902-2847  
Mike Kuttel, WDFW Enforcement, (360) 902-8413  
Ann Larson, Legislative Liaison, (360) 902-2226

**Legal Review:**

Joe Panesko, Assistant Attorney General, (360) 586-0643  
Lori Preuss, Criminal Justice Liaison, (360) 902-2930  
Joanna Eide, Administrative Regulations Analyst, (360) 902-2403

**Code Reviser Draft of the Proposed Bill:**

Code Reviser Draft Z-0191.1/13, which reflects negotiations on previous Z draft during the 2013 legislative session (attached).

**Fiscal Impact Information:**

Fiscal note attached.

Requiring hunters under the age of fourteen to be accompanied while hunting will have no fiscal impact to the Department.

Collecting a nominal fee for Hunter Education training may generate approximately \$250,000 in revenue annually, based on a projection of approximately 12,500 Hunter Education students each year and charging \$20 per student. Collecting a nominal fee for duplicate hunter education certificates may generate approximately \$12,000 annually, based on a projection of approximately 1,200 duplicate certificates each year and charging \$10 per certificate. There will be a nominal expense for managing this new revenue.

**Agency Decision Package:**

Agency Decision Package attached.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0191.1/13  
ATTY/TYPIST: ML:seg  
BRIEF DESCRIPTION: Ensuring hunter safety.



AN ACT Relating to ensuring hunter safety; amending RCW 77.32.155 and 77.32.010; adding a new section to chapter 77.15 RCW; and prescribing penalties.

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

**Sec. 1.** RCW 77.32.155 and 2009 c 269 s 1 are each amended to 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 sportsmanship. 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 sportsmanship and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of 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 sportsmen's 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)) To purchase a Washington hunting license for the first time, a person born after January 1, 1972, must present proof of successfully passing a hunter education training course. Proof is 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, safety, conservation, and ethical hunting behavior; or~~

~~(b) A hunter education certificate from another state or country whose course is department approved.~~

~~(2) No one under age eight is eligible to take a hunter education training course in Washington.~~

~~(3) Members of the United States military who are residents of or stationed in Washington are exempt from the firearms skills portion of any hunter education training course instructed by or being taught under a contract with the department and completed over the internet.~~

~~(4) (a) Beginning August 1, 2013, the director is authorized to charge a registration fee of not more than twenty dollars for any hunter education training course. This fee must be collected as program income as defined in 50 C.F.R. Sec. 80.120 (2011). Program income may be added to the moneys committed to the grant agreement by the federal agency and the grantee. The program income must be used~~

for the purposes and under the conditions of the grant agreement.

(b) The commission shall adopt rules specifying the use of moneys established under this subsection.

(5) Upon the successful completion of a hunter education training course instructed by or being taught under a contract with the department in the safe handling of firearms, safety, conservation, and ethical hunting behavior, the trainee must receive an approved hunter education certificate.

(6) (a) The department is authorized to collect an application fee, not to exceed ten dollars, for providing a duplicate hunter education certificate. This fee must be collected as program income, as defined in 50 C.F.R. Sec. 80.120 (2011). Program income may be added to the moneys committed to the grant agreement by the federal agency and the grantee. The program income must be used for the purposes and under the conditions of the grant agreement.

(b) The commission shall adopt rules specifying the use of moneys established under this subsection.

(7) All hunters under the age of fourteen are required to hunt in compliance with section 2 of this act.

(8) (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 Washington licensed 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 currently licensed to hunt in Washington, age eighteen or older, and whose Washington license is not a one-year deferral license. The commission shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

(b) The ((director)) department 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 deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

~~((e))~~ (9) For the purposes of this ~~((subsection))~~ section, "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.

~~((3))~~ (10) To encourage the participation of an adequate number of instructors for the hunter education training ~~((program))~~ course, 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:

(1) All hunters under age fourteen must be accompanied, while hunting, by a hunter who is currently licensed to hunt in Washington, is age eighteen or older, and whose Washington hunting license is not a one-year deferral license. However, a hunter under the age of fourteen is not required to be accompanied 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.

(2) For the purposes of this section the term "accompanied" has the same meaning as provided in RCW 77.32.155.

(2) A violation of this section is a natural resources infraction subject to the provisions of chapter 7.84 RCW.

**Sec 3.** RCW 77.32.010 and 2011 c 320 s 19 are each amended to read as follows:

(1) (a) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(b) A person must be at least eight years old and in compliance with RCW 77.32.155 to be issued a hunting license.

(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.

(3) During the 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.