

"AN ACT Relating to state government."

Section 1 requires the Office of Financial Management to suggest a system to control the purchases of furniture by state agencies. While the existing system is not perfect, it does provide for some flexibility so that agencies may operate efficiently while at the same time allowing executive and legislative control through the budget process. The system envisioned by this section would add an additional layer of bureaucracy to a single part of the state purchasing system and would be costly to administer.

Improvements are possible in many areas of state government, and purchasing is one of these areas. I think that any changes in furniture purchasing should be considered in the context of improvements of the overall system. Therefore, I have vetoed section 1.

Three sections of Engrossed Substitute House Bill No. 25 contain amendments that conflict with other bills receiving my signature. Section 20 amends RCW 39.19.030(8), which is also amended by Engrossed Senate Bill 5529, section 3. Section 23 amends RCW 39.86.070, which is repealed by Substitute House Bill 739, section 13(8). Section 75 amends RCW 77.04.110, which is repealed by Engrossed Second Substitute House Bill 758, section 98. These amendments are incompatible, so I have vetoed these sections to avoid confusion.

Section 86 requires all state publications which are to be sent to legislators to be routed through the State Library. I fully agree that state agencies should limit publications to the Legislature to what is necessary. However, the language in section 86 is overly broad and could result in delays of critical information to the Legislature. To keep with the intent of this section, I will direct the Office of Financial Management to work with agencies to devise a system that will distribute their publications more efficiently and effectively.

With the exception of sections 1, 20, 23, 75 and 86, Engrossed Substitute House Bill 25 is approved."

CHAPTER 506

[Engrossed Second Substitute House Bill No. 758] WILDLIFE DEPARTMENT

AN ACT Relating to the department of wildlife; amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.040, 77.04.060, 77.04.080, 77.08.010, 77.08.045, 77.12.020, 77.12.030, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.090, 77.12.100, 77.12.105, 77.12.140, 77.12.150, 77.12.170, 77.12.185, 77.12.190, 77.12.200, 77.12.210, 77.12.220, 77.12.230, 77.12.240, 77.12.260, 77.12.265, 77.12.270, 77.12.280, 77.12.290, 77.12.300, 77.12.315, 77.12.320, 77.12.323, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.530, 77.12.570, 77.12.580, 77.12.590, 77.12.650, 77.12.670, 77.12.680, 77.12.690, 77.16.010, 77.16.020, 77.16.040, 77.16.060, 77.16.080, 77.16.095, 77.16.110, 77.16.130, 77.16.150, 77.16.180, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.21.070, 77.32.010, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.155, 77.32.197, 77.32.211, 77.32.220, 77.32.230, 77.32.256, 77.32.320, 77.32.360, 77.32.370, 77.32.380, 94.01.098, 43.51.675, 43.51.955, 75.08.055, 90.03.247, 90.22.010, 90.22.020, and 77.16.330; reenacting and amending RCW 77.12.201 and 77.32.350; adding new sections to chapter 77.04 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.21 RCW; adding a new section to chapter 77.32 RCW; creating new sections; repealing RCW 77.04.110; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. Washington's fish and wildlife resources are the responsibility of all residents of the state. We all benefit economically, recreationally, and aesthetically from these resources. Recognizing the state's changing environment, the legislature intends to continue to provide

opportunities for the people to appreciate wildlife in its native habitat. However, the wildlife management in the state of Washington shall not cause a reduction of recreational opportunity for hunting and fishing activities. The paramount responsibility of the department remains to preserve, protect, and perpetuate all wildlife species. Adequate funding for proper management, now and for future generations, is the responsibility of everyone.

The intent of the legislature is: (1) To allow the governor to select the director of wildlife; (2) to retain the authority of the wildlife commission to establish the goals and objectives of the department; (3) to insure a high level of public involvement in the decision-making process; (4) to provide effective communications among the commission, the governor, the legislature, and the public; (5) to expand the scope of appropriate funding for the management, conservation, and enhancement of wildlife; (6) to not increase the cost of license, tag, stamp, permit, and punchcard fees prior to January 1, 1990; and (7) for the commission to carry out any other responsibilities prescribed by the legislature in this title.

Sec. 2. Section 1, chapter 10, Laws of 1979 as last amended by section 47, chapter 466, Laws of 1985 and RCW 43.17.010 are each amended to read as follows:

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

Sec. 3. Section 2, chapter 10, Laws of 1979 as last amended by section 48, chapter 466, Laws of 1985 and RCW 43.17.020 are each amended to read as follows:

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

Such officers, except the secretary of transportation (~~and the director of game~~), shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor: PROVIDED, That the director of wildlife shall be appointed according to the provisions of RCW 77.04.080. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. A temporary director of wildlife shall not serve more than one year. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041 (~~and the director of game shall be appointed by the game commission~~). There is appropriated from the general fund to the department of wildlife for the biennium ending June 30, 1989, the sum of eight million dollars: PROVIDED, That four million five hundred thousand dollars of this appropriation shall revert to the general fund if the comprehensive spending plan submitted to the legislature under section 7(2) of this 1987 act is rejected by the legislature in the 1988 session: PROVIDED FURTHER, That three million five hundred thousand dollars of this appropriation may be expended by the department of wildlife without regard to approval of the comprehensive spending plan.

Sec. 4. Section 77.04.020, chapter 36, Laws of 1955 as amended by section 3, chapter 78, Laws of 1980 and RCW 77.04.020 are each amended to read as follows:

The department of (~~game~~) wildlife consists of the state (~~game~~) wildlife commission and the director of (~~game~~) wildlife. The director is responsible for the administration and operation of the department, subject to the provisions of this title. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law (~~and the commission~~) and shall carry out the basic goals and objectives prescribed pursuant to section 7 of this 1987 act.

Sec. 5. Section 77.04.030, chapter 36, Laws of 1955 as last amended by section 11, chapter 338, Laws of 1981 and RCW 77.04.030 are each amended to read as follows:

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

Sec. 6. Section 77.04.040, chapter 36, Laws of 1955 as amended by section 5, chapter 78, Laws of 1980 and RCW 77.04.040 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of wildlife.

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

(1) In addition to any other duties and responsibilities, the commission shall establish, and periodically review with the governor and the legislature, the department's basic goals and objectives to preserve, protect, and perpetuate wildlife and wildlife habitat. The commission shall maximize hunting and fishing recreational opportunities.

(2) By November 1, 1987, the department shall prepare and submit to the office of financial management the comprehensive and detailed departmental analyses and management plans specified in subsection (3) of this section. The governor shall submit a spending plan to the appropriate legislative committees by December 31, 1987.

(3) The comprehensive and detailed analyses and management plans shall include, but not be limited to:

(a) An analysis of each unique functional element, prioritized within each of the subprograms of the department, as to the element's purpose and role in the subprogram or agency mission, together with expenditures and staffing as of February 28, 1987, and a separate analysis, prioritized within the subprogram, of any revision in expenditure and staffing above the element's level as of February 28, 1987. However, any revision in expenditure or staffing will require specific justification, particularly as to fund source for the expenditure;

(b) An analysis of all hunting and fishing licenses and tags, stamps, or permits issued and the effect of increases or reductions of these fees;

(c) An analysis of the agency's management, organization, and productivity and a detailed plan for any revisions or improvements, if required;

(d) An analysis of the land management practices on department-owned and managed lands and a detailed plan for any improvements; and

(e) An analysis of the department's relationship with landowners, including wildlife damage to agricultural crops and a detailed plan for any improvements.

(4) The governor may also direct the use of personnel from the office of financial management and other state agencies to assist and participate as the governor deems necessary in any or all parts of the analyses or plans required in this section.

(5) The director of financial management shall inform the house of representatives and the senate bimonthly of the progress of the analyses and plans required in subsection (2) of this section.

(6) The analyses and plans, together with any supporting data, shall be made available to the natural resources and ways and means committees of the senate and house of representatives upon receipt by the office of financial management.

(7) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy wildlife.

(8) The commission shall prepare and submit to the governor and appropriate legislative committees by October 1, 1988, an analysis of the state's wildlife and wildlife recreation needs, looking at innovative management methods and alternatives to increased agency revenues, and make recommendations as to how those needs could be addressed.

(9) By June 30, 1989, the wildlife commission shall prepare a recommendation determining the fees that shall be charged for hunting and fishing licenses. Prior to preparing any recommendations, the commission shall hold state-wide hearings to learn concerns of all citizens. The commission shall consider the needs of low-income citizens, veterans of the armed services, the disabled, senior citizens, and juveniles. If the commission recommends a change in the license fees or residency requirements, the commission shall report to the legislature at its next regular session, the reasons for recommending the change.

Sec. 8. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 110, chapter 287, Laws of 1984 and RCW 77.04.060 are each amended to read as follows:

The commission shall hold at least one regular meeting~~((s within the first ten days of January, April, July, and October of each year))~~ during the first two months of each calendar quarter, and special meetings when called by the chairman or by four members. Four members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

~~((When a vacancy in the office of the director has occurred, the commission shall elect a director by approval of four members. The director shall hold office at the pleasure of the commission:))~~

Members of the commission shall be compensated in accordance with RCW 43.03.250. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

Sec. 9. Section 77.04.080, chapter 36, Laws of 1955 as amended by section 8, chapter 78, Laws of 1980 and RCW 77.04.080 are each amended to read as follows:

Persons eligible for appointment by the governor as director shall have practical knowledge of the habits and distribution of wildlife. The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission. The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate(~~(, in writing,)~~) to department personnel the duties and powers necessary for efficient operation and administration of the department. The department shall provide staff for the commission.

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

The director shall provide a comprehensive annual report of all departmental operations to the governor, appropriate legislative committees, and the public, on or before October 1 of each year, to reflect the previous fiscal year. The report shall include, but not be limited to, descriptions of all departmental activities, including: Revenues generated, program costs, capital expenditures, personnel, department projects and research including co-operative projects, environmental controls, intergovernmental agreements, outlines of ongoing litigation, concluded litigation, and any major issues with the potential for state liability. The report shall describe the status of the resource and its recreational and tribal utilization.

In addition to the above elements, the commission shall prepare and submit to the governor, the appropriate legislative committees, and the public its own report and analysis on the condition of recreational hunting and fishing opportunities and wildlife and wildlife resources in the state and on the progress of the department in meeting goals and objectives set by the commission. The commission shall solicit public input in the preparation of this annual analysis.

Sec. 11. Section 77.08.010, chapter 36, Laws of 1955 as amended by section 9, chapter 78, Laws of 1980 and RCW 77.08.010 are each amended to read as follows:

As used in this title or rules (~~(of the commission)~~) adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of (~~(game)~~) wildlife.
- (2) "Department" means the department of (~~(game)~~) wildlife.
- (3) "Commission" means the state (~~(game)~~) wildlife commission.

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

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

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

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

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

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

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

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

(12) "Closed area" means a place where the ~~((commission has prohibited by rule the))~~ hunting of some species of wild animals or wild birds is prohibited.

(13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where ~~((the commission has prohibited by rule))~~ fishing for game fish is prohibited.

(14) "Game reserve" means a closed area where ~~((the commission has prohibited by rule))~~ hunting for all wild animals and wild birds is prohibited.

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

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

"wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified by the director of fisheries. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

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

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

(19) "Protected wildlife" means wildlife designated by ~~((rule of))~~ the commission that shall not be hunted or fished.

(20) "Endangered species" means wildlife designated by ~~((rule of))~~ the commission as seriously threatened with extinction.

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

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

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

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

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

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

Sec. 12. Section 2, chapter 243, Laws of 1985 and RCW 77.08.045 are each amended to read as follows:

As used in this title or rules ~~((of the commission))~~ adopted pursuant to this title:

(1) "Migratory waterfowl" means members of the family Anatidae, including brants, ducks, geese, and swans;

(2) "Migratory waterfowl stamp" means the stamp that is required by RCW 77.32.350 to be in the possession of persons over sixteen years of age to hunt migratory waterfowl;

(3) "Prints and artwork" means replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory waterfowl stamp that is required by RCW 77.32.350. Artwork may be any facsimile of the original stamp design,

including color renditions, metal duplications, or any other kind of design; and

(4) "Migratory waterfowl art committee" means the committee created by RCW 77.12.680. The committee's primary function is to select the annual migratory waterfowl stamp design.

Sec. 13. Section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020 are each amended to read as follows:

(1) The ~~((commission))~~ director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in fresh water except those classified as food fish by the director of fisheries.

(5) ~~((If))~~ The ~~((commission-determines))~~ director may recommend to the commission that a species of wildlife should not be hunted or fished~~((;)).~~ The commission may designate ~~((it-protected))~~ species of wildlife ~~((by rule))~~ as protected.

(6) If the ~~((commission))~~ director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate ~~((it))~~ an endangered species ~~((by rule))~~.

(7) If the ~~((commission))~~ director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate ~~((it))~~ deleterious exotic wildlife ~~((by rule))~~.

Sec. 14. Section 77.12.030, chapter 36, Laws of 1955 as last amended by section 2, chapter 240, Laws of 1984 and RCW 77.12.030 are each amended to read as follows:

The ~~((commission))~~ director may regulate the ~~((taking, possession;))~~ collection, ~~((distribution;))~~ importation, and transportation~~((, and sale))~~ of wildlife ~~((and deleterious exotic wildlife species))~~.

Sec. 15. Section 77.12.040, chapter 36, Laws of 1955 as last amended by section 3, chapter 240, Laws of 1984 and RCW 77.12.040 are each amended to read as follows:

The commission shall adopt, amend, or repeal, and enforce reasonable rules prohibiting or governing the time, place, and manner of taking or possessing game animals, game birds, or game fish. The commission may specify the quantities, species, sex, and size of game animals, game birds, or game fish that may be taken or possessed. The commission shall regulate the taking, sale, possession, and distribution of wildlife and deleterious exotic wildlife. The director may adopt emergency rules under RCW 77.12.150.

The commission may establish by rule game reserves and closed areas where hunting for wild animals or wild birds may be prohibited and closed waters where fishing for game fish may be prohibited.

Sec. 16. Section 17, chapter 78, Laws of 1980 as amended by section 2, chapter 155, Laws of 1985 and RCW 77.12.055 are each amended to read as follows:

(1) Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules (~~(of the commission)~~) adopted pursuant to this title pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature. However, when acting within the scope of these duties and when an offense occurs in the presence of the wildlife agent who is not an ex officio wildlife agent, the wildlife agent may enforce all criminal laws of the state. The wildlife agent must have successfully completed the basic law enforcement academy course sponsored by the criminal justice training commission, or a supplemental course in criminal law enforcement as approved by the department and the criminal justice training commission and provided by the department or the criminal justice training commission, prior to enforcing the criminal laws of the state.

(2) Wildlife agents are peace officers.

(3) Any liability or claim of liability which arises out of the exercise or alleged exercise of authority by a wildlife agent rests with the department (~~(of game)~~) unless the wildlife agent acts under the direction and control of another agency or unless the liability is otherwise assumed under a written agreement between the department of game and another agency.

(4) Wildlife agents may serve and execute warrants and processes issued by the courts.

Sec. 17. Section 77.12.060, chapter 36, Laws of 1955 as last amended by section 18, chapter 78, Laws of 1980 and RCW 77.12.060 are each amended to read as follows:

The director, wildlife agents, and ex officio wildlife agents may serve and execute warrants and process issued by the courts to enforce the law and rules (~~(of the commission)~~) adopted pursuant to this title.

To enforce these laws or rules, they may call to their aid any ex officio wildlife agent or citizen and that person shall render aid.

Sec. 18. Section 77.12.070, chapter 36, Laws of 1955 as last amended by section 19, chapter 78, Laws of 1980 and RCW 77.12.070 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents within their respective jurisdictions shall enforce the law and rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 19. Section 77.12.080, chapter 36, Laws of 1955 as last amended by section 20, chapter 78, Laws of 1980 and RCW 77.12.080 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may arrest without warrant persons found violating the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 20. Section 77.12.090, chapter 36, Laws of 1955 as amended by section 21, chapter 78, Laws of 1980 and RCW 77.12.090 are each amended to read as follows:

Wildlife agents, and ex officio wildlife agents may make a reasonable search without warrant of conveyances, vehicles, packages, game baskets, game coats, or other receptacles for wildlife, or tents, camps, or similar places which they have reason to believe contain evidence of a violation of law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 21. Section 77.12.100, chapter 36, Laws of 1955 as amended by section 23, chapter 78, Laws of 1980 and RCW 77.12.100 are each amended to read as follows:

Wildlife agents and ex officio wildlife agents may seize without warrant wildlife believed to have been unlawfully taken, killed, transported, or possessed, and articles or devices believed to have been unlawfully used or held with intent to unlawfully use in hunting or fishing. "Articles or devices," as used in this title or rules ~~((of the commission))~~ adopted pursuant to this title, means things used to hunt, fish for, possess, or transport wildlife and includes boats, other vehicles, and fishing and hunting equipment.

Sec. 22. Section 77.16.030, chapter 36, Laws of 1955 as last amended by section 71, chapter 78, Laws of 1980 and RCW 77.12.105 are each amended to read as follows:

Except as otherwise provided in this title, a person who has lawfully acquired possession of wildlife and who desires to retain or transfer it may do so in accordance with the rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 23. Section 77.12.140, chapter 36, Laws of 1955 as amended by section 28, chapter 78, Laws of 1980 and RCW 77.12.140 are each amended to read as follows:

The ~~((commission))~~ director, acting in a manner not inconsistent with criteria established by the commission, may obtain by purchase, gift, or exchange and may sell or transfer wildlife and their eggs for stocking, research, or propagation.

Sec. 24. Section 77.12.150, chapter 36, Laws of 1955 as last amended by section 4, chapter 240, Laws of 1984 and RCW 77.12.150 are each amended to read as follows:

By emergency rule only, and in accordance with ~~((rules-of))~~ criteria established by the commission, the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish ~~((by rule))~~ a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. The director shall determine by random selection the identity of hunters who may hunt within the area and shall determine the conditions and requirements of the selection process. The ~~((commission))~~ director shall include notice of the special season in the rules establishing open seasons.

Sec. 25. Section 334, chapter 258, Laws of 1984 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury the state ~~((game))~~ wildlife fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the ~~((commission))~~ director under this title;
- (g) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and
- (h) Excise tax on anadromous game fish collected under chapter 82.27 RCW.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state ((game)) wildlife fund.

Sec. 26. Section 2, chapter 56, Laws of 1979 as amended by section 66, chapter 78, Laws of 1980 and RCW 77.12.185 are each amended to read as follows:

The director may collect moneys to recover the reasonable costs of publication of informational materials by the department and shall deposit them in the state treasury to be credited to the state ((game)) wildlife fund.

Sec. 27. Section 77.12.190, chapter 36, Laws of 1955 as amended by section 34, chapter 78, Laws of 1980 and RCW 77.12.190 are each amended to read as follows:

Moneys in the state ((game)) wildlife fund may be used only for the purposes of this title.

Sec. 28. Section 77.12.200, chapter 36, Laws of 1955 as last amended by section 35, chapter 78, Laws of 1980 and RCW 77.12.200 are each amended to read as follows:

The commission may authorize the director to acquire by gift, purchase, lease, or condemnation lands, buildings, waters, or other necessary property for purposes consistent with this title, together with rights of way for access to the property so acquired. Except to clear title and acquire access rights of way, the power of condemnation may be exercised by the ((commission)) director only when an appropriation has been made by the legislature for the acquisition of a specific property.

Sec. 29. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 1, chapter 214, Laws of 1984 and by section 335, chapter 258, Laws of 1984 and RCW 77.12.201 are each reenacted and amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules ((of the commission)) adopted pursuant to this title and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the public safety and education account established under RCW 43.08.250. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 30. Section 77.12.210, chapter 36, Laws of 1955 as last amended by section 38, chapter 78, Laws of 1980 and RCW 77.12.210 are each amended to read as follows:

The ~~((commission))~~ director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The ~~((commission))~~ director may adopt rules for the operation~~((;))~~ and maintenance~~((; and use of and conduct on))~~ of the property.

The commission may authorize the director to sell timber, gravel, sand, and other materials or products from real property held by the department~~((The commission))~~ and may authorize the director to sell or lease the ~~((departments'))~~ department's real or personal property or grant concessions or rights of way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife fund: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the ~~((commission))~~ director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the ~~((state treasury to be credited to the))~~ state ~~((game))~~ wildlife fund.

Sec. 31. Section 77.12.220, chapter 36, Laws of 1955 as amended by section 39, chapter 78, Laws of 1980 and RCW 77.12.220 are each amended to read as follows:

For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, political subdivisions of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, ~~((it))~~ the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

Sec. 32. Section 77.12.230, chapter 36, Laws of 1955 as amended by section 40, chapter 78, Laws of 1980 and RCW 77.12.230 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state ((game)) wildlife fund to the department.

Sec. 33. Section 77.12.240, chapter 36, Laws of 1955 as amended by section 41, chapter 78, Laws of 1980 and RCW 77.12.240 are each amended to read as follows:

The director may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

The director or other employees of the department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Skins or furs shall be sold at public auction at a time and location determined by the director. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ((game)) wildlife fund.

Sec. 34. Section 77.12.260, chapter 36, Laws of 1955 as amended by section 43, chapter 78, Laws of 1980 and RCW 77.12.260 are each amended to read as follows:

The ((commission)) director may make written agreements to prevent damage to private property by wildlife. The department may furnish money, material, or labor under these agreements.

Sec. 35. Section 77.16.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 355, Laws of 1985 and RCW 77.12.265 are each amended to read as follows:

The owner or tenant of real property may trap or kill on that property wild animals or wild birds, other than an endangered species, that is damaging crops, domestic animals, fowl, or other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director. The director may delegate this authority.

For the purposes of this section, "emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, fowl, or other property.

Alternatively, when sufficient time for the issuance of a permit by the director is not available, verbal permission may be given by the appropriate ((game)) department regional administrator to owners or tenants of real property to trap or kill on that property any deer, elk, or protected wildlife

which is damaging crops, domestic animals, fowl, or other property. The regional administrator may delegate, in writing, a member of the regional staff to give the required permission in these emergency situations. Nothing in this section authorizes in any situation the trapping, hunting, or killing of an endangered species.

Wildlife trapped or killed under this section remains the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The ((commission)) director shall dispose of wildlife so taken within three working days of receiving such a notification.

If the department receives recurring complaints regarding property being damaged as described in this section from the owner or tenant of real property, or receives such complaints from several such owners or tenants in a locale, the commission shall consider conducting a special hunt or special hunts to reduce the potential for such damage.

For purposes of this section, "crop" means an agricultural or horticultural product growing or harvested and includes wild shrubs and range land vegetation on privately owned cattle ranching lands. On such lands, the land owner or lessee may declare an emergency when the department ((of game)) has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding crop damage by wild animals or wild birds. However, the department shall not allow claims for damage to wild shrubs or range land vegetation on such lands.

Deer and elk shall not be killed under the authority of this section on privately owned cattle ranching lands that were closed to public hunting during the previous hunting season, except for land closures which are coordinated with the department to protect property and livestock.

The department shall work closely with landowners and tenants suffering game damage problems to control damage without killing the animals when practical, to increase the harvest of damage-causing animals in hunting seasons, or to kill the animals when no other practical means of damage control is feasible.

Sec. 36. Section 77.12.270, chapter 36, Laws of 1955 as last amended by section 11, chapter 126, Laws of 1986 and RCW 77.12.270 are each amended to read as follows:

The ((commission)) director may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed two thousand dollars. The payment of a claim by the ((commission)) director constitutes full and final payment for the claim. The director shall advise the commission quarterly of all damage claims paid.

Sec. 37. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 12, chapter 126, Laws of 1986 and RCW 77.12.280 are each amended to read as follows:

(1) Claims under RCW 77.12.270 may be filed under RCW 4.92.040(5) if within one year of filing with the ((commission)) director the claim is not settled and paid. The risk management office shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the ((commission)) director within one hundred twenty days of the filing of the claim, either the claimant or the ((commission)) director may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment shall not be made by the ((commission)) director until the arbitrators have made their advisory award.

Sec. 38. Section 77.12.290, chapter 36, Laws of 1955 as last amended by section 47, chapter 78, Laws of 1980 and RCW 77.12.290 are each amended to read as follows:

Claims for damages under RCW 77.12.270 shall be filed in writing with the ((commission)) department in its office within ninety days following the discovery of the claimed damage. Failure to file the claim within the ninety-day period shall bar payment of damages. Payments shall not be made for damages occurring on lands leased by the claimant from a public agency.

Sec. 39. Section 77.12.300, chapter 36, Laws of 1955 as last amended by section 48, chapter 78, Laws of 1980 and RCW 77.12.300 are each amended to read as follows:

The ((commission)) director may adopt rules requiring and prescribing the form of affidavits to be furnished in proof of claims and specifying the time for examining and appraising the damages. The ((commission)) director may refuse to consider and pay claims of persons who have posted the property on which the claimed damages occurred against hunting during the season prior to the occurrence of the damages.

Sec. 40. Section 1, chapter 183, Laws of 1971 ex. sess. as amended by section 49, chapter 78, Laws of 1980 and RCW 77.12.315 are each amended to read as follows:

If the director determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs, the ((commission)) director may declare by emergency rule that an emergency exists and specify the area where it is lawful for wildlife agents to take into custody or destroy the dogs if necessary. Wildlife agents who take into custody or destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

Sec. 41. Section 77.12.320, chapter 36, Laws of 1955 as last amended by section 50, chapter 78, Laws of 1980 and RCW 77.12.320 are each amended to read as follows:

(1) The commission may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding wildlife-oriented recreation and the propagation, protection, conservation, and control of wildlife.

(2) The ((commission)) director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for wildlife-oriented recreation. The ((commission)) director may adopt rules governing the conduct of persons in or on the real property.

(3) The ((commission)) director may accept compensation for wildlife losses or gifts or grants of personal property for use by the department.

Sec. 42. Section 15, chapter 10, Laws of 1982 and RCW 77.12.323 are each amended to read as follows:

(1) There is established in the state ((game)) wildlife fund a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The ((commission)) director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 43. Section 77.12.370, chapter 36, Laws of 1955 as amended by section 55, chapter 78, Laws of 1980 and RCW 77.12.370 are each amended to read as follows:

Prior to the forwarding of a request needing endorsement under RCW 77.12.360, the ((commission)) director shall present the request to the legislative authority of the county in which the lands are located for its approval. The legislative authority, before acting on the request, may call a

public hearing. The hearing shall take place within thirty days after presentation of the request to the legislative authority.

The ~~((commission))~~ director shall publish notice of the public hearing called by the legislative authority in a newspaper of general circulation within the county at least once a week for two successive weeks prior to the hearing. The notice shall contain a copy of the request and the time and place of the hearing.

The chairman of the county legislative authority shall preside at the public hearing. The proceedings shall be informal and all persons shall have a reasonable opportunity to be heard.

Within ten days after the hearing, the county legislative authority shall endorse its decision on the request for withdrawal. The decision is final and not subject to appeal.

Sec. 44. Section 77.12.380, chapter 36, Laws of 1955 as amended by section 56, chapter 78, Laws of 1980 and RCW 77.12.380 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state ~~((game))~~ wildlife fund in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 45. Section 77.12.390, chapter 36, Laws of 1955 as last amended by section 57, chapter 78, Laws of 1980 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state ~~((game))~~ wildlife fund in favor of the fund for which the withdrawn lands are held.

Sec. 46. Section 77.12.420, chapter 36, Laws of 1955 as amended by section 59, chapter 78, Laws of 1980 and RCW 77.12.420 are each amended to read as follows:

The ~~((commission))~~ director may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish~~((, and eradicating))~~. The eradication of undesirable fish((:)) shall be authorized by the commission. The director may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

Sec. 47. Section 77.12.440, chapter 36, Laws of 1955 as last amended by section 2, chapter 26, Laws of 1982 and RCW 77.12.440 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. Sec. 777). The department of ~~((game))~~ wildlife and the department of fisheries shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

Sec. 48. Section 67, chapter 78, Laws of 1980 and RCW 77.12.530 are each amended to read as follows:

The ~~((commission))~~ director shall ~~((adopt))~~ administer rules adopted by the commission governing the time, place, and manner of holding hunting and fishing contests and competitive field trials involving live wildlife for hunting dogs. The ~~((commission))~~ department shall prohibit contests and field trials that are not in the best interests of wildlife.

Sec. 49. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 22, chapter 457, Laws of 1985 and RCW 77.12.570 are each amended to read as follows:

The commission shall ~~((adopt rules specifying))~~ establish the ~~((procedures,))~~ qualifications(;) and conditions for issuing a game farm license ~~((and))~~. The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 50. Section 77.28.070, chapter 36, Laws of 1955 as amended by section 99, chapter 78, Laws of 1980 and RCW 77.12.580 are each amended to read as follows:

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of game birds or game fish lawfully possessed as provided by rule of the ~~((commission))~~ director.

Sec. 51. Section 77.28.080, chapter 36, Laws of 1955 as last amended by section 23, chapter 457, Laws of 1985 and RCW 77.12.590 are each amended to read as follows:

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by rule of the ~~((commission))~~ director. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

Sec. 52. Section 2, chapter 239, Laws of 1984 and RCW 77.12.650 are each amended to read as follows:

The department ~~((of game))~~ shall cooperate with other local, state, and federal agencies and governments to protect bald eagles and their essential

habitats through existing governmental programs, including but not limited to:

(1) The natural heritage program managed by the department of natural resources under chapter 79.70 RCW;

(2) The natural area preserve program managed by the department of natural resources under chapter 79.70 RCW;

(3) The shoreline management master programs adopted by local governments and approved by the department of ecology under chapter 90.58 RCW.

Sec. 53. Section 4, chapter 243, Laws of 1985 and RCW 77.12.670 are each amended to read as follows:

The migratory waterfowl stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee.

All revenue derived from the sale of the stamps by the department shall be deposited in the state ~~((game))~~ wildlife fund and shall be used only for the cost of printing and production of the stamp and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for the enhancement, protection, and propagation of migratory waterfowl in the state. Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, insure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to insure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission.

The department may produce migratory waterfowl stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public.

Sec. 54. Section 5, chapter 243, Laws of 1985 and RCW 77.12.680 are each amended to read as follows:

(1) There is created the migratory waterfowl art committee which shall be composed of nine members.

(2)(a) The committee shall consist of one member appointed by the governor, six members appointed by the director ~~((of game))~~, one member appointed by the chairman of the state arts commission, and one member appointed by the director of the department of agriculture.

(b) The member appointed by the director of the department of agriculture shall represent state-wide farming interests.

(c) The member appointed by the chairman of the state arts commission shall be knowledgeable in the area of fine art reproduction.

(d) The members appointed by the governor and the director ((of game)) shall be knowledgeable about waterfowl and waterfowl management. The six members appointed by the director ((of game)) shall represent, respectively:

(i) An eastern Washington sports group;

(ii) A western Washington sports group;

(iii) A group with a major interest in the conservation and propagation of migratory waterfowl;

(iv) A state-wide conservation organization;

(v) A state-wide sports hunting group; and

(vi) The general public.

The members of the committee shall serve three-year staggered terms and at the expiration of their term shall serve until qualified successors are appointed. Of the nine members, three shall serve initial terms of four years, three shall serve initial terms of three years, and three shall serve initial terms of two years. The appointees of the governor, the chairman of the state arts commission, and the director of agriculture shall serve the initial terms of four years. Vacancies shall be filled for unexpired terms consistent with this section. A chairman shall be elected annually by the committee. The committee shall review the director's ((of game's)) expenditures of the previous year of both the stamp money and the prints and related artwork money. Members of the committee shall serve without compensation.

Sec. 55. Section 6, chapter 243, Laws of 1985 and RCW 77.12.690 are each amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory waterfowl stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state ((game)) wildlife fund. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same

items. Net funds derived from the sale of prints and related artwork shall be used by the director ((of game)) to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the ((game)) commission and to the natural resources committees of the house and senate.

NEW SECTION. Sec. 56. A new section is added to chapter 77.12 RCW to read as follows:

(1) The commission in consultation with the director may authorize hunting of post-mature male trophy-quality animals from herds in areas not normally open to general public hunting. The director shall establish procedures for the hunt, which shall be called the Washington trophy hunt. The procedures may provide for an organization to contract with the department to sponsor the hunt. The procedures shall require that any permits or tags required for the hunt be sold at auction to raise funds for the department and the organization for wildlife conservation purposes. Representatives of the department may participate in the hunt upon the request of the commission to insure that the animals to be killed are properly identified.

(2) A wildlife conservation organization may request the commission to authorize a special hunt for post-mature trophy-quality male animals upon petition.

(3) In addition to any permit fee established under subsection (1) of this section, participants in the hunt shall obtain any required license, permit, or tag.

***NEW SECTION. Sec. 57.** A new section is added to chapter 77.12 RCW to read as follows:

The director shall employ a minimum of eighty-five field wildlife enforcement agents throughout the state to ensure full enforcement coverage in each county of the state.

*Sec. 57 was vetoed, see message at end of chapter.

Sec. 58. Section 77.16.010, chapter 36, Laws of 1955 as amended by section 69, chapter 78, Laws of 1980 and RCW 77.16.010 are each amended to read as follows:

It is unlawful to promote, conduct, hold, or sponsor a contest for the hunting or fishing of wildlife or a competitive field trial involving live wildlife for hunting dogs without first obtaining a hunting or fishing contest

permit. Contests and field trials shall be held in accordance with established rules (~~(of the commission)~~).

Sec. 59. Section 77.16.020, chapter 36, Laws of 1955 as last amended by section 196, chapter 3, Laws of 1983 and RCW 77.16.020 are each amended to read as follows:

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

(2) It is unlawful to kill, take, catch, possess, or control these species in excess of the number fixed as the bag limit for each species.

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

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

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

Sec. 60. Section 77.16.040, chapter 36, Laws of 1955 as last amended by section 72, chapter 78, Laws of 1980 and RCW 77.16.040 are each amended to read as follows:

Except as authorized by law or rule (~~(of the commission)~~), it is unlawful to bring into this state, offer for sale, sell, possess, exchange, buy, transport, or ship wildlife or articles made from an endangered species. It is unlawful for a common or contract carrier knowingly to ship or receive for shipment wildlife or articles made from an endangered species.

Sec. 61. Section 77.16.060, chapter 36, Laws of 1955 as amended by section 74, chapter 78, Laws of 1980 and RCW 77.16.060 are each amended to read as follows:

It is unlawful to lay, set, or use a net or other device capable of taking game fish in the waters of this state except as authorized by (~~(rule of)~~) the commission or director of fisheries. Game fish taken incidental to a lawful season established by the director of fisheries shall be returned immediately to the water.

A landing net may be used to land fish otherwise legally hooked.

Sec. 62. Section 77.16.080, chapter 36, Laws of 1955 as amended by section 76, chapter 78, Laws of 1980 and RCW 77.16.080 are each amended to read as follows:

It is unlawful to lay, set, or use a drug, explosive, poison, or other deleterious substance that may endanger, injure, or kill wildlife except as

authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 63. Section 78, chapter 78, Laws of 1980 and RCW 77.16.095 are each amended to read as follows:

It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The ~~((commission))~~ director may prescribe specific criteria for field identification to satisfy this section.

Sec. 64. Section 77.16.110, chapter 36, Laws of 1955 as amended by section 80, chapter 78, Laws of 1980 and RCW 77.16.110 are each amended to read as follows:

It is unlawful to carry firearms, other hunting weapons, or traps or to allow directly or negligently a dog upon a game reserve, except on public highways or as authorized by rule of the ~~((commission))~~ director.

Sec. 65. Section 77.16.130, chapter 36, Laws of 1955 as amended by section 82, chapter 78, Laws of 1980 and RCW 77.16.130 are each amended to read as follows:

It is unlawful to resist or obstruct wildlife agents or ex officio wildlife agents in the discharge of their duties while enforcing the law or rules ~~((of the commission))~~ adopted pursuant to this title.

Sec. 66. Section 77.16.150, chapter 36, Laws of 1955 as amended by section 83, chapter 78, Laws of 1980 and RCW 77.16.150 are each amended to read as follows:

Except as authorized by ~~((rule of))~~ the ~~((commission))~~ director, consistent with criteria established by the commission, it is unlawful to release wildlife or to plant aquatic plants or their seeds within the state.

Sec. 67. Section 77.16.180, chapter 36, Laws of 1955 as amended by section 86, chapter 78, Laws of 1980 and RCW 77.16.180 are each amended to read as follows:

It is unlawful to remove, possess, or damage printed matter or signs placed by authority of the ~~((commission))~~ director.

Sec. 68. Section 1, chapter 44, Laws of 1980 as amended by section 5, chapter 310, Laws of 1981 and RCW 77.16.320 are each amended to read as follows:

Except as authorized by law or rules ~~((of the commission))~~ adopted pursuant to this title, it is unlawful to hunt, offer for sale, sell~~((f, t))~~, possess, exchange, buy, transport, or ship an albino wild animal.

Sec. 69. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game or an endangered species, as defined by the (~~Washington state game~~) commission under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or (~~(a)~~) rules ((of the commission)) adopted pursuant to this title for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

(4) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

(5) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules (~~((of the commission))~~) adopted pursuant to this title and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 70. Section 1, chapter 6, Laws of 1975 1st ex. sess. as amended by section 124, chapter 78, Laws of 1980 and RCW 77.21.020 are each amended to read as follows:

In addition to other penalties provided by law, the director shall revoke the hunting license of a person who is convicted of a violation of RCW 77.16.020 involving big game or RCW 77.16.050. Forfeiture of bail twice during a five-year period for these violations constitutes the basis for a revocation under this section.

A hunting license shall not be issued to the person for two years from the revocation (~~((unless the commission authorizes the issuance))~~).

A person who has had a license revoked or has been denied issuance pursuant to this section or RCW 77.21.030, may appeal the decision as provided in chapter 34.04 RCW.

Sec. 71. Section 77.32.280, chapter 36, Laws of 1955 as amended by section 123, chapter 78, Laws of 1980 and RCW 77.21.030 are each amended to read as follows:

The director shall revoke the hunting license of a person who shoots another person or domestic livestock while hunting. A hunting license shall not be issued to that person unless the ~~((commission))~~ director authorizes the issuance of a license, and damages caused by the wrongful shooting have been paid.

Sec. 72. Section 77.12.110, chapter 36, Laws of 1955 as amended by section 25, chapter 78, Laws of 1980 and RCW 77.21.040 are each amended to read as follows:

(1) In addition to other penalties provided by law, a court may forfeit, for the use of the ~~((commission))~~ department, wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.

(2) Wildlife unlawfully taken or possessed remains the property of the state.

(3) The ~~((commission))~~ director may sell articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding the sale ~~((is within the discretion of the commission))~~ shall be determined by the director. The director shall publish notice of the sale once a week for at least two consecutive weeks prior to the sale in at least one newspaper of general circulation in the county in which the sale is to be held. Proceeds from the sales shall be deposited in the state treasury to be credited to the state ~~((game))~~ wildlife fund.

Sec. 73. Section 77.32.260, chapter 36, Laws of 1955 as amended by section 122, chapter 78, Laws of 1980 and RCW 77.21.060 are each amended to read as follows:

Upon conviction of a violation of this title or rules ~~((of the commission))~~ adopted pursuant to this title, the court may forfeit a license, in addition to other penalties provided by law. Upon subsequent conviction, the forfeiture of the license is mandatory. The ~~((commission))~~ director may prohibit ~~((by rule))~~ issuance of a license to a person convicted two or more times or prescribe the conditions for subsequent issuance of a license.

*Sec. 74. Section 3, chapter 8, Laws of 1983 1st ex. sess. as last amended by section 1, chapter 318, Laws of 1986 and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal killing or possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission ~~\$((1,000))~~ 2,000
- (b) Elk, deer, black bear, and cougar ~~\$((500))~~ 1,000
- (c) Mountain caribou and grizzly bear \$5,000

(2) The court shall order an additional amount not less than five percent and not exceeding ten percent of the applicable amount in this section to be placed in the state wildlife conservation reward fund.

(3) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine. No court may establish bail for illegal possession of wildlife listed in subsection (1) in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection (1).

~~((3))~~ (4) If two or more persons are convicted of illegally possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

~~((4))~~ (5) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

~~((5))~~ (6) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

*Sec. 74 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 75. A new section is added to chapter 77.21 RCW to read as follows:

The state wildlife conservation reward fund is established in the custody of the state treasurer. The director shall deposit in the fund all moneys designated to be placed in the fund under RCW 77.21.070(2) and otherwise

designated by rule of the director. Moneys in the fund shall be spent to provide rewards to persons informing the department about violations of this title or rules adopted pursuant to this title. Disbursements from the fund shall be on the authorization of the director or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursement.

The amount of any reward shall not exceed the amount specified in RCW 77.21.070(2).

Sec. 76. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 25, chapter 457, Laws of 1985 and RCW 77.32.010 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a license issued by the ~~((commission))~~ director is required to:

(a) Hunt for wild animals or wild birds or fish for game fish;

(b) Practice taxidermy for profit;

(c) Deal in raw furs for profit;

(d) Act as a fishing guide;

(e) Operate a game farm;

(f) Purchase or sell anadromous game fish; or

(g) Use department-managed lands or facilities as provided by rules ~~((of the commission))~~ adopted pursuant to this title.

(2) A permit issued by the director is required to:

(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using live wildlife;

(b) Collect wild animals, wild birds, game fish, or protected wildlife for research or display; or

(c) Stock game fish.

(3) Aquaculture as defined in RCW 15.85.020 is exempt from the requirements of this section, except when being stocked in public waters under contract with the department ~~((of game))~~.

Sec. 77. Section 77.32.050, chapter 36, Laws of 1955 as last amended by section 16, chapter 310, Laws of 1981 and RCW 77.32.050 are each amended to read as follows:

Licenses, permits, tags, stamps, and punchcards required by this chapter shall be issued under the authority of the commission. The ~~((commission))~~ director may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, tags, stamps, and punchcards and collect the appropriate fees. The authorized persons shall pay on demand or before the tenth day of the following month the fees collected and shall make reports as required by the ~~((commission))~~ director. The ~~((commission))~~ director may adopt rules for issuing licenses, permits, tags, stamps, and punchcards, collecting and paying fees, and making reports.

Sec. 78. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 1, chapter 464, Laws of 1985 and RCW 77.32.060 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules establishing the amount a license dealer may charge and keep for each license, tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall establish the amount to be retained by dealers to be at least fifty cents for each license issued, and twenty-five cents for each tag, permit, stamp, or punchcard issued. The ~~((commission))~~ director shall report to the next regular session of the legislature explaining any increase in the amount retained by license dealers. Fees retained by dealers shall be uniform throughout the state.

Sec. 79. Section 77.32.070, chapter 36, Laws of 1955 as last amended by section 18, chapter 310, Laws of 1981 and RCW 77.32.070 are each amended to read as follows:

Applicants for a license, permit, tag, stamp, or punchcard shall furnish the information required by ~~((rule of the commission))~~ the director. The ~~((commission))~~ director may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of wildlife.

Sec. 80. Section 77.32.090, chapter 36, Laws of 1955 as last amended by section 19, chapter 310, Laws of 1981 and RCW 77.32.090 are each amended to read as follows:

The ~~((commission))~~ director may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, stamps, and punchcards required by this chapter.

Sec. 81. Section 1, chapter 17, Laws of 1957 as last amended by section 21, chapter 310, Laws of 1981 and RCW 77.32.155 are each amended to read as follows:

When purchasing a hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least six hours in the safe handling of firearms, safety, conservation, and sportsmanship.

The ~~((commission))~~ director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations.

The ~~((commission))~~ director shall prescribe the type of instruction and the qualifications of the instructors.

Upon successful completion of the course, a trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

Sec. 82. Section 1, chapter 43, Laws of 1977 as last amended by section 24, chapter 310, Laws of 1981 and RCW 77.32.197 are each amended to read as follows:

Persons purchasing a state trapping license for the first time shall present certification of completion of a course of instruction in safe, humane, and proper trapping techniques or pass an examination to establish that the applicant has the requisite knowledge.

The ((commission)) director shall establish a program for training persons in trapping techniques and responsibilities, including the use of trapping devices designed to painlessly capture or instantly kill. The ((commission)) director shall cooperate with national and state animal, humane, hunter education, and trapping organizations in the development of a curriculum. Upon successful completion of the course, trainees shall receive a trapper's training certificate signed by an authorized instructor. This certificate is evidence of compliance with this section.

Sec. 83. Section 30, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 464, Laws of 1985 and RCW 77.32.211 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is one hundred fifty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for profit. The fee for this license is one hundred fifty dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is one hundred fifty dollars for a resident and five hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the ((commission)) rules adopted pursuant to this title. The fee for this license is sixty dollars for the first year and forty dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty dollars.

(6) A hunting, fishing, or field trial permit allows the holder to promote, conduct, hold, or sponsor a hunting, fishing, or field trial contest in accordance with rules of the commission. The fee for this permit is twenty dollars.

(7) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the ((commission)) director. The fee for this license is one hundred fifty dollars.

Sec. 84. Section 77.32.220, chapter 36, Laws of 1955 as last amended by section 4, chapter 284, Laws of 1983 and RCW 77.32.220 are each amended to read as follows:

Licensed taxidermists, fur dealers, anadromous game fish buyers, fishing guides, game farmers, and persons stocking game fish or conducting a hunting, fishing, or field trial contest shall make reports as required by rules of the ~~((commission))~~ director.

Sec. 85. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 6, chapter 464, Laws of 1985 and RCW 77.32.230 are each amended to read as follows:

(1) A person sixty-five years of age or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability and who has been a resident for five years may receive upon application a state hunting and fishing license free of charge.

(2) ~~((Subject to subsection (7) of this section,))~~ A person seventy years of age or older who has been a resident for ten years may receive, upon application, a fishing license free of charge.

(3) A blind person, or a person with a developmental disability as defined in RCW 71.20.016 with documentation of the disability from the department of social and health services, or a physically handicapped person confined to a wheelchair may receive upon application a fishing license free of charge.

(4) A blind person or a physically handicapped person confined to a wheelchair who has been issued a card for a permanent disability under RCW 46.16.381 may use that card in place of a fishing license unless tags, permits, stamps, or punchcards are required by this chapter.

(5) A fishing license is not required for persons under the age of fifteen.

(6) Tags, permits, stamps, and punchcards required by this chapter shall be purchased separately by persons receiving a free or reduced-fee license.

~~((7) (a) By January 1, 1986, the game commission shall adopt a policy determining the fee, if any is charged, and residency requirement for fishing licenses for residents seventy years of age or older. Prior to adopting any policy, the commission shall hold state-wide hearings to learn concerns of interested citizens. The commission shall consider the needs of low-income senior citizens and appropriate residency requirements for senior citizens. If the commission recommends a change in the fishing license fees for residents over seventy years of age, the commission shall report to the next regular session of the legislature the reasons for recommending the change.~~

~~(b) The department shall, in a timely manner, adopt by rule any fishing license fees and residency requirements recommended by the commission for persons seventy years of age or older.))~~

Sec. 86. Section 32, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 7, chapter 464, Laws of 1985 and RCW 77.32.256 are each amended to read as follows:

The ~~((commission))~~ director shall by rule establish the conditions for issuance of duplicate licenses, permits, tags, stamps, and punchcards required by this chapter. The fee for a duplicate provided under this section is eight dollars.

Sec. 87. Section 8, chapter 310, Laws of 1981 and RCW 77.32.320 are each amended to read as follows:

(1) A separate transport tag is required to hunt deer, elk, bear, cougar, sheep, mountain goat, or wild turkey.

(2) A transport tag may only be obtained subsequent to the purchase of a valid hunting license and must have permanently affixed to it the hunting license number and the supplemental stamp appropriate for the species being hunted.

(3) Persons who kill deer, elk, bear, cougar, mountain goat, sheep, moose, or wild turkey shall immediately validate and attach their own transport tag to the carcass as provided by rule of the ~~((commission))~~ director.

(4) Transport tags required by this section expire on March 31st following the date of issuance.

Sec. 88. Section 13, chapter 310, Laws of 1981 as amended by section 10, chapter 464, Laws of 1985 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule ~~((of the commission))~~.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter.

(5) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

(6) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

(7) Upland bird punchcards required under this section expire March 31st following the date of issuance.

Sec. 89. Section 14, chapter 310, Laws of 1981 as amended by section 7, chapter 240, Laws of 1984 and RCW 77.32.370 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season established under chapter 77.12 RCW.

(2) Persons may apply for special hunting season permits as provided by rule of the ((commission)) director.

(3) The application fee to participate in a special hunting season is two dollars.

Sec. 90. Section 15, chapter 310, Laws of 1981 as amended by section 11, chapter 464, Laws of 1985 and RCW 77.32.380 are each amended to read as follows:

Persons sixteen years of age or older who use clearly identified ((game)) department lands and access facilities are required to possess a conservation license or a hunting, fishing, trapping, or free license on their person while using the facilities. The fee for this license is eight dollars annually.

The spouse, all children under eighteen years of age, and guests under eighteen years of age of the holder of a valid conservation license may use ((game)) department lands and access facilities when accompanied by the license holder.

Youth groups may use ((game)) department lands and game access facilities without possessing a conservation license when accompanied by a license holder.

The conservation license is nontransferable and must be validated by the signature of the holder. Upon request of a wildlife agent or ex officio wildlife agent a person using clearly identified game department lands shall exhibit the required license.

Sec. 91. Section 6, chapter 232, Laws of 1983 as amended by section 1, chapter 153, Laws of 1986 and RCW 9.41.098 are each amended to read as follows:

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) Found in the possession or under the control of a person at the time the person committed or was arrested for committing a crime of violence or

a crime in which a firearm was used or displayed or a felony violation of the uniform controlled substances act, chapter 69.50 RCW;

(d) Found concealed on a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, having 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of his breath, blood, or other bodily substance;

(e) Found in the possession of a person prohibited from possessing the firearm under RCW 9.41.040;

(f) Found in the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a crime of violence or a crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) Found in the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Known to have been used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Known to have been used in the commission of a crime of violence or a crime in which a firearm was used or displayed or a felony violation of the uniformed controlled substances act, chapter 69.50 RCW.

(2) Upon order of forfeiture, the court in its discretion shall order destruction of any firearm that is illegal for any person to possess, retention of the firearm as evidence, appropriate use by a law enforcement agency in the state, donation to a historical museum, or sale at a public auction to a commercial seller. The proceeds from any sale shall be divided as follows: The local jurisdiction shall retain its costs, including actual costs of storage and sale, and shall forward the remainder to the state (~~((game commission))~~) department of wildlife for use in its firearms training program pursuant to RCW 77.32.155. If the court orders delivery to a law enforcement agency and the agency no longer requires use of the firearm, the agency shall dispose of the firearm in a manner which is consistent with this subsection.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1)

of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

Sec. 92. Section 6, chapter 120, Laws of 1967 as last amended by section 109, chapter 3, Laws of 1983 and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 be construed to interfere with the powers, duties and authority of the state department of ~~((game or the state game commission))~~ wildlife to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 93. Section 10, chapter 75, Laws of 1977 ex. sess. and RCW 43.51.955 are each amended to read as follows:

Nothing in RCW 43.51.946 through 43.51.956 shall be construed to interfere with the powers, duties, and authority of the state department of ~~((game))~~ wildlife or the state ~~((game))~~ wildlife commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 94. Section 75.16.060, chapter 12, Laws of 1955 as amended by section 12, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.055 are each amended to read as follows:

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

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

Sec. 95. Section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or

level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the ~~((state game commission))~~ department of wildlife, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the ~~((game commission))~~ department of wildlife, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the ~~((game commission))~~ department of wildlife, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first day of each regular session of the legislature during an odd-numbered year a report as to the implementation of its minimum flow setting program.

Sec. 96. Section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010 are each amended to read as follows:

The department of water resources may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of water resources shall, when requested by the department of fisheries or the ~~((game commission))~~ department of wildlife to protect fish, game or other wildlife resources under the jurisdiction of the requesting state agency, or by the water pollution control commission to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality described in the request. Any request submitted by the department of fisheries, ~~((game commission))~~ department of wildlife, or ~~((water pollution control commission))~~ department of ecology shall include a statement setting forth the need for establishing a minimum flow or level. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ~~((water resources))~~ ecology in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

Sec. 97. Section 4, chapter 284, Laws of 1969 ex. scss. as last amended by section 1, chapter 196, Laws of 1985 and RCW 90.22.020 are each amended to read as follows:

Flows or levels authorized for establishment under RCW 90.22.010, or subsequent modification thereof by the department shall be provided for through the adoption of rules. Before the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake, or other public water is located. If it is located in more than one county the department shall determine the location or locations therein and the number of hearings to be conducted. Notice of the hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake, or other public waters is located, once a week for two consecutive weeks before the hearing. The notice shall include the following:

(1) The name of each stream, lake, or other water source under consideration;

(2) The place and time of the hearing;

(3) A statement that any person, including any private citizen or public official, may present his views either orally or in writing.

Notice of the hearing shall also be served upon the administrators of the departments of fisheries, social and health services, ~~((and))~~ natural resources, ~~((the game commission))~~ wildlife, and ~~((the department of))~~ transportation.

NEW SECTION. Sec. 98. Section 2, chapter 93, Laws of 1985 and RCW 77.04.110 are each repealed.

NEW SECTION. Sec. 99. All references in the Revised Code of Washington to the department of game, the game commission, the director of game, and the game fund shall mean, respectively, the department of wildlife, the wildlife commission, the director of wildlife, and the wildlife fund.

NEW SECTION. Sec. 100. Rules of the department of game existing prior to the effective date of this section shall remain in effect unless or until amended or repealed by the director of wildlife or the wildlife commission pursuant to Title 77 RCW. The director of game on the effective date of this section shall continue as the director of wildlife until resignation or removal in accordance with the provisions of RCW 43.17.020. The game commission on the effective date of this section shall continue as the wildlife commission.

NEW SECTION. Sec. 101. The legislature recognizes the need to mitigate the effects of sedimentary build-up and resultant damage to fish population in the Toutle river resulting from the Mt. St. Helens eruption. The state has entered into a contractual agreement with the United States

army corps of engineers designed to minimize fish habitat disruption created by the sediment retention structure on the Toutle river, under which the corps has agreed to construct a fish collection facility at the sediment retention structure site conditional upon the state assuming the maintenance and operation costs of the facility. The department of game and the department of fisheries shall cooperatively operate and maintain a fish collection facility on the Toutle river. Each agency shall share in the cost of operating and maintaining the facility.

NEW SECTION. Sec. 102. No official or supervisory employee of the department of game or of the department of wildlife shall take any measures against any employee of the department of game or department of wildlife if the measures are in retaliation for the employee's support for or opposition to (1) any provision of this 1987 act or (2) any provision of, or proposal for amending, any of the bills that, during the 1987 regular session, were included in the legislative history progression that began with House Bill No. 758 and ended with this 1987 act. This section is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

NEW SECTION. Sec. 103. A new section is added to chapter 77.32 RCW to read as follows:

Notwithstanding RCW 77.32.010, the commission may adopt rules designating times and places for the purposes of family fishing days when licenses are not required to fish for game fish.

Sec. 104. Section 3, chapter 243, Laws of 1985 and RCW 77.16.330 are each amended to read as follows:

It is unlawful for any person (~~(over)~~) sixteen years of age or older to hunt any migratory waterfowl without first obtaining a migratory waterfowl stamp as required by RCW 77.32.350.

Sec. 105. Section 12, chapter 310, Laws of 1981 as last amended by section 1, chapter 243, Laws of 1985 and by section 9, chapter 464, Laws of 1985 and RCW 77.32.350 are each reenacted and amended to read as follows:

(1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is ten dollars.

(2) An upland game bird stamp is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this stamp is eight dollars.

(3) A falconry license is required to possess or hunt with a falcon, including seasons established exclusively for hunting in that manner. The fee for this license is thirty dollars.

(4) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

(5) A migratory waterfowl stamp is required for all persons sixteen years of age or older to hunt migratory waterfowl. The fee for the stamp is five dollars. ~~((The migratory waterfowl stamp shall be required in the hunting season starting not later than the fall of 1986-))~~

(6) The migratory waterfowl stamp shall be validated by the signature of the licensee written across the face of the stamp.

(7) Stamps required by this section expire on March 31st following the date of issuance except for hound stamps, which expire December 31st following the date of issuance.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 19, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 19, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 57, and 74(2), Engrossed Second Substitute House Bill No. 758, entitled:

"AN ACT Relating to the department of wildlife."

Engrossed Second Substitute House Bill No. 758 reorganizes the Department of Game into the Department of Wildlife. As part of this reorganization, greater authority is vested in the Director of Wildlife, the chief executive officer of the Department.

Section 57 requires the Director to employ a minimum of 85 field wildlife enforcement agents. As with other Departmental staffing decisions, a determination of the actual number of wildlife enforcement agents to be employed by the Department is more appropriately left to the Director's discretion. Enforcement is an important responsibility of the Department, and the Director is instructed to employ an adequate number of wildlife agents to ensure enforcement coverage throughout the state.

Section 74(2) would direct to the Wildlife Conservation Reward Fund, rather than to the Public Safety and Education Fund, certain reimbursements to the state for the value of game animals taken illegally. Section 74(2) would require courts to distribute revenue received from these reimbursements in a different way than is currently prescribed by statute. Currently, as part of the Court Improvement Act of 1984, all court revenue is distributed according to a 68/32% formula between local and state government. The state's 32% share goes into the Public Safety and Education Account and is used to support a variety of state programs, including some sponsored by the Department of Wildlife.

The Court Improvement Act did away with a very cumbersome system of separate accounting for numerous small special purpose court collections. The unified and simplified system now in place is superior to its predecessor. The change mandated by section 74(2) would be a step backward toward the old system.

With the exception of section 57, and 74(2), Engrossed Second Substitute House Bill No. 758 is approved."