

district assessment, or other monetary imposition made specifically for the designated off-site transportation improvements intended to be covered by the transportation impact fee imposed pursuant to this program. The program shall also define the criteria for establishing periodic fee increases attributable to construction and related cost increases for the improvements designated in the program.

Passed the House April 18, 1989.

Passed the Senate April 13, 1989.

Approved by the Governor May 8, 1989.

Filed in Office of Secretary of State May 8, 1989.

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## CHAPTER 297

[House Bill No. 2010]

### DISABLED HUNTER PERMITS

AN ACT Relating to permitting hunting by nonambulatory disabled persons; amending RCW 46.09.130, 46.10.130, 77.16.250, 77.16.260, and 77.08.010; and adding new sections to chapter 77.32 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 77.32 RCW to read as follows:

The commission shall attempt to enhance the hunting opportunities of persons of disability. The commission shall authorize the director to issue disabled hunter permits to persons of disability. The commission shall adopt rules governing the conduct of disabled hunters and their nondisabled companions.

NEW SECTION. Sec. 2. A new section is added to chapter 77.32 RCW to read as follows:

(1) A disabled hunter who possesses a disabled hunter permit and all appropriate hunting licenses may possess a loaded firearm or other legal hunting device in and may discharge a firearm or other legal hunting device from a nonmoving motor vehicle that has the engine turned off. Disabled hunters shall not be exempt from permit requirements for carrying concealed weapons, or from rules, laws, or ordinances concerning the discharge of these weapons. No hunting shall be permitted from a motor vehicle that is parked on or beside the maintained portion of a public road.

(2) A person of disability holding a disabled hunter permit may be accompanied by one nondisabled licensed hunter who may assist the disabled hunter by killing game wounded by the disabled hunter, and by tagging and retrieving game killed by the disabled hunter. A nondisabled hunter shall not possess a loaded gun in, or shoot from, a motor vehicle.

Sec. 3. Section 18, chapter 47, Laws of 1971 ex. sess. as last amended by section 7, chapter 206, Laws of 1986 and RCW 46.09.130 are each amended to read as follows:

No person may operate a nonhighway vehicle in such a way as to endanger human life (~~(or)~~). No person shall operate a nonhighway vehicle in such a way as to run down or harass any wildlife or animal, nor carry, transport, or convey any loaded weapon in or upon, nor hunt from, any nonhighway vehicle except by permit issued by the director of wildlife under section 1 of this 1989 act: PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW.

Violation of this section is a gross misdemeanor.

Sec. 4. Section 13, chapter 29, Laws of 1971 ex. sess. as amended by section 11, chapter 182, Laws of 1979 ex. sess. and RCW 46.10.130 are each amended to read as follows:

No person shall operate a snowmobile in such a way as to endanger human life(~~(-or)~~). No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any wildlife, or any domestic animal, nor shall he carry any loaded weapon upon, nor hunt from, any snowmobile except by permit issued by the director of wildlife under section 1 of this 1989 act. Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

Sec. 5. Section 77.16.250, chapter 36, Laws of 1955 as amended by section 93, chapter 78, Laws of 1980 and RCW 77.16.250 are each amended to read as follows:

Except as provided in RCW 77.16.290 and section 2 of this 1989 act, it is unlawful to carry, transport, convey, possess, or control in or on a motor vehicle a shotgun or rifle containing shells or cartridges in the magazine or chamber, or a muzzle-loading firearm loaded and capped or primed.

***\*Sec. 6. Section 77.16.260, chapter 36, Laws of 1955 as last amended by section 94, chapter 78, Laws of 1980 and RCW 77.16.260 are each amended to read as follows:***

***Except as provided in RCW 77.16.290 and section 2 of this 1989 act, it is unlawful to shoot a firearm from, across, or along the maintained portion of a public highway.***

***\*Sec. 6 was vetoed, see message at end of chapter.***

Sec. 7. Section 77.08.010, chapter 36, Laws of 1955 as last amended by section 11, chapter 506, Laws of 1987 and RCW 77.08.010 are each amended to read as follows:

As used in this title or rules adopted pursuant to this title, unless the context clearly requires otherwise:

- (1) "Director" means the director of wildlife.
- (2) "Department" means the department of wildlife.

- (3) "Commission" means the state wildlife commission.
- (4) "Person" means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.
- (5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws and rules adopted pursuant to this title, and other statutes as prescribed by the legislature.
- (6) "Ex officio wildlife agent" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio wildlife agent" includes fisheries patrol officers, special agents of the national marine fisheries commission, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- (7) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.
- (8) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.
- (9) "To fish" and its derivatives means an effort to kill, injure, harass, or catch a game fish.
- (10) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. "Open season" includes the first and last days of the established time.
- (11) "Closed season" means all times, manners of taking, and places or waters other than those established as an open season.
- (12) "Closed area" means a place where the hunting of some species of wild animals or wild birds is prohibited.
- (13) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing for game fish is prohibited.
- (14) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.
- (15) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.
- (16) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and

marine invertebrates classified by the director of fisheries. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

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

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

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

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

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

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

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

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

(25) "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.

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

(27) "Person of disability" means a permanently disabled person who is not ambulatory without the assistance of a wheelchair, crutches, or similar devices.

Passed the House March 9, 1989.

Passed the Senate April 12, 1989.

Approved by the Governor May 8, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 8, 1989.

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

"I am returning herewith, without my approval as to section 6, House Bill No. 2010 entitled:

"AN ACT Relating to permitting hunting by nonambulatory disabled persons."

Current law prohibits hunters from carrying a loaded weapon in a motor vehicle and prohibits hunting from a non-highway vehicle or snowmobile. This legislation would give disabled hunters the opportunity to hunt by allowing hunting from a non-highway vehicle or snowmobile.

This legislation sets good policy regarding the enhancement of the hunting opportunities for disabled persons. The need to veto section 6 relates solely to an inconsistency. Existing law prohibits hunting from, across or along the maintained portion of a public highway. It is stated in new section 2, "No hunting shall be permitted from a motor vehicle that is parked on or beside the maintained portion of a public road." Yet section 6 implies that disabled hunters may shoot from, across or along public highways. To remove this inconsistency, it is necessary to veto section 6, which then leaves the current prohibition in place.

With the exception of section 6, House Bill No. 2010 is approved."

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## CHAPTER 298

[Substitute House Bill No. 2012]

### PORT DISTRICTS—RESTRICTIONS ON SALE AND LEASE OF DISTRICT LAND REMOVED

AN ACT Relating to restrictions on the sale or lease of port district land; and amending RCW 53.08.040 and 53.08.080.

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

Sec. 1. Section 5, chapter 65, Laws of 1955 as last amended by section 1, chapter 54, Laws of 1972 ex. sess. and RCW 53.08.040 are each amended to read as follows:

A district may improve its lands by dredging, filling, bulkheading, providing waterways or otherwise developing such lands (~~for sale or lease~~) for industrial and commercial purposes. A district may also acquire, construct, install, improve, and operate sewer and water utilities to serve its own property and other property owners under terms, conditions, and rates to be fixed and approved by the port commission. A district may also acquire, by purchase, construction, lease, or in any other manner, and may maintain and operate other facilities for the control or elimination of air, water, or other pollution, including, but not limited to, facilities for the treatment and/or disposal of industrial wastes, and may make such facilities available to others under terms, conditions and rates to be fixed and approved by the port commission. Such conditions and rates shall be sufficient to reimburse the port for all costs, including reasonable amortization of capital outlays caused by or incidental to providing such other pollution control facilities: PROVIDED, That no part of such costs of providing any pollution control facility to others shall be paid out of any tax revenues of the port: AND PROVIDED FURTHER, That no port shall enter into an agreement or contract to provide sewer and/or water utilities or pollution control facilities if substantially similar utilities or facilities are available from another source (or sources) which is able and willing to provide such utilities or facilities on a reasonable and nondiscriminatory basis unless such other source (or sources) consents thereto.

In the event that a port elects to make such other pollution control facilities available to others, it shall do so by lease, lease purchase agreement, or other agreement binding such user to pay for the use of said facilities for