

SENATE BILL REPORT

ESHB 1885

As Reported by Senate Committee On:
Natural Resources, Ocean & Recreation, February 24, 2010

Title: An act relating to feeding wildlife.

Brief Description: Regarding the feeding of wildlife.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Van De Wege, Blake, Warnick, Takko, Ormsby and Liias).

Brief History: Passed House: 1/29/10, 55-41.

Committee Activity: Natural Resources, Ocean & Recreation: 2/18/10, 2/24/10 [DPA, w/oRec].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser, Hargrove, Hatfield and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senators Morton, Ranking Minority Member; Stevens.

Staff: Curt Gavigan (786-7437)

Background: Role of the Department of Fish and Wildlife (DFW). DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

Natural Resource Infractions. Natural resource infractions are civil, not criminal, offenses. An infraction is initiated by issuing a notice of infraction. Such notice represents a determination that an infraction has been committed. A person may contest the violation. If so, the state must demonstrate that the violation occurred by a preponderance of the evidence.

Summary of Bill (Recommended Amendments): Prohibition on Feeding Certain Wildlife.

The bill prohibits a person from providing food so as to intentionally constitute a lure, attraction, or enticement for potentially habituated wildlife. Potentially habituated wildlife include bear, cougar, wolf, coyote, deer, and elk.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Enforcement Procedure. An officer may issue a written warning requiring a person to correct a violation within two days if the officer receives complaints from two separate households and has probable cause to believe a violation occurred. If a person does not correct a violation as directed, an officer may issue a natural resource infraction.

Exemptions. The bill exempts a variety of activities from the violation including: hunting; farming or ranching; feeding wildlife to prevent or reduce tree damage to a commercial forestry operation; feeding wildlife with the Director of Fish and Wildlife's authorization; certain waste disposal activities; and the operation of a zoo, wildlife refuge, or wildlife rehabilitation facility.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Amendments): The recommended committee striking amendment:

- requires complaints from two separate households before an officer may issue a warning;
- specifies that affirmative conduct is required for a violation to occur;
- adds an exemption for a person feeding potentially habituated wildlife to prevent or reduce tree damage to a commercial forestry operation; and
- removes raccoons from the definition of potentially habituated wildlife.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: PRO: The goal of the bill is to limit the intentional feeding of wild animals. Feeding can create unsustainable wild animal populations, create aggressive behavior by animals that have lost the fear of humans, and spread disease among animals. The bill contains numerous safeguards, including requirements for warnings, exemptions for many activities, and the need to demonstrate intent.

Persons Testifying: PRO: Representative Van De Wege, prime sponsor; Tom Davis, Dan Brinson, DFW; Carey Morris, The Humane Society; Sylvia Moss, Progressive Animal Welfare Society.