

Passed the House May 3, 1971.  
Passed the Senate April 30, 1971.  
Approved by the Governor May 20, 1971.  
Filed in Office of Secretary of State May 21, 1971.

CHAPTER 166  
[House Bill No. 106]  
REGULATION OF ENDANGERED FISH AND WILDLIFE,  
DELETERIOUS EXOTIC FISH AND WILDLIFE,  
MANAGED MARINE MAMMALS, AND KILLER WHALES

AN ACT Relating to species of fish and wildlife; amending section 77.16.040, chapter 36, Laws of 1955 as amended by section 1, chapter 75, Laws of 1961 and RCW 77.16.040; adding new sections to chapter 77.08 RCW; adding a new section to 77.12 RCW; adding a new section to chapter 77.16 RCW; adding a new section to 77.32 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or in any rule or regulation of the commission "endangered species of fish and wildlife" shall mean those species of fish and wildlife designated by rule or regulation of the commission as seriously threatened with extinction. Such rules or regulations of the commission shall include, but not be limited to, endangered species as so designated by the secretary of the interior on the date this 1971 amendatory act shall take effect: PROVIDED, That the commission may amend such rules and regulations to exclude any species of fish and wildlife from designation as an endangered species if the commission determines that the species is no longer endangered.

NEW SECTION. Sec. 2. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or in any rule or regulation of the commission "deleterious exotic species of fish and wildlife" shall mean these species of fish and wildlife designated by rule or regulation of the commission as dangerous to the environment or native species of fish and wildlife of the state of Washington.

NEW SECTION. Sec. 3. There is added to chapter 77.16 RCW a new section to read as follows:

Except as authorized by permit or license lawfully issued by the director, or by rule or regulation of the commission, it shall be unlawful for any person to bring into the state, have in his possession within the state, have in his possession for sale or with

intent to sell or to expose or offer for sale, or to sell, or to barter for, or to exchange, or to buy, or to have in his possession with intent to ship, or to ship any deleterious exotic species of fish or wildlife. It shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment any such deleterious exotic species of fish or wildlife.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

Sec. 4. Section 77.16.040, chapter 36, Laws of 1955 as amended by section 1, chapter 75, Laws of 1961 and RCW 77.16.040 are each amended to read as follows:

Except as authorized by permit or license lawfully issued by the director, or by rule or regulation of the commission, it shall be unlawful for any person to have in his possession for sale or with intent to sell, or to expose or offer for sale or to sell or to barter for, or to exchange, or to buy, or to have in his possession with intent to ship, or to ship, any game animal, game bird ((or)), game fish, or endangered species of fish or wildlife or any part thereof or any article made in whole or part from the skin, hide, or other parts of any endangered species of fish or wildlife. It shall further be unlawful for any common or contract carrier knowingly to transport or receive for shipment any such game animal, game bird, or fish, or endangered species of fish or wildlife or any part thereof or any article made in whole or part from the skin, hide, or other parts of any endangered species of fish or wildlife: PROVIDED, That nothing contained in this section shall prohibit any person from buying, selling, or shipping any lawfully tagged or sealed game animal, game bird, or game fish purchased from a licensed game farmer.

Any person violating this section shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both such fine and imprisonment.

NEW SECTION. Sec. 5. There is added to chapter 77.08 RCW a new section to read as follows:

As used in this title or any rule or regulation of the commission "managed marine mammals" shall include all mammals of the order cetacea and the suborder pinnipedia including but not limited to whales, porpoises, dolphins, seals and sea lions.

NEW SECTION. Sec. 6. There is added to chapter 77.12 RCW a new section to read as follows:

The commission shall from time to time, adopt, promulgate, amend, or repeal, and enforce reasonable rules and regulations governing the time, place, and manner or prohibiting the capture or taking of managed marine mammals, the quantities, species, sex and size that may be captured or taken, and the transportation, sale, and confinement of managed marine mammals.

The commission may, acting through the director, issue permits for the taking or capture of managed marine mammals for scientific research, display, or propagation purposes: PROVIDED, That a managed marine mammal may be taken without permit when it constitutes a threat to human life or is causing substantial damage to private property.

NEW SECTION. Sec. 7. There is added to chapter 77.32 RCW a new section to read as follows:

It shall be unlawful for any person to attempt to capture or to capture killer whales, *Orcinus orca*, without first having procured from the commission a permit to be known as a killer whale permit. The fee for retaining a killer whale shall be one thousand dollars for each such whale: PROVIDED, That the commission may waive the permit for any organization capturing a killer whale for scientific purposes and not for profit. Said fees shall be credited to the general fund.

Passed the House May 6, 1971.

Passed the Senate May 4, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 21, 1971.

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CHAPTER 167

[Engrossed House Bill No. 305]

CHILD ABUSE--

REPORTS REQUIRED

AN ACT Relating to child abuse; amending section 3, chapter 13, Laws of 1965 as amended by section 3, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as amended by section 4, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.040; adding a new section to chapter 26.44 RCW; and prescribing penalties.

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

Section 1. Section 3, chapter 13, Laws of 1965 as amended by section 3, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.030 are