
SENATE BILL 5756

State of Washington 54th Legislature 1995 Regular Session

By Senators Swecker, Hochstatter and Morton

Read first time 02/06/95. Referred to Committee on Natural Resources.

1 AN ACT Relating to wildlife; amending RCW 77.08.010 and 77.12.010;
2 and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that adequate
5 protection and proper management of this state's wildlife population is
6 of tremendous benefit to all citizens of the state of Washington.

7 The legislature further finds that it is the right of each citizen
8 of this state to own, raise, and sell legally purchased animals of any
9 kind.

10 The legislature further finds that the right to own and sell
11 animals should not override documented, proven health and cross-
12 breeding concerns in relation to those animals and indigenous wildlife
13 species.

14 The legislature therefore declares that the policy of the
15 department of fish and wildlife should be to protect native wildlife,
16 while not unnecessarily or arbitrarily prohibiting or restricting
17 ownership, sale, and breeding of lawfully owned animals.

1 **Sec. 2.** RCW 77.08.010 and 1993 sp.s. c 2 s 66 are each amended to
2 read as follows:

3 As used in this title or rules adopted pursuant to this title,
4 unless the context clearly requires otherwise:

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

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

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

8 (4) "Person" means and includes an individual, a corporation, or a
9 group of two or more individuals acting with a common purpose whether
10 acting in an individual, representative, or official capacity.

11 (5) "Wildlife agent" means a person appointed and commissioned by
12 the director, with authority to enforce laws and rules adopted pursuant
13 to this title, and other statutes as prescribed by the legislature.

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

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

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

28 (9) "To fish" and its derivatives means an effort to kill, injure,
29 harass, or catch a game fish.

30 (10) "Open season" means those times, manners of taking, and places
31 or waters established by rule of the commission for the lawful hunting,
32 fishing, or possession of game animals, game birds, or game fish.
33 "Open season" includes the first and last days of the established time.

34 (11) "Closed season" means all times, manners of taking, and places
35 or waters other than those established as an open season.

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

38 (13) "Closed waters" means all or part of a lake, river, stream, or
39 other body of water, where fishing for game fish is prohibited.

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

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

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

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

21 (18) "Wild birds" means those (~~(species)~~) animals of the class Aves
22 (~~(whose members)~~) who exist in Washington in a wild state.

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

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

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

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

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

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

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

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

4 (27) "Person of disability" means a permanently disabled person who
5 is not ambulatory without the assistance of a wheelchair, crutches, or
6 similar devices.

7 **Sec. 3.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to read
8 as follows:

9 Wildlife is the property of the state. The department shall
10 preserve, protect, and perpetuate wildlife. Game animals, game birds,
11 and game fish may be taken only at times or places, or in manners or
12 quantities as in the judgment of the commission maximizes public
13 recreational opportunities without impairing the supply of wildlife.

14 The commission shall not adopt rules that categorically prohibit
15 fishing with bait or artificial lures in streams, rivers, beaver ponds,
16 and lakes except that the commission may adopt rules and regulations
17 restricting fishing methods upon a determination by the director that
18 an individual body of water or part thereof clearly requires a fishing
19 method prohibition to conserve or enhance the fisheries resource or to
20 provide selected fishing alternatives. The commission shall attempt to
21 maximize the public recreational fishing opportunities of all citizens,
22 particularly juvenile, handicapped, and senior citizens.

23 Nothing contained herein shall be construed to infringe on the
24 right of a private real and personal property owner to control the
25 owner's private property.

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