

## Summary

---

**Meeting dates:** August 9, 2014, Fish and Wildlife Commission Meeting

**Agenda item:** 2015 Agency Request Legislative Package

**Presenter(s):** Ann Larson, Legislative Liaison

---

**Background summary:**

WDFW's Executive Management Team reviewed the 2014 agency request package on July 16, 2014. The deadline for submission of agency-request legislation to OFM and the Governor's Office for the 2015 Legislative Session is September 17 for proposals with a fiscal impact and October 1 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:

- Recreational License Fee Bill
  - Commercial License Fee Bill
  - Shellfish Excise Tax
  - Aquatic Invasive Species
  - PILT
  - Fishing Charter Guides
  - Hunting Under the Influence
- 

**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 2014 Legislation Session on August 9, 2014. The request for Commission approval is scheduled for August 15, 2014 via conference call.

---

**Draft motion language:**

Move to approve the 2014 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:**

---

BLANK PAGE

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2015 AGENCY REQUEST LEGISLATIVE SUMMARY**

**Proposal Name (Program Leads)**

<b>Legislative proposal with fiscal impacts</b>	<b>Page</b>
Recreational License Fee Bill (FISH/WL/ENF)	Placeholder
Commercial License Fee Bill (FISH/ENF)	Placeholder
Shellfish Excise Tax (ENF)	7
Aquatic Invasive Species (FISH/ENF)	15
PILT (WL)	37
<b>Legislation with no fiscal impacts</b>	
Fishing Charter Guides (ENF)	43
Hunting Under the Influence (ENF)	47

BLANK PAGE

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2015 AGENCY REQUEST LEGISLATIVE TIMELINE**

---

April 9	Programs begin working on legislative proposals for the 2015 Legislative Session.
May 9	Draft legislative proposals due from program to Legislative Affairs by COB.
May 14	Meeting with Director, Deputy Director, and Legislative Liaison to review draft proposals.
May 21-22	<b>EMT Meeting:</b> Introduction and discussion of draft legislative proposals to be developed into agency request legislation.
May 22	Program leads begin stakeholder outreach and development of communication materials.
June 6	Revised proposals due to Legislative Affairs by COB.
June 18-19	<b>EMT Meeting:</b> Discussion and finalization of legislative package to develop further.
July 7	Final proposals to be submitted to Fish and Wildlife Commission due to Legislative Affairs by COB.
July 16	<b>EMT Meeting:</b> Review and approval of final legislative package that will be submitted to Fish and Wildlife Commission for review.
July 30	Legislative package materials due to Fish and Wildlife Commission for binders
August 8-9	<b>FWC Meeting:</b> Fish and Wildlife Commission meeting presentation to review agency request legislation and budget package.
August 13	Updated legislative package materials due to Fish and Wildlife Commission for binders.
August 15	<b>FWC Conference Call:</b> Fish and Wildlife Commission conference call to approve/amend agency request legislative package before final submittal to Governor's Office.
August 15	Finalized fiscal notes and Stage III decision packages reviewed by program's budget analyst, approved by program AD, and due to Central Budget Office by COB for final approval.
August 22	Final agency request legislation packages due to Legislative Affairs by COB.
September 19 –	Agency request legislation with budget impact due to Governor's Office.
October 1	Agency request legislation with no budget impact due to Governor's Office.
October	Programs present legislative and budget packages to OFM and Legislative Staff.

---

BLANK PAGE



# Protecting public safety, shellfish industry



## Contact Information:

**Mike Cenci**

WDFW Enforcement Deputy Chief

360-581-3305

mike.cenci@dfw.wa.gov

**Ann Larson**

WDFW Legislative Liaison

360-902-2226

ann.larson@dfw.wa.gov

**wdfw.wa.gov**

## Problem:

Shellfish, such as clams and oysters, thrive along many of Washington's shorelines, offering recreational harvest opportunities and helping to support a multimillion dollar commercial industry that continues to grow.

But as demand for Washington's shellfish increases both locally and internationally, the black market for this resource appears to be growing as well.

In one recent case alone, Washington Department of Fish and Wildlife (WDFW) police officers confiscated more than \$2 million in shellfish stolen from public and private tidelands in Puget Sound, successfully preventing tens of thousands of pounds of potentially contaminated clams and oysters from entering the marketplace.

WDFW police officers are charged with protecting the state's natural resources and enforcing laws specifically designed to ensure only safe shellfish are available for recreational and commercial harvest.

However, current funding levels do not provide adequate enforcement at the marketplace, shipping terminals and along Washington's beaches, where only half of the harvestable tides are patrolled.

This lack of funding threatens the sustainability of the resource, the safety of consumers and the reputation and viability of an important industry, which currently injects about \$270 million a year into the region's economy and provides more than 3,200 jobs.

## Proposed solution:

WDFW is requesting an increase in funding to add 10 full-time positions – nine patrol officers and one detective – to help protect the resource and meet the demands of enforcing sanitary shellfish laws vital to the safety of consumers and the state's industry.

These additional officers would be stationed in shellfish producing areas to increase the frequency of patrols along the hundreds of miles of harvestable tidelands, at the region's marketplaces, shipping terminals and border crossings, as well as investigations of large-scale commercial violations and illegal trafficking.



## Protecting public safety, shellfish industry



Increasing harvestable shell fish acres requires additional Officer presence to protect this resource

"The Puget Sound Partnership has targeted a net increase from 2007 to 2020 of 10,800 harvestable shell fish acres, which includes 7,000 acres where harvest is currently prohibited in Puget Sound."

(Washington Shellfish Initiative 2011)

### Benefits:

Increased enforcement would help:

- **Protect public safety.** In 2013, the Washington Department of Health reported 109 cases of vibriosis, an intestinal disease caused by eating shellfish with elevated levels of bacteria. However, the actual number of illnesses was likely much higher. For every illness reported, up to 156 cases go unreported, according to the Centers for Disease Control and Prevention.

Additional officers would allow for a greater enforcement along Washington's beaches, helping to ensure shellfish is only harvested from certified tidelands.

- **Maintain consumer confidence.** Safety concerns can diminish consumer confidence and quickly reduce the demand for Washington's shellfish locally, nationally and overseas.

That was the case in December 2013, when China banned shellfish imports from Washington after tests showed high levels of inorganic arsenic in a clam from Puget Sound. The five-month long ban cost Washington's shellfish industry hundreds of thousands of dollars a week.

- **Sustain the resource.** An effective enforcement presence helps protect the resource and maintain a sustainable population of clams and oysters for the state's shellfish industry and future generations of recreational harvesters.



---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: Z-0009.1/15

ATTY/TYPIST: JA:bbp

BRIEF DESCRIPTION: Concerning an excise tax to support shellfish enforcement.

1 AN ACT Relating to an excise tax to support shellfish enforcement;  
2 amending RCW 82.27.010, 82.27.020, 82.27.030, and 82.27.070; and  
3 reenacting and amending RCW 77.12.170.

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

5 **Sec. 1.** RCW 82.27.010 and 1995 c 372 s 4 are each amended to read  
6 as follows:

7 ~~((As used in this chapter, the following terms have the meanings~~  
8 ~~indicated))~~ The definitions in this section apply throughout this  
9 chapter unless the context clearly requires otherwise.

10 (1) "Enhanced food fish" includes all species of food fish, except  
11 all species of tuna, mackerel, and jack; shellfish; and anadromous game  
12 fish, including by-products and parts thereof, originating within the  
13 territorial and adjacent waters of Washington and salmon originating  
14 from within the territorial and adjacent waters of Oregon, Washington,  
15 and British Columbia, and all troll-caught Chinook salmon originating  
16 from within the territorial and adjacent waters of southeast Alaska.

17 ~~((As used in))~~

18 (a) For the purposes of this subsection~~((7))~~:

1       (i) "Adjacent" waters of Oregon, Washington, and Alaska (~~(are)~~)  
2 means those waters comprising the United States fish conservation zone;

3       (ii) "Adjacent" waters of British Columbia (~~(are)~~) means those  
4 waters comprising the Canadian two hundred mile exclusive economic  
5 zone; and

6       (iii) "Southeast Alaska" means that portion of Alaska south and  
7 east of Cape Suckling to the Canadian border.

8       (b) For purposes of this chapter, point of origination is  
9 established by a document which identifies the product and state or  
10 province in which it originates, including, but not limited to fish  
11 tickets, bills of lading, invoices, or other documentation required to  
12 be kept by governmental agencies.

13       (2) "Commercial" means related to or connected with buying,  
14 selling, bartering, or processing.

15       (3) "Possession" means the control of enhanced food fish by the  
16 owner and includes both actual and constructive possession.  
17 Constructive possession occurs when the person has legal ownership but  
18 not actual possession of the enhanced food fish.

19       (4) "Anadromous game fish" means steelhead trout and anadromous  
20 cutthroat trout and Dolly Varden char and includes by-products and also  
21 parts of anadromous game fish, whether fresh, frozen, canned, or  
22 otherwise.

23       (5) "Landed" means the act of physically placing enhanced food fish  
24 (a) on a tender in the territorial waters of Washington; or (b) on any  
25 land within or without the state of Washington including wharves,  
26 piers, or any such extensions therefrom.

27       (6) "Private sector aquaculture shellfish" means bivalve shellfish  
28 produced by an aquatic farmer as defined in RCW 15.85.020.

29       **Sec. 2.** RCW 82.27.020 and 2010 c 193 s 16 are each amended to read  
30 as follows:

31       (1) In addition to all other taxes, licenses, or fees provided by  
32 law there is established an excise tax on the commercial possession of  
33 enhanced food fish as provided in this chapter. The tax is levied upon  
34 and (~~shall~~) must be collected from the owner of the enhanced food  
35 fish whose possession constitutes the taxable event. The taxable event  
36 is the first possession in Washington by an owner after the enhanced

1 food fish has been landed. Processing and handling of enhanced food  
2 fish by a person who is not the owner is not a taxable event to the  
3 processor or handler.

4 (2) A person in possession of enhanced food fish and liable to this  
5 tax may deduct from the price paid to the person from which the  
6 enhanced food fish (except oysters) are purchased an amount equal to a  
7 tax at one-half the rate levied in this section upon these products.

8 (3) The measure of the tax is the value of the enhanced food fish  
9 at the point of landing.

10 (4) The tax (~~shall~~) must be equal to the measure of the tax  
11 multiplied by the rates for enhanced food fish as follows:

12 (a) Chinook, coho, and chum salmon and anadromous game fish: Five  
13 and twenty-five one-hundredths percent;

14 (b) Pink and sockeye salmon: Three and fifteen one-hundredths  
15 percent;

16 (c) Other food fish and shellfish, except oysters, sea urchins,  
17 (~~and~~) sea cucumbers, and private sector aquaculture shellfish: Two  
18 and one-tenth percent;

19 (d) Oysters, except private sector aquaculture shellfish: Eight  
20 one-hundredths of one percent;

21 (e) Sea urchins: Four and six-tenths percent through December 31,  
22 2013, or until the department of fish and wildlife notifies the  
23 department that the number of sea urchin licenses has been reduced to  
24 twenty licenses, whichever occurs first, and two and one-tenth percent  
25 thereafter; (~~and~~)

26 (f) Sea cucumbers: Four and six-tenths percent through December  
27 31, 2013, or until the department of fish and wildlife notifies the  
28 department that the number of sea cucumber licenses has been reduced to  
29 twenty licenses, whichever occurs first, and two and one-tenth percent  
30 thereafter; and

31 (g) Private sector aquaculture shellfish: Four-tenths and one one-  
32 hundredths percent.

33 (5) An additional tax is imposed equal to the rate specified in RCW  
34 82.02.030 multiplied by the tax payable under subsection (4) of this  
35 section.

36 **Sec. 3.** RCW 82.27.030 and 1995 2nd sp.s. c 7 s 1 are each amended  
37 to read as follows:

1 The tax imposed by RCW 82.27.020 (~~shall~~) does not apply to:

2 (1) Enhanced food fish originating outside the state which enters  
3 the state as (a) frozen enhanced food fish or (b) enhanced food fish  
4 packaged for retail sales;

5 (2) The growing, processing, or dealing with food fish (~~or~~  
6 ~~shellfish which~~) that are raised from eggs(~~, fry, or larvae and~~  
7 ~~which~~) or fry and that are under the physical control of the grower at  
8 all times until being sold or harvested; and

9 (3) Food fish, shellfish, anadromous game fish, and by-products or  
10 parts of food fish shipped from outside the state (~~which~~) that enter  
11 the state, except as provided in RCW 82.27.010, (~~provided~~) if the  
12 taxpayer (~~must have~~) has documentation showing shipping origination  
13 of fish exempt under this subsection to qualify for exemption. Such  
14 documentation includes, but is not limited to fish tickets, bills of  
15 lading, invoices, or other documentation required to be kept by  
16 governmental agencies.

17 **Sec. 4.** RCW 82.27.070 and 2010 c 193 s 17 are each amended to read  
18 as follows:

19 All taxes collected by the department of revenue under this chapter  
20 (~~shall~~) must be deposited in the state general fund except for the  
21 excise tax on anadromous game fish and private sector aquaculture  
22 shellfish, which (~~shall~~) must be deposited in the state wildlife  
23 account. From January 1, 2000, to December 31, 2013, or until the  
24 department of fish and wildlife notifies the department that the  
25 license reduction goals of the sea urchin or sea cucumber fishery have  
26 been met, whichever occurs first, twenty-five forty-sixths of the  
27 revenues derived from the excise tax on sea urchins collected under RCW  
28 82.27.020 (~~shall~~) must be deposited into the sea urchin dive fishery  
29 account created in RCW 77.70.150, and twenty-five forty-sixths of the  
30 revenues derived from the excise tax on sea cucumbers collected under  
31 RCW 82.27.020 (~~shall~~) must be deposited into the sea cucumber dive  
32 fishery account created in RCW 77.70.190.

33 **Sec. 5.** RCW 77.12.170 and 2011 c 339 s 3, 2011 c 320 s 23, and  
34 2011 c 171 s 112 are each reenacted and amended to read as follows:

35 (1) There is established in the state treasury the state wildlife  
36 account (~~which~~) that consists of moneys received from:

1 (a) Rentals or concessions of the department;  
2 (b) The sale of real or personal property held for department  
3 purposes, unless the property is seized or recovered through a fish,  
4 shellfish, or wildlife enforcement action;  
5 (c) The assessment of administrative penalties;  
6 (d) The sale of licenses, permits, tags, and stamps required by  
7 chapter 77.32 RCW, RCW 77.65.490, and application fees;  
8 (e) Fees for informational materials published by the department;  
9 (f) Fees for personalized vehicle, Wild on Washington, and  
10 Endangered Wildlife license plates and Washington's Wildlife license  
11 plate collection as provided in chapter 46.17 RCW;  
12 (g) Articles or wildlife sold by the director under this title;  
13 (h) Compensation for damage to department property or wildlife  
14 losses or contributions, gifts, or grants received under RCW 77.12.320.  
15 However, this excludes fish and shellfish overages, and court-ordered  
16 restitution or donations associated with any fish, shellfish, or  
17 wildlife enforcement action, as such moneys must be deposited pursuant  
18 to RCW 77.15.425;  
19 (i) Excise tax on anadromous game fish collected under chapter  
20 82.27 RCW;  
21 (j) Excise tax on private sector aquaculture shellfish collected  
22 under chapter 82.27 RCW;  
23 (k) The department's share of revenues from auctions and raffles  
24 authorized by the commission;  
25 ((+k)) (l) The sale of watchable wildlife decals under RCW  
26 77.32.560; ((and  
27 (+l)) (m) Moneys received from the recreation access pass account  
28 created in RCW 79A.80.090 must be dedicated to stewardship, operations,  
29 and maintenance of department lands used for public recreation  
30 purposes; and  
31 ((+m)) (n) Donations received by the director under RCW 77.12.039.  
32 (2) State and county officers receiving any moneys listed in  
33 subsection (1) of this section ((shall)) must deposit them in the state  
34 treasury to be credited to the state wildlife account.

--- END ---



# Aquatic Invasive Species Prevention



**Problem:** Aquatic invasive species (AIS) pose a very real threat to Washington's environment and economy. Invasive species damage irrigation and water systems, clog hydroelectric dam intakes, disrupt efforts to clean up Puget Sound and recover endangered fish stocks, and out-compete native and commercially grown species. Invasive species are commonly spread by aquatic craft and equipment, such as shipping vessels, recreational boats and trailers, to locations where they can proliferate. Preventing the introduction and spread of AIS in Washington is challenging and unpredictable, requiring vigilance against known and unknown threats, rapid response to their discovery, and persistent, cost-effective containment of species that have established themselves. Current funding, however, does not cover key aspects of this effort, including education and outreach, ballast water planning and a mandatory watercraft check station system.

**Solution:** The Washington Department of Fish and Wildlife (WDFW) is asking state lawmakers to increase funding incrementally to enhance the state's ability to address AIS threats in both marine and fresh water systems. This biennium's proposal for \$1.83 million is based on a broad source of potential revenues, including user fees and general source funds. The effort would allow WDFW to begin implementing recommendations by several state and regional organizations, including the Washington Invasive Species Council, the Pacific Northwest Economic Region, the Ballast Water Work Group and the Northwest Power and Conservation Council. These organizations, as well as scientists who study the spread of invasive species, advocate for a focus on prevention as the single most effective action, in terms of both ecological and economic cost.

If enacted, this legislative proposal would enable WDFW's AIS and Ballast Water Management programs to:

- Provide AIS prevention education and outreach to the public, government agencies, local governments, tribes and within the state's educational system;
- Broaden mandatory check station system for inspections of watercraft transported into the state;
- Advance the ability to coordinate with regional and national partners to promote regional prevention efforts and cooperation and consistency in AIS management;
- Improve ballast water pathway prevention capacity, develop a federal/state cooperative management agreement and develop recommendations for a 10-year comprehensive program.

## For more information:

### Bill Tweit

Special Assistant

(360) 902-2723

[william.tweit@dfw.wa.gov](mailto:william.tweit@dfw.wa.gov)

### Allen Pleus

Aquatic Invasive Species Lead

(360) 902-2724

[allen.pleus@dfw.wa.gov](mailto:allen.pleus@dfw.wa.gov)

### Ann Larson

WDFW Legislative Liaison

360.902.2226

[ann.larson@dfw.wa.gov](mailto:ann.larson@dfw.wa.gov)

[wdfw.wa.gov](http://wdfw.wa.gov)

# Aquatic Invasive Species Management



Future efforts by WDFW to prevent the introduction and spread of AIS will focus on enhancing WDFW's AIS early detection and rapid response program and the development of a grant program.

**Benefits:** Washington's rivers, lakes, streams and marine areas represent critically important environmental and economic assets. The ultimate goal of enhancing the AIS and Ballast Water Management programs is to prevent AIS from becoming established in Washington waters and causing costly environmental and economic damage. Successful prevention programs rely on a combination of outreach and education efforts, vessel inspection and enforcement efforts. Program enhancement benefits Washington's and the entire Pacific Northwest region's citizens and businesses by reducing environmental damage, restoration costs for native ecosystems, or mitigation costs where invasive species cannot be controlled. It also protects key sectors of the state's outdoor economy, including agriculture and aquaculture, forestry, fishing and many other forms of aquatic recreation.

**The proposed legislation would:** Provide a comprehensive funding package totaling \$1.83 million based on:

- Redirecting 4 percent of the Watercraft Excise Tax into the AIS Management program;
- Adding a new \$5 AIS Management program donation option as part of annual recreational watercraft registration; and
- Collecting a \$300 shipping vessel fee on qualified vessel arrivals.

## **Background:**

- ESSB 6040 passed in the 2014 legislature with near unanimous support, but no funding;
- Current AIS Management Program permanent funding level is \$485,000 a year from a \$2 fee on recreational watercraft annual registration;
- Current Ballast Water Management program permanent funding level is \$230,000 a year from the Aquatic Lands Enhancement Account;
- Target of \$1.83 million/year in new funding for both programs is minor cost for prevention and a small percentage compared to the estimated \$100 million annually an invasive zebra/quagga mussel infestation would cost the state;
- Requested funding level is moderate in comparison with funding levels of states with proactive invasive species management programs and those already infested with high-risk invasive species such as zebra/quagga mussels.

## **For more information:**

### **Bill Tweit**

Special Assistant  
(360) 902-2723  
william.tweit@dfw.wa.gov

### **Allen Pleus**

Aquatic Invasive Species Lead  
(360) 902-2724  
allen.pleus@dfw.wa.gov

### **Ann Larson**

WDFW Legislative Liaison  
360.902.2226  
ann.larson@dfw.wa.gov

**dfw.wa.gov**

---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: Z-0006.2/15 2nd draft

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: Concerning aquatic invasive species prevention.

1 AN ACT Relating to aquatic invasive species prevention; amending  
2 RCW 88.02.580, 82.49.030, 77.120.110, 77.120.070, 43.43.400, and  
3 88.02.640; reenacting and amending RCW 10.31.100; reenacting RCW  
4 77.08.010; adding a new section to chapter 77.135 RCW; adding a new  
5 section to chapter 77.120 RCW; creating new sections; repealing RCW  
6 77.12.879; prescribing penalties; and providing an expiration date.

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

8 **PART ONE**

9 **AQUATIC INVASIVE SPECIES PREVENTION—AQUATIC INVASIVE SPECIES**  
10 **MANAGEMENT PROGRAM FUNDING**

11 NEW SECTION. **Sec. 101.** A new section is added to  
12 chapter 77.135 RCW to read as follows:

13 The aquatic invasive species management account is created in the  
14 state treasury. All receipts directed to the account from RCW  
15 88.02.640, 88.02.580, and 82.49.030, as well as legislative  
16 appropriations, gifts, donations, fees, and penalties received by the  
17 department for aquatic invasive species management, must be deposited  
18 into the account. Moneys in the account may be spent only after  
19 appropriation. Expenditures from the account may only be used to

1 implement aquatic invasive species related provisions under this  
2 title.

3 **Sec. 102.** RCW 88.02.580 and 2010 c 161 s 1023 are each amended  
4 to read as follows:

5 (1) The department shall provide an opportunity for each person  
6 registering a vessel under this chapter to make a voluntary donation  
7 to support the maritime historic restoration and preservation  
8 activities of the Grays Harbor Historical Seaport and the Steamer  
9 Virginia V Foundation. All voluntary donations collected under this  
10 ((section)) subsection must be deposited in the maritime historic  
11 restoration and preservation account created under RCW 88.02.660.

12 (2)(a) The department, county auditor or other agent, or subagent  
13 appointed by the director shall provide an opportunity for each  
14 person registering a vessel under this chapter to make a voluntary  
15 donation as provided in this subsection when applying for an initial  
16 or renewal vessel registration.

17 (b) The department shall collect from each person registering a  
18 vessel under this chapter a voluntary donation of five dollars. The  
19 donation may not be collected from any vessel owner actively opting  
20 not to participate in the donation program. The department must  
21 ensure that the opt-out donation under this section is clear,  
22 visible, and prominently displayed in vessel registration renewals.  
23 Notification of intent to not participate in the donation program  
24 must be provided annually at the time of vessel registration renewal.

25 (c) Donations collected under this subsection must be deposited  
26 into the aquatic invasive species management account created in  
27 section 101 of this act.

28 **Sec. 103.** RCW 82.49.030 and 2010 c 161 s 1045 are each amended  
29 to read as follows:

30 (1) The excise tax imposed under this chapter is due and payable  
31 to the department of licensing, county auditor or other agent, or  
32 subagent appointed by the director of the department of licensing at  
33 the time of registration of a vessel. The department of licensing  
34 shall not issue or renew a registration for a vessel until the tax is  
35 paid in full.

36 (2) Ninety-six percent of the excise tax collected under this  
37 chapter must be deposited in the general fund.



1 (2) The owner or operator of a vessel subject to the vessel fee  
2 under subsection (1) of this section must pay the fee within thirty  
3 days of receipt of invoice. The owner or operator subject to such a  
4 vessel fee may contest the payment. Failure to pay the vessel fee  
5 within the thirty-day period is subject to civil penalties as  
6 provided under RCW 77.120.070.

7 (3) The fee and any penalties collected under this section must  
8 be deposited into the ballast water management account created in RCW  
9 77.120.110.

10 **Sec. 203.** RCW 77.120.110 and 2009 c 333 s 27 are each amended to  
11 read as follows:

12 (1) The ballast water management account is created in the state  
13 treasury. All receipts from legislative appropriations, gifts,  
14 grants, donations, penalties, and fees received under this chapter  
15 must be deposited into the account.

16 (2) Expenditures from the account may be used only to carry out  
17 the purposes of this chapter. However, penalties may not be used for  
18 the salaries of permanent department employees.

19 (3) Moneys in the account may be spent only after appropriation.  
20 (~~Expenditures from the account may be used only to carry out the~~  
21 ~~purposes of this chapter or support the goals of this chapter through~~  
22 ~~research and monitoring except:~~

23 ~~(a) Expenditures may not be used for the salaries of permanent~~  
24 ~~department employees; and~~

25 ~~(b) Penalties deposited into the account may be used only to~~  
26 ~~support basic and applied research and carry out education and~~  
27 ~~outreach related to the state's ballast water management.))~~

28 **Sec. 204.** RCW 77.120.070 and 2007 c 350 s 12 are each amended to  
29 read as follows:

30 (1) The department may establish by rule schedules for any  
31 penalty allowed in this chapter. The schedules may provide for the  
32 incremental assessment of a penalty based on criteria established by  
33 rule.

34 (2) The director or the director's designee may impose a civil  
35 penalty or warning for a violation of the requirements of this  
36 chapter on the owner or operator in charge of a vessel who fails to  
37 comply with the requirements imposed under RCW 77.120.030 ~~((and))~~,  
38 77.120.040, and section 202 of this act. The penalty shall not exceed

1 twenty-seven thousand five hundred dollars for each day of a  
2 continuing violation. In determining the amount of a civil penalty,  
3 the department shall set standards by rule that consider if the  
4 violation was intentional, negligent, or without any fault, and shall  
5 consider the quality and nature of risks created by the violation.  
6 The owner or operator subject to such a penalty may contest the  
7 determination by requesting an adjudicative proceeding within twenty  
8 days. Any determination not timely contested is final and may be  
9 reduced to a judgment enforceable in any court with jurisdiction. If  
10 the department prevails using any judicial process to collect a  
11 penalty under this section, the department shall also be awarded its  
12 costs and reasonable attorneys' fees.

13 (3) The department, in cooperation with the United States coast  
14 guard, may enforce the requirements of this chapter.

### 15 PART THREE

#### 16 AQUATIC INVASIVE SPECIES PREVENTION—OTHER TECHNICAL PROVISIONS

17 **Sec. 301.** RCW 43.43.400 and 2014 c 202 s 306 are each amended to  
18 read as follows:

19 ~~(1) ((The aquatic invasive species enforcement account is created  
20 in the state treasury. Moneys directed to the account from RCW  
21 88.02.640 must be deposited in the account. Expenditures from the  
22 account may only be used as provided in this section. Moneys in the  
23 account may be spent only after appropriation.~~

24 ~~(2) Expenditures from the account by the Washington state  
25 patrol)) Funds in the aquatic invasive species management account  
26 created in section 101 of this act may ((only)) be used by the  
27 Washington state patrol to inspect for the presence of aquatic  
28 invasive species on aquatic conveyances that are required to stop at  
29 a Washington state patrol port of entry weigh station.~~

30 ~~((3) Expenditures from the account by the department of fish and  
31 wildlife may only be used to develop and implement an aquatic  
32 invasive species enforcement program including enforcement of chapter  
33 77.135 RCW, enforcement of aquatic invasive species provisions in  
34 chapter 77.15 RCW, and training Washington state patrol employees  
35 working at port of entry weigh stations on how to inspect aquatic  
36 conveyances for the presence of aquatic invasive species.~~

1       ~~(4))~~ (2) Unless the context clearly requires otherwise, the  
2 definitions in both RCW 77.08.010 and 77.135.010 apply throughout  
3 this section.

4       **Sec. 302.** RCW 88.02.640 and 2013 c 291 s 1 are each amended to  
5 read as follows:

6       (1) In addition to any other fees and taxes required by law, the  
7 department, county auditor or other agent, or subagent appointed by  
8 the director shall charge the following vessel fees and surcharge:

9	FEE	AMOUNT	AUTHORITY	DISTRIBUTION
10	(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
11	(b) Derelict vessel and	Subsection (3) of this	Subsection (3) of this	Subsection (3) of this
12	invasive species	section	section	section
13	removal			
14	(c) Derelict vessel removal	\$1.00	Subsection (4) of this	Subsection (4) of this
15	surcharge		section	section
16	(d) Duplicate certificate of	\$1.25	RCW 88.02.530(1)(c)	General fund
17	title			
18	(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
19	(f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
20	(g) License plate technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370
21	(h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220
22	(i) Nonresident vessel	\$25.00	RCW 88.02.620(3)	Subsection (5) of this
23	permit			section
24	(j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this
25				section
26	(k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
27	(l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
28	(m) Title application	\$5.00	RCW 88.02.515	General fund
29	(n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
30	(o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this
31				section

32       (2) The five dollar dealer temporary permit fee required in  
33 subsection (1) of this section must be credited to the payment of  
34 registration fees at the time application for registration is made.

1 (3) The derelict vessel and invasive species removal fee required  
2 in subsection (1) of this section is five dollars and must be  
3 distributed as follows:

4 (a) (~~One dollar and fifty cents~~) Two dollars must be deposited  
5 in the aquatic invasive species (~~prevention~~) management account  
6 created in (~~RCW 77.12.879~~) section 101 of this act;

7 (b) One dollar must be deposited into the aquatic algae control  
8 account created in RCW 43.21A.667; and

9 (~~Fifty cents must be deposited into the aquatic invasive  
10 species enforcement account created in RCW 43.43.400; and~~

11 ~~(d)~~) Two dollars must be deposited in the derelict vessel  
12 removal account created in RCW 79.100.100.

13 (4) In addition to other fees required in this section, an annual  
14 derelict vessel removal surcharge of one dollar must be charged with  
15 each vessel registration. The surcharge is to address the significant  
16 backlog of derelict vessels accumulated in Washington waters that  
17 pose a threat to the health and safety of the people and to the  
18 environment and must be deposited into the derelict vessel removal  
19 account created in RCW 79.100.100.

20 (5) The twenty-five dollar nonresident vessel permit fee must be  
21 paid by the vessel owner to the department for the cost of providing  
22 the identification document by the department. Any moneys remaining  
23 from the fee after the payment of costs must be allocated to counties  
24 by the state treasurer for approved boating safety programs under RCW  
25 88.02.650.

26 (6) The thirty dollar vessel visitor permit fee must be  
27 distributed as follows:

28 (a) Five dollars must be deposited in the derelict vessel removal  
29 account created in RCW 79.100.100;

30 (b) The department may keep an amount to cover costs for  
31 providing the vessel visitor permit;

32 (c) Any moneys remaining must be allocated to counties by the  
33 state treasurer for approved boating safety programs under RCW  
34 88.02.650; and

35 (d) Any fees required for licensing agents under RCW 46.17.005  
36 are in addition to any other fee or tax due for the titling and  
37 registration of vessels.

38 (7)(a) The fifty dollar quick title service fee must be  
39 distributed as follows:

1 (i) If the fee is paid to the director, the fee must be deposited  
2 to the general fund.

3 (ii) If the fee is paid to the participating county auditor or  
4 other agent or subagent appointed by the director, twenty-five  
5 dollars must be deposited to the general fund. The remainder must be  
6 retained by the county treasurer in the same manner as other fees  
7 collected by the county auditor.

8 (b) For the purposes of this subsection, "quick title" has the  
9 same meaning as in RCW 88.02.540.

10 **Sec. 303.** RCW 77.08.010 and 2014 c 202 s 301 and 2014 c 48 s 1  
11 are each reenacted to read as follows:

12 The definitions in this section apply throughout this title or  
13 rules adopted under this title unless the context clearly requires  
14 otherwise.

15 (1) "Anadromous game fish buyer" means a person who purchases or  
16 sells steelhead trout and other anadromous game fish harvested by  
17 Indian fishers lawfully exercising fishing rights reserved by federal  
18 statute, treaty, or executive order, under conditions prescribed by  
19 rule of the director.

20 (2) "Angling gear" means a line attached to a rod and reel  
21 capable of being held in hand while landing the fish or a hand-held  
22 line operated without rod or reel.

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

27 (4) "Building" means a private domicile, garage, barn, or public  
28 or commercial building.

29 (5) "Closed area" means a place where the hunting of some or all  
30 species of wild animals or wild birds is prohibited.

31 (6) "Closed season" means all times, manners of taking, and  
32 places or waters other than those established by rule of the  
33 commission as an open season. "Closed season" also means all hunting,  
34 fishing, taking, or possession of game animals, game birds, game  
35 fish, food fish, or shellfish that do not conform to the special  
36 restrictions or physical descriptions established by rule of the  
37 commission as an open season or that have not otherwise been deemed  
38 legal to hunt, fish, take, harvest, or possess by rule of the  
39 commission as an open season.

1 (7) "Closed waters" means all or part of a lake, river, stream,  
2 or other body of water, where fishing or harvesting is prohibited.

3 (8) "Commercial" means related to or connected with buying,  
4 selling, or bartering.

5 (9) "Commission" means the state fish and wildlife commission.

6 (10) "Concurrent waters of the Columbia river" means those waters  
7 of the Columbia river that coincide with the Washington-Oregon state  
8 boundary.

9 (11) "Contraband" means any property that is unlawful to produce  
10 or possess.

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

14 (13) "Department" means the department of fish and wildlife.

15 (14) "Director" means the director of fish and wildlife.

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

18 (16) "Ex officio fish and wildlife officer" means:

19 (a) A commissioned officer of a municipal, county, or state  
20 agency having as its primary function the enforcement of criminal  
21 laws in general, while the officer is acting in the respective  
22 jurisdiction of that agency;

23 (b) An officer or special agent commissioned by one of the  
24 following: The national marine fisheries service; the Washington  
25 state parks and recreation commission; the United States fish and  
26 wildlife service; the Washington state department of natural  
27 resources; the United States forest service; or the United States  
28 parks service, if the agent or officer is in the respective  
29 jurisdiction of the primary commissioning agency and is acting under  
30 a mutual law enforcement assistance agreement between the department  
31 and the primary commissioning agency;

32 (c) A commissioned fish and wildlife peace officer from another  
33 state who meets the training standards set by the Washington state  
34 criminal justice training commission pursuant to RCW 10.93.090,  
35 43.101.080, and 43.101.200, and who is acting under a mutual law  
36 enforcement assistance agreement between the department and the  
37 primary commissioning agency; or

38 (d) A Washington state tribal police officer who successfully  
39 completes the requirements set forth under RCW 43.101.157, is  
40 employed by a tribal nation that has complied with RCW 10.92.020(2)

1 (a) and (b), and is acting under a mutual law enforcement assistance  
2 agreement between the department and the tribal government.

3 (17) "Fish" includes all species classified as game fish or food  
4 fish by statute or rule, as well as all fin fish not currently  
5 classified as food fish or game fish if such species exist in state  
6 waters. The term "fish" includes all stages of development and the  
7 bodily parts of fish species.

8 (18) "Fish and wildlife officer" means a person appointed and  
9 commissioned by the director, with authority to enforce this title  
10 and rules adopted pursuant to this title, and other statutes as  
11 prescribed by the legislature. Fish and wildlife officer includes a  
12 person commissioned before June 11, 1998, as a wildlife agent or a  
13 fisheries patrol officer.

14 (19) "Fish broker" means a person whose business it is to bring a  
15 seller of fish and shellfish and a purchaser of those fish and  
16 shellfish together.

17 (20) "Fish buyer" means:

18 (a) A wholesale fish dealer or a retail seller who directly  
19 receives fish or shellfish from a commercial fisher or receives fish  
20 or shellfish in interstate or foreign commerce; or

21 (b) A person engaged by a wholesale fish dealer who receives fish  
22 or shellfish from a commercial fisher.

23 (21) "Fishery" means the taking of one or more particular species  
24 of fish or shellfish with particular gear in a particular  
25 geographical area.

26 (22) "Food, food waste, or other substance" includes human and  
27 pet food or other waste or garbage that could attract large wild  
28 carnivores.

29 (23) "Freshwater" means all waters not defined as saltwater  
30 including, but not limited to, rivers upstream of the river mouth,  
31 lakes, ponds, and reservoirs.

32 (24) "Fur-bearing animals" means game animals that shall not be  
33 trapped except as authorized by the commission.

34 (25) "Fur dealer" means a person who purchases, receives, or  
35 resells raw furs for commercial purposes.

36 (26) "Game animals" means wild animals that shall not be hunted  
37 except as authorized by the commission.

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

1 (28) "Game farm" means property on which wildlife is held,  
2 confined, propagated, hatched, fed, or otherwise raised for  
3 commercial purposes, trade, or gift. The term "game farm" does not  
4 include publicly owned facilities.

5 (29) "Game reserve" means a closed area where hunting for all  
6 wild animals and wild birds is prohibited.

7 (30) "Illegal items" means those items unlawful to be possessed.

8 (31)(a) "Intentionally feed, attempt to feed, or attract" means  
9 to purposefully or knowingly provide, leave, or place in, on, or  
10 about any land or building any food, food waste, or other substance  
11 that attracts or could attract large wild carnivores to that land or  
12 building.

13 (b) "Intentionally feed, attempt to feed, or attract" does not  
14 include keeping food, food waste, or other substance in an enclosed  
15 garbage receptacle or other enclosed container unless specifically  
16 directed by a fish and wildlife officer or animal control authority  
17 to secure the receptacle or container in another manner.

18 (32) "Large wild carnivore" includes wild bear, cougar, and wolf.

19 (33) "License year" means the period of time for which a  
20 recreational license is valid. The license year begins April 1st, and  
21 ends March 31st.

22 (34) "Limited-entry license" means a license subject to a license  
23 limitation program established in chapter 77.70 RCW.

24 (35) "Money" means all currency, script, personal checks, money  
25 orders, or other negotiable instruments.

26 (36) "Natural person" means a human being.

27 (37)(a) "Negligently feed, attempt to feed, or attract" means to  
28 provide, leave, or place in, on, or about any land or building any  
29 food, food waste, or other substance that attracts or could attract  
30 large wild carnivores to that land or building, without the awareness  
31 that a reasonable person in the same situation would have with regard  
32 to the likelihood that the food, food waste, or other substance could  
33 attract large wild carnivores to the land or building.

34 (b) "Negligently feed, attempt to feed, or attract" does not  
35 include keeping food, food waste, or other substance in an enclosed  
36 garbage receptacle or other enclosed container unless specifically  
37 directed by a fish and wildlife officer or animal control authority  
38 to secure the receptacle or container in another manner.

39 (38) "Nonresident" means a person who has not fulfilled the  
40 qualifications of a resident.

1 (39) "Offshore waters" means marine waters of the Pacific Ocean  
2 outside the territorial boundaries of the state, including the marine  
3 waters of other states and countries.

4 (40) "Open season" means those times, manners of taking, and  
5 places or waters established by rule of the commission for the lawful  
6 hunting, fishing, taking, or possession of game animals, game birds,  
7 game fish, food fish, or shellfish that conform to the special  
8 restrictions or physical descriptions established by rule of the  
9 commission or that have otherwise been deemed legal to hunt, fish,  
10 take, or possess by rule of the commission. "Open season" includes  
11 the first and last days of the established time.

12 (41) "Owner" means the person in whom is vested the ownership  
13 dominion, or title of the property.

14 (42) "Person" means and includes an individual; a corporation; a  
15 public or private entity or organization; a local, state, or federal  
16 agency; all business organizations, including corporations and  
17 partnerships; or a group of two or more individuals acting with a  
18 common purpose whether acting in an individual, representative, or  
19 official capacity.

20 (43) "Personal property" or "property" includes both corporeal  
21 and incorporeal personal property and includes, among other property,  
22 contraband and money.

23 (44) "Personal use" means for the private use of the individual  
24 taking the fish or shellfish and not for sale or barter.

25 (45) "Predatory birds" means wild birds that may be hunted  
26 throughout the year as authorized by the commission.

27 (46) "Protected wildlife" means wildlife designated by the  
28 commission that shall not be hunted or fished.

29 (47) "Raffle" means an activity in which tickets bearing an  
30 individual number are sold for not more than twenty-five dollars each  
31 and in which a permit or permits are awarded to hunt or for access to  
32 hunt big game animals or wild turkeys on the basis of a drawing from  
33 the tickets by the person or persons conducting the raffle.

34 (48) "Resident" has the same meaning as defined in RCW 77.08.075.

35 (49) "Retail-eligible species" means commercially harvested  
36 salmon, crab, and sturgeon.

37 (50) "Saltwater" means those marine waters seaward of river  
38 mouths.

39 (51) "Seaweed" means marine aquatic plant species that are  
40 dependent upon the marine aquatic or tidal environment, and exist in

1 either an attached or free floating form, and includes but is not  
2 limited to marine aquatic plants in the classes Chlorophyta,  
3 Phaeophyta, and Rhodophyta.

4 (52) "Senior" means a person seventy years old or older.

5 (53) "Shark fin" means a raw, dried, or otherwise processed  
6 detached fin or tail of a shark.

7 (54)(a) "Shark fin derivative product" means any product intended  
8 for use by humans or animals that is derived in whole or in part from  
9 shark fins or shark fin cartilage.

10 (b) "Shark fin derivative product" does not include a drug  
11 approved by the United States food and drug administration and  
12 available by prescription only or medical device or vaccine approved  
13 by the United States food and drug administration.

14 (55) "Shellfish" means those species of marine and freshwater  
15 invertebrates that have been classified and that shall not be taken  
16 or possessed except as authorized by rule of the commission. The term  
17 "shellfish" includes all stages of development and the bodily parts  
18 of shellfish species.

19 (56) "State waters" means all marine waters and fresh waters  
20 within ordinary high water lines and within the territorial  
21 boundaries of the state.

22 (57) "Taxidermist" means a person who, for commercial purposes,  
23 creates lifelike representations of fish and wildlife using fish and  
24 wildlife parts and various supporting structures.

25 (58) "To fish" and its derivatives means an effort to kill,  
26 injure, harass, harvest, or capture a fish or shellfish.

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

29 (60) "To process" and its derivatives mean preparing or  
30 preserving fish, wildlife, or shellfish.

31 (61) "To take" and its derivatives means to kill, injure,  
32 harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

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

35 (63) "To waste" or "to be wasted" means to allow any edible  
36 portion of any game bird, food fish, game fish, shellfish, or big  
37 game animal other than cougar to be rendered unfit for human  
38 consumption, or to fail to retrieve edible portions of such a game  
39 bird, food fish, game fish, shellfish, or big game animal other than  
40 cougar from the field. For purposes of this chapter, edible portions

1 of game birds must include, at a minimum, the breast meat of those  
2 birds. Entrails, including the heart and liver, of any wildlife  
3 species are not considered edible.

4 (64) "Trafficking" means offering, attempting to engage, or  
5 engaging in sale, barter, or purchase of fish, shellfish, wildlife,  
6 or deleterious exotic wildlife.

7 (65) "Unclaimed" means that no owner of the property has been  
8 identified or has requested, in writing, the release of the property  
9 to themselves nor has the owner of the property designated an  
10 individual to receive the property or paid the required postage to  
11 effect delivery of the property.

12 (66) "Unclassified wildlife" means wildlife existing in  
13 Washington in a wild state that have not been classified as big game,  
14 game animals, game birds, predatory birds, protected wildlife,  
15 endangered wildlife, or deleterious exotic wildlife.

16 (67) "Wholesale fish dealer" means a person who, acting for  
17 commercial purposes, takes possession or ownership of fish or  
18 shellfish and sells, barter, or exchanges or attempts to sell,  
19 barter, or exchange fish or shellfish that have been landed into the  
20 state of Washington or entered the state of Washington in interstate  
21 or foreign commerce.

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

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

28 (70) "Wildlife" means all species of the animal kingdom whose  
29 members exist in Washington in a wild state. This includes but is not  
30 limited to mammals, birds, reptiles, amphibians, fish, and  
31 invertebrates. The term "wildlife" does not include feral domestic  
32 mammals, old world rats and mice of the family Muridae of the order  
33 Rodentia, or those fish, shellfish, and marine invertebrates  
34 classified as food fish or shellfish by the director. The term  
35 "wildlife" includes all stages of development and the bodily parts of  
36 wildlife members.

37 (71) "Wildlife meat cutter" means a person who packs, cuts,  
38 processes, or stores wildlife for consumption for another for  
39 commercial purposes.

1 (72) "Youth" means a person fifteen years old for fishing and  
2 under sixteen years old for hunting.

3 **Sec. 304.** RCW 10.31.100 and 2014 c 202 s 307, 2014 c 100 s 2,  
4 and 2014 c 5 s 1 are each reenacted and amended to read as follows:

5 A police officer having probable cause to believe that a person  
6 has committed or is committing a felony shall have the authority to  
7 arrest the person without a warrant. A police officer may arrest a  
8 person without a warrant for committing a misdemeanor or gross  
9 misdemeanor only when the offense is committed in the presence of an  
10 officer, except as provided in subsections (1) through (~~(11)~~) (12)  
11 of this section.

12 (1) Any police officer having probable cause to believe that a  
13 person has committed or is committing a misdemeanor or gross  
14 misdemeanor, involving physical harm or threats of harm to any person  
15 or property or the unlawful taking of property or involving the use  
16 or possession of cannabis, or involving the acquisition, possession,  
17 or consumption of alcohol by a person under the age of twenty-one  
18 years under RCW 66.44.270, or involving criminal trespass under RCW  
19 9A.52.070 or 9A.52.080, shall have the authority to arrest the  
20 person.

21 (2) A police officer shall arrest and take into custody, pending  
22 release on bail, personal recognizance, or court order, a person  
23 without a warrant when the officer has probable cause to believe  
24 that:

25 (a) An order has been issued of which the person has knowledge  
26 under RCW 26.44.063, or chapter 7.92, 7.90, 9A.46, 10.99, 26.09,  
27 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the  
28 person has violated the terms of the order restraining the person  
29 from acts or threats of violence, or restraining the person from  
30 going onto the grounds of or entering a residence, workplace, school,  
31 or day care, or prohibiting the person from knowingly coming within,  
32 or knowingly remaining within, a specified distance of a location or,  
33 in the case of an order issued under RCW 26.44.063, imposing any  
34 other restrictions or conditions upon the person; or

35 (b) A foreign protection order, as defined in RCW 26.52.010, has  
36 been issued of which the person under restraint has knowledge and the  
37 person under restraint has violated a provision of the foreign  
38 protection order prohibiting the person under restraint from  
39 contacting or communicating with another person, or excluding the

1 person under restraint from a residence, workplace, school, or day  
2 care, or prohibiting the person from knowingly coming within, or  
3 knowingly remaining within, a specified distance of a location, or a  
4 violation of any provision for which the foreign protection order  
5 specifically indicates that a violation will be a crime; or

6 (c) The person is sixteen years or older and within the preceding  
7 four hours has assaulted a family or household member as defined in  
8 RCW 10.99.020 and the officer believes: (i) A felonious assault has  
9 occurred; (ii) an assault has occurred which has resulted in bodily  
10 injury to the victim, whether the injury is observable by the  
11 responding officer or not; or (iii) that any physical action has  
12 occurred which was intended to cause another person reasonably to  
13 fear imminent serious bodily injury or death. Bodily injury means  
14 physical pain, illness, or an impairment of physical condition. When  
15 the officer has probable cause to believe that family or household  
16 members have assaulted each other, the officer is not required to  
17 arrest both persons. The officer shall arrest the person whom the  
18 officer believes to be the primary physical aggressor. In making this  
19 determination, the officer shall make every reasonable effort to  
20 consider: (i) The intent to protect victims of domestic violence  
21 under RCW 10.99.010; (ii) the comparative extent of injuries  
22 inflicted or serious threats creating fear of physical injury; and  
23 (iii) the history of domestic violence of each person involved,  
24 including whether the conduct was part of an ongoing pattern of  
25 abuse.

26 (3) Any police officer having probable cause to believe that a  
27 person has committed or is committing a violation of any of the  
28 following traffic laws shall have the authority to arrest the person:

29 (a) RCW 46.52.010, relating to duty on striking an unattended car  
30 or other property;

31 (b) RCW 46.52.020, relating to duty in case of injury to or death  
32 of a person or damage to an attended vehicle;

33 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or  
34 racing of vehicles;

35 (d) RCW 46.61.502 or 46.61.504, relating to persons under the  
36 influence of intoxicating liquor or drugs;

37 (e) RCW 46.61.503 or 46.25.110, relating to persons having  
38 alcohol or THC in their system;

39 (f) RCW 46.20.342, relating to driving a motor vehicle while  
40 operator's license is suspended or revoked;

1 (g) RCW 46.61.5249, relating to operating a motor vehicle in a  
2 negligent manner.

3 (4) A law enforcement officer investigating at the scene of a  
4 motor vehicle accident may arrest the driver of a motor vehicle  
5 involved in the accident if the officer has probable cause to believe  
6 that the driver has committed in connection with the accident a  
7 violation of any traffic law or regulation.

8 (5)(a) A law enforcement officer investigating at the scene of a  
9 motor vessel accident may arrest the operator of a motor vessel  
10 involved in the accident if the officer has probable cause to believe  
11 that the operator has committed, in connection with the accident, a  
12 criminal violation of chapter 79A.60 RCW.

13 (b) A law enforcement officer investigating at the scene of a  
14 motor vessel accident may issue a citation for an infraction to the  
15 operator of a motor vessel involved in the accident if the officer  
16 has probable cause to believe that the operator has committed, in  
17 connection with the accident, a violation of any boating safety law  
18 of chapter 79A.60 RCW.

19 (6) Any police officer having probable cause to believe that a  
20 person has committed or is committing a violation of RCW 79A.60.040  
21 shall have the authority to arrest the person.

22 (7) An officer may act upon the request of a law enforcement  
23 officer in whose presence a traffic infraction was committed, to  
24 stop, detain, arrest, or issue a notice of traffic infraction to the  
25 driver who is believed to have committed the infraction. The request  
26 by the witnessing officer shall give an officer the authority to take  
27 appropriate action under the laws of the state of Washington.

28 (8) Any police officer having probable cause to believe that a  
29 person has committed or is committing any act of indecent exposure,  
30 as defined in RCW 9A.88.010, may arrest the person.

31 (9) A police officer may arrest and take into custody, pending  
32 release on bail, personal recognizance, or court order, a person  
33 without a warrant when the officer has probable cause to believe that  
34 an order has been issued of which the person has knowledge under  
35 chapter 10.14 RCW and the person has violated the terms of that  
36 order.

37 (10) Any police officer having probable cause to believe that a  
38 person has, within twenty-four hours of the alleged violation,  
39 committed a violation of RCW 9A.50.020 may arrest such person.

1 (11) A police officer having probable cause to believe that a  
2 person illegally possesses or illegally has possessed a firearm or  
3 other dangerous weapon on private or public elementary or secondary  
4 school premises shall have the authority to arrest the person.

5 For purposes of this subsection, the term "firearm" has the  
6 meaning defined in RCW 9.41.010 and the term "dangerous weapon" has  
7 the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

8 ~~(12) ((A law enforcement officer having probable cause to believe  
9 that a person has committed a violation under RCW 77.15.160(4) may  
10 issue a citation for an infraction to the person in connection with  
11 the violation.~~

12 ~~(13))~~ A law enforcement officer having probable cause to believe  
13 that a person has committed a criminal violation under RCW 77.15.809  
14 or 77.15.811 may arrest the person in connection with the violation.

15 ~~((14))~~ (13) Except as specifically provided in subsections (2),  
16 (3), (4), and (7) of this section, nothing in this section extends or  
17 otherwise affects the powers of arrest prescribed in Title 46 RCW.

18 ~~((15))~~ (14) No police officer may be held criminally or civilly  
19 liable for making an arrest pursuant to subsection (2) or (9) of this  
20 section if the police officer acts in good faith and without malice.

21 ~~((16))~~ (15) A police officer shall arrest and keep in custody,  
22 until release by a judicial officer on bail, personal recognizance,  
23 or court order, a person without a warrant when the officer has  
24 probable cause to believe that the person has violated RCW 46.61.502  
25 or 46.61.504 or an equivalent local ordinance and the police officer  
26 has knowledge that the person has a prior offense as defined in RCW  
27 46.61.5055 within ten years.

28 NEW SECTION. Sec. 305. All moneys in the aquatic invasive  
29 species enforcement account created in RCW 43.43.400 and the aquatic  
30 invasive species prevention account created in RCW 77.12.879 are  
31 transferred to the aquatic invasive species management account  
32 created in section 101 of this act.

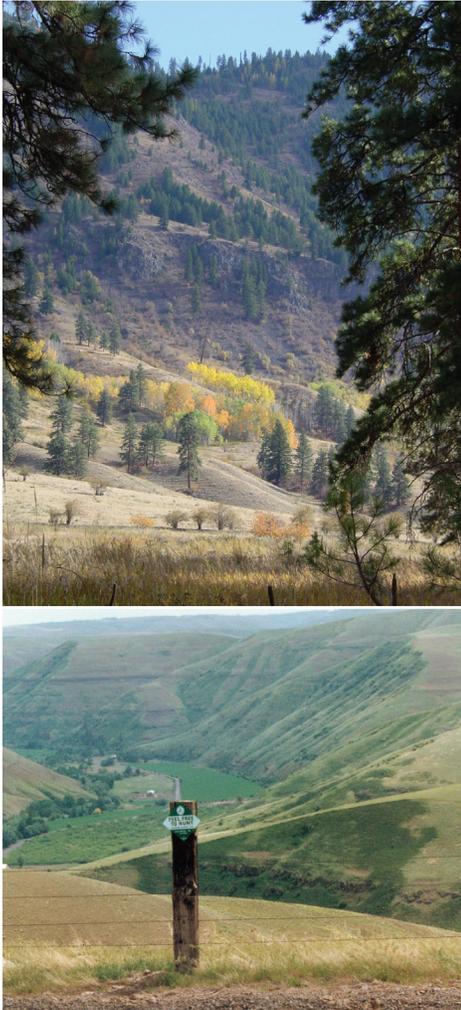
33 NEW SECTION. Sec. 306. RCW 77.12.879 (Aquatic invasive species  
34 prevention account) and 2014 c 202 s 309 & 2013 c 307 s 1 are each  
35 repealed.

--- END ---





## Reforming the Payments In Lieu of Taxes program



### Issue:

Each year, the Washington Department of Fish and Wildlife (WDFW) provides Payments In Lieu of Taxes (PILT) to counties on land owned by the department. These PILT payments are designed to compensate counties for the loss of local property taxes – which cannot be levied on state-owned lands – on parcels purchased by WDFW to protect critical habitat for fish and wildlife and for outdoor recreation.

Under current state law (RCW 77.12.203), counties may choose to base PILT collections on one of three different rates:

- The rate paid for private land in open-space classification, or
- 70 cents per acre, or
- The amount of PILT paid on the parcel in 1984.

As an alternative to PILT, counties may elect to retain game violation fines and forfeitures collected by WDFW within their borders.

Some counties, however, have expressed frustration with the PILT program after the state Legislature froze those payments two years ago to levels paid to the counties in 2009. That dissatisfaction has led to a lack of support from local officials for WDFW land purchases in some counties.

Gov. Jay Inslee last year directed the state Department of Revenue to work with WDFW and the Office of Financial Management to review the methodology used to calculate the payments and develop recommendations to revise the program. The state Association of Counties participated in the study, as did several county assessors.

The study resulted in three recommendations:

- Use a single calculation method for PILT based upon open space valuation, and remove the requirement that payments are frozen to 2009 levels; and
- Remove the requirement for the counties to choose between receiving fees, fines and forfeitures or PILT; and
- Have the PILT payments made through the State Treasurer's Office rather than WDFW.

### Contact Information:

#### Clay Sprague

WDFW Lands Manager  
360-902-2508  
clay.sprague@dfw.wa.gov

#### Ann Larson

WDFW Legislative Liaison  
360-902-2226  
ann.larson@dfw.wa.gov

[wdfw.wa.gov](http://wdfw.wa.gov)

## **Recommendation:**

WDFW is proposing legislation that incorporates the first two recommendations.

The recommendation of the workgroup to have PILT payments made through the Office of the State Treasurer is not included in WDFW's proposal. Instead, the department, which maintains the parcel records and coordinates the ledger, would continue to make the payments directly to the counties, allowing for an efficient process. This would also allow WDFW to maintain a direct relationship with county officials.

## **Benefits:**

This legislation will clarify the process by establishing a single method for calculating PILT payments, and ensure counties receive an equitable amount in PILT when WDFW acquires land and removes the property from the county's tax rolls.

Revising the program and addressing the concerns expressed by county officials also will help WDFW gain local support for the acquisition of properties to protect critical fish and wildlife habitat and allow for outdoor recreation.



---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: Z-0010.1/15

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: Regarding payments to counties in lieu of property taxes by the department of fish and wildlife.

1 AN ACT Relating to payments to counties in lieu of property taxes  
2 by the department of fish and wildlife; amending RCW 77.12.203;  
3 repealing RCW 77.12.201; and providing an effective date.

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

5 **Sec. 1.** RCW 77.12.203 and 2014 c 55 s 1 are each amended to read  
6 as follows:

7 ~~(1) ((Except as provided in subsection (5) of this section and))~~  
8 Notwithstanding RCW 84.36.010 or other statutes to the contrary, the  
9 director must pay by April 30th of each year on game lands, regardless  
10 of acreage, in each county, ((if requested by an election under RCW  
11 77.12.201,)) an amount in lieu of real property taxes equal to that  
12 amount paid on similar parcels of open space land taxable under chapter  
13 84.34 RCW ((or the greater of seventy cents per acre per year or the  
14 amount paid in 1984)) except taxes levied for any state purpose, plus  
15 an additional amount for control of noxious weeds equal to that which  
16 would be paid if such lands were privately owned. This amount may not  
17 be assessed or paid on department buildings, structures, facilities,  
18 game farms, fish hatcheries, water access sites, tidelands, or public  
19 fishing areas.

1 (2) "Game lands," as used in this section (~~and RCW 77.12.201~~),  
2 means those tracts, regardless of acreage, owned in fee by the  
3 department and used for wildlife habitat and public recreational  
4 purposes. All lands purchased for wildlife habitat, public access or  
5 recreation purposes with federal funds in the Snake River drainage  
6 basin are considered game lands regardless of acreage.

7 (3) This section does not apply to lands transferred after April  
8 23, 1990, to the department from other state agencies.

9 (4) The county must distribute the amount received under this  
10 section in lieu of real property taxes to all property taxing districts  
11 except the state in appropriate tax code areas the same way it would  
12 distribute local property taxes from private property. The county must  
13 distribute the amount received under this section for weed control to  
14 the appropriate weed district.

15 (~~(5) For the 2011-2013 and 2013-2015 fiscal biennia, the director  
16 must pay by April 30th of each year on game lands in each county, if  
17 requested by an election under RCW 77.12.201, an amount in lieu of real  
18 property taxes and must be distributed as follows:~~

19	<b>County</b>	
20		
21	Adams.....	1,909
22	Asotin.....	36,123
23	Chelan.....	24,757
24	Columbia.....	7,795
25	Ferry.....	6,781
26	Garfield.....	4,840
27	Grant.....	37,443
28	Kittitas.....	143,974
29	Klickitat.....	21,906
30	Lincoln.....	13,535
31	Okanogan.....	151,402
32	Pend Oreille.....	3,309
33	Yakima.....	126,225

34 ~~These amounts may not be assessed or paid on department buildings,~~

1 ~~structures, facilities, game farms, fish hatcheries, water access~~  
2 ~~sites, tidelands, or public fishing areas.))~~

3 NEW SECTION. **Sec. 2.** RCW 77.12.201 (Counties may elect to receive  
4 an amount in lieu of taxes--County to record collections for violations  
5 of law or rules--Deposit) and 2013 2nd sp.s. c 4 s 998, 2012 2nd sp.s.  
6 c 7 s 923, 2009 c 479 s 63, & 1987 c 506 s 29 are each repealed.

7 NEW SECTION. **Sec. 3.** This act takes effect August 1, 2015.

--- END ---



## Strengthening charter stamp laws



### Problem:

Under state law, charter boat operators and fishing guides can purchase multiple fishing license stamps – each good for one day of fishing – from Washington Department of Fish and Wildlife (WDFW). The boat operators and fishing guides can then re-sell these stamps to anglers who arrive at the dock without a valid fishing license, avoiding delays in the day's fishing trip.

However, some charter boat operators and guides have avoided purchasing the proper number of stamps by intentionally reissuing previously used licenses to different customers.

Several investigations by WDFW Police officers have uncovered this activity, resulting in thousands of dollars – \$10,000 in one case alone – of lost fishing license revenue that should have gone to the state.

Unfortunately, these cases could not be prosecuted because of deficiencies in state law.

### Proposed solution:

WDFW proposes adding a new section to the Fish and Wildlife Enforcement Code (Chapter 77.15 RCW) to make it a crime for licensed game fish guides, food fish guides, or charter boat operators to fail to perform duties required under RCW 77.32.430 or violate any department rule regarding the sale, possession, issuing, or reporting of temporary fishing licenses, temporary short-term charter stamps, or catch record cards. Violation of this section is a gross misdemeanor.

The charter boat and guide fishing industry supports WDFW's proposal to create a criminal penalty associated with reissuing charter stamps.

### Benefits:

The goal is to discourage this behavior and help ensure the state does not lose revenue from licensing the industry's clients. In addition, the proposed changes would level the playing field for charter boat operators and fishing guides who properly license their clients.



### Contact Information:

#### Mike Cenci

WDFW Enforcement Deputy Chief  
360-581-3305  
mike.cenci@dfw.wa.gov

#### Ann Larson

WDFW Legislative Liaison  
360-902-2226  
ann.larson@dfw.wa.gov

[wdfw.wa.gov](http://wdfw.wa.gov)



---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: Z-0005.1/15

ATTY/TYPIST: ML:bbp

BRIEF DESCRIPTION: Concerning unlawfully engaging in fishing guide activity.

1 AN ACT Relating to unlawfully engaging in fishing guide activity;  
2 adding a new section to chapter 77.15 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW  
5 to read as follows:

6 (1) A person is guilty of unlawfully engaging in fishing guide  
7 activity if the person holds a game fish guide license issued under RCW  
8 77.65.480 or has a license issued under RCW 77.65.010 to operate a  
9 charter boat or act as a food fish guide, and the person:

10 (a) Fails to perform any duty of a charter boat or guide operator  
11 established in RCW 77.32.430; or

12 (b) Violates any rule of the commission or director regarding the  
13 sale, possession, issuance, or reporting of temporary fishing licenses,  
14 temporary short-term charter stamps, or catch record cards.

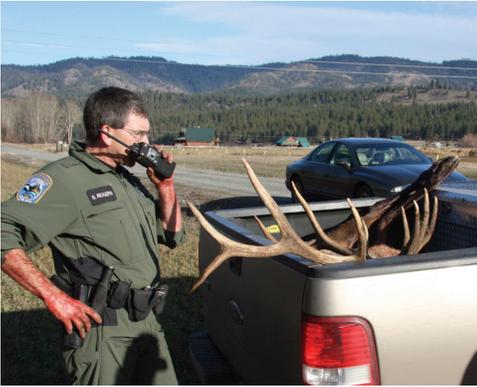
15 (2) Unlawfully engaging in fishing guide activity is a gross  
16 misdemeanor.

--- END ---





# Hunting while intoxicated



## Problem:

Hunting while intoxicated is against the law in Washington and most other states. Here and elsewhere, lawmakers have long recognized the inherent risk this activity poses to public safety and have taken steps to prevent it. Yet, Washington state's law (RCW 77.15.675) is extremely difficult to enforce. One reason is that it does not require hunters suspected of being intoxicated in the field to take a breath test, depriving officers of this important piece of evidence. As a result, prosecutors often decline a case that is based entirely on an officer's observation. In addition, the current law does not authorize a mandatory suspension of hunting privileges upon conviction, which would otherwise constitute a powerful deterrent to this behavior.

## Solution:

Amend RCW 77.15.675 to include an "implied consent" provision that would penalize hunters who refuse to take a breath test or field test (e.g. walking in a straight line) when probable cause of a violation exists. Also, allow the Washington Department of Fish and Wildlife (WDFW) to immediately revoke and suspend the hunting licenses and privileges of those convicted of hunting while intoxicated by alcohol or drugs.

## Benefits:

The state's Hunter Education student manual describes drinking while hunting as a "Deadly Mix." This bill addresses this behavior accordingly, and aligns the law with other offenses, such as driving under the influence. It will help to convict and appropriately penalize those who abuse alcohol and other drugs while hunting. Perhaps more important, the increased chance of prosecution and loss of hunting privileges will present a powerful deterrent to those tempted to engage in this dangerous behavior.

## The proposed legislation would:

1. Increase the clarity of the elements of the offense;
2. Apply implied consent to a breath test while hunting in Washington;
3. Mirror boating while intoxicated and driving while intoxicated laws that penalize failing to provide a breath test when probable cause exists; and
4. Impose a mandatory suspension of hunting licenses and privileges for two (2) years upon conviction for a first-time offense and ten (10) years upon conviction if the person has a previous conviction under RCW 77.15.675.



## Contact Information:

### Mike Cenci

WDFW Enforcement Deputy Chief  
360-581-3305  
mike.cenci@dfw.wa.gov

### Ann Larson

WDFW Legislative Liaison  
360-902-2226  
ann.larson@dfw.wa.gov

[wdfw.wa.gov](http://wdfw.wa.gov)



## Background:

WDFW officers have reported that enforcing RCW 77.15.675 is problematic due to the law's lack of specificity. The statute, in its entirety, currently reads:

*(1) A person is guilty of hunting while under the influence of intoxicating liquor or drugs if the person hunts wild animals or wild birds while under the influence of intoxicating liquor or drugs.*

*(2) Hunting while under the influence of intoxicating liquor or drugs is a gross misdemeanor.*

While the law does prescribe penalties, prosecution is difficult because it does not require hunters to take a breath or field-sobriety test. As a result, prosecutors often decline to take these cases due to a lack of objective evidence.

Moreover, a conviction under RCW 77.15.675 does not result in automatic revocation and suspension of the violator's hunting licenses and privileges. Under current law, the only option for removing those licenses and privileges for hunters found to be intoxicated is RCW 77.15.700, which requires three violations of "recreational hunting or fishing laws" – including intoxication in the field – over a 10-year period.

This is out of sync with other offenses that do not involve such a high risk to public safety, such as unlawful hunting of big game, which carry automatic suspension of privileges upon conviction. If a person injures another person or livestock while hunting, no conviction is needed to suspend licenses and privileges under RCW 77.15.720. Considering these other statutes, it makes sense to include automatic suspension of hunting licenses and privileges upon a conviction under RCW 77.15.675.

DRAFT



---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: Z-0008.2/15 2nd draft

ATTY/TYPIST: ML:bbp

BRIEF DESCRIPTION: Concerning hunting under the influence of  
intoxicating liquor or drugs.

1 AN ACT Relating to hunting under the influence of intoxicating  
2 liquor or drugs; amending RCW 77.15.675; and prescribing penalties.

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

4 **Sec. 1.** RCW 77.15.675 and 1999 c 258 s 12 are each amended to read  
5 as follows:

6 (1) A person is guilty of hunting while under the influence of  
7 intoxicating liquor (~~(or drugs)~~), marijuana, or any drug in the second  
8 degree if the person hunts (~~(wild animals or wild birds while under the~~  
9 ~~influence of intoxicating liquor or drugs)~~) within this state while  
10 possessing a firearm or other weapon for the purpose of hunting when  
11 the person is intoxicated or under the influence of or affected by  
12 intoxicating liquor, marijuana, or any drug.

13 (2) A person is guilty of hunting while under the influence of  
14 intoxicating liquor, marijuana, or any drug in the first degree if the  
15 person commits the acts described in subsection (1) or this section and  
16 the person has previously been convicted of a violation of this  
17 section.

18 (3)(a) Hunting while under the influence of intoxicating liquor or

1 drugs in the second degree is a gross misdemeanor. Upon conviction,  
2 the department shall revoke and suspend all of the person's hunting  
3 licenses and privileges for a period of two years.

4 (b) Hunting while under the influence of intoxicating liquor or  
5 drugs in the first degree is a class C felony. Upon conviction, the  
6 department shall revoke and suspend all of the person's hunting  
7 licenses and privileges for ten years.

8 (4) The fact that a person charged with a violation of this section  
9 is or has been entitled to use a drug under the laws of this state does  
10 not constitute a defense against a charge of violating this section.

11 (5) Any person who hunts within this state is deemed to have given  
12 consent, subject to the provisions of this section, to a test or tests  
13 of the person's breath for the purpose of determining the alcohol  
14 concentration in the person's breath if arrested for any offense where,  
15 at the time of the arrest, the arresting officer has reasonable grounds  
16 to believe the person was hunting while under the influence of  
17 intoxicating liquor or a combination of intoxicating liquor and any  
18 other drug. The officer shall warn the person that if the person  
19 refuses to take the test, the person will be issued a class 1 civil  
20 infraction under RCW 7.80.120.

21 (6) Neither consent, nor this section precludes an officer from  
22 obtaining a search warrant for a person's breath or blood.

23 (7) An arresting officer may administer field sobriety tests when  
24 circumstances permit.

--- END ---