

SSB 6644 - H COMM AMD

By Committee on Agriculture & Natural Resources

NOT CONSIDERED 03/11/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.32 RCW  
4 to read as follows:

5 (1) A falconry permit is required for any resident to practice  
6 falconry as authorized by rule of the department. A falconry permit  
7 costs one hundred dollars and is valid for two years.

8 (2) The department may not impose a fee for a falconry permit:

9 (a) Until the fee charged for the issuance of a substantially  
10 similar permit by the United States fish and wildlife service on the  
11 effective date of this section has been discontinued; or

12 (b) In any period when the United States fish and wildlife service  
13 charges a fee for the issuance of a substantially similar permit.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.32 RCW  
15 to read as follows:

16 (1) A nonresident may practice falconry in the state if the person  
17 is in possession of a valid permit to practice falconry issued by their  
18 state, tribe, or country of residence.

19 (2) A nonresident must purchase any applicable recreational  
20 licenses, permits, or tags required under this chapter in order to hunt  
21 with a raptor.

22 (3) A nonresident raptor capture permit is required for any  
23 nonresident to capture raptors in the state as authorized by rule of  
24 the department. The fee for a permit is: Five hundred dollars for a  
25 peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or  
26 goshawk (*Accipiter gentilis*); and two hundred fifty dollars for any  
27 other raptor authorized for capture by the department. A nonresident  
28 raptor capture permit is valid for one year.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 77.32 RCW  
2 to read as follows:

3        The department must deposit any fees collected from the sale of  
4 falconry permits under section 1 of this act and nonresident raptor  
5 capture permits under section 2 of this act into the state wildlife  
6 account created in RCW 77.12.170.    Such amounts must be used  
7 exclusively for the administration and management of falconry.

8        **Sec. 4.**    RCW 77.08.010 and 2009 c 333 s 12 are each amended to read  
9 as follows:

10        The definitions in this section apply throughout this title or  
11 rules adopted under this title unless the context clearly requires  
12 otherwise.

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

16        (2) "Aquatic invasive species" means any invasive, prohibited,  
17 regulated, unregulated, or unlisted aquatic animal or plant species as  
18 defined under subsections (3), (28), (40), (44), (58), and (59) of this  
19 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),  
20 and aquatic nuisance species as defined under RCW 77.60.130(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (17) "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 (18) "Fish and wildlife officer" means a person appointed and  
33 commissioned by the director, with authority to enforce this title and  
34 rules adopted pursuant to this title, and other statutes as prescribed  
35 by the legislature. Fish and wildlife officer includes a person  
36 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
37 patrol officer.

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

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

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

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

12 (23) "Game animals" means wild animals that shall not be hunted  
13 except as authorized by the commission.

14 (24) "Game birds" means wild birds that shall not be hunted except  
15 as authorized by the commission.

16 (25) "Game farm" means property on which wildlife is held or raised  
17 for commercial purposes, trade, or gift. The term "game farm" does not  
18 include publicly owned facilities.

19 (26) "Game reserve" means a closed area where hunting for all wild  
20 animals and wild birds is prohibited.

21 (27) "Illegal items" means those items unlawful to be possessed.

22 (28) "Invasive species" means a plant species or a nonnative animal  
23 species that either:

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

26 (b) Threatens or may threaten natural resources or their use in the  
27 state;

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

30 (d) Threatens or harms human health.

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

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

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

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

3 (33) "Offshore waters" means marine waters of the Pacific Ocean  
4 outside the territorial boundaries of the state, including the marine  
5 waters of other states and countries.

6 (34) "Open season" means those times, manners of taking, and places  
7 or waters established by rule of the commission for the lawful hunting,  
8 fishing, taking, or possession of game animals, game birds, game fish,  
9 food fish, or shellfish that conform to the special restrictions or  
10 physical descriptions established by rule of the commission or that  
11 have otherwise been deemed legal to hunt, fish, take, harvest, or  
12 possess by rule of the commission. "Open season" includes the first  
13 and last days of the established time.

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

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

22 (37) "Personal property" or "property" includes both corporeal and  
23 incorporeal personal property and includes, among other property,  
24 contraband and money.

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

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

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

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

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

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

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

7 (45) "Resident" means:

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

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

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

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

19 (48) "Seaweed" means marine aquatic plant species that are  
20 dependent upon the marine aquatic or tidal environment, and exist in  
21 either an attached or free floating form, and includes but is not  
22 limited to marine aquatic plants in the classes Chlorophyta,  
23 Phaeophyta, and Rhodophyta.

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

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

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

33 (52) "To fish," "to harvest," and "to take," and their derivatives  
34 means an effort to kill, injure, harass, or catch a fish or shellfish.

35 (53) "To hunt" and its derivatives means an effort to kill, injure,  
36 capture, or harass a wild animal or wild bird.

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

1 (55) "To trap" and its derivatives means a method of hunting using  
2 devices to capture wild animals or wild birds.

3 (56) "Trafficking" means offering, attempting to engage, or  
4 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
5 deleterious exotic wildlife.

6 (57) "Unclaimed" means that no owner of the property has been  
7 identified or has requested, in writing, the release of the property to  
8 themselves nor has the owner of the property designated an individual  
9 to receive the property or paid the required postage to effect delivery  
10 of the property.

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

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

18 (60) "Wholesale fish dealer" means a person who, acting for  
19 commercial purposes, takes possession or ownership of fish or shellfish  
20 and sells, barter, or exchanges or attempts to sell, barter, or  
21 exchange fish or shellfish that have been landed into the state of  
22 Washington or entered the state of Washington in interstate or foreign  
23 commerce.

24 (61) "Wild animals" means those species of the class Mammalia whose  
25 members exist in Washington in a wild state and the species *Rana*  
26 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
27 domestic mammals or old world rats and mice of the family Muridae of  
28 the order Rodentia.

29 (62) "Wild birds" means those species of the class Aves whose  
30 members exist in Washington in a wild state.

31 (63) "Wildlife" means all species of the animal kingdom whose  
32 members exist in Washington in a wild state. This includes but is not  
33 limited to mammals, birds, reptiles, amphibians, fish, and  
34 invertebrates. The term "wildlife" does not include feral domestic  
35 mammals, old world rats and mice of the family Muridae of the order  
36 Rodentia, or those fish, shellfish, and marine invertebrates classified  
37 as food fish or shellfish by the director. The term "wildlife"

1 includes all stages of development and the bodily parts of wildlife  
2 members.

3 (64) "Youth" means a person fifteen years old for fishing and under  
4 sixteen years old for hunting.

5 (65) "Falconry" means the capture or attempt to capture,  
6 possession, transfer, use, or disposition of a raptor for the purpose  
7 of hunting or free flight training.

8 (66) "Raptor" means a migratory bird of the Order *Falconiformes* or  
9 the Order *Strigiformes* that has been designated as a raptor by rule of  
10 the department."

11 Correct the title.

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