

CHAPTER 36

[S. B. 7.]

GAME AND GAME FISH

AN ACT relating to game and game fish; enacting a game and game fish code to be known as Title 77 of the Revised Code of Washington; providing penalties and repealing chapter 140, Laws of 1939; chapters 165 and 190, Laws of 1941; chapter 257, Laws of 1943; chapter 179, Laws of 1945; chapter 125, Laws of 1947 and chapter 77.36, RCW; chapters 126, 127, 128, 130, 138 and 275, Laws of 1947; chapters 138, 142, 205 and 238, Laws of 1949; chapters 77, 124, 126 and 262, Laws of 1951; chapters 65, 66, 75 and 127, Laws of 1953; and declaring an emergency.

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

TITLE 77

GAME AND GAME FISH

Chapter 77.04

DEPARTMENT OF GAME

77.04.010 Short title. This title shall be known and may be cited as "Game Code of the State of Washington."

77.04.020 Composition of department of game. The department of game shall consist of the state game commission and the director of game. The director of game shall have charge and general supervision of the department of game and may appoint and employ such game protectors, deputy game protectors, and such clerical and other assistants as may be necessary for the general administration of the department.

No person shall be eligible to appointment as director of game unless he has practical knowledge of the habits and distribution of the wild animals, wild birds and game fish of this state.

77.04.030 Game commission—Appointment. The governor shall appoint a state game commission, which shall consist of six electors of the state, to hold office for terms of six years each from the date of their appointment, or until their successors are appointed and qualified, unless sooner removed as hereinafter provided. At least three of them shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and at least three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. No two members shall be residents of the same county.

Of the members of the commission first appointed, two, one of whom resides east of the summit of the Cascade mountains and one of whom resides west of the summit of the Cascade mountains, shall be appointed for a term of six years each; two, one of whom resides east of the summit of the Cascade mountains, and one of whom resides west of the summit of the Cascade mountains, shall be appointed for a term of four years each; and two, one of whom resides east of the summit of the Cascade mountains and one of whom resides west of the summit of the Cascade mountains, shall be appointed for a term of two years each.

77.04.040 Qualifications of members. No person shall be eligible to appointment as a member of the state game commission unless he has general knowledge of the habits and distribution of wild animals, wild birds and game fish in the state, or who holds any other state, county, or municipal elective or appointive office.

77.04.050 Removal of members. The governor may remove any game commissioner for inefficiency, neglect of duty, or misconduct in office, giving him a copy of the charges against him, and an opportunity of being publicly heard in person, or by counsel in his own defense, upon not less than ten days' notice. If such commissioner is removed, the governor shall file in the office of the secretary of state a complete statement of all charges made against the commissioner and his findings thereon, together with a complete record of the proceedings, and there shall be no right of review in any court whatsoever.

77.04.060 Meetings—Officers—Selection of director—Compensation—Report—Office. The state game commission shall hold regular meetings on the first Mondays of January, April, July, and October of each year, and special meetings at such times as may be called by the chairman or by two-thirds majority of the members.

The commission at its first regular meeting after the appointment and qualification of its membership, shall meet at the state capitol and organize by electing one of its members as chairman to serve for a term of two years, and until his successor is elected and qualified, and biennially thereafter the commission shall meet at its office and elect one of its members as chairman, who shall serve for a term of two years and until his successor is elected and qualified.

At such meeting, and at any other meeting after a vacancy in the office of the director of game has occurred, the commission shall elect a director of game by a two-thirds vote of its membership, who shall hold office at the pleasure of the commission. The director shall receive such salary as shall be fixed by the commission. The said director shall be ex officio secretary of the state game com-

mission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct.

Each member of the commission shall receive ten dollars for each day actually spent in the performance of his duties and his actual necessary travelling and other expenses in connection therewith, including all expenses in going to, attending, and returning from meetings of the commission.

The commission shall, on or before the last Monday of October in each odd-numbered year, make a full and complete report of the official business transacted by it, which report shall be published in pamphlet form.

The commission shall maintain its office in the principal office of the department of game.

This Section amended by Sec. 1, Chap. 352, Laws of 1955.

77.04.070 Official bond—Oaths. The director, all appointees and employees of the game department who have the power of arrest, and such other employees or classes of employees as the director shall designate, shall give bond with good and sufficient surety, in amounts fixed and to be approved by the director of game, conditioned for the faithful discharge of their respective duties and to account for all funds and property coming into their possession, and shall take, subscribe, and file the oath required of state officers, such bonds and oaths to be filed with the state auditor. The cost of such bonds shall be paid from the state game fund.

77.04.080 Powers of director. The director of game shall exercise all powers and perform all duties prescribed by law, and rules and regulations of the commission.

Chapter 77.08

DEFINITIONS

77.08.010 General terms defined. As used in this title or in any rule or regulation of the state game commission:

“Director” means the director of game.

“Department” means the department of game.

“Commission” means the state game commission.

“Person” means and includes any individual, any corporation, or any group of two or more individuals acting together to forward a common purpose whether acting in an individual, representative, or official capacity.

“Hunt” and its derivatives, “hunting,” “hunted,” etc., and “trap” and its derivatives, “trapping,” “trapped,” etc., means any effort to kill, injure, capture, or disturb a wild animal or wild bird.

“Fish” and its derivatives, “fishing,” “fished,” etc., means any effort made to kill, injure, disturb, capture, or catch a game fish.

“Closed season” means all of the time during the entire year excepting the “open season” as specified by rule and regulation of the commission.

“Open season” means the time specified by rule and regulation of the commission when it shall be lawful to hunt, trap, or fish for any game animals, fur-bearing animals, game birds, or game fish. Each period of time specified as an open season shall include the first and last days thereof.

“Closed area” means any place in the state described or designated by rule and regulation of the commission wherein it shall be unlawful to hunt or trap for game animals, fur-bearing animals, or game birds.

“Closed waters” means any lake, river, stream, body of water, or any part thereof within this state described or designated by rule and regulation of the commission wherein it shall be unlawful to fish for any game fish.

“Game reserve” means any “closed area” designated by the commission as a game reserve.

“Game fish reserve” means any “closed waters” designated by the commission as a game fish reserve.

“Bag limit” means the maximum number of game animals, game birds, fur-bearing animals, or game fish which may be taken, caught, killed, or possessed by any licensee, specified and fixed by rule and regulation of the commission for any particular period of time, or so specified and fixed as to size, sex, or species.

77.08.020 “Game fish” defined. As used in this title or in any rule or regulation of the commission, “game fish” include any *Salmo irideus* commonly known as rainbow trout, *Salmo clarkii* commonly known as cutthroat trout (coastal), *Salmo gairdnerii* commonly known as steelhead, *Salvelinus fontinalis* commonly known as Eastern brook trout, *Oncorhynchus nerka* (kennerly) commonly known as silver trout, *Cristivomer namaycush* commonly known as mackinaw trout, *Micropterus salmoides* commonly known as large-mouth black bass, *Micropterus dolomieu* commonly known as small-mouth black bass, *Prosopium williamsoni* commonly known as white fish, *Perca flavescens* commonly known as yellow perch, *Pomoxis annularis* commonly known as white crappie, *Pomoxis sparoides* commonly known as black crappie, *Helioperca incisor* commonly known as bluegill sunfish, *Eupomotis gibbosus* commonly known as Pumpkinseed sunfish, *Ameiurus nebulosus* commonly known as catfish, *Thymallus montanus* commonly known as Montana grayling, *Salvelinus malma spectabilis* commonly known as Dolly Varden trout or Western charr or bull trout, *Salmo clarkii lewisi* commonly known as cutthroat trout, or Montana black-spotted trout, *Salmo gairdnerii kamloops* commonly known as Kam-

loops trout or rainbow trout, *Salmo trutta* commonly known as brown trout, *Ambloplites rupestris* commonly known as Northern rock bass, *Ameiurus melas* commonly known as black catfish and Golden trout.

Chapter 77.12

POWERS AND DUTIES OF COMMISSION

77.12.010 Policy of protection enunciated. The wild animals and wild birds in the state of Washington and the game fish in the waters thereof are the property of the state. The game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish shall be preserved, protected, and perpetuated, and to that end such game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish shall not be taken at such times or places, by such means, in such manner, or in such quantities as will impair the supply thereof.

77.12.020 Wild life to be classified. The commission shall, from time to time, investigate and determine the habits and distribution of the various species of wild animals, wild birds, and game fish native to or capable of being adapted to the climatic conditions of the state, and classify the wild animals as game animals, predatory animals, and fur-bearing animals, and classify the wild birds as game birds including migratory game birds and upland game birds, predatory birds, nongame birds, and harmless or song birds.

77.12.030 Propagation and protection, commission to regulate. The commission may regulate the propagation and preservation of all game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish, and the collection of game fish spawn, and the distribution thereof, and the distribution of fry and adult game fish in any of the rivers, lakes, and streams of the state, and may import such spawn, fry, and adult fish as may be deemed advisable, and, when so propagated, taken, or imported, distribute the same to the various counties as necessities and adaptabilities may require.

The commission may authorize or prohibit the importation of wild animals, wild birds and game fish, and regulate and license the sale and transportation thereof within the state.

77.12.040 Rules and regulations. 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 taking of the various classes of game animals, fur-bearing animals, and predatory animals, game birds, predatory birds, nongame birds, and harmless or song birds, and

game fish in the respective areas and throughout the state and the quantities, species, sex and size of such animals, birds and fish that may be taken.

The commission may establish within the state by rule and regulation game reserves and closed areas wherein all hunting and trapping for game animals, game birds and fur-bearing animals, may be prohibited and game fish reserves and closed waters wherein all fishing for game fish may be prohibited.

77.12.050 Rules and regulations—How promulgated—Certified copy as evidence. All rules and regulations adopted by the commission and all amendments to, modifications or repeals of existing rules and regulations, shall be adopted by a vote of two-thirds of the entire membership of the commission at any meeting by resolution, entered and recorded in the minutes of the commission, and shall be published at the state capital. The commission, in its discretion, may direct the publication of any such rules and regulations in other newspapers of the state by providing therefor in such resolution.

Any copy of such resolution, certified as a true copy by any member of the commission or the director, or the assistant director, or by any person authorized in writing by the director to make such certification, shall be admissible in any court as prima facie evidence of the adoption, promulgation, and validity of any such rule or regulation.

77.12.060 Service of process by game officials. The director, all game protectors, and all deputy game protectors may serve and execute all warrants and process issued by the courts in enforcing the provisions of law and all rules and regulations of the commission pertaining to wild animals, wild birds, and game fish.

For the purpose of enforcing any such law or rule or regulation, they may call to their aid any sheriff, deputy sheriff, constable, police officer, or citizen and any such person shall render such aid.

77.12.070 Duties of game protectors and other police officers. Every game protector, deputy game protector, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and rules and regulations adopted by the commission for the protection of game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish, and the police officers specified, and United States game wardens, any forest officer, appointed by the United States government, state forest wardens and rangers, and each of them, by virtue of their election or appointment, are constituted ex officio deputy game protectors within their respective jurisdictions.

77.12.080 Arrest without warrant. Any game protector, deputy game protector, or ex officio game protector may, without warrant, arrest any person found violating any law enacted, or any rule or regulation adopted and promulgated by the commission, pertaining to wild animals, wild birds and game fish.

77.12.090 Search of vehicles, game bags, receptacles, etc. Any member of the commission, the director, and any game protector, deputy game protector, or ex officio game protector may search without warrant, any conveyance, vehicle, game bag, game basket, game coat or other receptacle for game animals, game birds, or game fish, or any package, box, tent, camp, or other similar place which he has reason to believe contains evidence of violations of law or rules and regulations of the commission.

77.12.100 Seizure of contraband game and devices—Forfeiture. Any member of the commission, the director, and all game protectors, deputy game protectors, and ex officio game protectors, may seize without warrant all wild birds, wild animals, game fish, or parts thereof, taken, killed, transported, or possessed contrary to law, or rule or regulation of the commission, and any dog, gun, trap, net, seine, decoy, bait, boat, light, fishing tackle, or other device unlawfully used in hunting, fishing, or trapping, or held with intent to use unlawfully in hunting, fishing, or trapping. The justice of the peace in either of the two nearest incorporated cities or towns nearest the place the seizure is made shall have power and jurisdiction in any prosecution for unlawfully hunting, fishing, or trapping, in addition to any other penalty provided by law, to forfeit for the use of the commission, any wild animal, wild bird, or game fish, and any article or dog so seized and proved to have been unlawfully used or held with intent unlawfully to use. In case it appears upon the sworn complaint of the officer making the seizure that any articles seized were not in the possession of any person, and that the owner thereof is unknown, the court shall have power and jurisdiction to forfeit such articles so seized upon a hearing duly had after service of summons, describing the articles seized, upon the unknown owner by publication in the manner provided by law for the service of summons by publication in civil actions. All dogs, guns, traps, nets, seines, decoys, baits, boats, lights, fishing tackle, or other devices seized under the provisions of this title unless forfeited by order of the court, shall be returned, after the completion of the case, and the fines, if any, have been paid.

77.12.110 Disposition of forfeited articles. In the event of the seizure and forfeiture of any articles as provided in RCW 77.12.100, the commission may sell all or any of such articles at public auction. The time, place and manner of holding such sale shall be

within the discretion of the commission: *Provided*, That notice of the time and place of any such sale shall be published once a week for at least two consecutive weeks in advance of such sale, in at least one newspaper of general circulation in the county wherein the sale is to be held. The proceeds from all such sales shall be deposited with the state treasurer to the credit of the state game fund.

77.12.120 Seizure of contraband game—Search warrant. Any court having jurisdiction shall, upon complaint showing probable cause for believing that any wild bird, wild animal, game fish, or any part thereof, caught, taken, killed, or had in possession, or under control by any person, or shipped or transported contrary to law or rule or regulation of the commission, is concealed or illegally kept in any game bag, game basket, game coat, or in any other receptacle for game animals, game birds or game fish, or in any package, box, cold-storage locker or plant, warehouse, market, tavern, boarding house, restaurant, club, hotel, eating house, fur store, tannery, tent, camp, building, vehicle, or other place, issue a search warrant and cause a search to be made in any such place for any wild birds, wild animals, game fish, or any part thereof, and may cause any buildings, enclosure, or vehicle to be entered and any apartment, chest, box, locker, crate, basket, package, or other receptacle, to be broken open, and the contents thereof examined.

77.12.130 Certain devices declared public nuisances. All nets, seines, lanterns, snares, devices, contrivances, and materials while in use, or had and maintained, for the purpose of catching, taking, or killing, or attracting, or decoying any wild bird, wild animal, or game fish, contrary to law or rule or regulation of the commission, are public nuisances. The director and all game protectors, deputy game protectors, ex officio game protectors, and all police officers, shall without warrant or process, take, seize, abate, or destroy them while being used, had, or maintained for such purpose.

77.12.140 Acquisition of specimens for propagation. The commission and the director may secure by purchase, gift, or exchange with the proper authorities of other countries, states, and territories, wild birds, their nests and eggs, wild animals, and game fish, fry or spawn, for stocking or propagating purposes and may sell or otherwise dispose of birds, animals, and fish, fry or spawn, so obtained. No game protector or deputy game protector shall sell or give away any game bird, game animal, or game fish, eggs, fry or spawn, to any person without the written consent of the director.

77.12.150 Seasons—Opening and Closing—Bag limits. The director, with the approval in writing of the commission, may entirely close, or shorten the open season fixed by any rule or regulation of the commission for game animals, fur-bearing animals, game

birds, or game fish within the respective game areas, and after a season has been closed or shortened, he may reopen it for all or any portion of the time fixed by rule or regulation of the commission, and he may also fix daily, weekly, or season bag limits on game animals, fur-bearing animals, game birds, or game fish within any game area.

Whenever the director finds that game animals have increased in numbers in any locality of the state to such an extent that they are damaging public or private property, or over-grazing their range, the commission may establish a special hunting season, designate the area and the number and sex of the animals that may be killed by a licensed hunter therein, promulgate necessary rules and regulations, and determine by lot the number of hunters that may hunt within such area and the conditions and requirements incident thereto. The drawing shall take place at the city hall of the town nearest the area to be opened. Notice of the establishing of such special hunting season and of the drawing shall be given in the manner provided for the publishing of orders opening or closing seasons.

The exercise of power herein granted to close or reopen regular or special seasons, or fix bag limits, shall be by a written order signed by the director and filed in the office of the commission, and in the office of the auditor of any county affected by the order.

77.12.160 Notice of seasons and bag limits—Publication. The director shall publish the order closing, shortening, or reopening any season, or fixing any bag limit, in a newspaper of general circulation in each county affected, not less than three days prior to the effective date of such order.

77.12.170 State game fund—Composition. There is established in the state treasury a fund to be known as the state game fund which shall consist of all moneys received from fees for the sale of licenses and permits, and from fines, forfeitures, and costs collected for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission relating thereto: *Provided*, That fifty percent of all fines and bail forfeitures shall not become part of the state game fund and shall be retained by the county in which collected.

All state and county officers receiving any moneys in payment of fees for licenses under this title, or in payment of fines, penalties, or costs imposed for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission; from rentals or concessions, and from the sale of real or personal property held for game department

purposes, shall pay them into the state treasury to be placed to the credit of the state game fund: *Provided*, That county officers shall remit only fifty percent of all fines and bail forfeitures.

77.12.180 Operating revolving fund—Purposes—Deposit—Accounting. Authority is granted to the director to create from the game fund, a permanent operating revolving fund of fifteen thousand dollars to be used in the purchase of setting hens at game farms and other incidental expenses of the department, and there is hereby appropriated from the game fund to the game department revolving fund the sum of fifteen thousand dollars for the purpose of carrying out the provisions of this section. All moneys hereby appropriated and received by the game department operating fund shall be deposited in the game department revolving fund. The department shall keep separate books of account for the game department revolving fund. If there shall be in said fund at the end of any year unobligated money in excess of fifteen thousand dollars, then the excess shall be placed in the game fund.

77.12.190 Diversion of license fees prohibited. No funds accruing to the state from hunting and fishing license fees shall be diverted to any other purpose than the protection, propagation, and restoration of wildlife and game and the expenses of administration of the department.

77.12.200 Acquisition of property for hatcheries, game farms, etc.—Reimbursement to county and state. The director, with the approval of the commission, may acquire by gift, purchase, lease or condemnation, lands, buildings, waters, or other necessary property for hatchery sites, eyeing stations, rearing ponds, brood ponds, trap sites, game animal, fur-bearing animal, game bird, nongame bird and game fish farms, habitats and sanctuaries and public hunting and fishing areas together with rights of way for access to any and all such lands, buildings, or waters so acquired, in the manner provided by law for acquiring property for public use: *Provided, however*, That excepting for purposes of clearing title and acquiring access rights of way the power of condemnation may be exercised by the director hereunder only when an appropriation has been specifically made by the legislature for that purpose.

The director shall, on or before the tenth day of January of each year, prepare and transmit a voucher to the auditor of each county wherein the department owns any such lands, which voucher shall describe the lands situate within the county and state the number of acres in each parcel thereof and shall authorize the drawing of a warrant to the county in a sum equal to three cents for each acre shown on the voucher. Each county auditor receiving such a voucher shall execute the same and return it to the director who

shall approve it and transmit it to the state auditor. The state auditor shall draw a warrant in the amount shown on each voucher, payable to each county, and shall transmit said warrant to the county treasurer thereof. Such warrants shall be payable out of any funds appropriated to the department: *Provided*, That no voucher shall include and no payment shall be made to any county wherein the department owns less than one hundred acres, and no voucher shall include and no payment shall be made to any county for any tidelands or any lands owned by the department for game bird farm or fish hatchery purposes.

On or before the tenth day of January of each year, the director shall also prepare and transmit a voucher to the superintendent of public instruction, which voucher shall indicate the total number of acres of land owned by the department within the state, but need not describe the land and shall authorize the drawing of a warrant in favor of the permanent school fund in an amount equal to two cents for each acre shown on the voucher. The superintendent of public instruction shall execute such voucher and return it to the director, who shall approve it and transmit it to the state auditor. The state auditor shall issue a warrant to the permanent school fund in the amount shown on the voucher and shall transmit such warrant to the state treasurer for credit to the permanent school fund. Such warrant shall be payable out of any funds appropriated to the department: *Provided*, That no voucher shall include, and no payment shall be made to the permanent school fund for any tidelands or any lands owned by the department for game bird farm or fish hatchery purposes.

77.12.210 Control of hatcheries, game farms, etc.—Disposal of property—Procedure. The commission, acting by and through the director, shall have full control of the maintenance and management of all hatcheries, eyeing stations, rearing ponds, brood ponds, trap sites, game animal, fur-bearing animal, game bird, nongame bird, and game fish farms, habitats and sanctuaries, public hunting and fishing areas, and of the access to any and all of the foregoing and of any and all other real or personal property in any wise owned, leased, or held by the state for game department purposes, and shall have full control of the construction of all buildings and structures of any kind and all improvements of every nature in or upon all such property. The commission may make rules and regulations in relation to the operation, maintenance and use of any such property and the conduct of all persons who are in or on the same.

The commission, acting by and through the director, may, from time to time, sell timber, gravel, sand and other materials or products from real property belonging to the state and held for game department purposes and may sell or lease any such real or like

personal property or grant concessions in or upon the same when in its judgment such action is advantageous to the state. If the commission shall determine to sell or lease any real property, the director shall file with the state land commissioner a certificate containing the following: The legal description of the real property to be sold or leased; a statement that the property is not then necessary for the purposes for which it was acquired; whether such real property is to be sold or leased; and the minimum sale price or rental to be received by the state land commissioner therefor. Upon the filing of such certificate, the state land commissioner shall proceed to appraise and lease or sell such real property in accordance with the statutes relative to lease or sale of public lands of this state: *Provided*, That such lands shall not be sold or leased for less than the amount fixed in the certificate as aforesaid.

All proceeds from such leases or sales shall be transmitted by the state land commissioner to the state treasurer and by him credited to the state game fund.

77.12.220 Acquisition of additional land by exchange. Whenever it may become necessary in order to obtain additional lands for hatchery sites, eyeing stations, rearing ponds, brood traps, trap sites, game animal, fur-bearing animal, game bird, nongame bird, and game fish farms, habitats and sanctuaries and public hunting or fishing areas or for rights of way for access to any and all such lands, to transfer or convey lands held by the state to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, or to any person, and in the judgment of the commission and the attorney general such transfer and conveyance is consistent with public interest, the commission, acting by and through the director, may enter into agreements accordingly. Whenever the commission shall make any such agreement for any such transfer or conveyance and together with the attorney general certifies to the governor that such agreement has been made setting forth in such certification a description of the land or premises involved, the governor may execute and the secretary of state shall attest and deliver unto the United States or its agencies or instrumentalities, unto any municipal subdivision of the state, or unto any public utility company, or unto any person a deed of conveyance, easement or other instrument necessary to fulfill the terms of the aforesaid agreement.

77.12.230 Local assessments against game property. The director is hereby authorized to cause to be paid by state voucher currently when due any lawful local improvement district assessments made against lands held by the state for game purposes. Such payments may be made out of any money appropriated from the state game

fund to the department for capital outlay, maintenance or operations during the biennium for which such appropriation is made.

77.12.240 Director may kill game in certain circumstances. The director may remove or kill any wild animal, game fish or wild bird that in his judgment is destroying or injuring property, or when, in the judgment of the commission, such killing or removal is necessary for scientific research, or for proper game or game fish management.

In the event of any such killing of any wild animals, wild birds or game fish, the director shall, whenever in his opinion it is feasible or practical, distribute the meat thereof to state or charitable institutions.

77.12.250 Entry upon premises in course of duty permitted. The director and his duly authorized and acting assistants, game protectors, deputy game protectors, agents, appointees or employees may, in the course of their duties, enter upon any land or waters in this state and remain thereon while performing such duties and such action by such persons shall not constitute trespass.

77.12.260 Cooperative agreements for prevention of damage to private property. The commission, acting by and through the director, may enter into written agreements with persons in all matters relating to prevention of damage of private property by wild animals and wild birds. Any such agreements may include but need not be limited to provisions concerning herding, feeding, fencing, and other similar actions, to prevent such damage. Under any such agreement the department may participate in the furnishing of money, material, or labor to such extent as may be deemed necessary or advisable by the commission.

77.12.270 Damages caused by game—Payment authorized. In accordance with the terms and provisions of RCW 77.12.270 to 77.12.300, inclusive, and pursuant to such rules and regulations as may be promulgated by the commission hereunder, the commission, by and through the director, is hereby authorized to compromise, adjust, settle, and pay claims for damages caused by beaver, deer, or elk out of moneys from time to time appropriated to the department for such purposes.

77.12.280 Damages caused by game—Maximum payment—Settlement final. No payment of any such claim shall be made in excess of one thousand dollars, and in the event any claim is not adjusted, compromised, or settled and paid by the commission for a sum up to such amount, and within one year from the filing of such claim the same may be filed with the state auditor and referred to the legislature for settlement. The payment of any claim by the commission shall be full and final payment upon such claim.

77.12.290 Damages caused by game—Notice of claim required—Damages on public lands excluded. Notice of all claims for damages caused by beaver, deer, or elk shall be filed in writing with the commission in the offices of the department of game, Seattle, King county, Washington, within ninety days after the claimed damage has occurred. In the event the damages are unascertainable within such ninety day period, the notice shall so state. The failure to file notice of any claim or pending claim shall bar payment thereof. No payment shall be made to any claimant for damages occurring on lands leased by claimant from any public agency.

77.12.300 Damages caused by game—Rules and regulations as to claims—Exclusion of noncooperating claimants. The commission may promulgate rules and regulations requiring affidavits and prescribing the forms thereof to be furnished in proof of all claims and providing for the time for the making of any examination, appraisal, or ascertainment of any damages. Such rules and regulations may also provide the method of settling all claims. The commission may by rule and regulation provide that it may refuse to consider and pay any claims of claimants who have refused to enter into a cooperative agreement to prevent damage, who have posted the property whereon the claimed damages have occurred, against hunting during the season immediately preceding the time when said damages occurred, in such manner as may have contributed to the damage claimed, or of any claimant who has killed or wounded any game animal other than pursuant to license during the open season.

77.12.310 Rules and regulations governing taking of predators for bounty. The commission shall, from time to time, promulgate, adopt, amend, or repeal, and enforce reasonable rules and regulations designating the times when and areas wherein hunting, trapping, taking or killing of predatory animals and birds may be carried on for the payment of bounty by the state and determining the amount of such bounties within the limitations and in accordance with the provisions set forth in this title.

77.12.320 Agreements for propagation, protection of game—Acceptance of gifts. The commission may enter into agreements with persons, municipal subdivisions of this state, the United States, or any of its agencies or instrumentalities regarding all matters concerning propagation, protection and conservation of wild animals, wild birds and game fish and concerning hunting or fishing therefor.

The commission may at any time on behalf of the state accept gifts or grants of personal property for use by the department. Any money, when received by the commission or the department, shall

currently be delivered to the state treasurer for deposit in the state game fund: *Provided*, That any gifts or grants of money received by the commission under conditions, limitations or restrictions may be retained or expended by the commission under any such provisions.

77.12.330 Areas may be set aside for use of minors. The commission may, by rule and regulation, set aside for exclusive fishing by minors within ages to be fixed by the commission certain described waters, lakes, rivers, or streams. If any such waters, lakes, rivers, or streams are so set aside, all fishing shall be in accordance with rules and regulations of the commission which may be prescribed therefor and the commission may thereby exclude all persons excepting minors within the ages specified from fishing therein.

77.12.340 Acquisition of property for office, storage, warehouse, and garage facilities. The commission is hereby authorized and directed to acquire by gift, purchase, or condemnation, in the manner provided by law for the acquisition of property for public purposes, such land and premises, such building for the office of the department of game, and such property as may be necessary for storage, warehouse and garage facilities of said department.

77.12.350 Construction of facilities authorized. The commission is further authorized, whenever such land and premises have been acquired, to cause to be constructed thereon a building for the offices, storage, warehouse and garage facilities aforesaid.

77.12.360 Use of state land for game purposes. The commissioner of public lands is authorized upon receipt of written request from the commission, such request bearing the endorsed approval of the board of county commissioners as hereafter provided, to withdraw from lease any state owned lands described or designated in such request if in the judgment of the commissioner of public lands such withdrawal will be of benefit to the state of Washington and upon the condition that the common school fund or any other fund for which the described or designated lands are held shall be paid any sum or sums which the lease of said described or designated lands would increase such fund.

77.12.370 Approval by board of county commissioners—Hearing. Prior to the forwarding of any such request to the commissioner of public lands the commission shall present the same to the board of county commissioners of the county wherein the lands to be withdrawn are located and have endorsed thereon the approval of the said board. In the event said board, before approving or disapproving said request, shall deem it advisable it may set the time and place for and call a public hearing. No such hearing shall

take place within thirty days from the time of presentation of the request to the board.

The commission shall publish a notice of all public hearings so set by the board, in a newspaper of general circulation, within the county wherein the lands sought to be withdrawn are located, at least once a week for two successive weeks in advance of any hearing. Such notice shall contain a copy of the request and the time and place for holding the hearing.

The chairman of the board of county commissioners shall be chairman of any such public hearing and the proceedings of the hearing shall be informal with all persons being given reasonable opportunity to be heard.

Within ten days after any such hearing the board of county commissioners shall endorse upon the request for withdrawal, its approval or disapproval thereof. The decision of the said board shall be final and there shall be no appeal allowed therefrom.

77.12.380 Appraisal of lands—Lease value to be vouchered. Upon receipt of any such approved request if in the judgment of the commissioner of public lands the requested withdrawal of the lands as designated or described in such request would be of benefit to the people of the state, he shall immediately cause an appraisal to be made of the lease value of such lands and before withdrawal of any such lands, he shall require that the department of game, acting through the director thereof, transmit to him a voucher drawn against the state game fund in favor of the particular fund for the benefit of which such lands are held and in such amount as shall represent the lease value, dependent upon such time as shall be shown in the request of the commission for which such lands are to be withdrawn.

77.12.390 Warrant to be drawn in favor of fund for which lands were held. Upon receipt of any voucher, the commissioner of public lands shall immediately execute the same and cause such lands to be withdrawn from lease. The said commissioner shall thereupon forward to the state auditor the said voucher and the state auditor shall thereupon draw a warrant against the state game fund and in favor of the particular fund for which the withdrawn lands have been theretofore held.

77.12.400 Lease of certain state lands as game lands authorized. The department is authorized to lease any state-owned lands situated in Yakima and Kittitas counties for use as game lands at the prevailing rates of leases, and payment for such leases may be made out of any funds appropriated to the department for land acquisition and development.

77.12.410 Grazing of cattle on such state lands—Limitation of elk population. The present lessees of such state-owned lands shall be allowed to graze without cost such number of livestock as shall be determined by the game commission, commissioner of public lands and a representative of the Washington Cattlemen's Association on the basis of the capacity of such lands for this purpose, that the population of elk will be not more than three thousand west and south of the Yakima river in Yakima and Kittitas counties.

77.12.420 Improvement of conditions for growth of fish life. The director of game, with the consent and approval of the commission, is empowered to expend such sums as they deem advisable within the limits of available appropriations from the state game fund, for the purpose of improving natural conditions for the growth of fish life in the state by means of construction of fishways, installation of screens, removal of obstructions to migratory fish, eradicating undesirable types of fish by means of poisoning, and such other methods as they shall deem advisable and practical, and is further empowered to enter into cooperative agreements with state, county and federal municipal agencies, and with private individuals for the purpose of carrying on the work of this type.

77.12.430 Wildlife restoration—Federal act accepted. The state hereby assents to the purposes and provisions of the act of congress entitled: "An Act to provide that the United States shall aid the states in wildlife restoration projects, and for other purposes," approved September 2, 1937 (Public No. 415, 75th congress), and the department shall perform such acts as may be necessary to establish and conduct cooperative wildlife restoration projects, as defined in said act of congress, in compliance therewith and with rules and regulations promulgated by the Secretary of Agriculture thereunder.

77.12.440 Fish restoration and management projects—Federal act accepted. The state of Washington hereby assents to the purposes and provisions of that certain act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," approved August 9, 1950 (Public, No. 681, 81st congress), and the state department of game is hereby authorized, empowered, and directed to perform such acts as may be necessary to establish, conduct, and maintain fish restoration and management projects, as defined in said act of congress in compliance with said act and with rules and regulations promulgated by the Secretary of the Interior thereunder.

Chapter 77.16**PROHIBITED ACTS AND PENALTIES**

77.16.010 Game derbies—Permit—Rules and regulations. It shall be unlawful for any person to promote, conduct, hold, or sponsor any contest for the hunting of wild animals or wild birds or for fishing for game fish under any competitive arrangement without first securing a hunting or fishing contest permit from the director and paying the department one dollar therefor.

Such permits may be issued by the director under, and all such contests shall be held in accordance with, rules and regulations which the commission shall adopt concerning the times, places and manner of holding such contests. The commission may prohibit any or all such contests whenever, in its opinion the propagation, preservation or conservation of wild animals, wild birds or game fish will be injuriously affected if such contest is permitted.

77.16.020 Taking during closed season—Exceeding bag limits—Taking within reserves. It shall be unlawful for any person to hunt, trap, or fish for any game birds, game animals, fur-bearing animals or game fish during the respective closed seasons therefor. It shall also be unlawful for any person to kill, take, or catch any species of game birds, game animals, fur-bearing animals, or game fish in excess of the number fixed as the bag limit. It shall also be unlawful for any person to hunt or trap for any game birds, game animals, or fur-bearing animals within the boundaries of any game reserve or closed area, and it shall likewise be unlawful for any person to fish for any game fish within any closed waters or within the boundaries of any game fish reserve.

Any person who hunts or traps any elk, moose, antelope, mountain goat, mountain sheep, caribou or deer in violation of this section is guilty of a gross misdemeanor and 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.

Any person who hunts or traps any game bird in violation of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

77.16.030 Possession during closed season or in excess of bag limits. It shall be unlawful for any person to have in his possession or under his control any game bird, nongame bird, game animal,

fur-bearing animal, or game fish, or part thereof, during the closed season or in excess of the bag limit.

Any person who has in his possession or under his control any elk, moose, antelope, mountain goat, mountain sheep, caribou, deer, or part thereof in violation of the foregoing portion of this section is guilty of a gross misdemeanor and 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.

Any person who has in his possession or under his control any game bird or part thereof in violation of the foregoing portion of this section is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

Provided, That any person who has lawfully acquired possession of any game bird, game animal, or game fish, or part thereof, and who desires to retain it for human consumption or ornamental purposes, or desires to sell the skin, hide, horns, head, or plumage thereof, after the close of the season may do so in accordance with the rules and regulations of the commission.

Provided, further, That the owner of any game bird, nongame bird, game animal, fur-bearing animal, or game fish, who has lawfully propagated it or purchased from one who has so propagated it, may possess, ship, sell or otherwise dispose of such bird, animal, or fish, when properly tagged or sealed.

77.16.040 Trafficking in game prohibited — Exception. 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 any part thereof: *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.

77.16.050 Artificial lights prohibited in big game hunting. It shall be unlawful for any person to hunt any elk, moose, antelope, mountain goat, mountain sheep, caribou or deer with a jack light or other artificial light of any kind and to be found with any torch, lantern, electric, acetylene, gas or other artificial light and with any rifle, shotgun, or other firearm, after sunset, in any wooded section or other place where any of the above mentioned animals may reasonably be expected, shall be prima facie evidence of unlawful hunting. Any person violating the provisions of this section is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or imprisonment of not less than thirty days and not more than one year in the county jail or by both such fine and imprisonment.

77.16.060 Explosives, medicated bait, etc., prohibited in game fishing. It shall be unlawful for any person to lay, set, use, or prepare any drug, poison, lime, medicated bait, nets, fish, berries, formaldehyde, dynamite, or other explosives, or any tip-up, snare or net, or trot line, or any wire, string, rope, or cable of any kind, in any of the waters of this state with intent thereby to catch, take or kill any game fish. It shall be unlawful to lay, set or use a net capable of taking game fish in any waters of this state except as permitted by regulation of the department of fisheries: *Provided*, That persons may use small landing nets or under written permit issued by the director may use nets or seines in the taking of non-game fish.

Any person violating any of the provisions of this section is guilty of a gross misdemeanor and 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.

77.16.070 Hunting while intoxicated. It shall be unlawful for any person to hunt with firearms while under the influence of intoxicating liquor.

77.16.080 Laying out poison, etc., endangering game. It shall be unlawful for any person to lay, set, or use any poisonous or deleterious substances in any place or manner so as to endanger, injure or kill any game animals, fur-bearing animals, game birds or nongame birds.

77.16.090 Mutilating or needlessly wasting carcasses. It shall be unlawful for any person to permit any game animal, fur-bearing animal, game bird, or game fish needlessly to go to waste after

killing the same or to mutilate any such animal or bird so that the species or sex cannot be determined.

77.16.100 Use of dogs—Field trials for bird dogs. It shall be unlawful to allow dogs of any kind to accompany any person while such person is hunting deer or elk. Any dog found pursuing any game animal or game bird, or molesting the young of any game animal or game bird or destroying the nest of any game bird during the closed season on game animals or game birds may be declared to be a public nuisance. In addition to any penalty imposed by a court of competent jurisdiction, the court may order the dog destroyed.

During the months of April, May, June and July of each year it shall be unlawful to allow bird dogs, or dogs used for hunting upland game birds, to frequent areas where upland game birds may reasonably be expected to be found.

Competitive field trials for hunting dogs, with or without the shooting or use of privately owned birds, may be held only at such times and places, and under such rules and regulations, as shall be prescribed by the commission.

77.16.110 Firearms, traps and dogs on game reserves. It shall be unlawful for any person to carry firearms or traps within the limits of or take any dog upon a game reserve except on public highways. The director may issue permits to persons holding fishing and hunting licenses for the current year to hunt predatory animals and predatory birds in such reserve at any season of the year, and all bona fide residents therein may keep a dog or dogs as otherwise provided by law. Permits may also be issued for rifle ranges, gun clubs, and shooting galleries which in the judgment of the director will not injure or disturb the game in a reserve.

77.16.120 Taking of nongame birds—Destruction of nests or eggs of birds. Except as lawfully authorized by permit or license issued by the director, it shall be unlawful for any person to hunt or trap any nongame bird or harmless or song bird or to have in his possession or under his control any of such birds or any part thereof, and unless acting under permit or license so issued, it shall be unlawful for any person to destroy or to have in his possession or under his control the nest or eggs of any game bird, nongame bird, or harmless or song bird.

77.16.130 Resisting or obstructing officers. It shall be unlawful for any person to resist or obstruct the director, a game protector, deputy, or ex officio game protector, or other peace officer in the discharge of his duty while enforcing the provisions of this title.

77.16.140 Giving misinformation as to bountied predator. Every person who gives untrue or misleading information as to the time, area, or county in which any predatory animal or bird was hunted, trapped, taken, or killed on which a bounty is being claimed shall be guilty of a gross misdemeanor and 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 more than one year or by both such fine and imprisonment.

77.16.150 Permit required to plant fish, plants, or release animals or birds. Except as authorized by permit or license lawfully issued by the director, and after departmental inspection of the matter sought to be planted, it shall be unlawful for any person to plant any fish, fish fry, spawn, or any aquatic plant in any waters within the state or to release any wild animals or wild birds on any lands within the state. The words "aquatic plant" include the seeds thereof.

77.16.155 Importation of domesticated game fish. Domesticated game fish raised outside of the state may be imported, brought into or sold within this state subject to the following conditions:

(1) When, prior to importation, they are dressed for sale for human consumption; and

(2) Each fish is tagged with a tag, which shall sell for five cents, to be provided by the department in accordance with such rules and regulations as may be promulgated by the game commission;

(3) Compliance with such other rules and regulations relating to the importation of domesticated game fish as the commission shall promulgate: *Provided*, That this section shall not apply to the importation of live domesticated fish, fish fry, or spawn: *And provided further*, That live domesticated fish, fish fry or spawn shall be imported under the provisions of RCW 77.16.150.

77.16.157 Penalty for violations. The provisions of RCW 77.16.240 shall apply to all violations of RCW 77.16.150 and 77.16.155.

77.16.160 Injuring fish ladders, guards, screens, etc. It shall be unlawful for any person to break open, open, unlock, damage, interfere with, injure, or destroy any fish ladder, fish guard, screen, fish stop, fish protective device, bypass, or part thereof, or any fish trap operated by the department.

77.16.170 Robbing or injuring traps—Identification of traps. It shall be unlawful for any person to take any wild animal from a trap not his own, or to spring, pull up, throw away, mutilate, or destroy any trap of licensed trappers, game protectors, or persons employed by the director, or any person authorized by the federal government to catch fur-bearing or predatory animals. All

licensed trappers shall have attached to the chain of the trap an indestructible tag with the true name and address of the owner of trap in English letters not less than one-eighth inch in height.

77.16.180 Mutilating signs. It shall be unlawful for any person to destroy, tear down, shoot at, deface, or erase any printed matter or signs placed or posted by or under the instructions of the director.

77.16.190 Unlawful posting of land. It shall be unlawful for any person or his agent or employee wilfully to post any notice or warning or wilfully to warn, drive, or attempt to drive, any person off, or prevent his hunting or fishing on any land not owned or lawfully occupied by such person, his agent, or employee, unless such land is a lawfully established game or game fish reserve.

77.16.200 Private publication of game laws. No person shall print or cause to be printed a booklet or pamphlet of the game laws or portion thereof except with the approval of the director.

77.16.210 Fishways to be provided at dams—Abatement of obstructions. Any person or governmental agency managing, controlling, or owning any dam or other obstruction across any river or stream shall construct and maintain in good condition and repair in connection with such dam or other obstruction durable fishways and fish protective devices in such shape and size that the free passage of all game fish inhabiting such waters will not be obstructed. Such fishways and fish protective devices shall be provided at all times with sufficient water to insure maximum efficiency for the free passage of fish.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor and 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 ninety days and not more than one year or by both such fine or imprisonment.

In addition to the penalty above provided, if any such person be convicted of violating any of the provisions of this title, the dam or other obstruction managed, controlled or owned by such person is hereby declared a public nuisance and shall be subject to abatement as such.

77.16.220 Screens to be provided at diversion ditches and canals. It shall be unlawful for any person to divert any water from any lake, river, or stream containing game fish unless the ditch, channel, canal, or water pipe conducting such water is equipped at or near its entrance or intake with a fish guard or screen capable of preventing the passage of game fish into such ditch, channel, or water pipe, and also equipped, if necessary, with a bypass to permit

the passage of game fish from immediately in front of the fish guard or screen back to the waters from which said fish are diverted: *Provided*, That no person who is now otherwise lawfully diverting water from any lake, river, or stream shall be deemed guilty of a violation of this section.

It shall also be unlawful for any person who is not now diverting water from any lake, river, or stream to divert any water therefrom until he has first submitted plans for the fish guard, fish screen, or bypass to the director, obtained his approval thereof, installed such fish guard, screen, or bypass, and obtained the director's approval of such installation. It shall be unlawful for any person to construct any such fish guard, fish screen, or bypass without first submitting plans therefor to the director and obtaining his approval thereof as herein provided.

The director may summarily close any ditch, canal, channel, or water pipe owned or operated by any person convicted of any violation of this section and keep the same closed until it is properly equipped with a fish guard, screen, or bypass, in accordance with the provisions herein.

77.16.230 Game doing damage may be taken at any time—Limitations. It shall be lawful for the owner or tenant of any real property on which any crop is being grown or any domestic animals or fowl are being kept to trap or kill at any time on such property, any wild animal or wild bird which is destroying any such crop, or injuring domestic animals or fowl, or any dike, drain or irrigation ditch. Such wild animal or wild bird, when so trapped or killed, shall remain the property of the state, and the person trapping or killing the same shall immediately notify the nearest state game protector as to where such wild animal or wild bird may be found.

It shall be unlawful for any person, after trapping or killing any wild animal or wild bird as above provided, to give away, eat, sell, or dispose of the same or any part thereof for profit: *Provided*, That this section shall not prohibit any license holder from trapping, killing, possessing, or disposing of any wild animal or wild bird as otherwise provided by law or rule and regulation of the commission.

For purposes of this section the word "crop" is defined as meaning an agricultural or horticultural seeded or planted crop and shall exclude all wild shrubs and range land.

77.16.240 General penalty—Jurisdiction of courts. Any person violating or failing to comply with any rule or regulation of the commission or violating any of the provisions of this title for which no penalty is provided, shall be guilty of a misdemeanor and shall be punished for each offense by a fine of not less than ten dollars, together with the cost of prosecution, or by imprisonment

for not exceeding ninety days in the county jail or by both such fine and imprisonment. The killing or taking of every single bird, animal or fish, protected by the laws of this state, shall constitute a separate offense.

Every justice of the peace shall have jurisdiction concurrent with the superior courts of all misdemeanors and gross misdemeanors committed in violation of the provisions of this title and may impose any punishment in this title provided for such offenses.

77.16.250 Carrying loaded shotgun or rifle in vehicles. It shall be unlawful for any person to carry, transport or convey, or to have in his possession or under his control in any motor-driven or horse-drawn vehicle or in any vehicle propelled by man, any shotgun or rifle containing shells or cartridges therein.

77.16.260 Shooting firearms on public highway. It shall be unlawful for any person to shoot any pistol, rifle, shotgun or other firearm from, across or along any public highway.

This Section amended by Sec. 1, Chap. 85, Laws of 1955.

77.16.270 Enforcement. It shall be the duty of all sheriffs, deputy sheriffs, constables, city marshals, police officers, state game protectors, deputy game protectors, and ex officio game protectors, within their respective jurisdictions, to enforce all of the provisions of RCW 77.16.250 and 77.16.260.

77.16.280 Penalty. Any person violating any of the provisions of RCW 77.16.250 and 77.16.260 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars and not more than one hundred dollars or by imprisonment in the county jail for not less than ten days and not more than ninety days or by both such fine and imprisonment.

77.16.290 Law enforcement officers excluded. The word "person" as used in RCW 77.16.250 and 77.16.260 does not include any law enforcement officer who is authorized to carry firearms.

77.16.300 Venue of prosecution. Any action charging a violation of RCW 77.16.250 through 77.16.290 shall be instituted in the justice court in one of the two incorporated cities or towns nearest the place where the violation is alleged to have been committed.

Chapter 77.20

BEAVER, FOX, MINK, MARTEN AND CHINCHILLA

77.20.010 Beaver protected fur-bearer. For the purpose of properly administering, perpetuating, protecting, and maintaining the beaver of the state, the same is hereby declared to be a protected fur-bearing animal and may be hunted, trapped, killed, or possessed,

or the pelts thereof sold, only by the commission acting through the director or his duly authorized representatives and pursuant to rules and regulations of the commission.

77.20.020 Rules and regulations—Cooperative agreements. The commission may make reasonable rules and regulations for purposes of administration and enforcement of the laws pertaining to beaver and regulating the propagation, hunting, trapping, killing, and possession of beaver and the sale of beaver skins. The commission, through the director, may enter into cooperative agreements with private landowners for the perpetuation, propagation, hunting, trapping, and killing of beaver upon the land of such owners. Under such agreements the commission, through the director, shall designate the maximum number of beaver which may be taken each year from the land of the owner without impairing the supply thereof. All taking, hunting, trapping, or killing of beaver shall be done hereunder only by the commission, acting through the director or his duly authorized representatives, with costs thereof to be paid out of the state game fund.

77.20.030 Beaver skins, disposal of. All beaver skins obtained by the director or his representatives under any cooperative agreement made with any landowner, under this title, shall be sold to licensed fur buyers only at auction to the highest bidder. The time of any sale shall be within the discretion of the director. From the proceeds of sales there shall be paid to the owner of the land upon which the beaver was taken under any cooperative agreement, such amount as was stipulated therein and the balance of the proceeds shall be deposited in the state game fund. In the making of any cooperative agreement under the provisions of this title, the commission, through the director, may provide for such compensation to the landowner as may be deemed just and reasonable based upon a percentage payment per pelt sold or upon a fixed fee basis or otherwise.

77.20.040 Trapping of beaver doing damage—By commission. The commission, through the director or his duly authorized representatives, may hunt, trap, or kill beaver on private lands when the owners thereof are suffering damage and do not desire to maintain beaver under a cooperative agreement. Beaver may likewise be hunted, trapped, or killed on public lands by the director or his duly authorized representatives whenever and wherever the commission deems it necessary and advisable. All skins so obtained shall be sold in the manner above provided and all proceeds from such sales shall be deposited in the state game fund.

77.20.045 Trapping of beaver doing damage—By owner. If beavers or other burrowing animals are damaging or endangering

any land the owner or occupant of such land may notify the state game commission of such danger, and the commission shall cause such animals to be trapped or killed by state trappers in accordance with the provisions of RCW 77.20.010 to 77.20.060, inclusive.

If the commission fails to act within fourteen days after receipt of notice any such owner or occupant may trap or kill such animals, but if he does so such person must notify the commission regarding the number of such animals disposed of and when possible surrender the pelts thereof to the commission.

77.20.050 Skins to be tagged. Prior to sale all beaver skins taken under the provisions of this title, shall be properly cared for, preserved, and tagged or sealed by the director or his representatives.

77.20.060 Penalty. The hunting, trapping, taking, or killing of any beaver or the possession of the skin or any part of any beaver killed within this state, except as authorized in this title, is unlawful, and any person hunting, trapping, taking, or killing any beaver or possessing the skin or any part thereof in violation of this title, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment for not less than thirty days and not more than six months or by both such fine and imprisonment.

77.20.070 Fox, mink, marten declared personal property. All fox, mink and marten that have been lawfully imported or acquired, or bred or reared in captivity or enclosures, are hereby declared to be personal property. Any person hereafter acquiring any such fur-bearing animals, shall within ten days furnish satisfactory proof to the director of agriculture that such animals were lawfully obtained. The animals shall not become personal property under the provisions of this section until such proof is furnished.

This section repealed by Sec. 7, Chap. 321, Laws of 1955.

77.20.080 Branding required—Recording. The owners of any fox, mink, or marten may mark them by branding with tattoo or other marks for the purpose of identification, but no person shall be entitled to ownership in or rights under any particular branding marks unless and until the branding marks are recorded with the department of agriculture, which may be done in the same manner and with like effect as brands of other animals are recorded.

This section repealed by Sec. 7, Chap. 321, Laws of 1955.

77.20.090 Quarantine controls over fur ranches. The raising of fox, mink, marten, and chinchilla shall be deemed an agricultural pursuit, and the director of agriculture is hereby authorized to exercise quarantine controls over ranches where any of said animals are raised.

This section repealed by Sec. 7, Chap. 321, Laws of 1955.

Chapter 77.24**PREDATORS—BOUNTIES**

77.24.010 Who may kill predators and claim bounties. Any resident holder of a state or county hunting and fishing license may hunt, trap, take, or kill any animal or bird classified as predatory in areas and at times designated by the commission and may present such animal or bird to the director or to any person designated by the director as qualified to check bountied predators for payment of bounty. Any citizen of the United States under the age of sixteen years who has been an actual resident of the state for the preceding six months shall not be required to hold a state or county hunting and fishing license to comply with this chapter.

77.24.020 Payment of bounties—Maximum specified—Review. Whenever the holder of a state or county hunting and fishing license hunts, traps, takes, or kills any animal or bird classified by the commission as a predator, and furnishes proof thereof, he may be paid a bounty in such amount as specified by the rules and regulations of the commission. Any person who desires to collect a bounty shall furnish such proof and evidence of hunting, trapping, taking, or killing the predator as the commission may require. If the director has reason to doubt the validity of a bounty claim he may deny it, and if a bounty claim is denied, the bounty claimant may appeal to the superior court of the county in which the predators or any of them were hunted, trapped, taken, or killed. The burden of proof as to the method of hunting, trapping, taking, or killing and the area wherein the predator was hunted, trapped, taken, or killed shall be upon the bounty claimant.

Bounties, as fixed by the commission, may in no event exceed the following sums: Cougar, one hundred dollars; lynx, twenty-five dollars; bobcat, twenty-five dollars; coyote, twenty dollars; coyote pup, five dollars; any other animal or bird classified by the commission as predatory, five dollars.

Bounty payments shall be made from any moneys which may be appropriated therefor by the legislature. All moneys appropriated for such payments shall be expended under the direction of and upon vouchers approved by the director.

77.24.030 Marking of bountied predators. Before payment of a bounty, the animal or bird or such part thereof as shall be designated by the commission shall be surrendered to the director, or person designated by the director as qualified to check bountied predators, who shall mark such predator or part thereof in order that it can be later identified and, after so marking it, the director or designated person shall return the predator or part thereof to the person hunting, trapping, taking, or killing the same.

77.24.040 Commission may classify predators. The commission, upon finding any animal or bird destructive to wild game, domestic herds, birds, and flocks may by rule and regulation classify it as predatory and authorize and control the hunting, trapping, taking, or killing thereof.

77.24.050 Employment of accredited hunters. The director shall, from time to time, appoint and employ such number of persons, skilled in hunting, trapping, taking or killing predatory animals and birds, as he deems advisable, to be known as accredited hunters, to carry on the work of eradication and control of predatory animals and birds in this state.

77.24.060 Disposition of skins and specimens. All skins and specimens taken by accredited hunters whose salaries are paid out of moneys appropriated from the state game fund shall be disposed of in such manner as the director determines to be for the best interest of the state. If any such skins or specimens are sold, the net proceeds shall be deposited to the credit of the state game fund.

77.24.070 Scope of chapter. Nothing herein shall be deemed in derogation of the power and authority of the director of agriculture to cooperate with the United States Fish and Wildlife Service in the control and destruction of predatory animals injurious to livestock, poultry, and the public health.

77.24.080 Bounty voucher must aggregate two dollars and fifty cents. For the purpose of facilitating the payment of bounties, no voucher therefor shall be issued in payment thereof until the aggregate bounty claim is at least two dollars and fifty cents.

77.24.090 Cooperative programs to control predators. The director may enter into cooperative programs to control predators with sportsmen's groups, granges, or others.

77.24.100 Department of agriculture may cooperate with Fish and Wildlife Service. The department of agriculture shall cooperate with the Fish and Wildlife Service, in the control and destruction of predatory animals which are injurious to livestock, poultry, game, and the public health, in accordance with organized and systematic plans of the Fish and Wildlife Service. For this purpose said department may enter into written agreements with the Fish and Wildlife Service covering the methods and procedure to be followed, the extent of supervision to be exercised by each and the use and expenditure of the funds appropriated therefor. The department, in cooperation with the Fish and Wildlife Service, may also enter into cooperative agreements with other governmental agencies, counties, or persons when deemed necessary to promote the control and destruction of predatory animals.

77.24.110 Expenditures authorized. The department of agriculture may make such expenditures for equipment, materials, supplies, and other expenses, including expenditures for personal services, as may be necessary to execute the functions imposed upon it by RCW 77.24.100.

77.24.120 Disposition of skins and specimens. All skins and specimens taken by hunters whose salaries are paid out of funds appropriated for the administration of RCW 77.24.100 and 77.24.110 shall be disposed of in such manner as the department of agriculture determines to be in the best interest of the state. If any such skins or specimens are sold, the net proceeds shall be deposited to the credit of the general fund of the state.

Chapter 77.28

GAME FARMERS

77.28.010 License required. The acquisition, breeding, growing, keeping, and sale of wild animals, wild birds, or game fish, whether living or dead, for commercial purposes shall be unlawful unless such acquisition, breeding, growing, keeping and sale is conducted under a game farmer's license as hereinafter provided and in accordance with rules and regulations of the commission which may be prescribed therefor regarding the species of wild animals, wild birds, or game fish which may be acquired, bred, grown, kept, and sold under this title, the particular areas in this state wherein such activities may be carried on and the manner of conducting all such activities.

77.28.020 License fee. The director may cause to be issued a game farmer's license that shall authorize the licensee to acquire, grow, breed, keep, or sell all or some of such species of wild animals, wild birds, and game fish as may be designated by the commission as suitable for such acquisition, breeding, growing, keeping, and sale. The cost of such license shall be twenty dollars for the first year and ten dollars for each yearly renewal thereafter. All such licenses shall expire on December 31st annually and application for renewal shall be made prior thereto.

77.28.030 Application—Content. A verified application for such license made in triplicate shall be filed by the applicant with the director which application shall contain the following: A description of the lands and waters which applicant desires to use under the required license; the particular right, title or interest of the applicant in said lands and waters and the total acreage thereof; the extent of improvement upon such lands and waters; a map or diagram of such lands and waters showing where the improvements

are located thereon; a statement indicating the species of wild animals, wild birds, or game fish which the applicant desires to acquire, breed, grow, keep, and sell; and such further information as may be required by rule and regulation of the commission.

77.28.040 Corporate application. If the applicant is a corporation, the application shall be made in the name of the corporation by the president or authorized officer thereof and shall set forth the names and addresses of all the officers and directors of the corporation and the number of shares of stock owned by such officers and directors. If the applicant is a partnership or unincorporated association, the application shall be made by an authorized partner, member or managing officer and shall set forth the names and addresses of all members of the partnership or association together with their respective financial interests and other rights of ownership and control therein.

77.28.050 Issuance of license. If after investigation by the director it appears that the applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application and that the applicant intends in good faith to establish, operate and maintain a farm for the raising of wild animals, wild birds, or game fish in accordance with law and the rules and regulations of the commission, the director may issue a license to the applicant describing therein the lands and waters and certifying that the licensee is lawfully entitled to use the same for acquiring, breeding, growing, keeping, and selling the kinds of wild animals, wild birds, or game fish specified in such license.

77.28.060 Rights acquired under license. After such game farmer's license has been granted, the licensee shall be lawfully entitled to acquire, breed, grow, keep, and sell all or any of the wild animals, wild birds, or game fish specified in the license in accordance with law and with the rules and regulations of the commission.

77.28.070 Game farmer may deal in game bird and game fish eggs. A licensed game farmer may purchase, sell, give away, or dispose of the eggs of any game bird or game fish lawfully in his possession in such manner as may be provided by rule and regulation of the commission.

77.28.080 Tagging of product. All wild animals, wild birds or game fish given away, sold, or in any manner transferred to any person by any licensed game farmer shall, upon delivery thereof, have attached to each such animal, bird or fish, such tag or seal as may be prescribed by the commission.

It shall be unlawful for any person other than a licensed game farmer to keep or possess any such wild animal, wild bird, or game

fish without such tag or seal attached thereto: *Provided*, That any wild animal, wild bird or game fish may be served for food without such tag or seal then being thereon.

77.28.090 Rights of common carriers. A common carrier may at any time transport any wild animal, wild bird or game fish or part thereof shipped by the holder of a game farmer's license if such wild animal, wild bird, game fish, or such part thereof is tagged or sealed as aforesaid. Every package containing the tagged or sealed carcass of any wild animal, wild bird, or game fish, or any tagged or sealed part thereof, shall have affixed thereto an additional tag or label upon which shall be plainly written or printed the name of the licensee and the name of the consignee.

77.28.100 Quarterly reports. Every holder of a game farmer's license shall make quarterly reports on the first day of January, April, July and October to the director on blanks to be furnished by the director. Such reports shall give a correct statement of the total number of wild animals, wild birds or game fish owned, killed, transported or sold during the quarter; the names of the persons to whom they were transported or sold; the names of the persons by whom they were tagged or sealed; the increase of all classes of wild animals, wild birds, or game fish held by the licensee; and such other data as may be required by rule and regulation of the commission. Each such report shall be verified by the affidavit of the licensee.

77.28.110. Access to game farmers' premises. The director or any other officer authorized by him may at all reasonable times with or without warrant, enter and search the premises of any licensed game farmer and inspect his records for the purposes of investigating and determining the number, kind and condition of wild animals, wild birds and game fish possessed by the licensee, or for purposes of enforcing the provisions of this chapter and the rules and regulations of the commission.

77.28.120 Revocation of license—Notice—Hearing. Whenever there shall be filed with the director a verified complaint charging that the holder of any game farmer's license has been guilty of any act or omission in violation of law pertaining to wild animal, wild bird or game fish or any rule or regulation of the commission, the director shall immediately note such complaint for hearing before the commission at its next regular meeting. The director shall notify the licensee of any such hearing at least ten days in advance thereof by mailing to him at the address shown on his application for game farmer's license a copy of the aforesaid complaint and a notice of the time and place of holding such hearing.

All such hearings shall be summary before the commission and the licensee shall be given an opportunity to be heard. The commission shall have the power to administer oaths, issue subpoenas for the attendance of witnesses, and the production of books, accounts, documents, and papers, and examine witnesses. At the conclusion of any such hearing, the commission may revoke or cancel the game farmer's license. Any such decision by the commission may be appealed to the superior court of the county in which the game farm is located, within thirty days from receipt of written notice of such revocation or cancellation. Unless the appeal be filed within the time aforesaid, the decision of the commission shall be final. In the event of any such revocation or cancellation of any such license, or upon termination of any proceedings for review, the director shall immediately mail notice of such revocation or cancellation to the licensee. After the expiration of ten days following the mailing of the notice by such director, it shall be unlawful for any such licensee whose license is so revoked or canceled to acquire any wild animal, wild bird, or game fish in the manner provided by law or by rule or regulation of the commission for acquisition of such animals, birds, or fish by game farmers. After the expiration of sixty days following the mailing of such notice by the director, it shall be unlawful for any licensee whose license is so revoked or canceled to hold, keep, breed, grow, possess, or sell any wild animal, wild bird, or game fish in the manner provided by law or by rule and regulation of the commission for holding, keeping, breeding, growing, possessing, or selling such animals, birds, or fish by game farmers.

Chapter 77.32

LICENSES

77.32.010 General rules as to issuance. It shall be unlawful for any person to hunt, trap, or fish for game animals, fur-bearing animals, game birds or game fish during the season when it is lawful to hunt, trap, or fish for them, or to practice taxidermy for profit, or to receive or purchase or resell raw furs for profit, without first having procured and having in force, and in his personal possession, and on his person while so hunting, trapping, fishing, or practicing taxidermy, or dealing in furs, a license so to do issued to him as provided in this chapter: *Provided*, That nothing in this section shall prevent a person under the age of sixteen years, who is an actual resident of the state, from fishing at any time when it is otherwise lawful to fish: *Provided further*, That a license shall not be required of a person who hunts predatory animals or birds without claiming or intending to claim a bounty.

All licenses under this chapter shall be issued by or under the authority of the director, who may deputize game protectors, any county auditor, or any reputable citizen, to issue such licenses and collect the fees therefor.

All persons so deputized by the director shall, on demand, on or before the thirty-first day of December of each year, pay to the director all fees collected and make and furnish all reports required by the director. The commission may make all necessary rules and regulations regarding the issuance of licenses, the collection and payment of fees collected, and the making and furnishing of reports in connection therewith.

77.32.020 Supplemental seals—Deer, elk, mountain goat—Penalty. It shall be unlawful for any person to hunt or kill deer without first having procured from the director a metal tag to be known as a supplemental deer seal, which metal tag shall be procured, in addition to any other license, to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be one dollar and shall be paid in addition to all other license fees prescribed by law. It shall be unlawful for any person to hunt or kill elk without first having procured from the director a metal tag to be known as a supplemental elk seal, which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tags shall be five dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any person to hunt or kill mountain goat without first having procured from the director a metal tag to be known as a supplemental goat seal, which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be five dollars and fifty cents and shall be paid in addition to all other license fees prescribed by law.

It shall be unlawful for any nonresident or alien to hunt or kill elk without first having procured from the director a metal tag to be known as a supplemental nonresident elk seal which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such metal tag shall be twenty-five dollars and shall be paid in addition to all other license fees provided by law.

It shall be unlawful for any nonresident or alien to hunt or kill mountain goat without first having procured from the director a metal tag to be known as a supplemental nonresident goat seal which metal tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and

procuring such metal tag shall be twenty-five dollars and shall be paid in addition to all other license fees prescribed by law.

Such metal tags shall be in the possession of all persons while engaged in hunting deer, elk or mountain goat. Such metal tags shall be prepared by and under the supervision of the director and shall bear the name "department of game of the state of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the director, and shall be void on the first day of April next following the date of issuance. Any person who kills any deer, elk or mountain goat shall immediately attach his own metal tag to the carcass of any such animal and properly seal the same. All moneys received from the issuance or sale of metal tags as provided herein shall be paid into the state game fund. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars and not more than two hundred fifty dollars or by imprisonment in the county jail for not less than ten days and not more than thirty days or by both such fine and imprisonment.

77.32.030 Reserved.

77.32.040 Reserved.

77.32.050 Issuer's compensation—State licenses. Any person deputized by the director to issue combination state hunting and fishing licenses and trapping, taxidermy, or fur dealer licenses, as authorized by this chapter, shall charge the sum of twenty-five cents in addition to collecting the fees prescribed by law for issuing each such license, which sum shall be retained by him for his services.

77.32.060 Issuer's compensation—Licenses, state, county. Any person deputized by the director to issue combination county hunting and fishing licenses, state resident fishing licenses, state resident hunting licenses, nonresident state fishing licenses, nonresident state hunting licenses, nonresident state transient licenses and nonresident state game bird licenses shall charge the sum of fifteen cents in addition to collecting the fee prescribed by law, for issuing each such license, which sum shall be retained by him for his services.

77.32.070 Information required in application. Every application for a license shall be in writing on a blank form to be furnished for that purpose and signed by the applicant and shall contain information concerning sex, citizenship, age, place of residence, and any other matters required by rule and regulation of the commission.

77.32.080 Records and reports. The commission may adopt rules and regulations requiring records to be kept and reports to be made by licensees concerning the time, manner, and place of taking any

wild animals, wild birds, or game fish, the quantities taken, and such other information as may be helpful in enforcing the provisions of this title or the rules and regulations of the commission. Such rules and regulations may prescribe the form of such records and reports and may require licensees to keep such records current while hunting, fishing, or trapping, and to display the same, and may authorize the director to prepare and distribute such record and report forms to licensees.

77.32.090 Form of licenses. Licenses issued under this title shall be in such form, of such materials, and of such colors as may be designated by the commission, and the commission may adopt rules and regulations pertaining to the form, material, color, use, possession, and display of such licenses.

77.32.100 Resident state hunting and fishing license. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application, may by paying the sum of seven dollars obtain a state hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt or fish therein.

77.32.103 Resident state hunting license. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of four dollars obtain a state hunting license which shall entitle the holder thereof to hunt in any county of the state until the first day of January next following the date of its issuance, when it is lawful to hunt therein.

77.32.105 Resident state fishing license. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of four dollars obtain a state fishing license which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of its issuance, when it is lawful to fish therein.

77.32.110 Resident county hunting and fishing license. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application, may by paying the sum of three dollars and fifty cents obtain a hunting and fishing license, which shall

entitle the holder thereof to hunt and fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein.

77.32.113 Resident county fishing license. Any citizen of the United States, or person who has in good faith declared his intention of becoming a citizen of the United States who has been an actual resident of this state for six months immediately preceding his application may by paying the sum of two dollars and fifty cents obtain a fishing license which shall entitle the holder thereof to fish within the county in which he resides and for which the license is issued until the first day of January next following the date of issuance, when it is lawful to fish therein.

77.32.120 Allocation of receipts from resident licenses. Twenty percent of all moneys received from the sale of resident state and county hunting and fishing licenses may be used to acquire lands for public hunting and fishing areas, small game habitat areas and rights of way thereto and for the development and maintenance of such areas for recreational and game purposes.

77.32.130 Nonresident state hunting and fishing license. Any citizen of the United States, or alien who is a nonresident of the state, or who has been a resident of the state for less than six months, may by paying the sum of twenty-five dollars obtain a hunting and fishing license, which shall entitle the holder thereof to hunt and fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to hunt or fish therein: *Provided*, That an applicant for such license who is a resident of a state bordering on this state may, by rule or regulation of the state game commission, secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

77.32.140 Nonresident state hunting license. Any citizen of the United States or alien, who is a nonresident of the state, or who has been a resident of the state for less than six months, may by paying the sum of fifteen dollars obtain a state hunting license, which shall entitle the holder thereof to hunt game birds in any county of the state until the first day of January next following the date of issuance, when it is lawful to hunt therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

77.32.150 Nonresident state fishing license. Any citizen of the United States, or alien who is a nonresident, or who has been a resident of the state for less than six months, may by paying the sum of ten dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state until the first day of January next following the date of issuance, when it is lawful to fish therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

77.32.160 Transient's limited state fishing license. Any nonresident of the state or alien who is temporarily sojourning in the state may by paying the sum of three dollars obtain a state fishing license, which shall entitle the holder thereof to fish in any county of the state for a period of seven days following the date of its issuance, when it is lawful to fish therein: *Provided*, That an applicant for such a license who is a resident of a state bordering on this state may by rule or regulation of the state game commission secure such license for the same amount that a resident of this state may secure a similar license in the state of which the applicant is a resident.

77.32.170 Reserved.

77.32.180 Reserved.

77.32.185 Fresh water sport fishing licenses—Use of funds. All funds accruing to the state of Washington from the sale of fresh water sport fishing licenses shall be used exclusively to defray the expenses of the administration and operations of the state department of game and shall not be diverted to any other purpose.

77.32.190 Trapper's license. Any citizen of the United States or person who has in good faith declared his intention to become a citizen of the United States who has been a resident of this state for six months, may by paying the sum of five dollars obtain a state trapping license which shall entitle the holder thereof to trap fur-bearing animals, except beaver, for their hides or their pelts only, within any county of the state until the first day of April next following the date of its issuance, at any time when it is lawful to trap such animals.

77.32.200 Taxidermist's license. Any person may by paying the sum of five dollars obtain a license, which shall entitle him to practice taxidermy for profit in any county of the state until the first day of January next following the date of its issuance.

77.32.210 Fur dealer's license. Any person may, by paying the sum of ten dollars, obtain a license, which shall entitle the holder

thereof to purchase, receive, or resell raw furs for profit in any county of the state until the first day of January next following the date of its issuance.

77.32.220 Records and reports of taxidermists and fur dealers. All licensed taxidermists and fur dealers shall permit inspection of their records by the director or his duly authorized representatives at reasonable times concerning all dealings regarding wild animals, wild birds, or game fish and shall make such reports containing such information as may be required by rule and regulation of the commission.

77.32.230 Free licenses—Certain veterans—Blind persons. Any bona fide resident of this state who is blind or who is a veteran of the Spanish-American War, or any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a service-connected disability and who has been a resident of this state for five years, upon the making of an affidavit to such effect, shall be given a state hunting and fishing license free of charge upon application therefor.

A special license authorizing fishing only shall be given to the blind.

77.32.240 Permits for scientific purposes. The director may issue permits limited as to number and duration for the collection of wild birds, their nests, and eggs, game animals, fur-bearing animals, or game fish for scientific purposes only, within certain game areas or throughout the state. Before any such permit is issued, the applicant therefor shall file an application in writing stating his name, age, and place of residence. The application shall be accompanied by a certificate signed by the president or the curator of the museum of either the University of Washington or the State College of Washington certifying that the applicant is a person of good moral character and is possessed of sufficient scientific knowledge to warrant the issuance of the permit. The applicant shall file a bond running to the state with good and sufficient surety, to be approved by the director, in the penal sum of one thousand dollars, and conditioned for the faithful compliance with all the provisions of the permit and of this section. The director may issue permits without bond to any accredited representative of any museum or institute of natural history of the United States or any state or county presenting credentials under the seal of such museum or institute. Permits shall be valid for the time limited therein, unless sooner revoked, but in no instance for a period of more than one year from the first day of March of the year in which they are issued.

It shall be unlawful for any person having a permit issued under this section to sell or offer for sale any specimens collected, but the holder of any such permit may exchange such specimens with any state university or any museum or institute of natural history of the United States, or any state, or any country, or with any individual holding a similar permit from this state or another state.

Every holder of such permit who violates any of the provisions of this section shall forfeit his permit and the penalty of the bond required for the issuance thereof and he shall be prohibited from being issued a similar permit for a period of one year.

77.32.250 Licenses nontransferable. Licenses issued under this title shall not be transferable. Any person hunting, trapping, or fishing, shall, upon the demand of the director, any game protector, deputy game protector, ex officio game protector, sheriff, constable, or police officer, exhibit his license to such officer, and write his name for the purpose of comparison with the signature on the license, and his failure or refusal to exhibit his license and write his name upon demand shall be prima facie evidence that such person has no license or is not the person named in the license in his possession.

77.32.260 Forfeiture of license by judicial decree. Upon conviction of any person of a violation of any provision of this title, or rule or regulation of the commission, the judge or justice of the peace may, in addition to the penalty imposed by law, forfeit the license of such person. Upon subsequent conviction of any such person of any violation of any provision of this title or rule or regulation of the commission, the forfeiture of such license shall be mandatory. The commission may by rule and regulation prohibit the issuance of a license to any person convicted two or more times of any such violation or prescribe the conditions under which such license may be issued.

77.32.270 Suspension of sentence. Any judge or justice of the peace may suspend the whole or any part of any fine or sentence imposed by him upon any person found guilty of violating any of the provisions of this title or any rule or regulation of the state game commission.

77.32.280 Revocation for shooting person or livestock. The director shall revoke the hunting license of any person who shoots any other person or any domestic livestock while hunting. No hunting license shall thereafter be reissued to such person unless the commission, after a hearing held at one of its regular meetings, authorizes the issuance of such license, and providing the licensee shall have paid for all liquidated damages caused by the wrongful shooting. Any person may appeal to the superior court of the

county of his residence from any decision of the commission, providing notice of such appeal is served on the commission and filed in said court within thirty days following the refusal of the commission to issue such license.

Chapter 77.40

SHOOTING GROUNDS

77.40.010 Public shooting grounds—Skagit county. The following described tidelands situated in Skagit county, to wit: All tidelands of the second class, including detached tidelands, owned by the state situated in front of, adjacent to or abutting upon section 7, township 33 north, range 3 east, Willamette Meridian, lying south of the north line of said section 7, produced west, north of the south line of said section 7, produced west, and east of a line parallel to and one mile west of the east line of said section 7, are hereby declared to be proper for use as a public shooting grounds.

77.40.020 Grounds withdrawn from sale or lease. Upon the filing with the commissioner of public lands of a certificate showing that such lands are about to be used for public shooting grounds by the department, they shall be withdrawn from sale or lease and may be thereafter used as a public shooting grounds under the control of the department: *Provided*, That they may be used by the commissioner of public lands for booming purposes. Should the department no longer desire to use the lands for such purposes it shall certify such fact to the commissioner of public lands and the lands shall thereafter be under the supervision, care, and control of the commissioner of public lands and subject to sale or lease as provided by law.

77.40.030 Deed of tidelands—Mason county. The commissioner of public lands shall certify, in the manner now provided by law in other cases, to the governor, for deed to the department, all of the following described tidelands, situate in Mason county, to wit: Beginning at a point in front of section 6, township 21 north, range 3 west, W. M., which is S 44° 30' W 920 feet distant from the meander corner on the north line of said section and running thence S 4° 10' E 1073.5 feet, S 13° 10' W 1269.7 feet, S 74° 40' W 670 feet and S 27° 32' W 1125 feet to a point which is N 45° 50' E 1932 feet distant from the southwest corner of said section 6; thence N 9° 30' W 3530 feet and east 1960 feet to said point of beginning, containing an area of 104.68 acres according to the plat thereof on file in the office of the commissioner of public lands subject, however, to a right of way for transmission line over said tract granted to the city of Tacoma.

77.40.040 Governor to execute deed. The governor shall execute, and the secretary of state shall attest, a deed conveying to the department all of the tidelands described in RCW 77.40.030.

77.40.050 Use as public shooting grounds. All of the tidelands described in RCW 77.40.030 are granted to the department to be used as a public shooting grounds and for no other purposes; and in case the department attempts to use or permits the use of such lands, or any portion thereof, for any other purpose, or in the event that the lands are no longer used as a public shooting grounds, they shall forthwith revert to the state and the department shall certify such reversion to the commissioner of public lands.

77.40.060 Rules and regulations. The department may make rules and regulations in relation to the use of such tidelands for the purposes specified.

77.40.070 Public shooting grounds—Skagit and Snohomish counties. The following described tidelands situated in Skagit and Snohomish counties, to wit:

All tidelands of the second class, owned by the state, situate in front of, adjacent to, or abutting upon the following described uplands:

Lots 3, 4, 5, 6, 7, 8, 9, and 10, section 25, township 33 north, range 3 east, W. M., with a frontage of 280.40 lineal chains, more or less; also

Lots 10 and 11 and the west side of lots 9 and 12, section 30, township 33 north, range 4 east, W. M., with a frontage of 125.56 lineal chains, more or less; also

Lot 3 and the west side of lots 2 and 4, section 31, township 33 north, range 4 east, W. M., with a frontage of 54.80 lineal chains, more or less; also

All detached tidelands of the second class, owned by the state, lying within or in front of sections 20, 21, 22, 25, 26, 27, 35, and 36, township 33 north, range 3 east, W. M., lots 10 and 11 and the west side of lots 9 and 12, section 30 and section 31, township 33 north, range 4 east, W. M., and section 1, township 32 north, range 3 east, W. M., lying northeasterly of a line running southeasterly from a point one mile west of the northeast corner of said section 20 to a point one mile west of the quarter section corner on the south line of said section 1, are hereby declared to be suitable and proper for use as a public shooting grounds.

77.40.080 Grounds withdrawn from sale or lease. Upon the filing with the commissioner of public lands of a certificate showing that such lands are about to be used for a public shooting grounds by the department, the lands shall be withdrawn from sale or lease and may be thereafter used as a public shooting grounds under the

control of the department: *Provided*, That they may be used by the commissioner of public lands for booming purposes. Should the department no longer desire to use such lands for such purposes it shall certify such fact to the commissioner of public lands, and the lands shall thereafter be under the supervision, care, and control of the commissioner of public lands and subject to sale or lease as provided by law.

77.40.090 Certain tidelands in Skagit, Snohomish, and Island counties. The commissioner of public lands shall withdraw from sale or lease, except lease for the production of oysters or for booming purposes, the following described second class tidelands and detached tidelands within the boundaries hereinafter set forth:

Those tidelands lying within an area beginning at a point on the meander line at the Skagit-Whatcom line, thence following the meander line in its general southerly direction to the north boundary of the Swinomish Indian Reservation, thence westerly along the north line of said Indian reservation to the base of Marches Point, thence northerly along the meander line to the north meander corner on the west line of section 28, township 35 north, range 2 E., W. M., thence north to the Whatcom county line, thence easterly along said county line to the point of beginning.

Also, all tidelands of the second class, including detached tidelands in Skagit county lying south of the main channel of the Swinomish Slough.

Also, those tidelands in Snohomish and Island counties located in township 32 north, range 3 E., W. M.

Also, those tidelands lying in front of sections 1, 2 and 11 and 12, township 31 north, range 3 E., W. M., in Snohomish county.

All the tidelands described in this section shall be available for use as public shooting grounds under the direction and control of the state game commission.

Chapter 77.98

CONSTRUCTION

77.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

77.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

77.98.030 Invalidity of part of title not to affect remainder.

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

77.98.040 Repeals and saving. The following acts or parts of acts

- (1) Chapter 65, Laws of 1953;
- (2) Chapter 66, Laws of 1953;
- (3) Chapter 75, Laws of 1953;
- (4) Chapter 127, Laws of 1953;
- (5) Chapter 77, Laws of 1951;
- (6) Chapter 124, Laws of 1951;
- (7) Chapter 126, Laws of 1951;
- (8) Chapter 262, Laws of 1951;
- (9) Chapter 138, Laws of 1949;
- (10) Chapter 142, Laws of 1949;
- (11) Chapter 205, Laws of 1949;
- (12) Chapter 238, Laws of 1949;
- (13) Chapter 125, Laws of 1947 and Chapter 77.36, RCW;
- (14) Chapter 126, Laws of 1947;
- (15) Chapter 127, Laws of 1947;
- (16) Chapter 128, Laws of 1947;
- (17) Chapter 130, Laws of 1947;
- (18) Chapter 138, Laws of 1947;
- (19) Chapter 275, Laws of 1947;
- (20) Chapter 179, Laws of 1945;
- (21) Chapter 257, Laws of 1943;
- (22) Chapter 165, Laws of 1941;
- (23) Chapter 190, Laws of 1941;
- (24) Chapter 140, Laws of 1939;

are each repealed but such repeal shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder.

77.98.050 Emergency. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 26, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.