

2 EHB 2396 - S COMM AMD
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 clarify hunting and fishing laws in light of the decision in *State v.*
9 *Bailey*, 77 Wn. App. 732 (1995). The fish and wildlife commission has
10 the authority to establish hunting and fishing seasons. These seasons
11 are defined by limiting the times, manners of taking, and places or
12 waters for lawful hunting, fishing, or possession of game animals, game
13 birds, or game fish, as well as by limiting the physical
14 characteristics of the game animals, game birds, or game fish which may
15 be lawfully taken at those times, in those manners, and at those places
16 or waters.

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

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

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

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

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

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

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

30 (6) "Ex officio wildlife agent" means a commissioned officer of a
31 municipal, county, state, or federal agency having as its primary
32 function the enforcement of criminal laws in general, while the officer
33 is in the appropriate jurisdiction. The term "ex officio wildlife
34 agent" includes fisheries patrol officers, special agents of the
35 national marine fisheries service, state parks commissioned officers,

1 United States fish and wildlife special agents, department of natural
2 resources enforcement officers, and United States forest service
3 officers, while the agents and officers are within their respective
4 jurisdictions.

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

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

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

11 (10) "Open season" means those times, manners of taking, and places
12 or waters established by rule of the commission for the lawful hunting,
13 fishing, or possession of game animals, game birds, or game fish that
14 conform to the special restrictions or physical descriptions
15 established by rule of the commission or that have otherwise been
16 deemed legal to hunt, fish, or possess by rule of the commission.
17 "Open season" includes the first and last days of the established time.

18 (11) "Closed season" means all times, manners of taking, and places
19 or waters other than those established by rule of the commission as an
20 open season. "Closed season" also means all hunting, fishing, or
21 possession of game animals, game birds, or game fish that do not
22 conform to the special restrictions or physical descriptions
23 established by rule of the commission as an open season or that have
24 not otherwise been deemed legal to hunt, fish, or possess by rule of
25 the commission as an open season.

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

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

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

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

36 (16) "Wildlife" means all species of the animal kingdom whose
37 members exist in Washington in a wild state. This includes but is not
38 limited to mammals, birds, reptiles, amphibians, fish, and
39 invertebrates. The term "wildlife" does not include feral domestic

1 mammals, the family Muridae of the order Rodentia (old world rats and
2 mice), or those fish, shellfish, and marine invertebrates classified as
3 food fish or shellfish by the director. The term "wildlife" includes
4 all stages of development and the bodily parts of wildlife members.

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

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

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

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

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

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

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

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

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

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

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

33 **Sec. 3.** RCW 77.16.020 and 1987 c 506 s 59 are each amended to read
34 as follows:

35 (1) It is unlawful to hunt, fish, or possess~~((, or control))~~ a
36 ~~((species of game bird,))~~ game animal, game bird, or game fish during
37 ~~((the))~~ closed season for that ~~((species))~~ game animal, game bird, or
38 game fish except as provided in RCW 77.12.105 or 77.12.265.

1 (2) It is unlawful to kill, take, catch, possess, or control
2 (~~these species~~) a game animal, game bird, or game fish in excess of
3 the number fixed as the bag limit for (~~each species~~) that game
4 animal, game bird, or game fish.

5 (3) It is unlawful to hunt within a game reserve or to fish for
6 game fish within closed waters.

7 (4) It is unlawful to hunt wild birds or wild animals within a
8 closed area except as authorized by rule of the commission.

9 (5) It is unlawful to hunt or fish for wildlife, practice taxidermy
10 for profit, deal in raw furs for profit, act as a fishing guide, or
11 operate a game farm, stock game fish, or collect wildlife for research
12 or display, without having in possession the license, permit, tag,
13 stamp, or (~~punchcard~~) catch record card required by chapter 77.32 RCW
14 or rule of the department. The activities described in this subsection
15 shall be conducted in accordance with rules adopted pursuant to this
16 title.

17 (6) For the purposes of this section, the department shall not
18 consider leg length or bill length of dusky Canada geese (Branta
19 canadensis occidentalis)."

20 **EHB 2396** - S COMM AMD
21 By Committee on Natural Resources

22
23 On page 1, line 1 of the title, after "violations;" strike the
24 remainder of the title and insert "amending RCW 77.08.010 and
25 77.16.020; and creating a new section."

--- END ---