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**SENATE BILL 5718**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Chase

AN ACT Relating to the governance of the department of fish and wildlife; amending RCW 43.17.020, 77.04.020, 77.04.030, 77.04.012, 77.04.055, 77.04.060, 77.04.080, 77.04.120, 77.04.130, 77.04.150, 77.12.020, 77.12.047, and 43.300.020; reenacting and amending RCW 77.08.010; adding a new section to chapter 77.04 RCW; creating a new section; and repealing RCW 77.04.013 and 43.300.040.

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

**Sec.**  RCW 43.17.020 and 2011 1st sp.s. c 43 s 108 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of enterprise services, (9) the director of commerce, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers((~~, except the director of fish and wildlife,~~)) shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. ((~~The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.~~))

**Sec.**  RCW 77.04.020 and 2000 c 107 s 202 are each amended to read as follows:

The department consists of the ((~~state fish and wildlife commission and the~~)) director and department staff, which are appointed by and operate under the authority of the director. ((~~The commission may delegate to the director any of the powers and duties vested in the commission.~~))

**Sec.**  RCW 77.04.030 and 2001 c 155 s 1 are each amended to read as follows:

The fish and wildlife advisory commission within the department of fish and wildlife consists of nine registered voters of the state. In January of each odd-numbered year, the governor shall appoint ((~~with the advice and consent of the senate~~)) three registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at-large. No two members may be residents of the same county. ((~~The legal office of the commission is at the administrative office of the department in Olympia.~~))

NEW SECTION. **Sec.**  A new section is added to chapter 77.04 RCW to read as follows:

(1) The advisory commission has the following responsibilities and duties:

(a) In consultation with all affected stakeholders, advise the director regarding fish and wildlife policies and rule proposals that govern hunting, fishing, wildlife viewing, habitat protection and restoration, and the use of department-owned and managed lands;

(b) Advise the director on department agreements relating to fish and wildlife harvest with tribal, interstate, international, and other parties;

(c) Advise the director prior to the director determining the status of threatened or endangered species; and

(d) Advise the director in developing long-term funding strategies to carry out the department's mission and delivery of programs to the public.

(2) In providing advice to the director on agency proposed policies and rules, the advisory commission shall consider the following factors:

(a) The effect of the management measures on local economies, businesses, and social structures;

(b) The welfare of the constituent group affected;

(c) Potential conflicts among user groups using a specific fishery or wildlife resource; and

(d) Enforcement issues unique to a particular fishery or wildlife issue.

**Sec.**  RCW 77.04.012 and 2000 c 107 s 2 are each amended to read as follows:

Wildlife, fish, and shellfish are the property of the state. The ((~~commission, director, and the~~)) department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall ((~~seek to~~)) maintain the economic well-being and stability of the fishing industry in the state, which includes equitably balancing recreational and commercial fishing interests. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state. Additionally, the department must consider the public's interest in having food fish available for purchase by consumers.

The ((~~commission~~)) department may authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the ((~~commission~~)) department does not impair the supply of these resources.

The ((~~commission~~)) department shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juveniles, ((~~disabled~~)) individuals with disabilities, and senior citizens.

Recognizing that the management of our state wildlife, food fish, game fish, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

**Sec.**  RCW 77.04.055 and 2000 c 107 s 204 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the ((~~commission~~)) director shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing fish and wildlife policies.

The ((~~commission~~)) department shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The ((~~commission~~)) department shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The ((~~commission~~)) department shall establish provisions regulating food fish and shellfish as provided in RCW 77.12.047.

(4) The ((~~commission~~)) department shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The ((~~commission~~)) department shall adopt rules to implement the state's fish and wildlife laws.

((~~(6) The commission shall have final approval authority for the department's budget proposals.~~

~~(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.~~))

**Sec.**  RCW 77.04.060 and 2013 c 23 s 238 are each amended to read as follows:

The advisory commission shall hold at least one regular meeting during the first two months of each calendar quarter, and special meetings when called by the chair and by five members. Five members constitute a quorum for the transaction of business.

The advisory commission at a meeting in each odd-numbered year shall elect one of its members as chair and another member as vice chair, each of whom shall serve for a term of two years or until a successor is elected and qualified.

Members of the advisory commission ((~~shall be compensated in accordance with RCW 43.03.250. In addition, members~~)) are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

**Sec.**  RCW 77.04.080 and 2000 c 107 s 205 are each amended to read as follows:

Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law ((~~and delegated by the commission~~)). The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.

((~~The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.~~))

**Sec.**  RCW 77.04.120 and 2000 c 107 s 3 are each amended to read as follows:

(1) The ((~~director~~)) department shall investigate the habits, supply, and economic use of food fish and shellfish in state and offshore waters.

(2) The ((~~director~~)) department shall make an annual report to the governor on the operation of the department and the statistics of the fishing industry.

(3) Subject to RCW 40.07.040, the ((~~director~~)) department shall provide a comprehensive biennial report of all departmental operations to the chairs of the committees on natural resources of the senate and house of representatives, the senate ways and means committee, and the house of representatives appropriations committee, ((~~including one copy to the staff of each of the committees,~~)) to reflect the previous fiscal period. The ((~~format of the~~)) report shall ((~~be similar to reports issued by the department from 1964-1970 and the report shall~~)) include, but not be limited to, descriptions of all department activities including: Revenues generated, program costs, capital expenditures, personnel, special projects, new and ongoing research, environmental controls, cooperative projects, intergovernmental agreements, and outlines of ongoing litigation, recent court decisions and orders on major issues with the potential for state liability. The report shall describe the status of the resource and its recreational, commercial, and tribal utilization. The report shall be made available to the public.

**Sec.**  RCW 77.04.130 and 1995 1st sp.s. c 2 s 12 are each amended to read as follows:

(1) Rules of the ((~~commission~~)) department shall be adopted by the ((~~commission~~)) director or a designee in accordance with chapter 34.05 RCW.

(2) Rules of the ((~~commission~~)) department shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the ((~~commission~~)) director or a designee certifying that the rule has been lawfully adopted and the affidavit is prima facie evidence of the adoption of the rule.

(3) The ((~~commission~~)) director may designate department employees to act on the ((~~commission's~~)) department's behalf in the adoption and certification of rules.

**Sec.**  RCW 77.04.150 and 2008 c 294 s 1 are each amended to read as follows:

(1) The ((~~commission~~)) director must appoint an advisory committee to generally represent the interests of hunters and fishers with disabilities on matters including, but not limited to, special hunts, modified sporting equipment, access to public land, and hunting and fishing opportunities. The advisory committee is composed of seven members, each being an individual with a disability. The advisory committee members must represent the entire state. The members must be appointed so that each of the six department administrative regions, as they existed on January 1, 2007, are represented with one resident on the advisory committee. One additional member must be appointed at large. The chair of the advisory committee must be a member of the advisory committee and shall be selected by the members of the advisory committee.

(2) For the purposes of this section, an individual with a disability includes but is not limited to:

(a) An individual with a permanent disability who is not ambulatory over natural terrain without a prosthesis or assistive device;

(b) An individual with a permanent disability who is unable to walk without the use of assistance from a brace, cane, crutch, wheelchair, scooter, walker, or other assistive device;

(c) An individual who has a cardiac condition to the extent that the individual's functional limitations are severe;

(d) An individual who is restricted by lung disease to the extent that the individual's functional limitations are severe;

(e) An individual who is totally blind or visually impaired; or

(f) An individual with a permanent disability with upper or lower extremity impairments who does not have the use of one or both upper or lower extremities.

(3) The members of the advisory committee are appointed for a four-year term. If a vacancy occurs on the advisory committee prior to the expiration of a term, the ((~~commission~~)) director must appoint a replacement within sixty days to complete the term.

(4) The advisory committee must meet at least semiannually, and may meet at other times as requested by a majority of the advisory committee members for any express purpose that directly relates to the duties set forth in subsection (1) of this section. A majority of members currently serving on the advisory committee constitutes a quorum. The department must provide staff support for all official advisory committee meetings.

(5) Each member of the advisory committee shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(6) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties.

(7) Beginning December 1, 2011, and again at least once every four years, the ((~~commission~~)) department shall present a report to the appropriate legislative committees detailing the effectiveness of the advisory committee including, but not limited to, the participation levels, general interest, quality of advice, and recommendations as to the advisory committee's continuance or modification.

**Sec.**  RCW 77.12.020 and 2014 c 202 s 302 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~~)) director shall determine whether a species should be managed by the department and, if so, classify it under this section.

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

(3) The ((~~commission~~)) department 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~~)) department 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~~)) department 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~~)) department may ((~~request its designation as an endangered species. The commission may~~)) designate it as 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~~)) department may ((~~request its designation~~)) designate it as deleterious exotic wildlife. ((~~The commission may designate deleterious exotic wildlife.~~))

(8) ((~~Upon recommendation by the director, the commission~~)) The department 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.**  RCW 77.08.010 and 2016 c 2 s 2 (Initiative Measure No. 1401) 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 handheld line operated without rod or reel.

(3) "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~~)) department for a particular period of time, or as to size, sex, or species.

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

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

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the ((~~commission~~)) department 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~~)) department as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the ((~~commission~~)) department as an open season.

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

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

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

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

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

(12) "Covered animal species" means any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle, shark, or ray either: (a) Listed in appendix I or appendix II of the convention on international trade in endangered species of wild flora and fauna; or (b) listed as critically endangered, endangered, or vulnerable on the international union for conservation of nature and natural resources red list of threatened species.

(13) "Covered animal species part or product" means any item that contains, or is wholly or partially made from, any covered animal species.

(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) "Distribute" or "distribution" means either a change in possession for consideration or a change in legal ownership.

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

(19) "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.

(20) "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.

(21) "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.

(22) "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.

(23) "Fish buyer" means:

(a) A wholesale fish dealer or a retail seller who directly receives fish or shellfish from a commercial fisher or receives fish or shellfish in interstate or foreign commerce; or

(b) A person engaged by a wholesale fish dealer who receives fish or shellfish from a commercial fisher.

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

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

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

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

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

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

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

(31) "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.

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

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

(34)(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.

(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~~)) department 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~~)) department or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the ((~~commission~~)) department. "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~~)) department.

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

(50) "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.

(51) "Resident" has the same meaning as defined in RCW 77.08.075.

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

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

(54) "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.

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

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

(57)(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.

(58) "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~~)) department. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

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

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

(61) "To fish" and its derivatives means an effort to kill, injure, harass, harvest, or capture a fish or shellfish.

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

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

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

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

(66) "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 a game bird, food fish, game fish, shellfish, or big game animal other than cougar from the field. For purposes of this chapter, edible portions of game birds must include, at a minimum, the breast meat of those birds. Entrails, including the heart and liver, of any wildlife species are not considered edible.

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

(68) "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.

(69) "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.

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

(71) "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.

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

(73) "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.

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

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

(76) "Advisory commission" means the fish and wildlife advisory commission created under RCW 77.04.030.

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

(1) The ((~~commission~~)) department 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) 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.**  RCW 43.300.020 and 1993 sp.s. c 2 s 3 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

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

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

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

NEW SECTION. **Sec.**  (1) The code reviser shall note wherever the fish and wildlife commission is used or referred to in statute that the fish and wildlife commission is the fish and wildlife advisory commission and operates in an advisory capacity.

(2) The code reviser shall prepare legislation for the 2018 regular legislative session that changes all statutory references to the fish and wildlife commission to the department of fish and wildlife.

(3) The department of fish and wildlife must make recommendations, in the form of draft legislation, to the appropriate committees of the senate and house of representatives on any other statutory changes recommended to fully implement this act.

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

(1)RCW 77.04.013 (Findings and intent) and 1995 1st sp.s. c 2 s 1; and

(2)RCW 43.300.040 (Director's duties) and 1996 c 267 s 33 & 1993 sp.s. c 2 s 5.

**--- END ---**