

EIGHTY FIRST DAY

House Chamber, Olympia, Thursday, March 31, 2011

The House was called to order at 9:55 a.m. by the Speaker (Representative Springer presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 30, 2011

MR. SPEAKER:

The Senate has passed:

HOUSE BILL 1150
HOUSE BILL 1298
ENGROSSED SUBSTITUTE HOUSE BILL 1572
HOUSE BILL 1649

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 2041 by Representatives Fitzgibbon and Sells

AN ACT Relating to extending collective bargaining rights to employees of the legislative branch of the state government; and reenacting and amending RCW 41.06.070.

Referred to Committee on Labor & Workforce Development.

HB 2042 by Representatives Dunshee and Zeiger

AN ACT Relating to establishing a preference for resident contractors on public works; adding a new section to chapter 39.04 RCW; and creating a new section.

Referred to Committee on Capital Budget.

HB 2043 by Representatives Hudgins, Darneille, Cody, Pettigrew, Haigh, Ormsby, Hasegawa and Kenney

AN ACT Relating to increasing state revenues by allowing the sale of liquor-related products in state and contract liquor stores and by creating a pilot project for the colocation of contract liquor stores in grocery stores; amending RCW 66.08.026, 66.08.165, 66.16.010, and 66.08.050; and reenacting and amending RCW 66.04.010.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

March 28, 2011

ESSB 5021 Prime Sponsor, Committee on Government Operations, Tribal Relations & Elections: Enhancing election campaign disclosure requirements to promote greater transparency for the public. Reported by Committee on General Government Appropriations & Oversight

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Affairs. Signed by Representatives Hudgins, Chair; Miloscia, Vice Chair; Blake; Fitzgibbon; Ladenburg; Moscoso; Pedersen and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern; Armstrong and Wilcox.

Passed to Committee on Rules for second reading.

March 28, 2011

SSB 5036 Prime Sponsor, Committee on Natural Resources & Marine Waters: Regarding the derelict vessel and invasive species removal fee. Reported by Committee on General Government Appropriations & Oversight

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.02.640 and 2010 c 161 s 1028 are each amended to read as follows:

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

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsections (3) and (4) of this section	Subsection (3) of this section
(c) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(d) Filing	RCW 46.17.005	RCW 46.17.005	RCW 46.68.440
(e) License plate technology	RCW 46.17.015	RCW 46.17.015	RCW 46.68.400
(f) License service	RCW 46.17.025	RCW 46.17.025	RCW 46.68.220

(g) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection (6) of this section
(h) Registration	\$10.50	RCW 88.02.560(2)	General fund
(i) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
(j) Title application	\$5.00	RCW 88.02.515	General fund
(k) Transfer	\$1.00	RCW 88.02.560(7)	General fund
(l) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	General fund

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

(3)(a) ~~((Until June 30, 2012,))~~ The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

(i) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

(ii) One dollar must be deposited into the ~~((freshwater))~~ aquatic algae control account created in RCW 43.21A.667;

(iii) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

(iv) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(b) ~~((On and after June 30, 2012, the derelict vessel and invasive species removal fee is two dollars and must be deposited into the derelict vessel removal account created in RCW 79.100.100.))~~ If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollars of the derelict vessel and invasive species removal fee that is deposited into the derelict vessel removal account as authorized in (a)(iv) of this subsection must be suspended for the following fiscal year.

(4) Until January 1, 2014, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge:

(a) Is to address the significant backlog of derelict vessels accumulated in Washington state waters that pose a threat to the health and safety of the people and to the environment;

(b) Is to be used only for the removal of vessels that are less than seventy-five feet in length; and

(c) Must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.655.

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

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

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

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.655; and

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

Sec. 2. RCW 43.21A.667 and 2009 c 564 s 933 are each amended to read as follows:

(1) The ~~((freshwater))~~ aquatic algae control account is created in the state treasury. Moneys directed to the account from RCW ~~((88.02.050))~~ 88.02.640 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the ~~((freshwater))~~ aquatic algae control account may be appropriated to the department to develop a freshwater and saltwater aquatic algae control program and may be used to establish contingency funds for emergent issues. Funds must be expended as follows:

(a) As grants to cities, counties, tribes, special purpose districts, and state agencies: (i) To manage excessive freshwater and saltwater nuisance algae, with priority for the treatment of lakes in which harmful algal blooms have occurred within the past three years; and ((during the 2009-2011 fiscal biennium to provide grants)) (ii) for ((sea lettuce research)) freshwater and saltwater nuisance algae monitoring and removal ((to assist Puget Sound communities that are impacted by hyperblooms of sea lettuce)); and

(b) To provide technical assistance to applicants and the public about aquatic algae control.

(3) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

(4) For the purposes of this section, "saltwater nuisance algae" means native invasive algae (sea lettuce), nonnative invasive algae, and algae producing harmful toxins.

Sec. 3. RCW 43.43.400 and 2007 c 350 s 1 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise:

(a) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under RCW 77.08.010 ~~((49) through (54))~~ (28), (40), (44), (58), and (59), aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(b) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(2) The aquatic invasive species enforcement account is created in the state treasury. Moneys directed to the account from RCW ~~((88.02.050))~~ 88.02.640 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(3) Funds in the aquatic invasive species enforcement account may be appropriated to the Washington state patrol and the department of fish and wildlife to develop an aquatic invasive species enforcement program for recreational and commercial watercraft, which includes equipment used to transport the watercraft and auxiliary equipment such as attached or detached outboard motors. Funds must be expended as follows:

(a) By the Washington state patrol, to inspect recreational and commercial watercraft that are required to stop at port of entry weigh

stations managed by the Washington state patrol. The watercraft must be inspected for the presence of aquatic invasive species; and

(b) By the department of fish and wildlife to:

(i) Establish random check stations, to inspect recreational and commercial watercraft as provided for in RCW 77.12.879(3);

(ii) Inspect or delegate inspection of recreational and commercial watercraft. If the department conducts the inspection, there will be no cost to the person requesting the inspection;

(iii) Provide training to all department employees that are deployed in the field to inspect recreational and commercial watercraft; and

(iv) Provide an inspection receipt verifying that the watercraft is not contaminated after the watercraft has been inspected at a check station or has been inspected at the request of the owner of the recreational or commercial watercraft. The inspection receipt is valid until the watercraft is used again.

(4) The Washington state patrol and the department of fish and wildlife shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

Sec. 4. RCW 77.12.879 and 2009 c 333 s 22 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW (~~88.02.050~~) 88.02.640 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species. A person who enters Washington by road transporting any commercial or recreational watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department must have in his or her possession valid documentation that the watercraft has been inspected and found free of aquatic invasive species. The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by

at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005."

Correct the title.

Signed by Representatives Hudgins, Chair; Miloscia, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern; Armstrong; Blake; Fitzgibbon; Ladenburg; Moscoso; Pedersen; Van De Wege and Wilcox.

Passed to Committee on Rules for second reading.

March 28, 2011

SSB 5201

Prime Sponsor, Committee on Natural Resources & Marine Waters: Regarding issues that impact the department of fish and wildlife. Reported by Committee on General Government Appropriations & Oversight

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations & Oversight and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

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

(1) It is unlawful to willfully start a fire on lands owned or controlled by the department that are not forest lands as that term is defined in RCW 76.04.005.

(2) Nothing in this section prohibits the use of campfires as defined by rule of the commission, fires in stoves, lanterns and barbecues, and fire used by the department or other federal, state, or local agencies for habitat management or firefighting efforts.

(3) A violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 2. A new section is added to chapter 77.12 RCW to read as follows:

(1) Any person whose negligence is responsible for the starting of a fire on land owned or controlled by the department or whose negligence is responsible for starting or allowing an existing fire to spread onto land owned or controlled by the department is liable for any reasonable expenses incurred by the state, a municipality, or any fire protection agency of the United States.

(2) The department or agency incurring any reasonable expenses has a lien for the same against any property of the person, firm, or corporation liable under subsection (1) of this section by filing a claim of lien naming the person, firm, or corporation describing the property against which the lien is claimed, specifying the amount expended on

the lands on which the firefighting took place and the period during which the reasonable expenses were incurred, and signing the claim with a post office address. No claim of lien is valid unless filed, with the county auditor of the county in which the property sought to be charged is located, within a period of one hundred twenty days after the reasonable expenses of the claimant are incurred. The lien may be foreclosed in the same manner as a mechanic's lien is foreclosed under chapter 60.04 RCW.

(3) For the purposes of this section:

(a) "Reasonable expenses" includes the costs associated with fighting the fire, together with the costs of investigation and litigation including reasonable attorneys' fees and court costs.

(b) "Land owned or controlled by the department" means lands that are not included within the definition of forest land as that term is defined in RCW 76.04.005.

(4) This section does not apply in any case where recovery is provided under RCW 76.04.495.

Sec. 3. RCW 77.15.650 and 2008 c 10 s 2 are each amended to read as follows:

(1) A person is guilty of unlawful purchase or use of a license in the second degree if the person buys, holds, uses, displays, transfers, or obtains any license, tag, permit, or approval required by this title and the person:

(a) Uses false information to buy, hold, use, display, or obtain a license, permit, tag, or approval;

(b) Acquires, holds, or buys in excess of one license, permit, or tag for a license year if only one license, permit, or tag is allowed per license year;

(c) Except as authorized under RCW 77.32.565, uses or displays a license, permit, tag, or approval that was issued to another person;

(d) Except as authorized under RCW 77.32.565, permits or allows a license, permit, tag, or approval to be used or displayed by another person not named on the license, permit, tag, or approval;

(e) Acquires or holds a license while privileges for the license are revoked or suspended;

(f) Holds a resident license from another state or country. This subsection (1)(f) only applies if the Washington license, tag, permit, or approval that the person buys, holds, uses, displays, transfers, or obtains is a resident license. It is prima facie evidence of a violation of this section if any person who has a resident license from another state or country purchases a resident license, tag, permit, or approval in Washington. This subsection does not apply to individuals who meet the definition of "resident" in section 8 (2) and (3) of this act.

(2) A person is guilty of unlawful purchase or use of a license in the first degree if the person commits the act described by subsection (1) of this section and the person was acting with intent that the license, permit, tag, or approval be used for any commercial purpose. A person is presumed to be acting with such intent if the violation involved obtaining, holding, displaying, or using a license or permit for participation in any commercial fishery issued under this title or a license authorizing fish or wildlife buying, trafficking, or wholesaling.

(3)(a) Unlawful purchase or use of a license in the second degree is a gross misdemeanor. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a two-year suspension of participation in the activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(b) Unlawful purchase or use of a license in the first degree is a class C felony. Upon conviction, the department shall revoke any unlawfully used or held licenses and order a five-year suspension of participation in any activities for which the person unlawfully obtained, held, or used a license, permit, tag, or approval.

(4) For purposes of this section, a person "uses" a license, permit, tag, or approval if the person engages in any activity authorized by the license, permit, tag, or approval held or possessed by the person. Such uses include but are not limited to fishing, hunting, taking,

trapping, delivery or landing fish or wildlife, and selling, buying, or wholesaling of fish or wildlife.

(5) Any license obtained in violation of this section is void upon issuance and is of no legal effect.

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

(1) A taxidermist, fur dealer, or wildlife meat cutter is guilty of failing to maintain business records and report if the person acts for commercial purposes, processes, holds, or stores wildlife; and:

(a) Fails to maintain records as required under subsections (2) through (5) of this section; or

(b) Violates any rule of the department by failing to report information from these records.

(2) A taxidermist, fur dealer, or wildlife meat cutter who processes, holds, or stores wildlife must keep a record of each wildlife carcass or part received.

(3) All records of receipt of wildlife must be maintained at the location where the wildlife is being processed, held, or stored, or at the principal place of business of the wildlife meat cutter, taxidermist, or fur dealer.

(4) Records of the receipt of wildlife that are required to be kept under this section must be in the English language and be maintained for three years from the date the wildlife is processed, held, or stored.

(5) The form and content of records maintained by taxidermists, fur dealers, and wildlife meat cutters who process, hold, or store wildlife must be determined by the commission by rule. However, the records must include:

(a) Either the unique license number issued by the department to the person delivering the wildlife or wildlife parts or the name, address, and phone number of the person or company from whom the wildlife or wildlife parts were received;

(b) The date of receipt; and

(c) The number and species of wildlife carcasses or parts received.

(6) Taxidermists, fur dealers, and wildlife meat cutters who fail to maintain business records in accordance with this section or fail to report information from the records as required by rule of the department are guilty of a misdemeanor.

Sec. 5. RCW 77.15.110 and 2002 c 127 s 2 are each amended to read as follows:

(1) For purposes of this chapter, a person acts for commercial purposes if the person engages in conduct that relates to commerce in fish, seaweed, shellfish, or wildlife or any parts thereof. Commercial conduct may include taking, delivering, selling, buying, or trading fish, seaweed, shellfish, or wildlife where there is present or future exchange of money, goods, or any valuable consideration. Evidence that a person acts for commercial purposes includes, but is not limited to, the following conduct:

(a) Using gear typical of that used in commercial fisheries;

(b) Exceeding the bag or possession limits for personal use by taking or possessing more than three times the amount of fish, seaweed, shellfish, or wildlife allowed;

(c) Delivering or attempting to deliver fish, seaweed, shellfish, or wildlife to a person who sells or resells fish, seaweed, shellfish, or wildlife including any licensed or unlicensed wholesaler;

(d) Taking fish or shellfish using a vessel designated on a commercial fishery license or using gear not authorized in a personal use fishery;

(e) Using a commercial fishery license;

(f) Selling or dealing in raw furs for a fee or in exchange for goods or services; ~~((e))~~

(g) Performing taxidermy service on fish, shellfish, or wildlife belonging to another person for a fee or receipt of goods or services; or

(h) Packs, cuts, processes, or stores the meat of wildlife for consumption, for a fee or in exchange for goods or services.

(2) For purposes of this chapter, the value of any fish, seaweed, shellfish, or wildlife may be proved based on evidence of legal or illegal sales involving the person charged or any other person, or offers to sell or solicitation of offers to sell by the person charged or by any other person, or of any market price for the fish, seaweed, shellfish, or wildlife including market price for farm-raised game animals. The value assigned to specific fish, seaweed, shellfish, or wildlife by RCW 77.15.420 may be presumed to be the value of such fish, seaweed, shellfish, or wildlife. It is not relevant to proof of value that the person charged misrepresented that the fish, seaweed, shellfish, or wildlife was taken in compliance with law if the fish, seaweed, shellfish, or wildlife was unlawfully taken and had no lawful market value.

Sec. 6. RCW 77.15.280 and 2008 c 244 s 2 are each amended to read as follows:

(1) A person is guilty of violating rules requiring reporting of fish or wildlife harvest if the person:

(a) Fails to make a harvest log report of a commercial fish or shellfish catch in violation of any rule of the commission or the director;

(b) Fails to maintain a trapper's report (~~or trapper's ledger~~) in violation of any rule of the commission or the director;

(c) Fails to submit any portion of a big game animal for a required inspection required by rule of the commission or the director; or

(d) Fails to return a catch record card to the department as required by rule of the commission or director, except for catch record cards officially endorsed for Puget Sound Dungeness crab.

(2) Violating rules requiring reporting of fish or wildlife harvest is a misdemeanor.

Sec. 7. RCW 77.08.010 and 2009 c 333 s 12 are each amended to read as follows:

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

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

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), ~~((28), (40), (44), (58), and (59))~~ (26), (38), (42), (56), and (57) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

((20)) (18) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

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

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

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

((24)) (22) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

((25)) (23) "Game farm" means property on which wildlife is held ~~((#)), confined, propagated, hatched, fed, or otherwise~~ raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

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

((27)) (25) "Illegal items" means those items unlawful to be possessed.

((28)) (26) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

~~((29))~~ (27) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((30))~~ (28) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((31))~~ (29) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

~~((32))~~ (30) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((33))~~ (31) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((34))~~ (32) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((35))~~ (33) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~((36))~~ (34) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((37))~~ (35) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

~~((38))~~ (36) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((39))~~ (37) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((40))~~ (38) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((41))~~ (39) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((42))~~ (40) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((43))~~ (41) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

~~((44))~~ (42) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((45))~~ (43) "Resident" (means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection)) has the same meaning as defined in section 8 of this act.

~~((46))~~ (44) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((47))~~ (45) "Saltwater" means those marine waters seaward of river mouths.

~~((48))~~ (46) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((49))~~ (47) "Senior" means a person seventy years old or older.

~~((50))~~ (48) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((51))~~ (49) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((52))~~ (50) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((53))~~ (51) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((54))~~ (52) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((55))~~ (53) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((56))~~ (54) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((57))~~ (55) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

~~((58))~~ (56) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((59))~~ (57) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((60))~~ (58) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

~~((61))~~ (59) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state (~~and the species *Rana catesbeiana* (bullfrog)~~). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((62))~~ (60) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((63))~~ (61) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((64))~~ (62) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(63) "Biological science review process" means the process established in RCW 77.04.080 to provide an opportunity for scientific review of department and commission decisions.

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

(65) "Natural person" means a human being.

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

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

NEW SECTION. Sec. 8. A new section is added to chapter 77.08 RCW to read as follows:

For the purposes of this title or rules adopted under this title, "resident" means:

(1) A natural person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, is not licensed to hunt or fish as a resident in another state or country, and is not receiving resident benefits of another state or country.

(a) For purposes of this section, "permanent place of abode" means a residence in this state that a person maintains for personal use.

(b) A natural person can demonstrate that he or she has maintained a permanent place of abode in Washington by showing that he or she:

(i) Uses a Washington state address for federal income tax or state tax purposes;

(ii) Designates this state as his or her residence for obtaining eligibility to hold a public office or for judicial actions;

(iii) Is a registered voter in the state of Washington; or

(iv) Is a custodial parent with a child attending prekindergarten, kindergarten, elementary school, middle school, or high school in this state.

(c) A natural person can demonstrate the intent to continue residing within the state by showing that he or she:

(i) Has a valid Washington state driver's license; or

(ii) Has a valid Washington state identification card, if he or she is not eligible for a Washington state driver's license; and

(iii) Has registered his or her vehicle or vehicles in Washington state.

(2) The spouse of a member of the United States armed forces if the member qualifies as a resident under subsection (1), (3), or (4) of this section, or a natural person age eighteen or younger who does not qualify as a resident under subsection (1) of this section, but who has a parent or legal guardian who qualifies as a resident under subsection (1), (3), or (4) of this section.

(3) A member of the United States armed forces temporarily stationed in Washington state on predeployment orders. A copy of the person's military orders is required to meet this condition.

(4) A member of the United States armed forces who is permanently stationed in Washington state or who designates Washington state on their military "state of legal residence certificate" or enlistment or re-enlistment documents, and who does not have a license to hunt or fish as a resident in another state or country. A copy of the person's "state of legal residence certificate" or enlistment or re-enlistment documents is required to meet the conditions of this subsection.

Sec. 9. RCW 77.12.020 and 2002 c 281 s 3 are each amended to read as follows:

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

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

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

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

(5) The director may recommend to the commission that a species of wildlife should not be hunted or fished. The commission may designate species of wildlife as protected.

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

(7) If the common name of a species or the common name of a class of species is used in this title, the commission has the authority to identify by rule, for the purposes of administering this title, the taxonomical name or names of the species associated with the common name or the species that comprise the class identified by its common name.

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

~~((8))~~ (9) Upon recommendation by the director, the commission may classify nonnative aquatic animal species according to the following categories:

(a) Prohibited aquatic animal species: These species are considered by the commission to have a high risk of becoming an invasive species and may not be possessed, imported, purchased, sold, propagated, transported, or released into state waters except as provided in RCW 77.15.253;

(b) Regulated aquatic animal species: These species are considered by the commission to have some beneficial use along with a moderate, but manageable risk of becoming an invasive species, and may not be released into state waters, except as provided in RCW 77.15.253. The commission shall classify the following commercial aquaculture species as regulated aquatic animal species, and allow their release into state waters pursuant to rule of the commission: Pacific oyster (*Crassostrea gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and suminoe oyster (*Crassostrea ariankensis*);

(c) Unregulated aquatic animal species: These species are considered by the commission as having some beneficial use along with a low risk of becoming an invasive species, and are not subject to regulation under this title;

(d) Unlisted aquatic animal species: These species are not designated as a prohibited aquatic animal species, regulated aquatic animal species, or unregulated aquatic animal species by the commission, and may not be released into state waters. Upon request, the commission may determine the appropriate category for an unlisted aquatic animal species and classify the species accordingly;

(e) This subsection ~~((8))~~ (9) does not apply to the transportation or release of nonnative aquatic animal species by ballast water or ballast water discharge.

~~((9))~~ (10) Upon recommendation by the director, the commission may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species.

Sec. 10. RCW 77.65.110 and 2001 c 105 s 4 are each amended to read as follows:

This section applies to all commercial fishery licenses (~~charter boat licenses~~) and delivery licenses.

(1) A person designated as an alternate operator must possess an alternate operator license issued under RCW 77.65.130, and be designated on the license prior to engaging in the activities authorized by the license. The holder of the commercial fishery license (~~charter boat license~~) or delivery license may designate up to two alternate operators for the license, except:

- (a) Whiting--Puget Sound fishery licensees may not designate alternate operators;
- (b) Emergency salmon delivery licensees may not designate alternate operators;
- (c) Shrimp pot-Puget Sound fishery licensees may designate no more than one alternate operator at a time; and
- (d) Shrimp trawl-Puget Sound fishery licensees may designate no more than one alternate operator at a time.

(2) The fee to change the alternate operator designation is twenty-two dollars.

Sec. 11. RCW 77.65.130 and 2005 c 82 s 2 are each amended to read as follows:

(1) A person who holds a commercial fishery license or a delivery license may operate the vessel designated on the license. A person who is not the license holder may operate the vessel designated on the license only if:

- (a) The person is operating a charter boat; or
- (b) The person holds an alternate operator license issued by the director ~~(;)~~ and ~~((b))~~ the person is designated as an alternate operator on the underlying commercial fishery license or delivery license under RCW 77.65.110.

(2) Only an individual at least sixteen years of age may hold an alternate operator license.

(3) No individual may hold more than one alternate operator license. An individual who holds an alternate operator license may be designated as an alternate operator on an unlimited number of commercial fishery licenses or delivery licenses under RCW 77.65.110.

(4) An individual who holds two Dungeness crab--Puget Sound fishery licenses may operate the licenses on one vessel if the license holder or alternate operator is on the vessel. The department shall allow a license holder to operate up to one hundred crab pots for each license.

(5) Two persons owning separate Dungeness crab--Puget Sound fishery licenses may operate both licenses on one vessel if the license holders or their alternate operators are on the vessel.

(6) As used in this section, to "operate" means to control the deployment or removal of fishing gear from state waters while aboard a vessel or to operate a vessel delivering food fish or shellfish taken in offshore waters to a port within the state.

Sec. 12. RCW 77.15.720 and 2000 c 107 s 258 are each amended to read as follows:

(1) If a person (~~(shoots)~~) discharges a firearm, bow, or crossbow while hunting and in a manner that injures, or that a reasonable person would believe is likely to injure, another person or domestic livestock (~~(while hunting)~~) or kills domestic livestock, the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. If the shooting (~~(of another person or livestock is the result of criminal negligence or reckless or intentional conduct, then the person's)~~) kills or results in the death of another person, then the director shall revoke all of the shooter's hunting licenses and suspend all of the person's hunting privileges (~~(shall be suspended)~~) for ten years. The suspension shall be continued beyond these periods if damages owed to the victim or livestock owner have not been paid by the suspended person. ~~((A))~~ In such a case, no hunting license shall (~~(not)~~) be reissued to the suspended person unless authorized by the director.

(2) ~~((Within twenty days of service of an order suspending privileges or imposing conditions under this section or RCW 77.15.710, a person may petition for administrative review under~~

chapter 34.05 RCW by serving the director with a petition for review. The order is final and unappealable if there is no timely petition for administrative review.)) A person who is notified of a license revocation under this section may request an appeal hearing under chapter 34.05 RCW.

(3) The commission may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which such reinstatement will be allowed.

Sec. 13. RCW 77.15.130 and 1998 c 190 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts, fishes, possesses, or maliciously kills protected fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of protected fish or wildlife, and the taking has not been authorized by rule of the commission; or

(b) The person violates any rule of the commission regarding the taking, harming, harassment, possession, or transport of protected fish or wildlife.

(2) Unlawful taking of protected fish or wildlife is a misdemeanor.

(3) In addition to the penalties set forth in subsections (1) and (2) of this section, if a person is convicted of violating this section and the violation results in the death of wildlife listed in this subsection, the court shall require payment of the following amounts for each animal killed or possessed. This is a criminal wildlife penalty assessment that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425.

(a)	Ferruginous hawk	\$2,000
(b)	Common loon	\$2,000
(c)	Bald eagle	\$2,000
(d)	Peregrine falcon	\$2,000

(4) If two or more persons are convicted of illegally possessing wildlife in subsection (1) of this section, the criminal wildlife penalty assessment must be imposed against them jointly and separately.

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

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

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

(7) The department shall revoke any licenses or tags used in connection with a violation of this section and order the person's privileges to hunt, fish, trap, and obtain licenses under this title to be suspended for three years.

Sec. 14. RCW 77.15.120 and 2000 c 107 s 236 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if the person hunts, fishes, possesses, maliciously harasses or kills fish or wildlife, or maliciously destroys the nests or eggs of fish or wildlife and the fish or wildlife is designated by the commission as endangered, and the taking has not been authorized by rule of the commission.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the killing, possessing, harassing, or harming of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

(b) Unlawful taking of endangered fish or wildlife in the first degree is a class C felony. The department shall revoke any licenses or tags used in connection with the crime and order the person's privileges to hunt, fish, trap, or obtain licenses under this title to be suspended for ~~((two))~~ three years.

NEW SECTION. Sec. 15. It is the intent of the legislature to prevent predatory wildlife from becoming habituated to humans and to protect the public against the serious health and safety risk posed by predatory wildlife who are drawn into contact with humans and related infrastructure by individuals who feed predatory wildlife negligently or intentionally.

NEW SECTION. Sec. 16. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not negligently feed or attempt to feed predatory wildlife or negligently attract predatory wildlife to land or a building.

(2) If a fish and wildlife officer or animal control authority as defined in RCW 16.30.010, has probable cause to believe that a person is negligently feeding, attempting to feed, or attracting predatory wildlife to a land or building by placing or locating food, food waste, or another substance in, upon, or about any land or building, and the food, food waste, or other substance poses a risk to the safety of any person because it is attracting or could attract predatory wildlife to the land or building, the officer may issue an infraction under RCW 77.15.160.

(3) This section does not apply to:

(a) A person who is engaging in forest practices in accordance with chapter 76.09 RCW or in hunting or trapping wildlife in accordance with all other applicable provisions of this title or rules of the commission or the director;

(b) A person who is engaging in a farming operation that is using generally accepted farming practices;

(c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws;

(d) Zoos, lawfully operated wildlife refuges, and state licensed wildlife rehabilitators; or

(e) A fish and wildlife officer, or employee or agent of the department operating under the authority of or upon request from an officer, conducting wildlife capture activities to address a threat to human safety or a wildlife interaction as defined in RCW 77.36.010.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Building" means a private domicile or home or public or commercial building.

(b) "Predatory wildlife" means bear, cougar, and wolf.

(c) "Food, food waste, or other substance" means human and pet food, or other waste or garbage that could attract wildlife.

(d) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, upon, or about any land or building any food, food waste, or other substance that attracts or could attract predatory wildlife to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that such food, food waste, or other substance could attract predatory wildlife to the land or building. The term does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the container in another manner.

NEW SECTION. Sec. 17. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person may not intentionally feed or attempt to feed predatory wildlife or intentionally attract predatory wildlife to land or a building.

(2) A person who intentionally feeds, attempts to feed, or attracts predatory wildlife to land or a building is guilty of a misdemeanor.

(3) A person who is issued an infraction under section 16 of this act for negligently feeding, attempting to feed, or attracting predatory wildlife to land or a building, and who fails to contain, move, or remove the food, food waste, or other substance within twenty-four hours of being issued the citation, is guilty of a misdemeanor.

(4) This section does not apply to:

(a) A person who is engaging in forest practices in accordance with chapter 76.09 RCW or in hunting or trapping wildlife in accordance with all other applicable provisions of this title or rules of the commission or the director;

(b) A person who is engaging in a farming operation that is using generally accepted farming practices;

(c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws;

(d) Zoos, lawfully operated wildlife refuges, and state licensed wildlife rehabilitators; or

(e) A fish and wildlife officer, or employee or agent of the department operating under the authority of or upon request from an officer, conducting wildlife capture activities to address a threat to human safety or a wildlife interaction as defined in RCW 77.36.010.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Building" means a private domicile or home or public or commercial building.

(b) "Predatory wildlife" means bear, cougar, and wolf.

(c) "Food, food waste, or other substance" means human and pet food, or other waste or garbage that could attract wildlife.

(d) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, upon, or about any land or building any food, food waste, or other substance that attracts or could attract predatory wildlife to that land or building. The term does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the container in another manner.

Sec. 18. RCW 77.15.160 and 2000 c 107 s 237 are each amended to read as follows:

A person is guilty of an infraction, which shall be cited and punished as provided under chapter 7.84 RCW, if the person:

(1) Fails to immediately record a catch of fish or shellfish on a catch record card required by RCW 77.32.430, or required by rule of the commission under this title; or

(2) Fishes for personal use using barbed hooks in violation of any rule; ~~((or))~~

(3) Negligently feeds, attempts to feed, or attract predatory wildlife in violation of section 16 of this act; or

(4) Violates any other rule of the commission or director that is designated by rule as an infraction.

Sec. 19. RCW 77.95.090 and 2009 c 340 s 4 are each amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each

salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects ~~((for the purposes of RCW 77.95.110))~~ except that the department may use up to twenty-percent of the account funds to provide agency assistance to the groups for professional, administrative and technical assistance and training, project proposal compatibility review, contract management, financial management of regional fisheries enhancement group funds, and provide direction and training in Washington state budgeting and accounting procedures. Except as provided in RCW 77.95.320, funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 20. RCW 69.50.320 and 2003 c 175 s 2 are each amended to read as follows:

The department of fish and wildlife may apply to the department of health for registration pursuant to the applicable provisions of this chapter to purchase, possess, and administer controlled substances for use in chemical capture programs and to euthanize injured, sick, or unwanted wildlife. The department of fish and wildlife must not permit a person to administer controlled substances unless the person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering controlled substances.

The department of health ~~((may))~~ must issue a limited registration to carry out the provisions of this section. The board may adopt rules to ensure strict compliance with the provisions of this section. The board, in consultation with the department of fish and wildlife, must by rule add or remove additional controlled substances for use in chemical capture programs. The board shall suspend or revoke registration upon determination that the person administering controlled substances has not demonstrated adequate knowledge as required by this section. This authority is granted in addition to any other power to suspend or revoke registration as provided by law.

Sec. 21. RCW 77.04.080 and 2000 c 107 s 205 are each amended to read as follows:

(1)(a) Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

(b) Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.

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

(2)(a) The director must ensure that the department cooperates with the biological science review process that is established in this section. The process must include the participation of three doctoral level scientists with recognized professional or academic expertise in fisheries science, wildlife management, wildlife biology, ecosystem sciences, or another natural resources-based science. One participant in the biological science review process must be appointed by the dean of the college of environment at the University of Washington,

one must be appointed by the dean of the college of agricultural, human, and natural resource sciences at Washington State University, and the third must be mutually agreed upon and appointed by the other two appointees. If the structure or formal names of the colleges identified in this subsection are changed by their universities, then the appointment authority under this section is the responsibility of the dean of the applicable new college.

(b) The biological science review process's primary function is the third-party scientific review of any draft or final commission or department decisions regarding the management of wildlife and fish species identified by the participants in the process. The director must submit, when requested by the participants in the biological science review process, available information relating to department or commission draft or final decisions. The department is only required to submit to the review process information that was reviewed or relied upon by the department or the commission in the development of the underlying decision. The department has no responsibility to compile or generate additional information, provide information that would not otherwise be subject to a public records request, annotate or explain how the provided information was used by the department, or provide information for decisions when not specifically requested to do so.

(c) Decisions that the participants in the biological science review process may review include, but are not limited to:

- (i) The adoption of management and conservation plans;
- (ii) Rule making relating to the harvest or protection of a fish or wildlife species or its habitat;
- (iii) Land management decisions;
- (iv) The setting of harvest levels; and
- (v) The implementation of hydraulic project approval policies under chapter 77.55 RCW.

(d) The biological science review process participants may conduct a basic review of any department or commission draft or final decisions to determine the decision's scope and effect. If the biological science review process participants determine that the commission or department decision is of a significant scope or has a significant effect, then they have the discretion to conduct a scientific review of the decision.

(e) If the biological science review process participants decide to conduct a scientific review of a commission or department draft or final decision, then the commission or department decision, along with any supporting data provided by the commission or the department under this section, may be subjected to both blind and open peer review by the appropriate scientific community with anonymous peer reviewers chosen by the biological science review process participants. Upon the completion of the peer review, the biological science review process participants must review the results and make available for publishing, and transmission to the appropriate committees of the legislature, a compilation of the review and any dissenting opinions.

(f) The biological science review process participants only have the authority to provide a scientific review of commission or department decisions. The commission and the department may not consult with the biological science review process participants before finalizing a decision or taking an action, and the biological science review process participants do not have the authority to suggest or mandate that the commission or department change a decision or take any specific actions.

(g) The biological science review process participants have the responsibility and authority to organize the process, set meeting times and locations, and establish review procedures. To ensure the credibility of the third-party review, all procedures must insulate the review process from any interactions, explanations, or consultations with or from the department staff except as necessary to request the provision of information. The procedures may establish a process that allows third parties to petition for the scientific review of a

specific department or commission draft or final decision.

(h) In addition to third-party petitions for review under (g) of this subsection, any individual member of the commission may, at any time, including prior to developing a proposal for the management of any species, request a scientific literature review under this section of any data that may exist or other information the commission has received from any source, including the department. The commission must make available on its internet web site all information received as a result of the petition.

(i) Nothing in this section may be interpreted to alter the responsibilities or authorities of the department or commission in any way or to create expectations or requirements that the department or commission will reach different decisions during or after a review process. As such, nothing in this subsection:

(i) Requires a response or rebuttal by the department or the commission to any findings of the review process;

(ii) Creates a requirement that the department provide any funding for the operations of the biological science review process; or

(iii) Creates a legal cause of action, or creates evidence that could be used in a legal cause of action, regarding a decision of the department or commission.

(3)(a) The director may appoint and commission fish and wildlife officers to serve as general authority Washington peace officers, as defined in RCW 10.93.020. Under the interlocal cooperation act, chapter 39.34 RCW, the director may contract with general authority law enforcement agencies, federal law enforcement agencies, and limited authority law enforcement agencies to enforce this title and the rules of the department to provide mutual law enforcement assistance as defined in chapter 10.93 RCW.

(b) Any liability or claimed liability that arises out of the exercise of authority by an officer acting under the mutual aid contract is the responsibility of the primary commissioning agency unless the officer acts under the direction and control of the department or unless the liability is otherwise allocated under a written agreement between the primary commissioning agency and the department.

NEW SECTION. Sec. 22. The legislature recognizes that the department of fish and wildlife has multiple, and sometimes conflicting, mandates as outlined in RCW 77.04.012. The intent of establishing the biological science review process under RCW 77.04.080 is to provide for a degree of certainty that the fish and wildlife management decisions being made by the state are reflective of the most current scientific standards. It is not the intent of the legislature for the biological science review process to provide input as to how the department of fish and wildlife and the fish and wildlife commission balance the competing mandates of RCW 77.04.012. Rather, the intent of the legislature is to ensure that the fish and wildlife management decision makers have access to the best possible science to guide them with the implementation of their mandates.

Sec. 23. RCW 77.12.071 and 2007 c 337 s 2 are each amended to read as follows:

(1) Department employees, in carrying out their duties under this title on public lands or state waters, may:

(a) Collect samples of tissue, fluids, or other bodily parts of fish, wildlife, or shellfish; or

(b) Board vessels in state waters engaged in commercial and recreational harvest activities to collect samples of fish, wildlife, or shellfish.

(i) Department employees shall ask permission from the owner or his or her agent before boarding vessels in state waters.

(ii) If an employee of the department is denied access to any vessel where access was sought for the purposes of (b) of this subsection, the department employee may contact an enforcement officer for assistance in applying for a search warrant authorizing access to the vessel in order to carry out the department employee's duties under this section.

(2) Department employees must have official identification, announce their presence and intent, and perform their duties in a safe and professional manner while carrying out the activities in this section.

(3) This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(4) This section does not apply to fish and wildlife officers (~~and ex-officio fish and wildlife officers~~) carrying out their duties under this title.

Sec. 24. RCW 77.12.154 and 1998 c 190 s 71 are each amended to read as follows:

The director, fish and wildlife officers, (~~ex-officio fish and wildlife officers~~) and department employees may enter upon any land or waters and remain there while performing their duties without liability for trespass.

It is lawful for aircraft operated by the department to land and take off from the beaches or waters of the state.

Sec. 25. RCW 77.15.070 and 2005 c 406 s 2 are each amended to read as follows:

(1) Fish and wildlife officers (~~and ex-officio fish and wildlife officers~~) may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this title or rule of the commission or director. However, fish and wildlife officers (~~or ex-officio fish and wildlife officers~~) may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing with the department or into court a cash bond or equivalent security equal to the value of the seized property but not more than one hundred thousand dollars. Such cash bond or security is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars. The department may settle a person's claim of ownership prior to the administrative hearing.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to

violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title; or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the fish and wildlife enforcement reward account created in RCW 77.15.425.

Sec. 26. RCW 77.15.075 and 2009 c 204 s 1 are each amended to read as follows:

(1) Fish and wildlife officers ((and ex officio fish and wildlife officers shall enforce this title, rules of the department, and other statutes as prescribed by the legislature. Fish and wildlife officers who are not ex officio officers)) shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fish and wildlife officers are general authority Washington peace officers.

(2) An applicant for a fish and wildlife officer position must be a citizen of the United States of America who can read and write the English language. ((All fish and wildlife officers employed after June 13, 2002, must successfully complete the basic law enforcement academy course, known as the basic course, sponsored by the criminal justice training commission, or the basic law enforcement equivalency certification, known as the equivalency course, provided by the criminal justice training commission. All officers employed on June 13, 2002, must have successfully completed the basic course, the equivalency course, or the supplemental course in criminal law enforcement, known as the supplemental course, offered under chapter 155, Laws of 1985. Any officer who has not successfully completed the basic course, the equivalency course, or the supplemental course must complete the basic course or the equivalency course within fifteen months of June 13, 2002.

(2) Fish and wildlife officers are peace officers.))

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fish and wildlife officer rests with the department unless the fish and wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) ~~((Fish and wildlife officers may serve and execute warrants and processes issued by the courts.~~

—(5)) The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

Sec. 27. RCW 77.15.080 and 2002 c 281 s 8 are each amended to read as follows:

(1) Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title, and may request the person to write his or her signature for

comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. For licenses purchased over the internet or telephone, fish and wildlife officers may require the person, if age eighteen or older, to exhibit a driver's license or other photo identification.

(2) Based upon articulable facts that a person is transporting a prohibited aquatic animal species or any aquatic plant, fish and wildlife officers ((and ex officio fish and wildlife officers)) have the authority to temporarily stop the person and inspect the watercraft to ensure that the watercraft and associated equipment are not transporting prohibited aquatic animal species or aquatic plants.

Sec. 28. RCW 77.15.085 and 2000 c 107 s 232 are each amended to read as follows:

Fish and wildlife officers ((and ex officio fish and wildlife officers)) may seize without a warrant wildlife, fish, and shellfish they have probable cause to believe have been taken, transported, or possessed in violation of this title or rule of the commission or director.

Sec. 29. RCW 77.15.092 and 2000 c 107 s 213 are each amended to read as follows:

Fish and wildlife officers ((and ex officio fish and wildlife officers)) may arrest without warrant persons found violating the law or rules adopted pursuant to this title.

Sec. 30. RCW 77.15.094 and 2001 c 253 s 25 are each amended to read as follows:

Fish and wildlife officers ((and ex officio fish and wildlife officers)) may make a reasonable search without warrant of a vessel, conveyances, vehicles, containers, packages, or other receptacles for fish, seaweed, shellfish, and wildlife which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

Sec. 31. RCW 77.15.480 and 2001 c 253 s 42 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife, fish, and shellfish are public nuisances. If necessary, fish and wildlife officers ((and ex officio fish and wildlife officers)) may seize, abate, or destroy these public nuisances without warrant or process.

Sec. 32. RCW 77.15.710 and 2000 c 107 s 257 are each amended to read as follows:

(1) The commission shall revoke all hunting, fishing, or other licenses issued under this title and order a ten-year suspension of all privileges extended under the authority of the department of a person convicted of assault on a fish and wildlife officer, ((ex officio officer,)) employee, agent, or personnel acting for the department, if the employee assaulted was on duty at the time of the assault and carrying out the provisions of this title. The suspension shall be continued beyond this period if any damages to the victim have not been paid by the suspended person.

(2) For the purposes of this section, the definition of assault includes:

- (a) RCW 9A.32.030; murder in the first degree;
- (b) RCW 9A.32.050; murder in the second degree;
- (c) RCW 9A.32.060; manslaughter in the first degree;
- (d) RCW 9A.32.070; manslaughter in the second degree;
- (e) RCW 9A.36.011; assault in the first degree;
- (f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

Sec. 33. RCW 77.32.014 and 2001 c 253 s 50 are each amended to read as follows:

Licenses, tags, and stamps issued pursuant to this chapter shall be revoked and the privileges suspended for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fish and wildlife officers (~~(and ex officio fish and wildlife officers)~~) shall enforce this section through checks of the department of licensing's computer database. A listing on the department of licensing's database that an individual's license is currently suspended pursuant to RCW 46.20.291(8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

Sec. 34. RCW 77.75.110 and 2000 c 107 s 222 are each amended to read as follows:

To enforce RCW 77.75.120 and 77.75.130, courts in the counties contiguous to the boundary waters(~~(;)~~) ~~and fish and wildlife officers(;~~ ~~and ex officio fish and wildlife officers)~~) have jurisdiction over the boundary waters to the furthestmost shoreline. This jurisdiction is concurrent with the courts and law enforcement officers of Idaho.

Sec. 35. RCW 77.75.120 and 2000 c 107 s 223 are each amended to read as follows:

The taking of wildlife from the boundary waters or islands of the Snake river shall be in accordance with the wildlife laws of the respective states. Fish and wildlife officers (~~(and ex officio fish and wildlife officers)~~) shall honor the license of either state and the right of the holder to take wildlife from the boundary waters and islands in accordance with the laws of the state issuing the license.

NEW SECTION. Sec. 36. (1) The department of fish and wildlife must, by December 31, 2011, deliver a report to the legislature, consistent with RCW 43.01.036, that identifies potential programs, license fees, and mechanisms by which private, nonprofit salmon enhancement organizations would be enabled to raise and control funds that can be used for the salmon enhancement goals of the organizations.

(2) In preparing the report required by this section, the department of fish and wildlife must work proactively with any interested private, nonprofit salmon enhancement organizations.

(3) This section expires July 31, 2012.

Sec. 37. RCW 77.12.870 and 2010 c 193 s 8 are each amended to read as follows:

(1) The department, in partnership with the Northwest straits commission, the department of natural resources, and other interested parties, must create and ensure the maintenance of a database of known derelict fishing gear and shellfish pots, including the type of gear and its location.

(2)(a) A person who loses or abandons commercial net fishing gear (~~(or shellfish pots)~~) within the waters of the state is (~~encouraged~~) required to report the location of the loss and the type of gear lost to the department within forty-eight hours of the loss.

(b) A person who loses or abandons shellfish pots within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hudgins, Chair; Miloscia, Vice Chair; Blake; Fitzgibbon; Ladenburg; Moscoso; Pedersen and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern; Armstrong and Wilcox.

Passed to Committee on Rules for second reading.

March 29, 2011
SB 5367 Prime Sponsor, Senator Kastama: Authorizing the economic development finance authority to continue issuing bonds. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Zeiger, Assistant Ranking Minority Member; Asay; Jinkins; Lytton; Moeller; Pearson; Smith and Tharinger.

Passed to Committee on Rules for second reading.

March 28, 2011
SSB 5423 Prime Sponsor, Committee on Human Services & Corrections: Modifying legal financial obligation provisions. Reported by Committee on General Government Appropriations & Oversight

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Miloscia, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern; Armstrong; Blake; Fitzgibbon; Ladenburg; Moscoso; Pedersen; Van De Wege and Wilcox.

Passed to Committee on Rules for second reading.

March 28, 2011
SB 5482 Prime Sponsor, Senator Kohl-Welles: Authorizing existing funding to house victims of human trafficking and their families. Reported by Committee on General Government Appropriations & Oversight

MAJORITY recommendation: Do pass. Signed by Representatives Hudgins, Chair; Miloscia, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern; Armstrong; Blake; Fitzgibbon; Ladenburg; Moscoso; Pedersen; Van De Wege and Wilcox.

Passed to Committee on Rules for second reading.

March 28, 2011
SSB 5502 Prime Sponsor, Committee on Transportation: Concerning the regulation, operations, and safety of limousine carriers. Reported by Committee on General Government Appropriations & Oversight

MAJORITY recommendation: Do pass as amended by Committee on Transportation. Signed by Representatives Hudgins, Chair; Miloscia, Vice Chair; Taylor, Assistant Ranking Minority Member; Ahern; Armstrong; Blake; Fitzgibbon; Ladenburg; Moscoso; Pedersen; Van De Wege and Wilcox.

MINORITY recommendation: Without recommendation.
Signed by Representative McCune, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 29, 2011

ESB 5647 Prime Sponsor, Senator Fraser: Modifying the Columbia river basin management program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources as such amendment is amended by Committee on Capital Budget.

On page 12, line 9 of the amendment, after "90.90.020." insert "As part of its evaluation, the department of ecology must reexamine its method of accounting for in-stream and out-of-stream benefits and develop a means of accounting for the indirect but substantial and tangible out-of-stream benefits that accrue from conservation, pump exchanges, and other projects."

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Zeiger, Assistant Ranking Minority Member; Asay; Jinkins; Lytton; Moeller; Pearson; Smith and Tharinger.

Passed to Committee on Rules for second reading.

March 29, 2011

E2SSB 5769 Prime Sponsor, Committee on Ways & Means: Regarding coal-fired electric generation facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Environment as such amendment is amended by Committee on Capital Budget.

On page 18, beginning on line 3 of the amendment, after "priority" strike all material through "dollars." on line 12 and insert "consideration to such projects."

On page 18, beginning on line 26 of the amendment, after "give" strike all material through "dollars." on line 35 and insert "priority consideration to such projects."

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Zeiger, Assistant Ranking Minority Member; Asay; Jinkins; Lytton; Moeller; Pearson; Smith and Tharinger.

Passed to Committee on Rules for second reading.

March 30, 2011

SJM 8008 Prime Sponsor, Senator Brown: Requesting that the United States Department of Labor provide Washington with unemployment tax relief equal to any benefit provided to other states. Reported by Committee on Labor & Workforce Development

MAJORITY recommendation: Do pass. Signed by Representatives Sells, Chair; Reykdal, Vice Chair; Green; Kenney; Miloscia; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Fagan and Taylor.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 1, 2011, the 82nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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