

# SENATE BILL REPORT

## SHB 1778

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As of April 16, 2009

**Title:** An act relating to modernizing certain provisions in Title 77 RCW regarding fish and wildlife.

**Brief Description:** Modifying various provisions of Title 77 RCW.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representative Blake; by request of Department of Fish and Wildlife).

**Brief History:** Passed House: 3/11/09, 96-1.

**Committee Activity:** Natural Resources, Ocean & Recreation: 3/23/09.

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Staff:** Karen Epps (786-7424)

**Background:** The Fish and Wildlife enforcement statutes contain a number of unlawful acts that relate to hunting, fishing, and other wildlife related activities. The penalties for violating these regulations range from civil natural resources infractions to misdemeanors and felonies.

In addition to the violations outlined in the statute, the Fish and Wildlife Commission (Commission) has the authority to adopt rules that regulate the harvest of wildlife and fish. Rules adopted by the Commission can be enforced with criminal sanctions, and serve as a basis for some of the crimes expressly outlined in the statute. If a rule is not an element of a statutory crime, the Commission has the authority to provide for civil enforcement of the rule.

The Department of Fish and Wildlife (DFW) offers a taxidermy license and a fur buyer's license to individuals interested in pursuing the commercial aspects of these industries. License holders are required to abide by any rule of the Commission relating to the use, possession, display, or presentation of the license. Failure to do so may result in a criminal prosecution of the unlawful use of a commercial wildlife license.

DFW offers a number of short-term fishing licenses. These licenses allow for fishing between one and five days. However, only active duty military personnel may fish during the first eight days of the lowland lake fishing season with a short-term license.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Individuals must obtain a salmon guide license from DFW before they are allowed to operate a guide service in freshwater rivers and streams for anglers catching salmon for personal use. The salmon guide license is not necessary if the guide services take place between the mouth of the Columbia River and the Lewis and Clark Bridge in Longview. A charter license is needed to act as a guide in the river below the bridge.

DFW may suspend a person's privilege to fish commercially if the person is convicted two or more times within three years of a commercial fishing violation. The suspension of privileges only applies to the fishery within which the violation occurred.

DFW conducts raffles as a way to grant permission to hunt big game and turkeys during certain limited seasons. Licensed hunters may purchase a raffle ticket, but only raffle winners are permitted to participate in the limited season. Raffle tickets may not exceed \$25. The Commission is allowed to offer hunting opportunities to up to 15 turkey or big game hunters each year through the raffle system.

Signs warning vessels of the threat of aquatic invasive species, the penalties associated with introduction of an invasive species, and proper contact information for obtaining a free vessel inspection must be posted at all ports of entry and at all boat launches owned or leased by DFW. DFW is authorized to establish random check stations and require persons transporting recreational and commercial watercraft to stop at the check stations.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Amendments):** Failure to pay a fine or appear at a hearing to contest an infraction or criminal citation is considered a conviction for purposes of the Fish and Wildlife enforcement statutes. Additionally, forfeiture of bail is also considered a conviction for the purposes of the Fish and Wildlife enforcement statutes. If a person is convicted of violating recreation hunting or fishing laws or rules, including a fish and wildlife infraction, three times or more in a ten-year period, revocation and suspension of all recreational hunting and fishing privileges must be ordered for two years.

A person's master hunter permit may be suspended or revoked for certain reasons for specific periods of time. A person who holds a fur buyer's license or a taxidermy license is guilty of unlawful use of a commercial wildlife license for violating any rule of DFW regarding reporting requirements.

The Commission is given the authority to allow anglers to purchase a stamp allowing them to use two fishing poles at one time. The cost of this addition to a fishing license is \$10 for most anglers, and \$5 for state residents over the age of 69. Additionally, the Commission must define the opening day of lowland lake fishing season by rule.

A person must have a license or permit in order to act as a food fish guide, except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in certain state waters. A person is guilty of acting unlawfully as a game fish guide or food fish guide if the person acts as a game fish guide or food fish guide and does not hold the proper license. Violation of this provision is a gross misdemeanor.

Retail sellers, such as grocery stores, are exempt from needing an anadromous game fish buyer's license if they purchased their steelhead trout or other anadromous game fish from a licensed wholesale fish dealer.

If a person is convicted of two or more specific commercial fishing violations within a three-year period, the person's commercial fishing license privileges may be suspended by DFW for up to one year. A commercial fishing license that is impacted by this privilege suspension may not be transferred after a notice of suspension is issued.

The Commission is given the authority to increase from 15 to 30 the number of big game and turkey raffles DFW may offer each year. The revenue from the raffles may be used for the management of all game species, and not just for the improvement of the habitat, health, and welfare of the species subject to the raffle.

The DFW enforcement division may provide aquatic invasive species instruction training to other local law enforcement. A person entering Washington while transporting watercraft must have in their possession documentation that the watercraft has been inspected and found free of aquatic invasive species. The cost of impounding, transporting, cleaning, and decontaminating watercraft that is contaminated with aquatic invasive species will be paid by the person in possession of the watercraft when it is inspected.

The DFW may dispose of unclaimed property in the same manner as is currently done by the State Patrol. The DFW may use monies in the Fish and Wildlife Enforcement Reward Account to offset department-approved costs incurred to administer the Hunter Education Deferral Program and the Master Hunter Program.

A number of references to other statutes throughout Title 77 are removed or corrected to reflect current codifications. Examples of these corrected antiquated references are located in sections of the code that deal with criminal convictions and fish passage requirements. In addition, a redundant section of the code relating to wildlife viewing is repealed.

The use of the term "State Wildlife Fund" is updated to "State Wildlife Account" to reflect the correct name of the account as it is used in Title 77. References to work groups that no longer exist are removed from Title 77, such as the Ballast Water Work Group. Also removed are references to studies, reports, and other one-time work products that have been completed by DFW.

**Appropriation:** None.

**Fiscal Note:** Available.

[OFM requested ten-year cost projection pursuant to I-960.]

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This amendment is a merger of the two bills, HB 1778 and SB 5404, both of which deal with DFW enforcement statutes. There has been

discussion about removing one section of the bill, section 12, and working on that issue over the interim. There is interest in including language regarding wildlife interactions in this bill.

**Persons Testifying:** PRO: Bruce Bjork, Mike Cenci, DFW; Jack Field, Washington Cattlemen's Association.