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HOUSE BILL 1959

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Sump, Doumit, Pennington, Grant, Eickmeyer, Hatfield, Buck, G. Chandler, Linville, Clements, Schoesler, Koster, Kessler and Mulliken

Read first time 02/11/1999. Referred to Committee on Natural Resources.

1 AN ACT Relating to public safety and the control of bears and  
2 cougars; amending RCW 77.16.360; adding new sections to chapter 77.16  
3 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) Notwithstanding RCW 77.16.360, the  
6 commission shall authorize the use of dogs in focused geographic areas  
7 to address a specific cougar population or public safety need. The  
8 commission shall adopt a rule or rules describing the conditions in  
9 which dogs may be used.

10 (2) The director may authorize the use of dogs with a permit issued  
11 under RCW 77.12.240.

12 NEW SECTION. **Sec. 2.** (1) Notwithstanding RCW 77.16.360, the  
13 commission shall authorize the use of bait in focused geographic areas  
14 to address a specific bear population or public safety need. The  
15 commission shall adopt a rule or rules describing the conditions in  
16 which bait may be used.

17 (2) The director may authorize the use of bait with a permit issued  
18 under RCW 77.12.240.

1        NEW SECTION.    **Sec. 3.**    (1) Notwithstanding RCW 77.16.360, the  
2 commission shall authorize the use of dogs in focused geographic areas  
3 to address a specific bear population or public safety need. The  
4 commission shall adopt a rule or rules describing the conditions in  
5 which dogs may be used.

6        (2) The director may authorize the use of dogs with a permit issued  
7 under RCW 77.12.240.

8        **Sec. 4.**    RCW 77.16.360 and 1997 c 1 s 1 are each amended to read as  
9 follows:

10        (1) Notwithstanding the provisions of RCW (~~77.12.240 and 77.12.265~~  
11 ~~or other provisions of law~~) 77.36.020 and 77.36.030, it is unlawful to  
12 take, hunt, or attract black bear with the aid of bait.

13        (a) Nothing in this subsection shall be construed to prohibit the  
14 killing of black bear with the aid of bait by employees or agents of  
15 county, state, or federal agencies while acting in their official  
16 capacities for the purpose of protecting livestock, domestic animals,  
17 private property, or the public safety.

18        (b) Nothing in this subsection shall be construed to prevent the  
19 establishment and operation of feeding stations for black bear in order  
20 to prevent damage to commercial timberland.

21        (c) Nothing in this subsection shall be construed to prohibit the  
22 director from issuing a permit or memorandum of understanding to a  
23 public agency, university, or scientific or educational institution for  
24 the use of bait to attract black bear for scientific purposes.

25        (d) As used in this subsection, "bait" means a substance placed,  
26 exposed, deposited, distributed, scattered, or otherwise used for the  
27 purpose of attracting black bears to an area where one or more persons  
28 hunt or intend to hunt them.

29        (2) Notwithstanding RCW (~~77.12.240 or any other provisions of~~  
30 ~~law~~) 77.36.020 and 77.36.030, it is unlawful to hunt or pursue black  
31 bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

32        (a) Nothing in this subsection shall be construed to prohibit the  
33 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or  
34 dogs by employees or agents of county, state, or federal agencies while  
35 acting in their official capacities for the purpose of protecting  
36 livestock, domestic animals, private property, or the public safety.

37 (~~A dog or dogs may be used by the owner or tenant of real property~~

1 ~~consistent with a permit issued and conditioned by the director under~~  
2 ~~RCW 77.12.265.)~~)

3 (b) Nothing in this subsection shall be construed to prohibit the  
4 director from issuing a permit or memorandum of understanding to a  
5 public agency, university, or scientific or educational institution for  
6 the use of a dog or dogs for the pursuit of black bear, cougar, bobcat,  
7 or lynx for scientific purposes.

8 (3) A person who violates subsection (1) or (2) of this section is  
9 guilty of a gross misdemeanor. In addition to appropriate criminal  
10 penalties, the director shall revoke the hunting license of a person  
11 who violates subsection (1) or (2) of this section and a hunting  
12 license shall not be issued for a period of five years following the  
13 revocation. Following a subsequent violation of subsection (1) or (2)  
14 of this section by the same person, a hunting license shall not be  
15 issued to the person at any time.

16 NEW SECTION. **Sec. 5.** Sections 1 through 3 of this act are each  
17 added to chapter 77.16 RCW.

18 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
19 preservation of the public peace, health, or safety, or support of the  
20 state government and its existing public institutions, and takes effect  
21 immediately.

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