

Summary

Meeting dates: August 21, 2015, Fish and Wildlife Commission Meeting

Agenda item: 2016 Agency Request Legislative Package

Presenter(s): Ann Larson, Legislative Liaison

Background summary:

WDFW's Executive Management Team reviewed the 2016 agency request package on June 17, 2015. The tentative deadline for submission of agency-request legislation to OFM and the Governor's Office for the 2016 Legislative Session is September 18, 2015 for proposals with a fiscal impact and October 2, 2015 without a fiscal impact.

Policy issue(s) you are bringing to the Commission for consideration:

The agency request package is made up of several legislative proposals that include:

- Steelhead License Plate
 - Criminal Wildlife Penalty License Suspensions
 - Fish & Shellfish Records
 - Unlawful Hunting Wild Birds
 - Wild Salmon Definition
-

Public involvement process used and what you learned:

Current stakeholder efforts are underway for initial feedback and will continue through September.

Action requested:

The Fish and Wildlife Commission will review proposed agency request legislation for the 2016 Legislation Session on August 7, 2015. The request for Commission approval is scheduled for August 21, 2015 via conference call.

Draft motion language for August 21, 2015:

Move to approve the 2016 agency request legislative proposals as presented.

Justification for Commission action:

The Fish and Wildlife Commission sets policy for the Department of Fish and Wildlife, and is responsible for final review and approval of Department goals, objectives, and budget proposals (RCW 77.04.055).

Communications Plan:

WDFW 2016 SUPPLEMENTAL TIMELINE OPERATING & CAPITAL BUDGET REQUESTS; LEGISLATIVE PACKAGES

May 20-21	Kick-off at EMT: Budget Development and Agency-Request Legislation
May 25-June 5	Budget and Program strategy meetings (<i>repeat monthly</i>)
May 28	What's New budget development training
June 1-12	Programs review enacted 2015-17 capital budget for technical corrections; identify emergencies.
June 9	Decision package proposals and fiscal worksheets due to Budget Office. Legislative proposals due to Legislative Affairs by COB. <i>Staff must update/complete the following: statement of need, major provisions, affected agencies, fiscal impact information, stakeholder information, agency contacts, and legal review. Also include draft bill language, fact sheet, and decpac proposal.</i>
June 17-18	EMT Meeting: Introduction and discussion of operating decision package proposals to move forward for further development. Review and discussion of proposed supplemental capital budget. Discussion and finalization of legislative package to develop further.
July 7	Final revised legislative proposals, to be submitted to FWC, due to Legislative Affairs by COB.
July 15-16	EMT Meeting: Finalization of 2016 budget request and agency-request legislation lists to be sent to Commission. Supplemental capital budget for EMT approval. Budget Office sends final decpac template to programs, with recsum and performance language completed.
July 31	Send legislative and budget proposals to FWC for review prior to Olympia meeting.
August 7-8	Commission Meeting: Presentation to review agency proposed legislative and budget packages.
August 14	Final <u>maintenance level</u> decision packages due to Budget Office. Updated legislative package materials due to FWC for binders.
August 19-20	EMT Meeting: Budget and legislative check-in.
August 21	Commission Conference Call: Discussion to approve/amend budget package before final submittal to OFM. Fiscal notes related to legislative packages due to Budget Office, <i>even if there is no fiscal impact. Affected agency fiscal notes must also be submitted.</i>
August 28	Final agency request legislation packages due to Legislative Affairs by COB. <i>Staff should update/complete the following: Legislation checklist, proposal form, code reviser z-draft bill language, approved fiscal note, legislative fact sheet, affected agency fiscal notes (if applicable), decision package (if applicable).</i>
September 4	Final <u>performance level</u> decision packages due to Budget Office.
September 16-17	EMT Meeting: Budget final check-in.
September 18	Agency-request legislation with budget impact due to Governor's Office.
October 2	Agency-request legislation with no budget impact due to Governor's Office. Final submission of budget request to OFM; Programs present legislative and budget packages to OFM and legislative staff 2-3 weeks later.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2016 AGENCY REQUEST LEGISLATIVE SUMMARY**

Proposal Name (Program)	Page
Legislative proposal with fiscal impacts:	
Steelhead License Plate (FSH)	7
Legislative proposal with no fiscal impact:	
	18
Turkey Fix (ENF)	19
Defining Wild Salmon (ENF)	22
DBA and FRT Records Fix (ENF)	26
CWP (ENF)	29



Specialty license plates featuring wild steelhead



ISSUE: An icon of the Pacific Northwest, wild steelhead have provided important cultural and economic benefits throughout the region's history. Today, however, native steelhead are listed for protection under the federal Endangered Species Act in much of Washington, where resource managers face numerous challenges – such as climate change and habitat loss – in managing those native stocks.

Guided by the Statewide Steelhead Management Plan, the Washington Department of Fish and Wildlife (WDFW) is taking several actions to restore steelhead populations to sustainable levels. That effort includes measures that guide fisheries management, hatchery operations and habitat-restoration programs.

But meeting those responsibilities has become increasingly difficult in recent years, due to shrinking state and federal funding, steadily rising costs, and increasingly complex management requirements.

To maintain and improve these key conservation and recovery activities, WDFW is looking to establish consistent funding sources dedicated to restoring wild steelhead populations in Washington.

PROPOSAL: As part of that effort, WDFW is proposing legislation that would create a new license plate with a background that features a steelhead. Revenue generated from the sales of these license plates would help support activities critical to conserving Washington's steelhead populations.

The plate would raise an estimated \$200,000 each year to:

- Apply new techniques to improve estimates of the number of wild steelhead on the spawning grounds, and ensure that the population numbers are consistent with the productivity of the river.
- Bolster efforts to monitor interactions between wild and hatchery steelhead to help ensure hatchery operations support the recovery of wild stocks.
- Increase creel surveys to improve estimates for the number of wild steelhead harvested in fisheries and the number of wild steelhead caught and released by anglers.

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BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0545.3/15 3rd draft

ATTY/TYPIST: BP:jcm

BRIEF DESCRIPTION: Providing funding for steelhead conservation through the issuance of Washington's fish license plate collection.

1 AN ACT Relating to providing funding for steelhead conservation
2 through the issuance of Washington's fish license plate collection;
3 amending RCW 46.68.425; reenacting and amending RCW 46.18.200,
4 46.17.220, and 77.12.170; adding a new section to chapter 46.04 RCW;
5 and providing an effective date.

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

7 **Sec. 1.** RCW 46.18.200 and 2014 c 77 s 1 and 2014 c 6 s 1 are
8 each reenacted and amended to read as follows:

9 (1) Special license plate series reviewed and approved by the
10 department:

11 (a) May be issued in lieu of standard issue or personalized
12 license plates for vehicles required to display one and two license
13 plates unless otherwise specified;

14 (b) Must be issued under terms and conditions established by the
15 department;

16 (c) Must not be issued for vehicles registered under chapter
17 46.87 RCW; and

18 (d) Must display a symbol or artwork approved by the department.

19 (2) The department approves and shall issue the following special
20 license plates:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36	LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
	4-H	Displays the "4-H" logo.
	Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
	Breast cancer awareness	Displays a pink ribbon symbolizing breast cancer awareness.
	Endangered wildlife	Displays a symbol or artwork symbolizing endangered wildlife in Washington state.
	Gonzaga University alumni association	Recognizes the Gonzaga University alumni association.
	Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
	Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
	Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
	Music matters	Displays the "Music Matters" logo.
	Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.

1	Seattle Seahawks	Displays the "Seattle Seahawks"
2		logo.
3	Seattle Sounders FC	Displays the "Seattle Sounders
4		FC" logo.
5	Seattle University	Recognizes Seattle University.
6	Share the road	Recognizes an organization that
7		promotes bicycle safety and
8		awareness education.
9	Ski & ride Washington	Recognizes the Washington
10		snowsports industry.
11	State flower	Recognizes the Washington state
12		flower.
13	Volunteer firefighters	Recognizes volunteer firefighters.
14	Washington lighthouses	Recognizes an organization that
15		supports selected Washington
16		state lighthouses and provides
17		environmental education
18		programs.
19	Washington state parks	Recognizes Washington state
20		parks as premier destinations of
21		uncommon quality that preserve
22		significant natural, cultural,
23		historical, and recreational
24		resources.
25	Washington's national park fund	Builds awareness of Washington's
26		national parks and supports
27		priority park programs and
28		projects in Washington's national
29		parks, such as enhancing visitor
30		experience, promoting
31		volunteerism, engaging
32		communities, and providing
33		educational opportunities related
34		to Washington's national parks.
35	<u>Washington's fish collection</u>	<u>Recognizes Washington's fish.</u>
36	Washington's wildlife collection	Recognizes Washington's
37		wildlife.

1	We love our pets	Recognizes an organization that
2		assists local member agencies of
3		the federation of animal welfare
4		and control agencies to promote
5		and perform spay/neuter surgery
6		on Washington state pets to
7		reduce pet overpopulation.
8	Wild on Washington	Symbolizes wildlife viewing in
9		Washington state.

10 (3) Applicants for initial and renewal professional firefighters
 11 and paramedics special license plates must show proof of eligibility
 12 by providing a certificate of current membership from the Washington
 13 state council of firefighters.

14 (4) Applicants for initial volunteer firefighters special license
 15 plates must (a) have been a volunteer firefighter for at least ten
 16 years or be a volunteer firefighter for one or more years and (b)
 17 have documentation of service from the district of the appropriate
 18 fire service. If the volunteer firefighter leaves firefighting
 19 service before ten years of service have been completed, the
 20 volunteer firefighter shall surrender the license plates to the
 21 department on the registration renewal date. If the volunteer
 22 firefighter stays in service for at least ten years and then leaves,
 23 the license plate may be retained by the former volunteer firefighter
 24 and as long as the license plate is retained for use the person will
 25 continue to pay the future registration renewals. A qualifying
 26 volunteer firefighter may have no more than one set of license plates
 27 per vehicle, and a maximum of two sets per applicant, for their
 28 personal vehicles. If the volunteer firefighter is convicted of a
 29 violation of RCW 46.61.502 or a felony, the license plates must be
 30 surrendered upon conviction.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04
 32 RCW to read as follows:

33 "Washington's fish license plate collection" means the collection
 34 of fish license plate designs. Each license plate design displays a
 35 distinct symbol or artwork, to include steelhead, recognizing the
 36 fish of Washington.

Sec. 3. RCW 46.17.220 and 2014 c 77 s 2 and 2014 c 6 s 2 are each reenacted and amended to read as follows:

(1) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) 4-H	\$ 40.00	\$ 30.00	RCW 46.68.420
(b) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(c) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
(d) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this section
(e) Breast cancer awareness	\$ 40.00	\$ 30.00	RCW 46.68.425
(f) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
(g) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
(h) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
(i) Gonzaga University alumni association	\$ 40.00	\$ 30.00	RCW 46.68.420
(j) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
(k) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
(l) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
(m) Law enforcement memorial	\$ 40.00	\$ 30.00	RCW 46.68.420
(n) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
(o) Music matters	\$ 40.00	\$ 30.00	RCW 46.68.420
(p) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	RCW 46.68.420
(q) Ride share	\$ 25.00	N/A	RCW 46.68.030
(r) Seattle Seahawks	\$ 40.00	\$ 30.00	RCW 46.68.420
(s) Seattle Sounders FC	\$ 40.00	\$ 30.00	RCW 46.68.420
(t) Seattle University	\$ 40.00	\$ 30.00	RCW 46.68.420
(u) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420

1	(v) Ski & ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
2	(w) Square dancer	\$ 40.00	N/A	RCW 46.68.070
3	(x) State flower	\$ 40.00	\$ 30.00	RCW 46.68.420
4	(y) Volunteer firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
5	(z) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
6	(aa) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
7	(bb) <u>Washington's fish</u>	<u>\$ 40.00</u>	<u>\$ 30.00</u>	<u>RCW 46.68.425</u>
8	<u>collection</u>			
9	(cc) <u>Washington's national</u>	\$ 40.00	\$ 30.00	RCW 46.68.420
10	<u>parks</u>			
11	((ee)) <u>(dd) Washington's</u>	\$ 40.00	\$ 30.00	RCW 46.68.425
12	<u>wildlife collection</u>			
13	((dd)) <u>(ee) We love our</u>	\$ 40.00	\$ 30.00	RCW 46.68.420
14	<u>pets</u>			
15	((ee)) <u>(ff) Wild on</u>	\$ 40.00	\$ 30.00	RCW 46.68.425
16	<u>Washington</u>			

17 (2) After deducting administration and collection expenses for
18 the sale of baseball stadium license plates, the remaining proceeds
19 must be distributed to a county for the purpose of paying the
20 principal and interest payments on bonds issued by the county to
21 construct a baseball stadium, as defined in RCW 82.14.0485, including
22 reasonably necessary preconstruction costs, while the taxes are being
23 collected under RCW 82.14.360. After this date, the state treasurer
24 shall credit the funds to the state general fund.

25 **Sec. 4.** RCW 46.68.425 and 2014 c 77 s 3 are each amended to read
26 as follows:

27 (1) The department shall:

28 (a) Collect special license plate fees established under RCW
29 46.17.220;

30 (b) Deduct an amount not to exceed twelve dollars for initial
31 issue and two dollars for renewal issue for administration and
32 collection expenses incurred by it; and

33 (c) Remit the remaining proceeds to the custody of the state
34 treasurer with a proper identifying detailed report.

1 (2) The state treasurer shall credit the proceeds to the motor
 2 vehicle fund until the department determines that the state has been
 3 reimbursed for the cost of implementing the special license plate.
 4 Upon determination by the department that the state has been
 5 reimbursed, the state treasurer shall credit the remaining special
 6 license plate fees to the following accounts by special license plate
 7 type:

8	SPECIAL LICENSE	ACCOUNT	CONDITIONS FOR
9	PLATE TYPE		USE OF FUNDS
10	Armed forces	RCW 43.60A.140	N/A
11	Breast cancer awareness	RCW 43.70.327	Must be used only by the
12			department of health for
13			efforts consistent with
14			the breast, cervical, and
15			colon health program
16	Endangered wildlife	RCW 77.12.170	Must be used only for
17			the department of fish
18			and wildlife's
19			endangered wildlife
20			program activities
21	Keep kids safe	RCW 43.121.100	As specified in RCW
22			43.121.100
23	Washington state parks	RCW 79A.05.059	Provide public
24			educational
25			opportunities and
26			enhancement of
27			Washington state parks
28	<u>Washington's fish</u>	<u>RCW 77.12.170</u>	<u>Only for the department</u>
29	<u>collection</u>		<u>of fish and wildlife's use</u>
30			<u>to support steelhead</u>
31			<u>species management</u>
32			<u>activities including, but</u>
33			<u>not limited to, activities</u>
34			<u>supporting conservation,</u>
35			<u>recovery, and research to</u>
36			<u>promote healthy,</u>
37			<u>fishable steelhead</u>

1	Washington's wildlife	RCW 77.12.170	Only for the department
2	collection		of fish and wildlife's
3			game species
4			management activities
5	Wild on Washington	RCW 77.12.170	Dedicated to the
6			department of fish and
7			wildlife's watchable
8			wildlife activities, as
9			defined in RCW
10			77.32.560

11 **Sec. 5.** RCW 77.12.170 and 2011 c 339 s 3, 2011 c 320 s 23, and
 12 2011 c 171 s 112 are each reenacted and amended to read as follows:

13 (1) There is established in the state treasury the state wildlife
 14 account which consists of moneys received from:

15 (a) Rentals or concessions of the department;

16 (b) The sale of real or personal property held for department
 17 purposes, unless the property is seized or recovered through a fish,
 18 shellfish, or wildlife enforcement action;

19 (c) The assessment of administrative penalties;

20 (d) The sale of licenses, permits, tags, and stamps required by
 21 chapter 77.32 RCW, RCW 77.65.490, and application fees;

22 (e) Fees for informational materials published by the department;

23 (f) Fees for personalized vehicle, Wild on Washington, and
 24 Endangered Wildlife license plates (~~and~~), Washington's Wildlife
 25 license plate collection, and Washington's fish license plate
 26 collection as provided in chapter 46.17 RCW;

27 (g) Articles or wildlife sold by the director under this title;

28 (h) Compensation for damage to department property or wildlife
 29 losses or contributions, gifts, or grants received under RCW
 30 77.12.320. However, this excludes fish and shellfish overages, and
 31 court-ordered restitution or donations associated with any fish,
 32 shellfish, or wildlife enforcement action, as such moneys must be
 33 deposited pursuant to RCW 77.15.425;

34 (i) Excise tax on anadromous game fish collected under chapter
 35 82.27 RCW;

36 (j) The department's share of revenues from auctions and raffles
 37 authorized by the commission;

1 (k) The sale of watchable wildlife decals under RCW 77.32.560;
2 ((and))

3 (l) Moneys received from the recreation access pass account
4 created in RCW 79A.80.090 must be dedicated to stewardship,
5 operations, and maintenance of department lands used for public
6 recreation purposes; and

7 (m) Donations received by the director under RCW 77.12.039.

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

11 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2017.

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Strengthen Title 77 fish and wildlife laws to protect natural resources



ISSUE: The Washington Department of Fish and Wildlife (WDFW) is seeking legislation to correct deficiencies in current Title 77 fish and wildlife laws. The proposals – mostly technical changes – would clarify laws for certain fish and wildlife related crimes and strengthen the protection of Washington’s natural resources.

PROPOSAL DETAILS:

- **Turkey hunting tags (Technical change):** Amend RCW 77.15.400(1) to include “tags, stamps and permits required under this title.” The change will align with corresponding language in RCW 77.15.400(12), closing a loophole in license and tag requirements that could allow a turkey hunter who has purchased a small game license but not a turkey tag to escape penalties.
- **Definition of “wild salmon” (Technical change):** Amend RCW 77.15.370(1)(g) to clarify the definition of “wild salmon,” which is currently defined as a salmon with an unclipped adipose fin (hatchery salmon are marked with a clipped adipose fin). Clarifying that there must be a healed scar at the site of the clipped adipose fin would close a loophole that allows an angler to avoid penalties by clipping an adipose fin after harvesting a wild salmon.
- **Seafood records (Policy and technical changes):** Amend RCW 77.15.568(1)(c) to require that sales receipts remain at all times with commercially harvested fish or shellfish that have been delivered to buyers until the product is no longer in their possession. Currently the law states that the records may be either with the seafood product or at a “principal place of business,” which could be a location far from where the fish or shellfish are stored. Requiring the records to remain with the product would streamline the inspection process and help prevent falsification of records.
- **License suspension (Technical change):** Amend RCW 77.15.420(6) to clarify that a hunting license suspension is in addition to a criminal wildlife penalty assessment and does not replace any other license suspension that is required by law upon a conviction.

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BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0544.1/15

ATTY/TYPIST: ML:lcl

BRIEF DESCRIPTION: Concerning the unlawful hunting of wild birds.

1 AN ACT Relating to the unlawful hunting of wild birds; amending
2 RCW 77.15.400; and prescribing penalties.

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

4 **Sec. 1.** RCW 77.15.400 and 2012 c 176 s 25 are each amended to
5 read as follows:

6 (1) A person is guilty of unlawful hunting of wild birds in the
7 second degree if the person hunts for wild birds and, whether or not
8 the person possesses wild birds, the person has not purchased the
9 appropriate hunting license, tags, stamps, and permits issued to
10 Washington residents or nonresidents under chapter 77.32 RCW.

11 (2) A person is guilty of unlawful hunting of wild birds in the
12 second degree if the person takes or possesses less than two times
13 the bag or possession limit of wild birds and the person:

14 (a) Owns, but does not have in the person's possession, all
15 licenses, tags, stamps, and permits required under this title; or

16 (b) Violates any department rule regarding seasons, bag or
17 possession limits, closed areas, closed times, or the manner or
18 method of hunting or possession of wild birds.

19 (3) A person is guilty of unlawful hunting of wild birds in the
20 first degree if the person takes or possesses two times or more than

1 the possession or bag limit for wild birds allowed by department
2 rule.

3 (4)(a) Unlawful hunting of wild birds in the second degree is a
4 misdemeanor.

5 (b) Unlawful hunting of wild birds in the first degree is a gross
6 misdemeanor.

7 (5) In addition to the penalties set forth in this section, if a
8 person, other than a youth as defined in RCW 77.08.010 for hunting
9 purposes, violates a department rule that requires the use of
10 nontoxic shot, upon conviction:

11 (a) The court shall require a payment of one thousand dollars as
12 a criminal wildlife penalty assessment that must be paid to the clerk
13 of the court and distributed to the state treasurer for deposit in
14 the fish and wildlife enforcement reward account created in RCW
15 77.15.425. The criminal wildlife penalty assessment must be imposed
16 regardless of and in addition to any sentence, fine, or costs imposed
17 for violating this section. The criminal wildlife penalty assessment
18 must be included by the court in any pronouncement of sentence and
19 may not be suspended, waived, modified, or deferred in any respect;
20 and

21 (b) The department shall revoke the hunting license of the person
22 and order a suspension of small game hunting privileges for two
23 years.

--- END ---

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0543.1/15

ATTY/TYPIST: ML:akl

BRIEF DESCRIPTION: Concerning the definition of wild salmon in RCW
77.15.370(1).

1 AN ACT Relating to the definition of wild salmon in RCW
2 77.15.370(1); and amending RCW 77.15.370.

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

4 **Sec. 1.** RCW 77.15.370 and 2014 c 48 s 13 are each amended to
5 read as follows:

6 (1) A person is guilty of unlawful recreational fishing in the
7 first degree if:

8 (a) The person takes or possesses two times or more than the bag
9 limit or possession limit of fish or shellfish allowed by any rule of
10 the director or commission setting the amount of food fish, game
11 fish, or shellfish that can be taken or possessed for noncommercial
12 use;

13 (b) The person fishes in a fishway;

14 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
15 stones fish or shellfish in state waters, or possesses fish or
16 shellfish taken by such means, unless such means are authorized by
17 express department rule;

18 (d) The person fishes for or possesses a fish listed as
19 threatened or endangered in 50 C.F.R. Sec. 223.102 (2006) or Sec.
20 224.101 (2010), unless fishing for or possessing such fish is
21 specifically allowed under federal or state law;

1 (e) The person possesses a white sturgeon measuring in excess of
2 the maximum size limit as established by rules adopted by the
3 department;

4 (f) The person possesses a green sturgeon of any size; or

5 (g)(i) The person possesses a wild salmon or wild steelhead
6 during a season closed for wild salmon or wild steelhead.

7 (ii) For the purposes of this subsection:

8 (A) "Wild salmon" means a salmon with an unclipped adipose fin,
9 regardless of whether the salmon's ventral fin is clipped. A salmon
10 is considered to have an unclipped adipose fin if it does not have a
11 healed scar at the location of the clipped adipose fin.

12 (B) "Wild steelhead" means a steelhead with no fins clipped.

13 (2) Unlawful recreational fishing in the first degree is a gross
14 misdemeanor.

15 (3) In addition to the penalties set forth in subsection (2) of
16 this section, if a person is convicted of violating this section and
17 the violation results in the death of fish listed in this subsection,
18 the court shall require payment of the following amounts for each
19 fish taken or possessed. This is a criminal wildlife penalty
20 assessment that must be paid to the clerk of the court and
21 distributed each month to the state treasurer for deposit in the fish
22 and wildlife enforcement reward account created in RCW 77.15.425:

23 (a) White sturgeon longer than fifty-five inches in fork length,
24 two thousand dollars;

25 (b) Green sturgeon, two thousand dollars; and

26 (c) Wild salmon or wild steelhead, five hundred dollars.

27 (4) If two or more persons are convicted under subsection (1) of
28 this section, and subsection (3) of this section is applicable, the
29 criminal wildlife penalty assessment must be imposed against the
30 persons jointly and severally.

31 (5)(a) The criminal wildlife penalty assessment under subsection
32 (3) of this section must be imposed regardless of and in addition to
33 any sentence, fines, or costs otherwise provided for violating any
34 provision of this section. The criminal wildlife penalty assessment
35 must be included by the court in any pronouncement of sentence and
36 may not be suspended, waived, modified, or deferred in any respect.

37 (b) This subsection may not be construed to abridge or alter
38 alternative rights of action or remedies in equity or under common
39 law or statutory law, criminal or civil.

1 (6) A defaulted criminal wildlife penalty assessment authorized
2 under subsection (3) of this section may be collected by any means
3 authorized by law for the enforcement of orders of the court or
4 collection of a fine or costs, including but not limited to vacation
5 of a deferral of sentencing or vacation of a suspension of sentence.

6 (7) The department shall revoke the fishing license and suspend
7 the fishing privileges of a person assessed a criminal wildlife
8 penalty assessment under this section until the penalty assessment is
9 paid through the registry of the court in which the penalty
10 assessment was assessed.

11 (8) The criminal wildlife penalty assessments provided in
12 subsection (3) of this section must be doubled in the following
13 instances:

14 (a) When a person commits a violation that requires payment of a
15 criminal wildlife penalty assessment within five years of a prior
16 gross misdemeanor or felony conviction under this title; or

17 (b) When the trier of fact determines that the person took or
18 possessed the fish in question with the intent of bartering, selling,
19 or otherwise deriving economic profit from the fish or fish parts.

--- END ---

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0541.1/15

ATTY/TYPIST: ML:akl

BRIEF DESCRIPTION: Concerning the records of fish or shellfish.

1 AN ACT Relating to records of fish or shellfish; and amending RCW
2 77.15.568.

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

4 **Sec. 1.** RCW 77.15.568 and 2009 c 333 s 19 are each amended to
5 read as follows:

6 (1) A person is guilty of a secondary commercial fish receiver's
7 failure to account for commercial harvest if:

8 (a) The person sells fish or shellfish at retail, stores or holds
9 fish or shellfish for another in exchange for valuable consideration, or
10 ships fish or shellfish in exchange for valuable consideration, or
11 brokers fish or shellfish in exchange for valuable consideration;

12 (b) The fish or shellfish were required to be entered on a
13 Washington fish-receiving ticket or a Washington aquatic farm
14 production annual report; and

15 (c) The person fails to maintain records of each receipt of fish
16 or shellfish, as required under subsections (3) through (5) of this
17 section, at:

18 (i) The location where the fish or shellfish are being sold(~~(r)~~)
19 or at the location where the fish or shellfish are being stored or
20 held(~~(r)~~); or (~~(a)~~)

1 (ii) The principal place of business of the shipper or broker if
2 the fish or shellfish are not in possession.

3 (2) This section applies to a wholesale fish dealer acting in the
4 capacity of a broker. However, this section does not apply to a
5 wholesale fish dealer acting in the capacity of a wholesale fish
6 dealer, to a fisher selling under a direct retail sale endorsement,
7 or to a registered aquatic farmer.

8 (3) Records of the receipt of fish or shellfish required to be
9 kept under this section must be in the English language and be
10 maintained for three years from the date fish or shellfish are
11 received, shipped, or brokered.

12 (4) Records maintained by persons that retail or broker must
13 include the following:

14 (a) The name, address, and phone number of the wholesale fish
15 dealer, fisher selling under a direct retail sale endorsement, or
16 aquatic farmer or shellstock shipper from whom the fish or shellfish
17 were purchased or received;

18 (b) The Washington fish-receiving ticket number documenting
19 original receipt or aquatic farm production quarterly report
20 documenting production, if available;

21 (c) The date of purchase or receipt; and

22 (d) The amount and species of fish or shellfish purchased or
23 received.

24 (5) Records maintained by persons that store, hold, or ship fish
25 or shellfish for others must state the following:

26 (a) The name, address, and phone number of the person and
27 business from whom the fish or shellfish were received;

28 (b) The date of receipt; and

29 (c) The amount and species of fish or shellfish received.

30 (6) A secondary commercial fish receiver's failure to account for
31 commercial harvest is a misdemeanor.

--- END ---

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0542.1/15

ATTY/TYPIST: ML:lcl

BRIEF DESCRIPTION: Clarifying hunting license suspension and
revocation requirements when a criminal wildlife
penalty is assessed.

1 AN ACT Relating to clarifying hunting license suspension and
2 revocation requirements when a criminal wildlife penalty is assessed;
3 amending RCW 77.15.420; and prescribing penalties.

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

5 **Sec. 1.** RCW 77.15.420 and 2015 c 265 s 38 are each amended to
6 read as follows:

7 (1) If an adult offender is convicted of violating RCW 77.15.410
8 and that violation results in the death of wildlife listed in this
9 section, the court shall require payment of the following amounts for
10 each animal taken or possessed. This shall be a criminal wildlife
11 penalty assessment that shall be paid to the clerk of the court and
12 distributed each month to the state treasurer for deposit in the fish
13 and wildlife enforcement reward account created in RCW 77.15.425.

- 14 (a) Moose, mountain sheep, mountain
- 15 goat, and all wildlife species
- 16 classified as endangered by
- 17 rule of the commission, except
- 18 for mountain caribou and
- 19 grizzly bear as listed under (d)
- 20 of this subsection. \$4,000

1	(b) Elk, deer, black bear, and cougar. .	\$2,000
2	(c) Trophy animal elk and deer.	\$6,000
3	(d) Mountain caribou, grizzly bear, and	
4	trophy animal mountain	
5	sheep.	\$12,000

6 (2)(a) For the purpose of this section a "trophy animal" is:

7 (i) A buck deer with four or more antler points on both sides,
8 not including eyeguards;

9 (ii) A bull elk with five or more antler points on both sides,
10 not including eyeguards; or

11 (iii) A mountain sheep with a horn curl of three-quarter curl or
12 greater.

13 (b) For purposes of this subsection, "eyeguard" means an antler
14 protrusion on the main beam of the antler closest to the eye of the
15 animal.

16 (3) If two or more persons are convicted of illegally possessing
17 wildlife in subsection (1) of this section, the criminal wildlife
18 penalty assessment shall be imposed on them jointly and severally.

19 (4) The criminal wildlife penalty assessment shall be imposed
20 regardless of and in addition to any sentence, fines, or costs
21 otherwise provided for violating any provision of this title. The
22 criminal wildlife penalty assessment shall be included by the court
23 in any pronouncement of sentence and may not be suspended, waived,
24 modified, or deferred in any respect. This section may not be
25 construed to abridge or alter alternative rights of action or
26 remedies in equity or under common law or statutory law, criminal or
27 civil.

28 (5) A defaulted criminal wildlife penalty assessment may be
29 collected by any means authorized by law for the enforcement of
30 orders of the court or collection of a fine or costs, including but
31 not limited to vacation of a deferral of sentencing or vacation of a
32 suspension of sentence.

33 (6) A person assessed a criminal wildlife penalty assessment
34 under this section shall have his or her hunting license revoked and
35 all hunting privileges suspended until the penalty assessment is paid
36 through the registry of the court in which the penalty assessment was
37 assessed. This revocation and suspension is in addition to and runs
38 concurrently with any revocation and suspension required by law.

1 (7) The criminal wildlife penalty assessments provided in
2 subsection (1) of this section shall be doubled in the following
3 instances:

4 (a) When a person is convicted of spotlighting big game under RCW
5 77.15.450;

6 (b) When a person commits a violation that requires payment of a
7 wildlife penalty assessment within five years of a prior gross
8 misdemeanor or felony conviction under this title;

9 (c) When the trier of fact determines that the person took or
10 possessed the animal in question with the intent of bartering,
11 selling, or otherwise deriving economic profit from the animal or the
12 animal's parts; or

13 (d) When the trier of fact determines that the person took the
14 animal under the supervision of a licensed guide.

--- END ---