

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1079

60th Legislature
2007 Regular Session

Passed by the House April 17, 2007
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 12, 2007
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1079** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1079

AS AMENDED BY THE SENATE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Upthegrove, Ormsby, O'Brien, Morrell, Conway, Haigh, Moeller, McCune and Simpson; by request of Department of Fish and Wildlife)

READ FIRST TIME 01/25/07.

1 AN ACT Relating to hunting and fishing license fees; amending RCW
2 77.08.010, 77.32.400, 77.32.480, 77.32.550, 77.32.238, and 77.32.237;
3 and repealing RCW 77.32.490.

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

5 **Sec. 1.** RCW 77.08.010 and 2005 c 104 s 1 are each amended to read
6 as follows:

7 As used in this title or rules adopted under this title, unless the
8 context clearly requires otherwise:

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

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

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

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

18 (5) "Fish and wildlife officer" means a person appointed and
19 commissioned by the director, with authority to enforce this title and

1 rules adopted pursuant to this title, and other statutes as prescribed
2 by the legislature. Fish and wildlife officer includes a person
3 commissioned before June 11, 1998, as a wildlife agent or a fisheries
4 patrol officer.

5 (6) "Ex officio fish and wildlife officer" means a commissioned
6 officer of a municipal, county, state, or federal agency having as its
7 primary function the enforcement of criminal laws in general, while the
8 officer is in the appropriate jurisdiction. The term "ex officio fish
9 and wildlife officer" includes special agents of the national marine
10 fisheries service, state parks commissioned officers, United States
11 fish and wildlife special agents, department of natural resources
12 enforcement officers, and United States forest service officers, while
13 the agents and officers are within their respective jurisdictions.

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

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

18 (9) "To fish," "to harvest," and "to take," and their derivatives
19 means an effort to kill, injure, harass, or catch a fish or shellfish.

20 (10) "Open season" means those times, manners of taking, and places
21 or waters established by rule of the commission for the lawful hunting,
22 fishing, taking, or possession of game animals, game birds, game fish,
23 food fish, or shellfish that conform to the special restrictions or
24 physical descriptions established by rule of the commission or that
25 have otherwise been deemed legal to hunt, fish, take, harvest, or
26 possess by rule of the commission. "Open season" includes the first
27 and last days of the established time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (25) "Deleterious exotic wildlife" means species of the animal

1 kingdom not native to Washington and designated as dangerous to the
2 environment or wildlife of the state.

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

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

9 ~~(28))~~ "Fish" includes all species classified as game fish or food
10 fish by statute or rule, as well as all fin fish not currently
11 classified as food fish or game fish if such species exist in state
12 waters. The term "fish" includes all stages of development and the
13 bodily parts of fish species.

14 ~~((29))~~ (28) "Raffle" means an activity in which tickets bearing
15 an individual number are sold for not more than twenty-five dollars
16 each and in which a permit or permits are awarded to hunt or for access
17 to hunt big game animals or wild turkeys on the basis of a drawing from
18 the tickets by the person or persons conducting the raffle.

19 ~~((30))~~ (29) "Youth" means a person fifteen years old for fishing
20 and under sixteen years old for hunting.

21 ~~((31))~~ (30) "Senior" means a person seventy years old or older.

22 ~~((32))~~ (31) "License year" means the period of time for which a
23 recreational license is valid. The license year begins April 1st, and
24 ends March 31st.

25 ~~((33))~~ (32) "Saltwater" means those marine waters seaward of
26 river mouths.

27 ~~((34))~~ (33) "Freshwater" means all waters not defined as
28 saltwater including, but not limited to, rivers upstream of the river
29 mouth, lakes, ponds, and reservoirs.

30 ~~((35))~~ (34) "State waters" means all marine waters and fresh
31 waters within ordinary high water lines and within the territorial
32 boundaries of the state.

33 ~~((36))~~ (35) "Offshore waters" means marine waters of the Pacific
34 Ocean outside the territorial boundaries of the state, including the
35 marine waters of other states and countries.

36 ~~((37))~~ (36) "Concurrent waters of the Columbia river" means those
37 waters of the Columbia river that coincide with the Washington-Oregon
38 state boundary.

1 ~~((38))~~ (37) "Resident" means:
2 (a) A person who has maintained a permanent place of abode within
3 the state for at least ninety days immediately preceding an application
4 for a license, has established by formal evidence an intent to continue
5 residing within the state, and who is not licensed to hunt or fish as
6 a resident in another state; and
7 (b) A person age eighteen or younger who does not qualify as a
8 resident under (a) of this subsection, but who has a parent that
9 qualifies as a resident under (a) of this subsection.
10 ~~((39))~~ (38) "Nonresident" means a person who has not fulfilled
11 the qualifications of a resident.
12 ~~((40))~~ (39) "Shellfish" means those species of marine and
13 freshwater invertebrates that have been classified and that shall not
14 be taken except as authorized by rule of the commission. The term
15 "shellfish" includes all stages of development and the bodily parts of
16 shellfish species.
17 ~~((41))~~ (40) "Commercial" means related to or connected with
18 buying, selling, or bartering.
19 ~~((42))~~ (41) "To process" and its derivatives mean preparing or
20 preserving fish, wildlife, or shellfish.
21 ~~((43))~~ (42) "Personal use" means for the private use of the
22 individual taking the fish or shellfish and not for sale or barter.
23 ~~((44))~~ (43) "Angling gear" means a line attached to a rod and
24 reel capable of being held in hand while landing the fish or a hand-
25 held line operated without rod or reel.
26 ~~((45))~~ (44) "Fishery" means the taking of one or more particular
27 species of fish or shellfish with particular gear in a particular
28 geographical area.
29 ~~((46))~~ (45) "Limited-entry license" means a license subject to a
30 license limitation program established in chapter 77.70 RCW.
31 ~~((47))~~ (46) "Seaweed" means marine aquatic plant species that are
32 dependent upon the marine aquatic or tidal environment, and exist in
33 either an attached or free floating form, and includes but is not
34 limited to marine aquatic plants in the classes Chlorophyta,
35 Phaeophyta, and Rhodophyta.
36 ~~((48))~~ (47) "Trafficking" means offering, attempting to engage,
37 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
38 or deleterious exotic wildlife.

1 ((+49+)) (48) "Invasive species" means a plant species or a
2 nonnative animal species that either:

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

5 (b) Threatens or may threaten natural resources or their use in the
6 state;

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

9 (d) Threatens or harms human health.

10 ((+50+)) (49) "Prohibited aquatic animal species" means an invasive
11 species of the animal kingdom that has been classified as a prohibited
12 aquatic animal species by the commission.

13 ((+51+)) (50) "Regulated aquatic animal species" means a
14 potentially invasive species of the animal kingdom that has been
15 classified as a regulated aquatic animal species by the commission.

16 ((+52+)) (51) "Unregulated aquatic animal species" means a
17 nonnative animal species that has been classified as an unregulated
18 aquatic animal species by the commission.

19 ((+53+)) (52) "Unlisted aquatic animal species" means a nonnative
20 animal species that has not been classified as a prohibited aquatic
21 animal species, a regulated aquatic animal species, or an unregulated
22 aquatic animal species by the commission.

23 ((+54+)) (53) "Aquatic plant species" means an emergent, submersed,
24 partially submersed, free-floating, or floating-leaving plant species
25 that grows in or near a body of water or wetland.

26 ((+55+)) (54) "Retail-eligible species" means commercially
27 harvested salmon, crab, and sturgeon.

28 **Sec. 2.** RCW 77.32.400 and 1998 c 191 s 1 are each amended to read
29 as follows:

30 (1) The commission shall authorize the director to issue designated
31 harvester cards to persons ((of)) with a disability. The commission
32 shall adopt rules defining who is a person with a disability and rules
33 governing the conduct of persons ((of)) with a disability who fish and
34 harvest shellfish and their designated harvesters.

35 (2) It is lawful for a designated harvester to fish for, take, or
36 possess the personal-use daily bag limit of fish or shellfish(~~(, game~~
37 ~~fish, or food fish))~~) for a ((disabled)) person with a disability if the

1 harvester is licensed and has a designated harvester card, and if the
2 ((disabled)) person with a disability is present on site and in
3 possession of ((a combination)) the appropriate fishing license issued
4 under ((RCW 77.32.490)) this chapter. Except as provided in subsection
5 (4) of this section, the person with a disability must be present and
6 participating in the fishing activity.

7 (3) A designated harvester card will be issued to such a
8 ((licensee)) person with a disability upon written application to the
9 director. The application must be submitted on a department official
10 form and must be accompanied by a licensed medical doctor's
11 certification of disability.

12 (4) A person with a ((combination fishing license issued under RCW
13 77.32.490)) disability utilizing the services of a designated harvester
14 is not required to be present at the location where the designated
15 harvester is harvesting shellfish for the ((disabled)) person with a
16 disability. The ((licensee)) person with a disability is required to
17 be in the direct line of sight of the designated harvester who is
18 harvesting shellfish for him or her, unless it is not possible to be in
19 a direct line of sight because of a physical obstruction or other
20 barrier. If such a barrier or obstruction exists, the ((licensee))
21 person with a disability is required to be within one-quarter mile of
22 the designated harvester who is harvesting shellfish for him or her.

23 ((5) Except as provided in subsection (4) of this section, the
24 disabled person needs to be present and participating in the fishing
25 activity.))

26 **Sec. 3.** RCW 77.32.480 and 1998 c 191 s 18 are each amended to read
27 as follows:

28 Upon written application, a combination fishing license shall be
29 issued at the reduced rate of five dollars, and all hunting licenses
30 shall, ((upon written application,)) be issued at the reduced rate of
31 a youth hunting license fee for the following individuals:

32 (1) A resident sixty-five years old or older who is an honorably
33 discharged veteran of the United States armed forces having a service-
34 connected disability;

35 (2) ((Residents who are honorably discharged veterans of the United
36 States armed forces)) A resident who is an honorably discharged veteran

1 of the United States armed forces with a thirty percent or more
2 service-connected disability; ((and))

3 ~~(3) ((An honorably discharged veteran of the United States armed~~
4 ~~forces who is))~~ A resident ((and is confined to)) with a disability who
5 permanently uses a wheelchair;

6 (4) A resident who is blind or visually impaired; and

7 (5) A resident with a developmental disability as defined in RCW
8 71A.10.020 with documentation of the disability certified by a
9 physician licensed to practice in this state.

10 **Sec. 4.** RCW 77.32.550 and 2006 c 16 s 1 are each amended to read
11 as follows:

12 (1) A group fishing permit allows a group of individuals to fish,
13 and harvest shellfish, without individual licenses or the payment of
14 individual license fees.

15 (2) The director must issue a group fishing permit on a seasonal
16 basis to a state-operated facility or state-licensed nonprofit facility
17 or program for ~~((physically or mentally disabled))~~ persons~~((, mentally~~
18 ~~ill persons))~~ with physical or mental disabilities, hospital patients,
19 ~~((handicapped persons,))~~ seriously or terminally ill persons, persons
20 who are dependent on the state because of emotional or physical
21 developmental disabilities, or senior citizens who are in the care of
22 the facility. The permit is valid only for use during open season.

23 (3) The director may set conditions and issue a group fishing
24 permit to groups working in partnership with and participating in
25 department outdoor education programs. At the discretion of the
26 director, a processing fee may be applied.

27 (4) The commission may adopt rules that provide the conditions
28 under which a group fishing permit is issued.

29 **Sec. 5.** RCW 77.32.238 and 1989 c 297 s 2 are each amended to read
30 as follows:

31 (1) The commission shall adopt rules defining who is a person with
32 a disability and governing the conduct of persons with a disability who
33 hunt and their designated licensed hunters. It is unlawful for any
34 person to possess a loaded firearm in or on a motor vehicle except a
35 ~~((disabled hunter))~~ person with a disability who possesses a disabled
36 hunter permit and all appropriate hunting licenses may ((possess a

1 ~~loaded firearm or other legal hunting device in and may~~) discharge a
2 firearm or other legal hunting device from a nonmoving motor vehicle
3 that has the engine turned off. (~~Disabled hunters~~) A person with a
4 disability who possesses a disabled hunter permit shall not be exempt
5 from permit requirements for carrying concealed weapons, or from rules,
6 laws, or ordinances concerning the discharge of these weapons. No
7 hunting shall be permitted from a motor vehicle that is parked on or
8 beside the maintained portion of a public road, except as authorized by
9 the commission by rule.

10 (2) A person (~~of~~) with a disability holding a disabled hunter
11 permit may be accompanied by one (~~nondisabled~~) licensed hunter who
12 may assist the (~~disabled hunter~~) person with a disability by killing
13 game wounded by the (~~disabled hunter~~) person with a disability, and
14 by tagging and retrieving game killed by the (~~disabled hunter~~) person
15 with a disability or the designated licensed hunter. A nondisabled
16 hunter shall not possess a loaded gun in, or shoot from, a motor
17 vehicle.

18 **Sec. 6.** RCW 77.32.237 and 1989 c 297 s 1 are each amended to read
19 as follows:

20 The commission shall attempt to enhance the hunting opportunities
21 (~~of~~) for persons (~~of~~) with a disability. The commission shall
22 authorize the director to issue disabled hunter permits to persons
23 (~~of~~) with a disability. The commission shall adopt rules governing
24 the conduct of (~~disabled hunters~~) persons with a disability who hunt
25 and their (~~nondisabled companions~~) designated licensed hunter.

26 NEW SECTION. **Sec. 7.** RCW 77.32.490 (Reduced rate combination
27 fishing license) and 1998 c 191 s 19 are each repealed.

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