
SENATE BILL 5125

State of Washington

60th Legislature

2007 Regular Session

By Senators Jacobsen, Morton, Swecker, Hatfield, Rockefeller, Shin, Parlette, Rasmussen, Sheldon, Delvin, Franklin and Roach; by request of Department of Fish and Wildlife

Read first time 01/11/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to hunting and fishing license fees; amending RCW
2 77.08.010, 77.32.400, 77.32.480, and 77.32.550; and repealing RCW
3 77.32.490.

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

5 **Sec. 1.** RCW 77.08.010 and 2005 c 104 s 1 are each amended to read
6 as follows:

7 As used in this title or rules adopted under this title, unless the
8 context clearly requires otherwise:

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

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

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

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

18 (5) "Fish and wildlife officer" means a person appointed and
19 commissioned by the director, with authority to enforce this title and

1 rules adopted pursuant to this title, and other statutes as prescribed
2 by the legislature. Fish and wildlife officer includes a person
3 commissioned before June 11, 1998, as a wildlife agent or a fisheries
4 patrol officer.

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

14 (7) "To hunt" and its derivatives means an effort to kill, injure,
15 capture, or harass a wild animal or wild bird.

16 (8) "To trap" and its derivatives means a method of hunting using
17 devices to capture wild animals or wild birds.

18 (9) "To fish," "to harvest," and "to take," and their derivatives
19 means an effort to kill, injure, harass, or catch a fish or shellfish.

20 (10) "Open season" means those times, manners of taking, and places
21 or waters established by rule of the commission for the lawful hunting,
22 fishing, taking, or possession of game animals, game birds, game fish,
23 food fish, or shellfish that conform to the special restrictions or
24 physical descriptions established by rule of the commission or that
25 have otherwise been deemed legal to hunt, fish, take, harvest, or
26 possess by rule of the commission. "Open season" includes the first
27 and last days of the established time.

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

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

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

3 (14) "Game reserve" means a closed area where hunting for all wild
4 animals and wild birds is prohibited.

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

9 (16) "Wildlife" means all species of the animal kingdom whose
10 members exist in Washington in a wild state. This includes but is not
11 limited to mammals, birds, reptiles, amphibians, fish, and
12 invertebrates. The term "wildlife" does not include feral domestic
13 mammals, old world rats and mice of the family Muridae of the order
14 Rodentia, or those fish, shellfish, and marine invertebrates classified
15 as food fish or shellfish by the director. The term "wildlife"
16 includes all stages of development and the bodily parts of wildlife
17 members.

18 (17) "Wild animals" means those species of the class Mammalia whose
19 members exist in Washington in a wild state and the species *Rana*
20 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
21 domestic mammals or old world rats and mice of the family Muridae of
22 the order Rodentia.

23 (18) "Wild birds" means those species of the class Aves whose
24 members exist in Washington in a wild state.

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

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

29 (21) "Game animals" means wild animals that shall not be hunted
30 except as authorized by the commission.

31 (22) "Fur-bearing animals" means game animals that shall not be
32 trapped except as authorized by the commission.

33 (23) "Game birds" means wild birds that shall not be hunted except
34 as authorized by the commission.

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

37 (25) "Deleterious exotic wildlife" means species of the animal

1 kingdom not native to Washington and designated as dangerous to the
2 environment or wildlife of the state.

3 (26) "Game farm" means property on which wildlife is held or raised
4 for commercial purposes, trade, or gift. The term "game farm" does not
5 include publicly owned facilities.

6 (27) "Person ((of)) with a disability" (~~((means a permanently~~
7 ~~disabled person who is not ambulatory without the assistance of a~~
8 ~~wheelchair, crutches, or similar devices))~~ includes: (a) A person who
9 has a permanent disability and is not ambulatory over natural terrain
10 without a lower extremity prosthesis or must permanently use a
11 medically prescribed assistive device for mobility including, but not
12 limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; (b)
13 a person who has a permanent disability and is physically incapable of
14 holding and safely operating a firearm or other legal hunting device or
15 to use legal fishing or shellfishing devices that includes, but is not
16 limited to, persons with a permanent upper or lower extremity
17 impairment who have lost the use of one or both upper or lower
18 extremities, or who have a severe limitation in the use of one or both
19 upper or lower extremities, or who have a diagnosed permanent disease
20 or disorder that substantially impairs or severely interferes with
21 mobility or the use of one or both upper or lower extremities for
22 holding and safely operating a firearm or other legal hunting, fishing,
23 or shellfishing device; or (c) a person who is blind or visually
24 impaired to the extent that central visual acuity does not exceed
25 20/200 in the better eye with corrective lenses, or the widest diameter
26 of the visual field is no greater than twenty degrees.

27 (28) "Fish" includes all species classified as game fish or food
28 fish by statute or rule, as well as all fin fish not currently
29 classified as food fish or game fish if such species exist in state
30 waters. The term "fish" includes all stages of development and the
31 bodily parts of fish species.

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

37 (30) "Youth" means a person fifteen years old for fishing and under
38 sixteen years old for hunting.

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

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

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

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

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

12 (36) "Offshore waters" means marine waters of the Pacific Ocean
13 outside the territorial boundaries of the state, including the marine
14 waters of other states and countries.

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

18 (38) "Resident" means:

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

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

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

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

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

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

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

3 (44) "Angling gear" means a line attached to a rod and reel capable
4 of being held in hand while landing the fish or a hand-held line
5 operated without rod or reel.

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

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

11 (47) "Seaweed" means marine aquatic plant species that are
12 dependent upon the marine aquatic or tidal environment, and exist in
13 either an attached or free floating form, and includes but is not
14 limited to marine aquatic plants in the classes Chlorophyta,
15 Phaeophyta, and Rhodophyta.

16 (48) "Trafficking" means offering, attempting to engage, or
17 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
18 deleterious exotic wildlife.

19 (49) "Invasive species" means a plant species or a nonnative animal
20 species that either:

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

23 (b) Threatens or may threaten natural resources or their use in the
24 state;

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

27 (d) Threatens or harms human health.

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

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

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

37 (53) "Unlisted aquatic animal species" means a nonnative animal

1 species that has not been classified as a prohibited aquatic animal
2 species, a regulated aquatic animal species, or an unregulated aquatic
3 animal species by the commission.

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

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

9 **Sec. 2.** RCW 77.32.400 and 1998 c 191 s 1 are each amended to read
10 as follows:

11 (1) The commission shall authorize the director to issue designated
12 harvester cards to persons ~~((ef))~~ with a disability. The commission
13 shall adopt rules governing the conduct of persons ~~((ef))~~ with a
14 disability who fish and harvest shellfish and their designated
15 harvesters.

16 (2) It is lawful to fish for, take, or possess the personal-use
17 daily bag limit of fish or shellfish~~(, game fish, or food fish)~~ for
18 a ~~((disabled))~~ person with a disability if the harvester is licensed
19 and has a designated harvester card, and if the ~~((disabled))~~ person
20 with a disability is present on site and in possession of ~~((a~~
21 ~~combination))~~ the appropriate fishing license issued under ~~((RCW~~
22 ~~77.32.490))~~ this chapter. Except as provided in subsection (4) of this
23 section, the person with a disability must be present and participating
24 in the fishing activity.

25 (3) A designated harvester card will be issued to such a licensee
26 upon written application to the director. The application must be
27 submitted on a department official form and must be accompanied by a
28 licensed medical doctor's certification of disability.

29 (4) A person with a ~~((combination fishing license issued under RCW~~
30 ~~77.32.490))~~ disability utilizing the services of a designated harvester
31 is not required to be present at the location where the designated
32 harvester is harvesting shellfish for the ~~((disabled))~~ person with a
33 disability. The ~~((licensee))~~ person with a disability is required to
34 be in the direct line of sight of the designated harvester who is
35 harvesting shellfish for him or her, unless it is not possible to be in
36 a direct line of sight because of a physical obstruction or other

1 barrier. If such a barrier or obstruction exists, the ((licensee))
2 person with a disability is required to be within one-quarter mile of
3 the designated harvester who is harvesting shellfish for him or her.

4 ~~((5) Except as provided in subsection (4) of this section, the
5 disabled person needs to be present and participating in the fishing
6 activity.))~~

7 **Sec. 3.** RCW 77.32.480 and 1998 c 191 s 18 are each amended to read
8 as follows:

9 Upon written application, a combination fishing license shall be
10 issued at the reduced rate of five dollars, and all hunting licenses
11 shall, upon written application, be issued at the reduced rate of a
12 youth hunting license fee for the following individuals:

13 (1) A resident sixty-five years old or older who is an honorably
14 discharged veteran of the United States armed forces having a service-
15 connected disability;

16 (2) ~~((Residents who are honorably discharged veterans of the United
17 States armed forces))~~ A resident veteran with a thirty percent or more
18 service-connected disability; ~~((and))~~

19 (3) ~~((An honorably discharged veteran of the United States armed
20 forces who is))~~ A resident ((and is confined to)) with a disability who
21 permanently uses a wheelchair;

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

23 (5) A resident with a developmental disability as defined in RCW
24 71A.10.020.

25 **Sec. 4.** RCW 77.32.550 and 2006 c 16 s 1 are each amended to read
26 as follows:

27 (1) A group fishing permit allows a group of individuals to fish,
28 and harvest shellfish, without individual licenses or the payment of
29 individual license fees.

30 (2) The director must issue a group fishing permit on a seasonal
31 basis to a state-operated facility or state-licensed nonprofit facility
32 or program for ~~((physically or mentally disabled))~~ persons ~~((, mentally
33 ill persons))~~ with physical or mental disabilities, hospital patients,
34 ~~((handicapped persons,))~~ seriously or terminally ill persons, persons
35 who are dependent on the state because of emotional or physical

1 developmental disabilities, or senior citizens who are in the care of
2 the facility. The permit is valid only for use during open season.

3 (3) The director may set conditions and issue a group fishing
4 permit to groups working in partnership with and participating in
5 department outdoor education programs. At the discretion of the
6 director, a processing fee may be applied.

7 (4) The commission may adopt rules that provide the conditions
8 under which a group fishing permit is issued.

9 NEW SECTION. **Sec. 5.** RCW 77.32.490 (Reduced rate combination
10 fishing license) and 1998 c 191 s 19 are each repealed.

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