
SENATE BILL 5887

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By Senators Owen, Oke, Hargrove, Spanel, Haugen, Sellar, Snyder, Franklin, Erwin and Winsley

Read first time 02/22/93. Referred to Committee on Natural Resources.

1 AN ACT Relating to fish and wildlife; amending RCW 43.17.010,
2 43.17.020, 42.17.2401, 43.51.955, 75.08.014, 75.08.055, 77.04.020,
3 77.04.030, 77.04.055, 77.08.010, 77.12.103, and 77.12.710; reenacting
4 and amending RCW 75.08.011; adding a new section to chapter 75.08 RCW;
5 adding a new section to chapter 77.04 RCW; adding a new section to
6 chapter 77.12 RCW; creating new sections; repealing RCW 75.08.014,
7 77.04.020, and 77.04.080; providing an effective date; and declaring an
8 emergency.

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

10 NEW SECTION. **Sec. 1.** Perpetuation of fish and wildlife in
11 Washington requires clear, efficient, streamlined, scientific
12 management from a single state fish and wildlife agency. Combining the
13 existing departments of fisheries and of wildlife into that one unified
14 agency will save money. It will focus existing funds for the greatest
15 protection of species and stocks. It will bring combined resources to
16 bear on securing, managing, and enhancing habitats. It will simplify
17 licensing. It will amplify research. It will increase field staff.
18 It will magnify enforcement of laws and regulations. It will provide

1 all fishers, hunters, and observers of fish and wildlife with a single
2 source of consistent policies, procedures, and access.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.08 RCW
4 to read as follows:

5 The department of fisheries is hereby abolished and its powers,
6 duties, and functions are hereby transferred to the department of fish
7 and wildlife. All references to the director or department of
8 fisheries in the Revised Code of Washington shall be construed to mean
9 the director or department of fish and wildlife.

10 NEW SECTION. **Sec. 3.** All reports, documents, surveys, books,
11 records, files, papers, or written material in the possession of the
12 department of fisheries shall be delivered to the custody of the
13 department of fish and wildlife. All cabinets, furniture, office
14 equipment, motor vehicles, and other tangible property employed by the
15 department of fisheries shall be made available to the department of
16 fish and wildlife. All funds, credits, or other assets held by the
17 department of fisheries shall be assigned to the department of fish and
18 wildlife.

19 Any appropriations made to the department of fisheries shall, on
20 the effective date of this section, be transferred and credited to the
21 department of fish and wildlife.

22 Whenever any question arises as to the transfer of any personnel,
23 funds, books, documents, records, papers, files, equipment, or other
24 tangible property used or held in the exercise of the powers and the
25 performance of the duties and functions transferred, the director of
26 financial management shall make a determination as to the proper
27 allocation and certify the same to the state agencies concerned.

28 NEW SECTION. **Sec. 4.** All employees of the department of fisheries
29 are transferred to the jurisdiction of the department of fish and
30 wildlife. All employees classified under chapter 41.06 RCW, the state
31 civil service law, are assigned to the department of fish and wildlife
32 to perform their usual duties upon the same terms as formerly, without
33 any loss of rights, subject to any action that may be appropriate
34 thereafter in accordance with the laws and rules governing state civil
35 service.

1 NEW SECTION. **Sec. 5.** All rules and all pending business before
2 the department of fisheries shall be continued and acted upon by the
3 department of fish and wildlife. All existing contracts and
4 obligations shall remain in full force and shall be performed by the
5 department of fish and wildlife.

6 NEW SECTION. **Sec. 6.** The transfer of the powers, duties,
7 functions, and personnel of the department of fisheries shall not
8 affect the validity of any act performed prior to the effective date of
9 this section.

10 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.04 RCW
11 to read as follows:

12 The department of wildlife is hereby abolished and its powers,
13 duties, and functions are hereby transferred to the department of fish
14 and wildlife. All references to the director or department of wildlife
15 in the Revised Code of Washington shall be construed to mean the
16 director or department of fish and wildlife.

17 NEW SECTION. **Sec. 8.** All reports, documents, surveys, books,
18 records, files, papers, or written material in the possession of the
19 department of wildlife shall be delivered to the custody of the
20 department of fish and wildlife. All cabinets, furniture, office
21 equipment, motor vehicles, and other tangible property employed by the
22 department of wildlife shall be made available to the department of
23 fish and wildlife. All funds, credits, or other assets held by the
24 department of wildlife shall be assigned to the department of fish and
25 wildlife.

26 Any appropriations made to the department of wildlife shall, on the
27 effective date of this section, be transferred and credited to the
28 department of fish and wildlife.

29 Whenever any question arises as to the transfer of any personnel,
30 funds, books, documents, records, papers, files, equipment, or other
31 tangible property used or held in the exercise of the powers and the
32 performance of the duties and functions transferred, the director of
33 financial management shall make a determination as to the proper
34 allocation and certify the same to the state agencies concerned.

1 NEW SECTION. **Sec. 9.** All employees of the department of wildlife
2 are transferred to the jurisdiction of the department of fish and
3 wildlife. All employees classified under chapter 41.06 RCW, the state
4 civil service law, are assigned to the department of fish and wildlife
5 to perform their usual duties upon the same terms as formerly, without
6 any loss of rights, subject to any action that may be appropriate
7 thereafter in accordance with the laws and rules governing state civil
8 service.

9 NEW SECTION. **Sec. 10.** All rules and all pending business before
10 the department of wildlife shall be continued and acted upon by the
11 department of fish and wildlife. All existing contracts and
12 obligations shall remain in full force and shall be performed by the
13 department of fish and wildlife.

14 NEW SECTION. **Sec. 11.** The transfer of the powers, duties,
15 functions, and personnel of the department of wildlife shall not affect
16 the validity of any act performed prior to the effective date of this
17 section.

18 NEW SECTION. **Sec. 12.** If apportionments of budgeted funds are
19 required because of the transfers directed by sections 3 through 6 and
20 8 through 11 of this act, the director of financial management shall
21 certify the apportionments to the agencies affected, the state auditor,
22 and the state treasurer. Each of these shall make the appropriate
23 transfer and adjustments in funds and appropriation accounts and
24 equipment records in accordance with the certification.

25 NEW SECTION. **Sec. 13.** Nothing contained in sections 2 through 12
26 of this act may be construed to alter any existing collective
27 bargaining unit or the provisions of any existing collective bargaining
28 agreement until the agreement has expired or until the bargaining unit
29 has been modified by action of the personnel board as provided by law.

30 **Sec. 14.** RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each
31 amended to read as follows:

32 There shall be departments of the state government which shall be
33 known as (1) the department of social and health services, (2) the
34 department of ecology, (3) the department of labor and industries, (4)

1 the department of agriculture, (5) the department of (~~(fisheries,~~(6)
2 ~~the department of wildlife,~~(7)) fish and wildlife, (6) the department
3 of transportation, (~~(+8))~~ (7) the department of licensing, (~~(+9))~~ (8)
4 the department of general administration, (~~(+10))~~ (9) the department
5 of trade and economic development, (~~(+11))~~ (10) the department of
6 veterans affairs, (~~(+12))~~ (11) the department of revenue, (~~(+13))~~
7 (12) the department of retirement systems, (~~(+14))~~ (13) the department
8 of corrections, (~~(+15))~~ (14) the department of community development,
9 and (~~(+16))~~ (15) the department of health, which shall be charged with
10 the execution, enforcement, and administration of such laws, and
11 invested with such powers and required to perform such duties, as the
12 legislature may provide.

13 **Sec. 15.** RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each
14 amended to read as follows:

15 There shall be a chief executive officer of each department to be
16 known as: (1) The secretary of social and health services, (2) the
17 director of ecology, (3) the director of labor and industries, (4) the
18 director of agriculture, (5) the director of (~~(fisheries,~~(6)~~the~~
19 ~~director of wildlife,~~(7)) fish and wildlife, (6) the secretary of
20 transportation, (~~(+8))~~ (7) the director of licensing, (~~(+9))~~ (8) the
21 director of general administration, (~~(+10))~~ (9) the director of trade
22 and economic development, (~~(+11))~~ (10) the director of veterans
23 affairs, (~~(+12))~~ (11) the director of revenue, (~~(+13))~~ (12) the
24 director of retirement systems, (~~(+14))~~ (13) the secretary of
25 corrections, (~~(+15))~~ (14) the director of community development, and
26 (~~(+16))~~ (15) the secretary of health.

27 Such officers, except the secretary of transportation, shall be
28 appointed by the governor, with the consent of the senate, and hold
29 office at the pleasure of the governor. (~~(The director of wildlife,~~
30 ~~however, shall be appointed according to the provisions of RCW~~
31 ~~77.04.080.)~~) If a vacancy occurs while the senate is not in session,
32 the governor shall make a temporary appointment until the next meeting
33 of the senate. A temporary director of fish and wildlife shall not
34 serve more than one year. The secretary of transportation shall be
35 appointed by the transportation commission as prescribed by RCW
36 47.01.041.

1 **Sec. 16.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to
2 read as follows:

3 For the purposes of RCW 42.17.240, the term "executive state
4 officer" includes:

5 (1) The chief administrative law judge, the director of
6 agriculture, the administrator of the office of marine safety, the
7 administrator of the Washington basic health plan, the director of the
8 department of services for the blind, the director of the state system
9 of community and technical colleges, the director of community
10 development, the secretary of corrections, the director of ecology, the
11 commissioner of employment security, the chairman of the energy
12 facility site evaluation council, the director of the energy office,
13 the secretary of the state finance committee, the director of financial
14 management, the director of fisheries, the executive secretary of the
15 forest practices appeals board, the director of the gambling
16 commission, the director of general administration, the secretary of
17 health, the administrator of the Washington state health care
18 authority, the executive secretary of the health care facilities
19 authority, the executive secretary of the higher education facilities
20 authority, the director of the higher education personnel board, the
21 executive secretary of the horse racing commission, the executive
22 secretary of the human rights commission, the executive secretary of
23 the indeterminate sentence review board, the director of the department
24 of information services, the director of the interagency committee for
25 outdoor recreation, the executive director of the state investment
26 board, the director of labor and industries, the director of licensing,
27 the director of the lottery commission, the director of the office of
28 minority and women's business enterprises, the director of parks and
29 recreation, the director of personnel, the executive director of the
30 public disclosure commission, the director of retirement systems, the
31 director of revenue, the secretary of social and health services, the
32 chief of the Washington state patrol, the executive secretary of the
33 board of tax appeals, the director of trade and economic development,
34 the secretary of transportation, the secretary of the utilities and
35 transportation commission, the director of veterans affairs, the
36 director of wildlife, the president of each of the regional and state
37 universities and the president of The Evergreen State College, each
38 district and each campus president of each state community college;

39 (2) Each professional staff member of the office of the governor;

1 (3) Each professional staff member of the legislature; and

2 (4) Central Washington University board of trustees, board of
3 trustees of each community college, each member of the state board for
4 community and technical colleges (~~(education)~~), state convention and
5 trade center board of directors, committee for deferred compensation,
6 Eastern Washington University board of trustees, Washington economic
7 development finance authority, The Evergreen State College board of
8 trustees, forest practices appeals board, forest practices board,
9 gambling commission, Washington health care facilities authority,
10 higher education coordinating board, higher education facilities
11 authority, higher education personnel board, horse racing commission,
12 state housing finance commission, human rights commission,
13 indeterminate sentence review board, board of industrial insurance
14 appeals, information services board, interagency committee for outdoor
15 recreation, state investment board, liquor control board, lottery
16 commission, marine oversight board, oil and gas conservation committee,
17 Pacific Northwest electric power and conservation planning council,
18 parks and recreation commission, personnel appeals board, personnel
19 board, board of pilotage [commissioners], pollution control hearings
20 board, public disclosure commission, public pension commission,
21 shorelines hearing board, state employees' benefits board, board of tax
22 appeals, transportation commission, University of Washington board of
23 regents, utilities and transportation commission, Washington state
24 maritime commission, Washington public power supply system executive
25 board, Washington State University board of regents, Western Washington
26 University board of trustees, and fish and wildlife commission.

27 **Sec. 17.** RCW 43.51.955 and 1987 c 506 s 93 are each amended to
28 read as follows:

29 Nothing in RCW 43.51.946 through 43.51.956 shall be construed to
30 interfere with the powers, duties, and authority of the state
31 department of fish and wildlife or the state fish and wildlife
32 commission to regulate, manage, conserve, and provide for the harvest
33 of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall
34 be permitted in any state park.

35 **Sec. 18.** RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are
36 each reenacted and amended to read as follows:

1 As used in this title or rules of the director, unless the context
2 clearly requires otherwise:

3 (1) "Director" means the director of (~~(fisheries)~~) fish and
4 wildlife.

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

7 (3) "Person" means an individual or a public or private entity or
8 organization. The term "person" includes local, state, and federal
9 government agencies, and all business organizations.

10 (4) "Fisheries patrol officer" means a person appointed and
11 commissioned by the director, with authority to enforce this title,
12 rules of the director, and other statutes as prescribed by the
13 legislature. Fisheries patrol officers are peace officers.

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

24 (6) "To fish" and "to take" and their derivatives mean an effort to
25 kill, injure, harass, or catch food fish or shellfish.

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

29 (8) "Offshore waters" means marine waters of the Pacific Ocean
30 outside the territorial boundaries of the state, including the marine
31 waters of other states and countries.

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

35 (10) "Resident" means a person who has for the preceding ninety
36 days maintained a permanent abode within the state, has established by
37 formal evidence an intent to continue residing within the state, and is
38 not licensed to fish as a resident in another state.

1 (11) "Nonresident" means a person who has not fulfilled the
2 qualifications of a resident.

3 (12) "Food fish" means those species of the classes Osteichthyes,
4 Agnatha, and Chondrichthyes that shall not be fished for except as
5 authorized by rule of the director. The term "food fish" includes all
6 stages of development and the bodily parts of food fish species.

7 (13) "Shellfish" means those species of marine and freshwater
8 invertebrates that shall not be taken except as authorized by rule of
9 the director. The term "shellfish" includes all stages of development
10 and the bodily parts of shellfish species.

11 (14) "Salmon" means all species of the genus *Oncorhynchus*, except
12 those classified as game fish in Title 77 RCW, and includes:

13	Scientific Name	Common Name
14	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
15	<i>Oncorhynchus kisutch</i>	Coho salmon
16	<i>Oncorhynchus keta</i>	Chum salmon
17	<i>Oncorhynchus gorbuscha</i>	Pink salmon
18	<i>Oncorhynchus nerka</i>	Sockeye salmon

19 (15) "Commercial" means related to or connected with buying,
20 selling, or bartering. Fishing for food fish or shellfish with gear
21 unlawful for fishing for personal use, or possessing food fish or
22 shellfish in excess of the limits permitted for personal use are
23 commercial activities.

24 (16) "To process" and its derivatives mean preparing or preserving
25 food fish or shellfish.

26 (17) "Personal use" means for the private use of the individual
27 taking the food fish or shellfish and not for sale or barter.

28 (18) "Angling gear" means a line attached to a rod and reel capable
29 of being held in hand while landing the fish or a hand-held line
30 operated without rod or reel to which are attached no more than two
31 single hooks or one artificial bait with no more than four multiple
32 hooks.

33 (19) "Open season" means those times, manners of taking, and places
34 or waters established by rule of the director for the lawful fishing,
35 taking, or possession of food fish or shellfish. "Open season"
36 includes the first and last days of the established time.

37 (20) "Emerging commercial fishery" means any commercial fishery:

1 (a) For food fish or shellfish so designated by rule of the
2 director, except that no species harvested under a license limitation
3 program contained in chapter 75.30 RCW may be designated as a species
4 in an emerging commercial fishery.

5 (b) Which will include, subject to the limitation in (a) of this
6 subsection, all species harvested for commercial purposes as of June 7,
7 1990, and the future commercial harvest of all other species in the
8 waters of the state of Washington.

9 (21) "Experimental fishery permit" means a permit issued by the
10 director to allow the recipient to engage in an emerging commercial
11 fishery.

12 **Sec. 19.** RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 are each
13 amended to read as follows:

14 The director (~~((of fisheries))~~) shall supervise the administration
15 and operation of the department (~~((of fisheries))~~) and perform the duties
16 prescribed by law. The director may appoint and employ necessary
17 personnel. The director may delegate, in writing, to department
18 personnel the duties and powers necessary for efficient operation and
19 administration of the department. The director may appoint advisory
20 committees as the director deems appropriate to advise the director and
21 assist in the effective administration of the department.

22 Only persons having general knowledge of the (~~((fisheries))~~) fish and
23 wildlife resources and commercial and recreational fishing industry in
24 this state are eligible for appointment as director. The director
25 shall not have a financial interest in the fishing industry or a
26 directly related industry.

27 **Sec. 20.** RCW 75.08.055 and 1987 c 506 s 94 are each amended to
28 read as follows:

29 (1) The director, (~~((and the director of wildlife))~~) with the
30 concurrence of the fish and wildlife commission, may enter into
31 agreements with and receive funds from the United States for the
32 construction, maintenance, and operation of fish cultural stations,
33 laboratories, and devices in the Columbia River basin for improvement
34 of feeding and spawning conditions for fish, for the protection of
35 migratory fish from irrigation projects and for facilitating free
36 migration of fish over obstructions.

1 (2) The director and the fish and wildlife commission may acquire
2 by gift, purchase, lease, easement, or condemnation the use of lands
3 where the construction or improvement is to be carried on by the United
4 States.

5 **Sec. 21.** RCW 77.04.020 and 1987 c 506 s 4 are each amended to read
6 as follows:

7 The department of fish and wildlife consists of the state fish and
8 wildlife commission and the director of fish and wildlife. The
9 director is responsible for the administration and operation of the
10 department, subject to the provisions of this title. The commission
11 may delegate to the director additional duties and powers necessary and
12 appropriate to carry out this title. The director shall perform the
13 duties prescribed by law and shall carry out the basic goals and
14 objectives prescribed pursuant to RCW 77.04.055.

15 **Sec. 22.** RCW 77.04.030 and 1987 c 506 s 5 are each amended to read
16 as follows:

17 The state fish and wildlife commission consists of six registered
18 voters of the state. In January of each odd-numbered year, the
19 governor shall appoint with the advice and consent of the senate two
20 registered voters to the commission to serve for terms of six years
21 from that January or until their successors are appointed and
22 qualified. If a vacancy occurs on the commission prior to the
23 expiration of a term, the governor shall appoint a registered voter
24 within sixty days to complete the term. Three members shall be
25 residents of that portion of the state lying east of the summit of the
26 Cascade mountains, and three shall be residents of that portion of the
27 state lying west of the summit of the Cascade mountains. No two
28 members may be residents of the same county. The legal office of the
29 commission is at the administrative office of the department in
30 Olympia.

31 **Sec. 23.** RCW 77.04.055 and 1990 c 84 s 2 are each amended to read
32 as follows:

33 (1) In addition to any other duties and responsibilities, the
34 commission shall establish, and periodically review with the governor
35 and the legislature, the department's basic goals and objectives to
36 preserve, protect, and perpetuate wildlife and wildlife habitat. The

1 commission shall maximize hunting and fishing recreational
2 opportunities.

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

6 **Sec. 24.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read
7 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (16) "Wildlife" means all species of the animal kingdom whose
14 members exist in Washington in a wild state. This includes but is not
15 limited to mammals, birds, reptiles, amphibians, fish, and
16 invertebrates. The term "wildlife" does not include feral domestic
17 mammals, the family Muridae of the order Rodentia (old world rats and
18 mice), or those fish, shellfish, and marine invertebrates classified by
19 the director (~~(of fisheries)~~) under Title 75 RCW. The term "wildlife"
20 includes all stages of development and the bodily parts of wildlife
21 members.

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

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

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

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

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

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

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

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

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

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

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

12 **Sec. 25.** RCW 77.12.103 and 1989 c 314 s 3 are each amended to read
13 as follows:

14 (1) The burden of proof of any exemption or exception to seizure or
15 forfeiture of personal property involved with wildlife offenses is upon
16 the person claiming it.

17 (2) An authorized state, county, or municipal officer may be
18 subject to civil liability under RCW 77.12.101 for willful misconduct
19 or gross negligence in the performance of his or her duties.

20 (3) The director of fish and wildlife, the fish and wildlife
21 commission, or the department of fish and wildlife may be subject to
22 civil liability for their willful or reckless misconduct in matters
23 involving the seizure and forfeiture of personal property involved with
24 wildlife offenses.

25 **Sec. 26.** RCW 77.12.710 and 1990 c 110 s 2 are each amended to read
26 as follows:

27 The legislature hereby directs the department of fish and wildlife
28 to determine the feasibility and cost of doubling the state-wide game
29 fish production by the year 2000. The department shall seek to
30 equalize the effort and investment expended on anadromous and resident
31 game fish programs. The department of fish and wildlife shall provide
32 the legislature with a specific plan for legislative approval that will
33 outline the feasibility of increasing game fish production by one
34 hundred percent over current levels by the year 2000. The plan shall
35 contain specific provisions to increase both hatchery and naturally
36 spawning game fish to a level that will support the production goal
37 established in this section consistent with fish and wildlife

1 commission policies. Steelhead trout, searun cutthroat trout, resident
2 trout, and warmwater fish producing areas of the state shall be
3 included in the plan. The department of fish and wildlife shall
4 provide the plan to the house of representatives and senate ways and
5 means, environment and natural resources, environmental affairs,
6 fisheries and wildlife, and natural resources committees by December
7 31, 1990.

8 The plan shall include the following critical elements:

9 (1) Methods of determining current catch and production, and catch
10 and production in the year 2000;

11 (2) Methods of involving fishing groups, including Indian tribes,
12 in a cooperative manner;

13 (3) Methods for using low capital cost projects to produce game
14 fish as inexpensively as possible;

15 (4) Methods for renovating and modernizing all existing hatcheries
16 and rearing ponds to maximize production capability;

17 (5) Methods for increasing the productivity of natural spawning
18 game fish;

19 (6) Application of new technology to increase hatchery and natural
20 productivity;

21 (7) Analysis of the potential for private contractors to produce
22 game fish for public fisheries;

23 (8) Methods to optimize public volunteer efforts and cooperative
24 projects for maximum efficiency;

25 (9) Methods for development of trophy game fish fisheries;

26 (10) Elements of coordination with the Pacific Northwest Power
27 Council programs to ensure maximum Columbia river benefits;

28 (11) The role that should be played by private consulting companies
29 in developing and implementing the plan;

30 (12) Coordination with federal fish and wildlife agencies, Indian
31 tribes, and department of fisheries fish production programs;

32 (13) Future needs for game fish predator control measures;

33 (14) Development of disease control measures;

34 (15) Methods for obtaining access to waters currently not available
35 to anglers; and

36 (16) Development of research programs to support game fish
37 management and enhancement programs.

38 The department of fish and wildlife, in cooperation with the
39 department of revenue, shall assess various funding mechanisms and make

1 recommendations to the legislature in the plan. The department of
2 fish and wildlife, in cooperation with the department of trade and
3 economic development, shall prepare an analysis of the economic
4 benefits to the state that will occur when the game fish production is
5 increased by one hundred percent in the year 2000.

6 NEW SECTION. Sec. 27. A new section is added to chapter 77.12 RCW
7 to read as follows:

8 Steelhead trout shall be managed solely as a recreational fishery
9 for non-Indian fishermen under the rule setting authority of the fish
10 and wildlife commission.

11 Commercial non-Indian steelhead fisheries are not authorized.

12 NEW SECTION. Sec. 28. The following acts or parts of acts are
13 each repealed:

14 (1) RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 & 1953 c 207 s 10;

15 (2) RCW 77.04.020 and 1987 c 506 s 4, 1980 c 78 s 3, & 1955 c 36 s
16 77.04.020; and

17 (3) RCW 77.04.080 and 1987 c 506 s 9, 1980 c 78 s 8, & 1955 c 36 s
18 77.04.080.

19 NEW SECTION. Sec. 29. On July 1, 1993, the state treasurer shall
20 follow the recommendations of the director of financial management on
21 the disbursement of funds from the state wildlife fund to the
22 department of fish and wildlife for the purposes of funding programs
23 for wildlife and game fish. Funds from the state wildlife fund shall
24 be used only for the department of fish and wildlife after June 30,
25 1993.

26 NEW SECTION. Sec. 30. The department of fish and wildlife shall
27 submit to the legislature before January 1, 1994, legislation necessary
28 to carry out the purposes of this act.

29 NEW SECTION. Sec. 31. If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 32.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect July 1, 1993.

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