

service in excess of five years shall be credited unless such service was actually rendered during time of war or emergency.

Passed the House February 25, 1980.

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Filed in Office of Secretary of State March 7, 1980.

CHAPTER 78

[House Bill No. 1447]

GAME CODE OF THE STATE OF WASHINGTON

AN ACT Relating to wildlife; amending section 77.04.010, chapter 36, Laws of 1955 and RCW 77.04.010; amending section 77.04.020, chapter 36, Laws of 1955 and RCW 77.04.020; amending section 77.04.030, chapter 36, Laws of 1955 and RCW 77.04.030; amending section 77.04.040, chapter 36, Laws of 1955 and RCW 77.04.040; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 89, chapter 75, Laws of 1977 and RCW 77.04.060; amending section 77.04.080, chapter 36, Laws of 1955 and RCW 77.04.080; amending section 77.08.010, chapter 36, Laws of 1955 and RCW 77.08.010; amending section 77.08.020, chapter 36, Laws of 1955 as amended by section 1, chapter 19, Laws of 1969 ex. sess. and RCW 77.08.020; amending section 1, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.030; amending section 77.12.010, chapter 36, Laws of 1955 as amended by section 1, chapter 74, Laws of 1977 and RCW 77.12.010; amending section 77.12.020, chapter 36, Laws of 1955 as amended by section 1, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.020; amending section 77.12.030, chapter 36, Laws of 1955 as amended by section 2, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.030; amending section 77.12.040, chapter 36, Laws of 1955 as amended by section 3, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.040; amending section 77.12.050, chapter 36, Laws of 1955 and RCW 77.12.050; amending section 77.12.060, chapter 36, Laws of 1955 as amended by section 1, chapter 68, Laws of 1961 and RCW 77.12.060; amending section 77.12.070, chapter 36, Laws of 1955 as last amended by section 1, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.070; amending section 77.12.080, chapter 36, Laws of 1955 as last amended by section 2, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.080; amending section 77.12.090, chapter 36, Laws of 1955 and RCW 77.12.090; amending section 77.12.100, chapter 36, Laws of 1955 and RCW 77.12.100; amending section 77.12.110, chapter 36, Laws of 1955 and RCW 77.12.110; amending section 77.12.120, chapter 36, Laws of 1955 and RCW 77.12.120; amending section 77.12.130, chapter 36, Laws of 1955 and RCW 77.12.130; amending section 77.12.140, chapter 36, Laws of 1955 and RCW 77.12.140; amending section 77.12.150, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 ex. sess. and RCW 77.12.150; amending section 77.12.170, chapter 36, Laws of 1955 as last amended by section 1, chapter 56, Laws of 1979 and RCW 77.12.170; amending section 1, chapter 57, Laws of 1975 and RCW 77.12.173; amending section 77.12.190, chapter 36, Laws of 1955 and RCW 77.12.190; amending section 77.12.200, chapter 36, Laws of 1955 as amended by section 1, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.200; amending section 2, chapter 97, Laws of 1965 ex. sess. as amended by section 1, chapter 59, Laws of 1977 ex. sess. and RCW 77.12.201; amending section 3, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.203; amending section 77.12.210, chapter 36, Laws of 1955 as amended by section 1, chapter 73, Laws of 1969 ex. sess. and RCW 77.12.210; amending section 77.12.220, chapter 36, Laws of 1955 and RCW 77.12.220; amending section 77.12.230, chapter 36, Laws of 1955 and RCW 77.12.230; amending section 77.12.240, chapter 36, Laws of 1955 and RCW 77.12.240; amending section 77.12.250, chapter 36, Laws of 1955 and RCW 77.12.250; amending section 77.12.260, chapter 36, Laws of 1955 and RCW 77.12.260; amending section 77.12.270, chapter 36, Laws of 1955 as amended by section 8, chapter 177, Laws of 1963 and RCW 77.12.270; amending section 77.12.280, chapter 36, Laws of 1955 as last amended by section 176, chapter 151, Laws of 1979 and RCW 77.12.280; amending section 77.12.290, chapter 36, Laws of

1955 as last amended by section 9, chapter 177, Laws of 1963 and RCW 77.12.290; amending section 77.12.300, chapter 36, Laws of 1955 as amended by section 3, chapter 177, Laws of 1957 and RCW 77.12.300; amending section 1, chapter 183, Laws of 1971 ex. sess. and RCW 77.12.315; amending section 77.12.320, chapter 36, Laws of 1955 as last amended by section 1, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.320; amending section 2, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.323; amending section 2, chapter 315, Laws of 1959 and RCW 77.12.325; amending section 77.12.330, chapter 36, Laws of 1955 and RCW 77.12.330; amending section 77.12.360, chapter 36, Laws of 1955 as amended by section 3, chapter 129, Laws of 1969 ex. sess. and RCW 77.12.360; amending section 77.12.370, chapter 36, Laws of 1955 and RCW 77.12.370; amending section 77.12.380, chapter 36, Laws of 1955 and RCW 77.12.380; amending section 77.12.390, chapter 36, Laws of 1955 as amended by section 35, chapter 106, Laws of 1973 and RCW 77.12.390; amending section 77.12.420, chapter 36, Laws of 1955 and RCW 77.12.420; amending section 77.12.430, chapter 36, Laws of 1955 and RCW 77.12.430; amending section 77.12.440, chapter 36, Laws of 1955 and RCW 77.12.440; amending section 1, chapter 62, Laws of 1967 and RCW 77.12.450; amending section 3, chapter 62, Laws of 1967 and RCW 77.12.470; amending section 4, chapter 62, Laws of 1967 and RCW 77.12.480; amending section 5, chapter 62, Laws of 1967 and RCW 77.12.490; amending section 2, chapter 56, Laws of 1979 and RCW 77.12.520; amending section 77.16.010, chapter 36, Laws of 1955 and RCW 77.16.010; amending section 77.16.020, chapter 36, Laws of 1955 as amended by section 1, chapter 44, Laws of 1977 and RCW 77.16.020; amending section 77.16.030, chapter 36, Laws of 1955 as amended by section 2, chapter 44, Laws of 1977 and RCW 77.16.030; amending section 77.16.040, chapter 36, Laws of 1955 as last amended by section 4, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.040; amending section 77.16.050, chapter 36, Laws of 1955 and RCW 77.16.050; amending section 77.16.060, chapter 36, Laws of 1955 and RCW 77.16.060; amending section 77.16.070, chapter 36, Laws of 1955 and RCW 77.16.070; amending section 77.16.080, chapter 36, Laws of 1955 and RCW 77.16.080; amending section 77.16.090, chapter 36, Laws of 1955 and RCW 77.16.090; amending section 77.16.100, chapter 36, Laws of 1955 as amended by section 1, chapter 275, Laws of 1977 ex. sess. and RCW 77.16.100; amending section 77.16.110, chapter 36, Laws of 1955 and RCW 77.16.110; amending section 77.16.120, chapter 36, Laws of 1955 and RCW 77.16.120; amending section 77.16.130, chapter 36, Laws of 1955 and RCW 77.16.130; amending section 77.16.150, chapter 36, Laws of 1955 and RCW 77.16.150; amending section 77.16.160, chapter 36, Laws of 1955 and RCW 77.16.160; amending section 77.16.170, chapter 36, Laws of 1955 and RCW 77.16.170; amending section 77.16.180, chapter 36, Laws of 1955 and RCW 77.16.180; amending section 77.16.190, chapter 36, Laws of 1955 and RCW 77.16.190; amending section 77.16.210, chapter 36, Laws of 1955 and RCW 77.16.210; amending section 77.16.220, chapter 36, Laws of 1955 and RCW 77.16.220; amending section 1, chapter 152, Laws of 1963 and RCW 77.16.221; amending section 77.16.230, chapter 36, Laws of 1955 and RCW 77.16.230; amending section 77.16.240, chapter 36, Laws of 1955 and RCW 77.16.240; amending section 77.16.250, chapter 36, Laws of 1955 and RCW 77.16.250; amending section 77.16.260, chapter 36, Laws of 1955 as amended by section 1, chapter 85, Laws of 1955 and RCW 77.16.260; amending section 77.16.290, chapter 36, Laws of 1955 and RCW 77.16.290; amending section 77.28.020, chapter 36, Laws of 1955 as last amended by section 2, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.28.020; amending section 77.28.070, chapter 36, Laws of 1955 and RCW 77.28.070; amending section 77.28.080, chapter 36, Laws of 1955 and RCW 77.28.080; amending section 77.28.090, chapter 36, Laws of 1955 and RCW 77.28.090; amending section 14, chapter 176, Laws of 1957 as amended by section 1, chapter 94, Laws of 1961 and RCW 77.32.005; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 1, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.010; amending section 1, chapter 17, Laws of 1957 and RCW 77.32.015; amending section 77.32.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.020; amending section 77.32.050, chapter 36, Laws of 1955 as amended by section 2, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.050; amending section 77.32.060, chapter 36, Laws of 1955 as last amended by section 3, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.060; amending section 77.32.070, chapter 36, Laws of 1955 and RCW 77.32.070; amending section 77.32.090, chapter 36, Laws of 1955 and RCW 77.32.090; amending section 20, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.101; amending section 27, chapter 15, Laws of 1975 1st ex. sess.

and RCW 77.32.161; amending section 28, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.191; amending section 1, chapter 43, Laws of 1977 and RCW 77.32.197; amending section 30, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.211; amending section 77.32.220, chapter 36, Laws of 1955 and RCW 77.32.220; amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1973 1st ex. sess. and RCW 77.32.230; amending section 77.32.240, chapter 36, Laws of 1955 and RCW 77.32.240; amending section 77.32.250, chapter 36, Laws of 1955 and RCW 77.32.250; amending section 32, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.256; amending section 77.32.260, chapter 36, Laws of 1955 and RCW 77.32.260; amending section 77.32.280, chapter 36, Laws of 1955 and RCW 77.32.280; amending section 1, chapter 6, Laws of 1975 1st ex. sess. and RCW 77.32.290; amending section 1, chapter 127, Laws of 1979 ex. sess. and RCW 77.32.300; amending section 77.40.050, chapter 36, Laws of 1955 and RCW 77.40.050; amending section 77.40.060, chapter 36, Laws of 1955 and RCW 77.40.060; amending section 77.40.080, chapter 36, Laws of 1955 and RCW 77.40.080; amending section 1, chapter 199, Laws of 1969 ex. sess. as amended by section 2, chapter 130, Laws of 1974 ex. sess. and RCW 3.62.015; amending section 3, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.030; amending section 20, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.200; amending section 5, chapter 307, Laws of 1971 ex. sess. as amended by section 4, chapter 94, Laws of 1979 and RCW 70.93.050; amending section 75.08.150, chapter 12, Laws of 1955 and RCW 75.08.150; amending section 75.08.200, chapter 12, Laws of 1955 and RCW 75.08.200; amending section 15, chapter 327, Laws of 1977 ex. sess. and RCW 75.28.650; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.16 RCW; adding a new section to chapter 77.32 RCW; adding a new chapter to Title 77 RCW; creating new sections; repealing section 77.04.050, chapter 36, Laws of 1955 and RCW 77.04.050; repealing section 2, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.040; repealing section 5, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.050; repealing section 1, chapter 121, Laws of 1971 ex. sess. and RCW 77.08.060; repealing section 77.12.160, chapter 36, Laws of 1955, section 2, chapter 102, Laws of 1975 1st ex. sess. and RCW 77.12.160; repealing section 4, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.205; repealing section 5, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.207; repealing section 77.12.310, chapter 36, Laws of 1955 and RCW 77.12.310; repealing section 77.12.340, chapter 36, Laws of 1955 and RCW 77.12.340; repealing section 77.12.350, chapter 36, Laws of 1955 and RCW 77.12.350; repealing section 77.12.400, chapter 36, Laws of 1955 and RCW 77.12.400; repealing section 77.12.410, chapter 36, Laws of 1955 and RCW 77.12.410; repealing section 2, chapter 62, Laws of 1967 and RCW 77.12.460; repealing section 1, chapter 45, Laws of 1967 and RCW 77.12.500; repealing section 6, chapter 166, Laws of 1971 ex. sess. and RCW 77.12.510; repealing section 77.16.140, chapter 36, Laws of 1955 and RCW 77.16.140; repealing section 77.16.157, chapter 36, Laws of 1955 and RCW 77.16.157; repealing section 3, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.158; repealing section 77.16.200, chapter 36, Laws of 1955 and RCW 77.16.200; repealing section 77.16.270, chapter 36, Laws of 1955 and RCW 77.16.270; repealing section 77.16.280, chapter 36, Laws of 1955 and RCW 77.16.280; repealing section 77.16.300, chapter 36, Laws of 1955 and RCW 77.16.300; repealing section 77.20.010, chapter 36, Laws of 1955, section 1, chapter 177, Laws of 1963 and RCW 77.20.010; repealing section 10, chapter 177, Laws of 1963, section 1, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.20.015; repealing section 11, chapter 177, Laws of 1963 and RCW 77.20.016; repealing section 77.20.020, chapter 36, Laws of 1955, section 2, chapter 177, Laws of 1963 and RCW 77.20.020; repealing section 77.20.030, chapter 36, Laws of 1955, section 3, chapter 177, Laws of 1963 and RCW 77.20.030; repealing section 77.20.040, chapter 36, Laws of 1955, section 4, chapter 177, Laws of 1963 and RCW 77.20.040; repealing section 77.20.045, chapter 36, Laws of 1955, section 5, chapter 177, Laws of 1963 and RCW 77.20.045; repealing section 77.20.050, chapter 36, Laws of 1955, section 6, chapter 177, Laws of 1963 and RCW 77.20.050; repealing section 77.20.060, chapter 36, Laws of 1955 and RCW 77.20.060; repealing section 77.24.010, chapter 36, Laws of 1955 and RCW 77.24.010; repealing section 77.24.020, chapter 36, Laws of 1955 and RCW 77.24.020; repealing section 77.24.030, chapter 36, Laws of 1955 and RCW 77.24.030; repealing section 77.24.040, chapter 36, Laws of 1955 and RCW 77.24.040; repealing section 77.24.050, chapter 36, Laws of 1955 and RCW 77.24.050; repealing section 77.24.060, chapter 36, Laws of 1955 and RCW 77.24.060; repealing section 77.24.070, chapter 36, Laws of 1955 and RCW 77.24.070; repealing section 77.24.080,

chapter 36, Laws of 1955 and RCW 77.24.080; repealing section 77.24.090, chapter 36, Laws of 1955 and RCW 77.24.090; repealing section 77.24.100, chapter 36, Laws of 1955 and RCW 77.24.100; repealing section 77.24.110, chapter 36, Laws of 1955 and RCW 77.24.110; repealing section 77.24.120, chapter 36, Laws of 1955 and RCW 77.24.120; repealing section 77.28.010, chapter 36, Laws of 1955 and RCW 77.28.010; repealing section 77.28.030, chapter 36, Laws of 1955 and RCW 77.28.030; repealing section 77.28.040, chapter 36, Laws of 1955 and RCW 77.28.040; repealing section 77.28.050, chapter 36, Laws of 1955 and RCW 77.28.050; repealing section 77.28.060, chapter 36, Laws of 1955 and RCW 77.28.060; repealing section 77.28.100, chapter 36, Laws of 1955 and RCW 77.28.100; repealing section 77.28.110, chapter 36, Laws of 1955 and RCW 77.28.110; repealing section 77.28.120, chapter 36, Laws of 1955 and RCW 77.28.120; repealing section 19, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.032; repealing section 77.32.080, chapter 36, Laws of 1955 and RCW 77.32.080; repealing section 21, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.104; repealing section 22, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.106; repealing section 23, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.111; repealing section 24, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.114; repealing section 77.32.120, chapter 36, Laws of 1955 and RCW 77.32.120; repealing section 25, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.131; repealing section 26, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.151; repealing section 77.32.185, chapter 36, Laws of 1955 and RCW 77.32.185; repealing section 14, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.195; repealing section 29, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.201; repealing section 31, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.226; repealing section 7, chapter 166, Laws of 1971 ex. sess. and RCW 77.32.245; repealing section 77.32.270, chapter 36, Laws of 1955 and RCW 77.32.270; and prescribing an effective date.

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

NEW SECTION. Section 1. In enacting this 1980 act, it is the intent of the legislature to revise and reorganize the game code of this state to clarify and improve the administration of the state's game laws. Unless the context clearly requires otherwise, the revisions made to the game code by this act are not to be construed as substantive.

Sec. 2. Section 77.04.010, chapter 36, Laws of 1955 and RCW 77.04.010 are each amended to read as follows:

This title (~~shall be~~) is known and may be cited as "Game Code of the State of Washington."

Sec. 3. Section 77.04.020, chapter 36, Laws of 1955 and RCW 77.04.020 are each amended to read as follows:

The department of game (~~shall~~) consists 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.) The director is responsible for the administration and operation of the department. The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title. The director shall perform the duties prescribed by law and the commission.

Sec. 4. Section 77.04.030, chapter 36, Laws of 1955 and RCW 77.04.030 are each amended to read as follows:

The ~~((governor shall appoint a))~~ state game commission~~((, which shall))~~ consists of six ~~((electors))~~ voters of the state~~((, to hold office for terms of six years each from the date of their appointment,))~~. In January of each odd-numbered year, the governor shall appoint two voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified~~((, unless sooner removed as hereinafter provided. At least))~~. If a vacancy occurs on the commission prior to the expiration of a term, the governor shall appoint a voter within sixty days to complete the term. Three ~~((of them))~~ members 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))~~ may be residents of the same county. The legal office of the commission is at the administrative office of the department in Olympia.

~~((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:))~~

Sec. 5. Section 77.04.040, chapter 36, Laws of 1955 and RCW 77.04.040 are each amended to read as follows:

~~((No))~~ Persons ~~((shall be))~~ eligible ~~((to))~~ for appointment as ~~((a))~~ members of the ~~((state game))~~ commission ~~((unless he has))~~ shall have general knowledge of the habits and distribution of ~~((wild animals, wild birds and game fish in the state, or who))~~ wildlife and shall not hold ~~((s any other))~~ another state, county, or municipal elective or appointive office.

Sec. 6. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 89, chapter 75, Laws of 1977 and RCW 77.04.060 are each amended to read as follows:

The ~~((state game))~~ commission shall hold regular meetings ~~((on))~~ with-in the first ~~((Mondays))~~ ten days of January, April, July, and October of each year, and special meetings ~~((at such times as may be))~~ when called by the chairman or by ~~((two-thirds majority of the))~~ four members. Four members constitute a quorum for the transaction of business.

The commission at ~~((its first regular))~~ a 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~~) in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, ((who)) each of whom shall serve for a term of two years ((and) or until ((his)) a successor is elected and qualified.

~~((At such meeting, and at any other meeting after))~~ When 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)) approval of four members. The director shall hold office at the pleasure of the commission. ((The director shall receive such salary as shall be fixed by the governor in accordance with the provisions of RCW 43.03.040. The said director shall be ex officio secretary of the state game commission, attend its meetings, keep a record of the business transacted by it, and perform such other duties as the commission may direct.))

~~((Each))~~ Members of the commission ((shall)) may receive twenty-five dollars for each day actually spent in the performance of official duties ((and travel expenses in connection therewith in going to, attending, and returning from meetings of the commission)). In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

~~((The commission shall make a full and complete report of the official business transacted by it each year.~~

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

NEW SECTION. Sec. 7. RCW 77.12.050 as amended by this 1980 act is hereby decodified and added to chapter 77.04 RCW.

Sec. 8. Section 77.04.080, chapter 36, Laws of 1955 and RCW 77.04.080 are each amended to read as follows:

~~((The director of game shall exercise all powers and perform all duties prescribed by law, and rules and regulations of the commission.))~~ Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of wildlife. The director shall receive the salary fixed by the governor under RCW 43.03.040:

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

The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Sec. 9. Section 77.08.010, chapter 36, Laws of 1955 and RCW 77.08.010 are each amended to read as follows:

As used in this title or ~~((in any))~~ rules ((or regulation)) of the ((state game)) commission, unless the context clearly requires otherwise:

- (1) "Director" means the director of game.

(2) "Department" means the department of game.

(3) "Commission" means the state game commission.

(4) "Person" means and includes (~~(any)~~) an individual, (~~(any)~~) a corporation, or (~~(any)~~) a group of two or more individuals acting (~~(together to forward)~~) with a common purpose whether acting in an individual, representative, or official capacity.

(5) "Wildlife agent" means a person appointed and commissioned by the director, with authority to enforce laws of this title, rules of the commission, and other statutes as prescribed by the legislature.

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

(7) "To hunt" and its derivatives (~~(, "hunting," "hunted," etc., and "trap" and its derivatives, "trapping," "trapped," etc.)~~) means (~~(any)~~) an effort to kill, injure, capture, or (~~(disturb)~~) harass a wild animal or wild bird.

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

(9) "To fish" and its derivatives (~~(, "fishing," "fished," etc.)~~) means (~~(any)~~) an effort (~~(made)~~) to kill, injure, (~~(disturb, capture)~~) harass, 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.)~~

(10) "Open season" means (~~(the time specified)~~) those times, manners of taking, and areas or waters established by rule (~~(and regulation)~~) of the commission (~~(when it shall be)~~) for the lawful (~~(to hunt, trap, or fish for any)~~) hunting, fishing, or possession of game animals, (~~(fur-bearing animals)~~) game birds, or game fish. (~~(Each period of time specified as an)~~) "Open season" (~~(shall)~~) includes the first and last days (~~(thereof)~~) of the established time.

(11) "Closed season" means all times, manners of taking, and areas or waters other than those established as an open season.

(12) "Closed area" means (~~(any)~~) a place (~~(in the state described or designated by rule and regulation of)~~) where the commission (~~(wherein it shall be unlawful to hunt or trap for game)~~) has prohibited by rule the hunting of some species of wild animals (~~(, fur-bearing animals)~~) or (~~(game)~~) wild birds.

(13) "Closed waters" means ~~((any))~~ all or part of a lake, river, stream, or other body of water, ~~((or any part thereof within this state described or designated by rule and regulation of))~~ where the commission ~~((wherein it shall be unlawful to fish))~~ has prohibited by rule fishing for ~~((any))~~ game fish.

(14) "Game reserve" means ~~((any))~~ a closed area ~~(("designated by"))~~ where the commission ~~((as a game reserve))~~ has prohibited by rule hunting for all wild animals and wild birds.

~~(("Game fish reserve" means any "closed waters" designated by the commission as a game fish reserve.))~~

(15) "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))~~ a person, as specified ~~((and fixed))~~ by rule ~~((and regulation))~~ of the commission for ~~((any))~~ a particular period of time, or ~~((so specified and fixed))~~ as to size, sex, or species.

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

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

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

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

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

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

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

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

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

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

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

Sec. 10. Section 77.08.020, chapter 36, Laws of 1955 as amended by section 1, chapter 19, Laws of 1969 ex. sess. and RCW 77.08.020 are each amended to read as follows:

As used in this title or ~~((in any))~~ rules ~~((or regulation))~~ of the commission, "game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the commission and includes ~~((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, Pomixis annularis commonly known as white crappie, Pomixis 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 char or bull trout, Salmo clarkii lewisi commonly known as cutthroat trout, or Montana black-spotted trout, Salmo gairdnerii kamloops commonly known as Kamloops 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, Golden trout and any such other species of fish commonly found in fresh water as may be classified as game fish by rule or regulation of the commission. PROVIDED, That the commission shall not classify as game fish any species of fish classified as a food fish by the director of fisheries.))~~ :

<u>Scientific Name</u>	<u>Common Name</u>
<u>Ambloplites rupestris</u>	<u>rock bass</u>
<u>Coregonus clupeaformis</u>	<u>lake white fish</u>
<u>Ictalurus furcatus</u>	<u>blue catfish</u>
<u>Ictalurus melas</u>	<u>black bullhead</u>
<u>Ictalurus natalis</u>	<u>yellow bullhead</u>
<u>Ictalurus nebulosus</u>	<u>brown bullhead</u>
<u>Ictalurus punctatus</u>	<u>channel catfish</u>

<u>Lepomis cyanellus</u>	<u>green sunfish</u>
<u>Lepomis gibbosus</u>	<u>pumpkinseed</u>
<u>Lepomis gulosus</u>	<u>warmouth</u>
<u>Lepomis macrochirus</u>	<u>bluegill</u>
<u>Lota lota</u>	<u>burbot or fresh water ling</u>
<u>Micropterus dolomieu</u>	<u>smallmouth bass</u>
<u>Micropterus salmoides</u>	<u>largemouth bass</u>
<u>Oncorhynchus nerka (in its landlocked form)</u>	<u>kokanee or silver trout</u>
<u>Perca flavescens</u>	<u>yellow perch</u>
<u>Pomixis annularis</u>	<u>white crappie</u>
<u>Pomixis nigromaculatus</u>	<u>black crappie</u>
<u>Prosopium williamsoni</u>	<u>mountain white fish</u>
<u>Salmo aquabonita</u>	<u>golden trout</u>
<u>Salmo clarkii</u>	<u>cutthroat trout</u>
<u>Salmo gairdnerii</u>	<u>rainbow or steelhead trout</u>
<u>Salmo salar</u>	<u>atlantic salmon</u>
<u>Salmo trutta</u>	<u>brown trout</u>
<u>Salvelinus fontinalis</u>	<u>eastern brook trout</u>
<u>Salvelinus malma</u>	<u>Dolly Varden trout</u>
<u>Salvelinus namaycush</u>	<u>lake trout</u>
<u>Stizostedion vitreum</u>	<u>Walleye</u>
<u>Thymallus arcticus</u>	<u>arctic grayling</u>

Sec. 11. Section 1, chapter 166, Laws of 1971 ex. sess. and RCW 77-.08.030 are each amended to read as follows:

As used in this title or ((in any)) rules ((or regulation)) of the commission ((~~"endangered species of fish and wildlife"~~ shall mean those species of fish and wildlife designated by rule or regulation of the commission as seriously threatened with extinction. Such rules or regulations of the commission shall include, but not be limited to, endangered species as so designated by the secretary of the interior on August 9, 1971. PROVIDED, That the commission may amend such rules and regulations to exclude any species of fish and wildlife from designation as an endangered species if the commission determines that the species is no longer endangered.)), "big game" means the following species:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Cervus canadensis</u>	<u>elk or wapiti</u>
<u>Odocoileus hemionus</u>	<u>blacktail deer or mule deer</u>
<u>Odocoileus virginianus</u>	<u>whitetail deer</u>
<u>Alces americana</u>	<u>moose</u>
<u>Oreamnos americanus</u>	<u>mountain goat</u>
<u>Rangifer caribou</u>	<u>caribou</u>
<u>Ovis canadensis</u>	<u>mountain sheep</u>

<u>Antilocapra americana</u>	<u>pronghorn antelope</u>
<u>Felis concolor</u>	<u>cougar or mountain lion</u>
<u>Euarctos americana</u>	<u>black bear</u>
<u>Ursus horribilis</u>	<u>grizzly bear</u>

Sec. 12. Section 77.12.010, chapter 36, Laws of 1955 as amended by section 1, chapter 74, Laws of 1977 and RCW 77.12.010 are each amended to read as follows:

~~((The wild animals and wild birds in the state of Washington and the game fish in the waters thereof are))~~ Wildlife is the property of the state. ~~((The game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish))~~ The department shall ((be preserved, protected, and perpetuated)) preserve, protect, and perpetuate wildlife. ~~((Such))~~ Game animals, ((fur-bearing animals,)) game birds, ((nongame birds, harmless or song birds,)) and game fish ((shall only)) may be taken only at ((such)) times or places, ((by such means,)) or in ((such)) manners(;) or ((in such)) quantities as ((will)) in the judgment of the commission maximizes public recreational opportunities ((but not impair)) without impairing the supply ((thereof. PROVIDED, HOWEVER, That nothing contained herein shall)) of wildlife.

Nothing contained herein shall be construed to infringe on the right of a private property owner to control ((his private)) the owner's private property.

Sec. 13. Section 77.12.020, chapter 36, Laws of 1955 as amended by section 1, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.020 are each amended to read as follows:

(1) 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)) wildlife native to or ((capable of being adapted)) adaptable to the ((climatic conditions)) habitats of the state(;; and). The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify ((the)) by rule wild animals as game animals(;; predatory animals,) and game animals as fur-bearing animals(;; and protected wildlife, and).

(3) The commission may classify ((the)) by rule wild birds as game birds ((including migratory game birds and upland game birds,)) or predatory birds(;; nongame birds, and harmless or song birds). All wild birds not otherwise classified are protected wildlife.

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

(5) If the commission determines that a species of wildlife should not be hunted or fished, the commission may designate it protected wildlife by rule.

(6) If the commission determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the commission may designate it an endangered species by rule.

(7) If the commission determines that a species of the animal kingdom not native to Washington is dangerous to the environment or wildlife of the state, the commission may designate it deleterious exotic wildlife by rule.

Sec. 14. Section 77.12.030, chapter 36, Laws of 1955 as amended by section 2, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.030 are each amended to read as follows:

The commission may regulate the ~~((propagation and preservation of all game animals, fur-bearing animals, protected wildlife, game birds, non-game 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))~~ collection, distribution, importation, transportation, and sale of wildlife and deleterious exotic wildlife species.

Sec. 15. Section 77.12.040, chapter 36, Laws of 1955 as amended by section 3, chapter 18, Laws of 1969 ex. sess. and RCW 77.12.040 are each amended to read as follows:

The commission shall ~~((, from time to time,))~~ adopt, ~~((promulgate,))~~ amend, or repeal, and enforce ~~((;))~~ reasonable rules ~~((and regulations))~~ prohibiting or governing the time, place, and manner ~~((, or prohibiting the))~~ of taking ~~((of the various classes of game animals, fur-bearing animals, protected wildlife, and predatory animals, game birds, predatory birds, non-game birds, and harmless or song birds, and game fish in the respective areas and throughout the state and))~~ or possessing game animals, game birds, or game fish. The commission may specify the quantities, species, sex, and size of ~~((such animals, birds and fish))~~ game animals, game birds, or game fish that may be taken or possessed.

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

Sec. 16. Section 77.12.050, chapter 36, Laws of 1955 and RCW 77.12.050 are each amended to read as follows:

~~((All rules and regulations adopted by))~~ The commission shall adopt permanent rules and ((all)) amendments to((; modifications)) or repeals of existing rules ((and regulations, shall be adopted)) by ((a vote)) approval of ~~((two-thirds of the entire membership of the commission at any meeting))~~ four members 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))~~. The commission shall adopt emergency rules by approval of four members. The commission shall adopt rules in conformance with chapter 34.04 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.04.040 and 34.04.050.

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

NEW SECTION. Sec. 17. There is added to chapter 77.12 RCW a new section to read as follows:

Jurisdiction and authority granted under RCW 77.12.060, 77.12.070, and 77.12.080 to the director, wildlife agents, and ex officio wildlife agents is limited to the laws and rules of the commission pertaining to wildlife or to the management, operation, maintenance, or use of or conduct on real property used, owned, leased, or controlled by the department and other statutes as prescribed by the legislature.

Sec. 18. Section 77.12.060, chapter 36, Laws of 1955 as amended by section 1, chapter 68, Laws of 1961 and RCW 77.12.060 are each amended to read as follows:

The director, ~~((all game protectors))~~ wildlife agents, and ~~((all deputy game protectors))~~ ex officio wildlife agents may serve and execute ~~((all))~~ warrants and process issued by the courts ~~((in enforcing the provisions of))~~ to enforce the law and ((all)) rules ((and regulations)) of the commission ~~((pertaining to wild animals, wild birds, and game fish or pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased or controlled by the department or the conduct of persons in or on the same)).~~

~~((For the purpose of enforcing any such))~~ To enforce these laws or rules ((or regulation)), they may call to their aid any ((sheriff, deputy sheriff, constable, police officer,)) ex officio wildlife agent or citizen and ((any such)) that person shall render ((such)) aid.

Sec. 19. Section 77.12.070, chapter 36, Laws of 1955 as last amended by section 1, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.070 are each amended to read as follows:

~~((Every game protector, deputy game protector, sheriff, constable, marshal, and police officer))~~ Wildlife agents and ex officio wildlife agents within ~~((his))~~ their respective jurisdictions~~(;)~~ shall enforce ~~((att))~~ the law~~((s))~~ and rules ~~((and regulations adopted by))~~ of the commission ~~((for the protection of game animals, fur-bearing animals, game birds, nongame birds, harmless or song birds, and game fish, and further shall enforce all laws or rules and regulations adopted by the commission pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased or controlled by the department or the conduct of persons in or on the same, and may issue citations to persons failing to comply with any such law or rules and regulations, or with RCW 9.66.060 as now exist or are later amended. 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))~~.

Sec. 20. Section 77.12.080, chapter 36, Laws of 1955 as last amended by section 2, chapter 173, Laws of 1971 ex. sess. and RCW 77.12.080 are each amended to read as follows:

~~((Any game protector, deputy game protector, or))~~ Wildlife agents and ex officio ~~((game protector))~~ wildlife agents may~~(;)~~ arrest without warrant~~((, arrest any))~~ persons found violating ~~((any))~~ the law ~~((enacted;))~~ or ~~((any))~~ rules ~~((or regulation adopted and promulgated by))~~ of the commission~~((, pertaining to wild animals, wild birds and game fish or pertaining in any manner to the management, operation, maintenance or use of all real property used, owned, leased or controlled by the department or the conduct of persons in or on the same, or RCW 9.66.060 as now exist or are later amended))~~.

Sec. 21. Section 77.12.090, chapter 36, Laws of 1955 and RCW 77.12.090 are each amended to read as follows:

~~((Any member of the commission, the director, and any game protector, deputy game protector, or))~~ Wildlife agents, and ex officio ~~((game protector))~~ wildlife agents may make a reasonable search without warrant~~(; any))~~ of conveyances, vehicles, ~~((game bag))~~ packages, game baskets, game coats, or other receptacles for ~~((game animals, game birds, or game fish))~~ wildlife, or ~~((any package, box;))~~ tents, camps, or ~~((other))~~ similar places which ~~((he has))~~ they have reason to believe contain~~((s))~~ evidence of a violation~~((s))~~ of law or rules ~~((and regulations))~~ of the commission.

NEW SECTION. Sec. 22. There is added to chapter 77.12 RCW a new section to read as follows:

Wildlife agents may inspect without warrant at reasonable times and in a reasonable manner the premises of a game farm licensed under RCW 77.32.211 and the records of the game farmer or a taxidermist or fur dealer licensed under RCW 77.32.211.

Sec. 23. Section 77.12.100, chapter 36, Laws of 1955 and RCW 77.12.100 are each amended to read as follows:

~~((Any member of the commission, the director, and all game protectors, deputy game protectors,)) Wildlife agents and ex officio ~~((game protectors,)) wildlife agents may seize without warrant ~~((all wild birds, wild animals, game fish, or parts thereof,)) wildlife believed to have been unlawfully 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,)) articles or ~~((other)) devices believed to have been unlawfully used or held with intent to unlawfully use in hunting~~((;)) or 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 other penalties 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)). "Articles or devices," as used in this title or rules of the commission, means things used to hunt, fish for, possess, or transport wildlife and includes boats, other vehicles, and fishing and hunting equipment.~~~~~~~~~~

NEW SECTION. Sec. 24. RCW 77.16.030, as amended by this 1980 act, is hereby decodified and is added to chapter 77.12 RCW.

Sec. 25. Section 77.12.110, chapter 36, Laws of 1955 and RCW 77.12.110 are each amended to read as follows:

~~((In the event of the seizure and forfeiture of any articles as provided in RCW 77.12.100,)) (1) In addition to other penalties provided by law, a court may forfeit for the use of the commission wildlife seized under this title and proven, in either a criminal or civil action, to have been unlawfully~~

taken, killed, transported, or possessed and articles or devices seized under this title and proven, in either a criminal or civil action, to have been unlawfully used or held with intent to unlawfully use. Unless forfeited by the court, the department shall return an item seized under this title to its owner after the completion of the case and all fines have been paid. If the owner of a seized item cannot be found, the court may forfeit that item after summons has been served by publication as in civil actions and a hearing has been held.

(2) Wildlife unlawfully taken or possessed remains the property of the state.

(3) The commission may sell ~~((all or any of such))~~ articles or devices seized and forfeited under this title by the court at public auction. The time, place, and manner of holding ~~((such))~~ the sale ~~((shall be))~~ is within the discretion of the commission ~~((: PROVIDED, That))~~. The director shall publish 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))~~ prior to the sale ~~((:))~~ in at least one newspaper of general circulation in the county ~~((wherein))~~ in which the sale is to be held. ~~((The))~~ Proceeds from ~~((all such))~~ the sales shall be deposited ~~((with))~~ in the state ~~((treasurer))~~ treasury to ~~((the credit of))~~ be credited to the state game fund.

Sec. 26. Section 77.12.120, chapter 36, Laws of 1955 and RCW 77.12.120 are each amended to read as follows:

~~((Any court having jurisdiction shall,))~~ Upon complaint showing probable cause for believing that ~~((any wild bird, wild animal, game fish, or any part thereof,))~~ wildlife unlawfully 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))~~ controlled, possessed, or transported, is concealed or ~~((illegally))~~ kept in ~~((any game bag,))~~ a game basket, game coat, package, 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))~~ wildlife, or at a business place, vehicle, or other place, the court shall 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))~~ have the place searched for wildlife. The court may have a building ~~((s)),~~ enclosure, ~~((or))~~ vehicle, ~~((to be entered and any apartment, chest, box, locker, crate, basket, package,))~~ or ~~((other))~~ receptacle ~~((, to be broken open,))~~ opened or entered and the contents ~~((thereof))~~ examined.

Sec. 27. Section 77.12.130, chapter 36, Laws of 1955 and RCW 77.12.130 are each amended to read as follows:

~~((All nets, scincs, lanterns, snares,))~~ Articles or devices ~~((, contrivances, and materials while in use, or had and))~~ unlawfully used, possessed, or 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,))~~) wildlife are public nuisances. (~~((The director and all game protectors, deputy game protectors,))~~) If necessary, wildlife agents and ex officio (~~((game protectors, and all police officers, shall without warrant or process, take,))~~) wildlife agents may seize, abate, or destroy (~~((them while being used, had, or maintained for such purpose))~~) these public nuisances without warrant or process.

Sec. 28. Section 77.12.140, chapter 36, Laws of 1955 and RCW 77.12.140 are each amended to read as follows:

The commission (~~((and the director))~~) may (~~((secure))~~) obtain by purchase, gift, or exchange (~~((with the proper authorities of other countries, states, and territories, wild birds, their nests))~~) and may sell or transfer wildlife and their eggs (~~((, wild animals, and game fish, fry or spawn,))~~) for stocking, research, 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))~~) propagation.

Sec. 29. Section 77.12.150, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 ex. sess. and RCW 77.12.150 are each amended to read as follows:

(~~((The director, with the approval of))~~) By emergency rule, the commission(;) may (~~((entirely))~~) close(;) or shorten (~~((any))~~) a season 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, may reopen it(;) and (~~((also fix daily, weekly, or season))~~) reestablish bag limits on game animals, (~~((fur-bearing animals,))~~) game birds, or game fish (~~((within any game area))~~) during that season.

(~~((Whenever))~~) If the director finds that game animals have increased in numbers in (~~((any locality))~~) an area of the state (~~((to such an extent))~~) so that they are damaging public or private property(;) or (~~((over-grazing))~~) over-utilizing their (~~((range))~~) habitat, the commission may establish by rule a special hunting season(;) and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter (~~((therein, promulgate necessary rules and regulations, and))~~). The director shall determine by (~~((lot))~~) random selection the (~~((number))~~) identity of hunters (~~((that))~~) who may hunt within (~~((such))~~) the area and shall determine the conditions and requirements (~~((incident thereto. The drawing shall take place at a time and place previously determined by the director))~~) of the selection process. The commission shall include 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))~~) special season in the rules establishing open 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 promulgated in accordance with chapter 34.04 RCW.))~~

Sec. 30. Section 77.12.170, chapter 36, Laws of 1955 as last amended by section 1, chapter 56, Laws of 1979 and RCW 77.12.170 are each amended to read as follows:

(1) There is established in the state treasury ((a fund to be known as)) the state game fund which ((shall)) consists of ((all)) moneys received from ((fees for)):

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses ((and)), permits ((provided in)), and tags required by this title((, from));
- (d) Fees for ((the recovery of reasonable costs of publication of)) informational materials published by the department((, from the));
- (e) Fees for personalized vehicle license plates ((fees)) as provided in chapter 46.16 RCW((, and from));
- (f) Articles or wildlife sold by the commission under this title;
- (g) Penalty assessments collected under RCW 77.12.173 as recodified by this 1980 act;
- (h) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and
- (i) Fines, forfeitures, and costs collected under this title 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)) law or rules of the commission.

(2) Courts shall collect fines and forfeitures and deposit them within fifteen days after the end of each quarter in the state treasury. Except as provided in RCW 77.12.201, the treasurer shall credit fifty percent of ((all)) these fines and ((bail)) forfeitures ((shall not become part of)) to the state game fund and shall ((be retained by)) return the remainder to the county in which it was collected((: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended)).

((All)) (3) State and county officers receiving any moneys ((in payment of fees for licenses under this title, or in payment of fees for reasonable costs of publication of informational materials by the department, or from fees for the personalized vehicle license plates provided in chapter 46.16 RCW, 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,)) listed in subsection (1) of this section shall ((pay

them into)) deposit them in the state treasury to be ((placed to the credit of)) credited to the state game fund((~~PROVIDED, That county officers shall remit only fifty percent of all fines forfeitures: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended~~)).

(4) The term "fines and forfeitures" includes amounts, by whatever name known, levied by courts for violations of this title or rules of the commission but does not include penalty assessments under RCW 77.12.173, as recodified by this 1980 act, or actual court costs.

Sec. 31. Section 1, chapter 57, Laws of 1975 and RCW 77.12.173 are each amended to read as follows:

((~~On and after June 12, 1975, there~~) The court shall ((be levied)) levy and collect a penalty assessment ((in an amount)) of five dollars for every twenty dollars or fraction thereof, imposed and collected by ((any)) the court as a fine or forfeiture of bail for ((any)) a violation of ((a provision of)) this title ((77 RCW)) or ((of any)) rules((, regulation, or order adopted pursuant thereto. Penalties so assessed shall be used by the department of game for the purposes set forth in RCW 77.12.010)) of the commission. Where multiple violations are involved, the penalty assessment ((shall be)) is based upon the total fine or bail forfeited ((for all included offenses)). When a fine is suspended, ((in whole or in part,)) the court shall reduce the penalty assessment ((shall be reduced)) in proportion to the suspension, except that ((the penalty assessment shall never)) it shall not be reduced to less than ((a total of)) five dollars.

If bail is forfeited or a fine imposed, the court shall collect the ((appropriate amount of the)) penalty assessment ((from the person forfeiting such bail)) and ((the total amount of such assessment shall be remitted)) deposit it within fifteen days after the end of each quarter ((to)) in the ((department of game and deposited in)) state treasury to be credited to the state game fund.

((After a determination by the court of the amount of fine and assessment, the court shall collect and remit within fifteen days after the end of each quarter to the department of game the total amount of such assessment for deposit in the state game fund:))

NEW SECTION. Sec. 32. RCW 77.12.175 is hereby decodified.

NEW SECTION. Sec. 33. RCW 77.12.520, as amended by this 1980 act, is hereby decodified and is recodified as RCW 77.12.185.

Sec. 34. Section 77.12.190, chapter 36, Laws of 1955 and RCW 77.12.190 are each amended to read as follows:

((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.)) Moneys in the state game fund may be used only for the purposes of this title.

Sec. 35. Section 77.12.200, chapter 36, Laws of 1955 as amended by section 1, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.200 are each amended to read as follows:

((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, cycling stations, rearing ponds, brood ponds, trap sites, game animal, fur-bearing animal, game bird, non-game bird and game fish farms, habitats and sanctuaries and public hunting and fishing areas)) purposes consistent with this title, together with rights of way for access to ((any and all such lands, buildings, or waters)) the property so acquired((; in the manner provided by law for acquiring property for public use. PROVIDED, That excepting for purposes of clearing)). Except to clear title and ((acquiring)) acquire access rights of way, the power of condemnation may be exercised by the ((director hereunder only)) commission only when an appropriation has been ((specifically)) made by the legislature for ((that purpose)) the acquisition of a specific property.

Sec. 36. Section 2, chapter 97, Laws of 1965 ex. sess. as amended by section 1, chapter 59, Laws of 1977 ex. sess. and RCW 77.12.201 are each amended to read as follows:

The ((board of county commissioners)) legislative authority of ((each)) a county may elect, ((upon)) by giving written notice ((given)) to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real ((estate)) property taxes on game lands equal to that which would be paid on similar parcels of real ((estate)) property situated in the county. Upon ((such)) the election ((the total of)), all fines and ((bait)) forfeitures received by the county during ((the following)) that year under RCW 77.12.170 shall be ((transmitted to)) deposited in the ((director and the distribution procedure established by chapter 3.62 RCW shall not apply to the fines and forfeitures)) state treasury to be credited to the state game fund. The election shall continue until the ((game)) department is notified differently prior to January 1st of any year.

Sec. 37. Section 3, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.203 are each amended to read as follows:

Notwithstanding ((the provisions of)) RCW 84.36.010 or ((any)) other statutes to the contrary, the director ((is hereby authorized and directed to)) shall pay on ((at)) game lands in each county ((of the state)), if requested ((pursuant to)) by an election ((made)) under RCW 77.12.201, an amount(;) in lieu of real property taxes(;) equal to that ((which would be)) paid on similar parcels of real property subject to real property taxes(:(PROVIDED, That no in lieu of tax payment)). This amount shall not be

assessed or paid on ~~((any))~~ department buildings, structures, ~~((or constructed))~~ facilities ~~((owned by the state for the department and situated on game lands nor shall any tax payment be paid on any)),~~ game farms, fish ~~((hatchery or))~~ hatcheries, tidelands, ~~((nor on any))~~ or public fishing areas of less than one hundred acres ~~((in size)).~~

"Game lands," as used in this section and RCW 77.12.201, ~~((shall))~~ means ~~((only such))~~ those tracts one hundred acres or larger ~~((in size))~~ owned in fee by ~~((the state for))~~ the department and used for ~~((the purpose of))~~ wildlife habitat and public ~~((fishing and hunting))~~ recreational purposes.

The director ~~((shall have any and all))~~ has the same rights of appeal and adjustment of ~~((any))~~ taxes or assessments as ~~((would any))~~ do other owners of real property ~~((subject to taxation and assessment)).~~

Upon ~~((an))~~ election ~~((being made))~~ by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority to receive an amount in lieu of real property taxes, the county assessor~~((s))~~ shall enter the property ~~((upon))~~ on the ~~((real property))~~ tax rolls and the department shall pay the amount due ~~((in lieu of taxes shall be paid by the department upon statements being sent by the county treasurers in the same manner as statements for taxes on the general))~~ as others pay taxes on their real property ~~((of))~~ in the ~~((counties))~~ county.

Sec. 38. Section 77.12.210, chapter 36, Laws of 1955 as amended by section 1, chapter 73, Laws of 1969 ex. sess. and RCW 77.12.210 are each amended to read as follows:

The commission~~((, acting by and through the director,))~~ shall ~~((have full control of the maintenance and management of all hatcheries, cycling 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))~~ maintain and manage 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))~~ on the property. The commission may ~~((make))~~ adopt rules ~~((and regulations in relation to))~~ for the operation, maintenance, and use of ~~((any such))~~ and conduct on the 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))~~ held by the ~~((state and held for game))~~ department ~~((purposes and)).~~ The commission may sell or lease ~~((any such))~~ the departments' real or ~~((like))~~ personal property or grant concessions ~~((in))~~ or ~~((grant))~~ rights of way for roads or utilities ~~((of any type in~~

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

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the commission may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

((AH)) Proceeds from ((such)) the sales shall be ((transmitted by the department of natural resources to the state treasurer and by him)) deposited in the state treasury to be credited to the state game fund.

Sec. 39. Section 77.12.220, chapter 36, Laws of 1955 and RCW 77.12.220 are each amended to read as follows:

((Whenever it may become necessary in order)) For purposes of this title, the commission may make agreements to obtain ((additional lands for hatchery sites, eying 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;)) real or personal property or to transfer or convey ((lands)) property held by the state to the United States((-)) or its agencies or instrumentalities, ((to any municipal)) political subdivisions of this state, ((or to any)) public ((utility company, or to any)) service companies, or other persons, ((and)) if in the judgment of the commission and the attorney general ((such)) the transfer and conveyance is consistent with public interest((, the commission, acting by and through the director, may enter into agreements accordingly. Whenever)).

If the commission ((shall make any such agreement for any such)) agrees to a transfer or conveyance ((and together with the attorney general certifies)) under this section or to a sale or return of real property under RCW 77.12.210, it shall certify, with the attorney general, to the governor

that ~~((such))~~ the agreement has been made ~~((setting forth in such certification a description of the land or premises involved,))~~. The certification shall describe the real property. The governor then may execute and the secretary of state ~~((shall))~~ attest and deliver ~~((unto))~~ to 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))~~ appropriate entity or person the instrument necessary to fulfill the ~~((terms of the aforesaid))~~ agreement.

Sec. 40. Section 77.12.230, chapter 36, Laws of 1955 and RCW 77.12.230 are each amended to read as follows:

The director ~~((is hereby authorized to cause to be paid by state voucher currently when due any))~~ may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for ~~((game))~~ department purposes. ~~((Such))~~ The payments may be made ~~((out of any))~~ from 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))~~.

Sec. 41. Section 77.12.240, chapter 36, Laws of 1955 and RCW 77.12.240 are each amended to read as follows:

The director may ~~((remove or kill any wild animal, game fish or wild bird that in his judgment is))~~ authorize the removal or killing of wildlife that is destroying or injuring property, or when ~~((, in the judgment of the commission, such killing or removal))~~ it is necessary for ~~((scientific research, or for proper game or game fish))~~ wildlife management or research.

~~((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.))~~ The director or other employees of the department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Skins or furs shall be sold at public auction at a time and location determined by the director. Proceeds from the sales shall be deposited in the state treasury to be credited to the state game fund.

Sec. 42. Section 77.12.250, chapter 36, Laws of 1955 and RCW 77.12.250 are each amended to read as follows:

The director ~~((and his duly authorized and acting assistants, game protectors, deputy game protectors)),~~ wildlife agents, (appointees or) ex officio wildlife agents, and department employees may ~~((, in the course of their duties,))~~ enter upon ~~((any))~~ lands or waters ~~((in this state))~~ and remain ~~((thereon))~~ there while performing ~~((such))~~ their duties ~~((and such action by such persons shall not constitute))~~ without liability for trespass.

Sec. 43. Section 77.12.260, chapter 36, Laws of 1955 and RCW 77.12.260 are each amended to read as follows:

~~The commission(, acting by and through the director,) may ((enter into)) make written agreements ((with persons in all matters relating)) to ((prevention of)) prevent damage ((of)) to private property by ((wild animals and wild birds)) wildlife. ((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)) furnish money, material, or labor ((to such extent as may be deemed necessary or advisable by the commission)) under these agreements.~~

NEW SECTION. Sec. 44. RCW 77.16.230, as amended by this 1980 act, is hereby decodified and added to chapter 77.12 RCW.

Sec. 45. Section 77.12.270, chapter 36, Laws of 1955 as amended by section 8, chapter 177, Laws of 1963 and RCW 77.12.270 are each amended to read as follows:

~~((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)) may compromise, adjust, settle, and pay claims for damages caused by deer or elk ((out of moneys from time to time appropriated to the department for such purposes)) in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed one thousand dollars. The payment of a claim by the commission constitutes full and final payment for the claim.~~

Sec. 46. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 176, chapter 151, Laws of 1979 and RCW 77.12.280 are each amended to read as follows:

~~((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)) (1) Claims ((the same)) under RCW 77.12.270 not exceeding one thousand dollars may be filed with the director of financial management if within one year of filing with the commission the claim is not settled and paid. ((Contents of all such)) Claims shall conform to the tort claim filing requirements ((found)) in RCW 4.92.100 as now or hereafter amended. The director of financial management shall recommend to the legislature whether ((such)) the claim((s)) should be approved ((or rejected)). If the legislature approves ((a)) the claim ((the same)), the department shall ((be paid)) pay it from ((appropriations specifically provided for such)) moneys appropriated for that purpose ((by law. The payment of any claim by the commission shall be full and final payment upon such claim)).~~

~~((In the event that any valid))~~ (2) If a claim for damages ~~((as provided for in))~~ under RCW 77.12.270 has been refused or has not been ~~((compromised, adjusted,))~~ settled and paid by the commission within one hundred ~~((and))~~ twenty days of the filing of the claim ~~((for damages with the commission as provided for in RCW 77.12.290))~~, either the claimant or the commission may serve upon the other personally or by registered mail a notice of ~~((an intention))~~ intent to arbitrate ~~((; said))~~. The notice shall contain the name of ~~((a person, selected as one))~~ an arbitrator. Within ten days of receiving ~~((such a))~~ the notice ~~((to arbitrate))~~, the person ~~((upon whom such notice was))~~ served shall serve the name of an arbitrator personally or by registered mail upon the other party ~~((the name of an arbitrator))~~. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator~~((; said arbitrator))~~ who shall not ~~((to))~~ be an employee ~~((or commissioner))~~ of the ~~((state game))~~ department or member of the commission. ~~((In the event that))~~ If the two arbitrators ~~((as selected by the parties to the dispute))~~ cannot agree upon a third arbitrator, either party ~~((to the dispute))~~ may petition the superior court in the county in which the claim arose~~((; asking said court))~~ to select the third arbitrator ~~((and))~~. Upon receiving ~~((such a))~~ the petition, the court shall appoint a third arbitrator. ~~((Any))~~ Filing fees or court costs arising from the ~~((foregoing))~~ petition shall be shared equally by the claimant and the department ~~((of game))~~.

(3) The award of the arbitrators ~~((shall be))~~ is advisory only~~((; it))~~ and shall be ~~((written and))~~ filed with the department ~~((of game at its office in Seattle, King county, Washington, not later than))~~ within ninety days following the naming of the third arbitrator. ~~((In the event that the parties arbitrate no))~~ Payment shall not be made by the commission until the arbitrators ~~((shall))~~ have made their advisory award. ~~((The payment of any claim by the commission shall be full and final payment of the claim:))~~

~~In the event that any claim is not adjusted, compromised, settled and paid through arbitration or otherwise within one year from the filing of said claim the same may be filed with the director of financial management. Contents of all such claims shall conform to the tort claim filing requirements found in RCW 4.92.100 as now or hereafter amended. The director of financial management shall recommend to the legislature whether such claims should be approved or rejected. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law:))~~

Sec. 47. Section 77.12.290, chapter 36, Laws of 1955 as last amended by section 9, chapter 177, Laws of 1963 and RCW 77.12.290 are each amended to read as follows:

~~((Notice of all))~~ Claims for damages ~~((caused by deer or elk))~~ under RCW 77.12.270 shall be filed in writing with the commission in ~~((the))~~ its office~~((s of the department of game, Olympia, Thurston county,~~

~~Washington,)) within ninety days ((after the claimed damage has occurred, or within ninety days)) following the discovery of the claimed damage. ((In the event the damages are unascertainable within such ninety day period, the notice shall so state. The)) Failure to file ((notice of any)) the claim ((or pending claim)) within the ninety-day period shall bar payment ((thereof)) of damages. ((No)) Payments shall not be made ((to any claimant)) for damages occurring on lands leased by the claimant from ((any)) a public agency.~~

Sec. 48. Section 77.12.300, chapter 36, Laws of 1955 as amended by section 3, chapter 177, Laws of 1957 and RCW 77.12.300 are each amended to read as follows:

The commission may ((promulgate)) adopt rules ((and regulations)) requiring ((affidavits)) and prescribing the form((s thereof)) of affidavits to be furnished in proof of ((all)) claims and ((providing for)) specifying the time for ((the making of any examination, appraisal, or ascertainment of any)) examining and appraising the damages. The commission may ((by rule and regulation provide that it may)) refuse to consider and pay ((any)) claims of ((claimants)) persons who have posted the property ((whereon)) on which the claimed damages ((have)) occurred((;)) against hunting during the season ((immediately preceding)) prior to the ((time when said)) occurrence of the damages ((occurred)).

Sec. 49. Section 1, chapter 183, Laws of 1971 ex. sess. and RCW 77.12.315 are each amended to read as follows:

~~((During the months of December, January, February and March of each year)) If the director ((of the department of game may declare an emergency to exist in any specified geographical area of the state when snow depth and climatic conditions cause a threat to the survival of deer and elk and where such)) determines that a severe problem exists in an area of the state because deer and elk are being pursued, harassed, attacked or killed by dogs((. After an emergency has been declared and is in effect)), the commission may declare by emergency rule that an emergency exists and specify the area where it ((shall be)) is lawful for ((any game protector or law enforcement officer operating within the specified geographical area designated by the emergency proclamation)) wildlife agents to take into custody or((, if necessary,)) destroy ((any)) the dogs ((which is pursuing, harassing, attacking, or killing any deer or elk)) if necessary. ((Any game protector or law enforcement officer)) Wildlife agents who take((s)) into custody or destroy((s)) a dog pursuant to this section ((shall be)) are immune from ((any)) civil or criminal liability arising from ((his)) their actions.~~

~~((The declaration of an emergency pursuant to this section shall be by written order signed by the director of the department of game and filed in the office of the director and the office of the auditor of any county or counties affected by the order.~~

~~The director shall publish the emergency order in any newspaper of general circulation in any county affected not less than three days prior to the effective date of the order.)~~

Sec. 50. Section 77.12.320, chapter 36, Laws of 1955 as last amended by section 1, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.320 are each amended to read as follows:

(1) The commission may ~~((enter into))~~ make agreements with persons, ~~((municipal))~~ political subdivisions of this state, or the United States~~(;))~~ or ~~((any of))~~ its agencies or instrumentalities, regarding ~~((all matters concerning))~~ wildlife-oriented recreation and the propagation, protection ((and)), conservation, and control of ((wild animals, wild birds and game fish concerning hunting or fishing therefor)) wildlife.

(2) The commission may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for wildlife-oriented recreation. The commission may adopt rules governing the conduct of persons in or on the real property.

(3) The commission ~~((or the department))~~ may ~~((at any time on behalf of the state))~~ accept compensation for ~~((fish and))~~ wildlife losses or gifts or grants of personal property for use by the department~~((: PROVIDED, That all compensation received heretofore or hereafter for fish and wildlife losses shall be deposited in the special wildlife account of the state game fund established in RCW 77.12.323. Any other moneys, when received by the commission or the department, shall currently be delivered to the state treasurer for deposit in the state game fund))~~.

Sec. 51. Section 2, chapter 207, Laws of 1975 1st ex. sess. and RCW 77.12.323 are each amended to read as follows:

(1) There is established in the state game fund ~~((an account to be known as the game))~~ a special wildlife account. ~~((A))~~ Moneys received ~~((pursuant to))~~ under RCW 77.12.320 as now or hereafter amended as compensation for ~~((fish and))~~ wildlife losses shall be deposited in the ~~((game))~~ state treasury to be credited to the special wildlife account ~~((of the state game fund and shall be used only for purposes in support of RCW 77.12.010, 77.12.030, and 77.12.175)).~~

(2) The commission may advise the state treasurer and the state finance committee of ~~((any))~~ a surplus in the ~~((game))~~ special wildlife account above the current needs ~~((in support of game and wildlife)).~~ The state finance committee may invest and reinvest ~~((such))~~ the surplus ~~((of said account)),~~ as the commission ~~((or department))~~ deems appropriate, ~~((except as otherwise prohibited by law,))~~ in an investment authorized by RCW 43.84.150~~(;))~~ or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4)~~((; and all)).~~ Income received from ~~((such))~~ the investments shall be deposited to the credit of the ~~((game))~~ special wildlife account ~~((in the state game fund)).~~

Sec. 52. Section 2, chapter 315, Laws of 1959 and RCW 77.12.325 are each amended to read as follows:

~~((In addition and supplemental to any other powers and duties as provided by law,))~~ The ~~((game))~~ commission ~~((of the state of Washington is hereby authorized to))~~ may cooperate with the ~~((fish and game commissions of the state of))~~ Oregon fish and wildlife commission in the ~~((promulgation))~~ adoption of rules ~~((and regulations))~~ to assure an annual yield of ~~((aquatic products))~~ wildlife on the Columbia river and to prevent the taking of ~~((these products))~~ wildlife at ~~((such))~~ places or ~~((at such))~~ times ~~((as))~~ that might ~~((actually))~~ endanger ~~((the brood stock of such aquatic products))~~ wildlife.

Sec. 53. Section 77.12.330, chapter 36, Laws of 1955 and RCW 77.12.330 are each amended to read as follows:

The commission may~~((, by rule and regulation, set aside for))~~ establish by rule exclusive fishing ~~((by))~~ waters for minors within specified 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)).~~

Sec. 54. Section 77.12.360, chapter 36, Laws of 1955 as amended by section 3, chapter 129, Laws of 1969 ex. sess. and RCW 77.12.360 are each amended to read as follows:

~~((The department of natural resources is authorized))~~ Upon ~~((receipt of))~~ written request ~~((from))~~ of the department ~~((of game, such)),~~ the department of natural resources may withdraw from lease state-owned lands described in the request. The request ~~((bearing the endorsed approval))~~ shall bear the endorsement of the ~~((board of))~~ county ~~((commissioners as hereafter provided))~~ legislative authority if the ~~((hereafter described))~~ lands ~~((was))~~ were acquired ~~((by the state pursuant to the authority in))~~ under RCW 76.12.030 or ~~((RCW))~~ 76.12.080~~((, to withdraw from lease any state owned lands described or designated in such request if the board of natural resources finds that such)).~~ Withdrawals ~~((will be in conformity))~~ shall conform to the state outdoor recreation plan ~~((and upon the condition that)).~~ If the lands are held for the benefit of the common school fund or ~~((any other))~~ another 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)),~~ the department shall pay compensation equal to the lease value of the lands to the appropriate fund.

Sec. 55. Section 77.12.370, chapter 36, Laws of 1955 and RCW 77.12.370 are each amended to read as follows:

Prior to the forwarding of ~~((any such))~~ a request ~~((to the commissioner of public lands))~~ needing endorsement under RCW 77.12.360, the commission shall present the ~~((same))~~ request to the ~~((board of county commissioners))~~ legislative authority of the county ~~((wherein))~~ in which the lands ~~((to be withdrawn))~~ are located ~~((and have endorsed thereon the approval of the said board))~~ for its approval. ~~((In the event said board))~~ The legislative authority, before ~~((approving or disapproving said request, shall deem it advisable it may set the time and place for and))~~ acting on the request, may call a public hearing. ~~((No such))~~ The hearing shall take place within thirty days ~~((from the time of))~~ after presentation of the request to the ~~((board))~~ legislative authority.

The commission shall publish ~~((a))~~ notice of ~~((att))~~ the public hearing ~~((s so set))~~ called by the ~~((board,))~~ legislative authority 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))~~ prior to the hearing. ~~((Such))~~ The notice shall contain a copy of the request and the time and place ~~((for holding))~~ of the hearing.

The chairman of the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall ~~((be chairman of any such))~~ preside at the public hearing ~~((and))~~. The proceedings ~~((of the hearing))~~ shall be informal ~~((with))~~ and all persons ~~((being given))~~ shall have a reasonable opportunity to be heard.

Within ten days after ~~((any such))~~ the hearing, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall endorse ~~((upon))~~ its decision on the request for withdrawal~~((, its approval or disapproval thereof))~~. The decision ~~((of the said board shall be))~~ is final and ~~((there shall be no))~~ not subject to appeal ~~((allowed therefrom))~~.

Sec. 56. Section 77.12.380, chapter 36, Laws of 1955 and RCW 77.12-380 are each amended to read as follows:

Upon receipt of ~~((any such approved))~~ a request ~~((if in the judgment of))~~ under RCW 77.12.360, the commissioner of public lands shall determine if the ~~((requested))~~ withdrawal ~~((of the lands as designated or described in such request))~~ would ~~((be of))~~ benefit ~~((to))~~ the people of the state~~((, he))~~. If the withdrawal would be beneficial, the commissioner shall ~~((immediately cause an appraisal to be made of the))~~ have the lands appraised for their 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,))~~ shall transmit to ~~((him))~~ the commissioner a voucher ~~((drawn against))~~ authorizing payment from the state game fund in favor of the ~~((particular))~~ fund for ~~((the benefit of))~~ which ~~((such))~~ the lands are held ~~((and in such))~~. The payment shall equal the amount ~~((as shall represent))~~ of 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))~~ for the duration of the withdrawal.

Sec. 57. Section 77.12.390, chapter 36, Laws of 1955 as amended by section 35, chapter 106, Laws of 1973 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of ~~((any))~~ a voucher under RCW 77.12.380, the commissioner of public lands shall ~~((immediately execute the same and cause such lands to be withdrawn))~~ withdraw the lands from lease. The ~~((said))~~ commissioner shall ~~((thereupon))~~ forward the voucher to the state treasurer ~~((the said voucher and the state treasurer)),~~ who 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))~~ are held.

NEW SECTION. Sec. 58. RCW 77.40.050, 77.40.060, and 77.40.080, each as amended by this 1980 act, are each decodified and are added to chapter 77.12 RCW.

Sec. 59. Section 77.12.420, chapter 36, Laws of 1955 and RCW 77.12.420 are each amended to read as follows:

~~((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))~~ may spend moneys to improve natural growing conditions for ~~((the growth of))~~ fish ~~((life in the state by means of construction of))~~ by constructing fishways, ~~((installation of))~~ installing screens, ~~((removal of))~~ removing obstructions to migratory fish, and 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)).~~ The commission may enter into cooperative agreements with state, county, municipal, and federal ~~((municipal))~~ agencies, and with private individuals for ~~((the))~~ these purposes ~~((of carrying on the work of this type)).~~

Sec. 60. Section 77.12.430, chapter 36, Laws of 1955 and RCW 77.12.430 are each amended to read as follows:

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))~~ (50 Stat. 917; 16 U.S.C. Sec. 669). The department shall ~~((perform such acts as may be necessary to))~~ establish and conduct cooperative wildlife restoration projects, as defined in ~~((said))~~ the act ~~((of congress, in compliance therewith and with)),~~ and shall comply with the act and related rules ~~((and regulations promulgated))~~ adopted by the secretary of agriculture ~~((thereunder)).~~

Sec. 61. Section 77.12.440, chapter 36, Laws of 1955 and RCW 77.12.440 are each amended to read as follows:

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~~) (64 Stat. 430; 16 U.S.C. Sec. 777). The ~~((state))~~ department ~~((of game is hereby authorized, empowered, and directed to perform such acts as may be necessary to))~~ shall establish, conduct, and maintain fish restoration and management projects, as defined in ~~((said))~~ the act ~~((of congress in compliance with said))~~, and shall comply with the act and ~~((with))~~ related rules ~~((and regulations promulgated))~~ adopted by the secretary of the interior ~~((thereunder))~~.

Sec. 62. Section 1, chapter 62, Laws of 1967 and RCW 77.12.450 are each amended to read as follows:

~~((In addition and supplemental to any other powers and duties as provided by law,))~~ The commission ~~((is hereby authorized to))~~ may cooperate with the Idaho fish and game commission in the ~~((promulgation))~~ adoption and enforcement of rules ~~((and regulations))~~ regarding ~~((licenses, possession limits and other regulations affecting game animals, game birds and game fish))~~ wildlife on that portion of the Snake River ~~((that forms))~~ forming the boundary between ~~((the states of))~~ Washington and Idaho.

Sec. 63. Section 3, chapter 62, Laws of 1967 and RCW 77.12.470 are each amended to read as follows:

~~((For the purpose of enforcing the provisions of))~~ To enforce RCW ~~((77.12.450 through))~~ 77.12.480 and 77.12.490, ~~((the))~~ courts ~~((of this state sitting))~~ in the ~~((various))~~ counties contiguous to ~~((said))~~ the boundary waters, ~~((and officers of this state empowered to enforce laws pertaining to game fish, game birds and game animals are hereby given and shall))~~ wildlife agents, and ex officio wildlife agents have jurisdiction over the ~~((entire))~~ boundary waters ~~((aforesaid))~~ to the furthestmost shoreline ~~((; and))~~. This jurisdiction is concurrent ~~((jurisdiction))~~ with the courts and ~~((administrative))~~ law enforcement officers of ~~((the state of))~~ Idaho ~~((over the said boundary waters and the whole thereof is hereby expressly recognized and established))~~.

Sec. 64. Section 4, chapter 62, Laws of 1967 and RCW 77.12.480 are each amended to read as follows:

~~((The right to take game fish, game birds, or game animals))~~ The taking of wildlife from the boundary waters ~~((of the Snake River))~~ or ~~((the))~~ islands of the Snake River ~~((, where the same forms the boundary line between the state of Idaho and the state of Washington, by the holder of either an Idaho or a Washington license))~~ shall be in accordance with the ~~((fish and game))~~ wildlife laws of the respective states ~~((is hereby recognized and made lawful and it shall be the duty of law enforcement officers to))~~. Wildlife agents and ex officio wildlife agents shall honor the license of either state and the right of the holder ~~((thereof))~~ to take ~~((game fish, game birds, or game animals))~~ wildlife from ~~((said))~~ the boundary waters and

~~((said))~~ islands in accordance with the laws of ~~((said))~~ the state issuing ~~((said))~~ the license.

Sec. 65. Section 5, chapter 62, Laws of 1967 and RCW 77.12.490 are each amended to read as follows:

The purpose of RCW 77.12.450 through 77.12.490 is to avoid the conflict, confusion, and difficulty of ~~((an attempt to find the exact location of))~~ locating the state boundary in or on ~~((said))~~ the boundary waters and ~~((on said))~~ islands of the Snake River ~~((, and shall not be construed to permit))~~. These sections do not allow the holder of a Washington license to fish or hunt on the shoreline, sloughs, or tributaries on the Idaho side, nor ~~((permit))~~ allow the holder of an Idaho license to fish or hunt on the shoreline, sloughs, or tributaries on the Washington side.

Sec. 66. Section 2, chapter 56, Laws of 1979 and RCW 77.12.520 are each amended to read as follows:

The director may collect ~~((and expend))~~ moneys ~~((for))~~ to recover the reasonable costs of publication of informational materials by the department and shall deposit them in the state treasury to be credited to the state game fund.

NEW SECTION. Sec. 67. There is added to chapter 77.12 RCW a new section to read as follows:

The commission shall adopt rules governing the time, place, and manner of holding hunting and fishing contests and competitive field trials involving live wildlife for hunting dogs. The commission shall prohibit contests and field trials that are not in the best interests of wildlife.

NEW SECTION. Sec. 68. RCW 77.16.221, 77.28.020, 77.28.070, 77.28.080, and 77.28.090, each as amended by this 1980 act, are each hereby decodified and are added to chapter 77.12 RCW.

Sec. 69. Section 77.16.010, chapter 36, Laws of 1955 and RCW 77.16.010 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to promote, conduct, hold, or sponsor ~~((any))~~ a contest for the hunting ~~((of wild animals))~~ or ~~((wild birds or for))~~ fishing ~~((for game fish under any competitive arrangement))~~ of wildlife or a competitive field trial involving live wildlife for hunting dogs without first ~~((securing))~~ obtaining 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 and field trials shall be held in accordance with ~~((;))~~ rules ~~((and regulations which))~~ of 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))~~.

Sec. 70. Section 77.16.020, chapter 36, Laws of 1955 as amended by section 1, chapter 44, Laws of 1977 and RCW 77.16.020 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful ~~((for any person))~~ to hunt, ~~((trap, or))~~ fish ~~((for any game birds, game animals, fur-bearing animals or game fish))~~, possess, or control a species of game bird, game animal, or game fish during the ~~((respective))~~ closed season ~~((s therefor))~~ for that species except as provided in RCW 77.16.030.

(2) It ~~((shall also be))~~ is unlawful ~~((for any person))~~ to kill, take, ~~((or))~~ catch ~~((any))~~, possess, or control these species ~~((of game birds, game animals, fur-bearing animals, or game fish))~~ in excess of the number fixed as the bag limit for each species.

(3) It ~~((shall also be))~~ is unlawful ~~((for any person))~~ to hunt ~~((or trap for any game birds, game animals, or fur-bearing animals))~~ within ~~((the boundaries of any))~~ a game reserve ~~((or closed area, and it shall likewise be unlawful for any person))~~ or to fish for ~~((any))~~ game fish within ~~((any))~~ closed waters ~~((or within the boundaries of any game fish reserve)).~~

(4) It is unlawful to hunt wild birds or wild animals within a closed area except as authorized by rule of the commission.

(5) It is unlawful to hunt or fish for wildlife, practice taxidermy for profit, deal in raw furs for profit, act as a fishing guide, or operate a game farm, without having in possession the license, permit, or tag required by chapter 77.32 RCW or rule of the commission. The activities described in this subsection shall be conducted in accordance with rules of the commission.

~~((Any person who hunts or traps any elk, moose, antelope, mountain goat, mountain sheep, caribou, bear, cougar, 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.)~~

Sec. 71. Section 77.16.030, chapter 36, Laws of 1955 as amended by section 2, chapter 44, Laws of 1977 and RCW 77.16.030 are each amended to read as follows:

~~((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, bear, cougar, 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) Except as otherwise provided in this title, a person who has lawfully acquired possession of ((any game bird, game animal, or game fish, or part thereof;)) wildlife and who desires to retain or transfer 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, non-game 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:))~~

Sec. 72. Section 77.16.040, chapter 36, Laws of 1955 as last amended by section 4, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.040 are each amended to read as follows:

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

~~tagged or sealed game animal, game bird, or game fish purchased from a licensed game farmer).~~

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

Sec. 73. Section 77.16.050, chapter 36, Laws of 1955 and RCW 77.16.050 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to hunt ~~((any elk, moose, antelope, mountain goat, mountain sheep, caribou or deer))~~ big game with a ~~((jack light))~~ spotlight or other artificial light ~~((of any kind and))~~. It is prima facie evidence of a violation of this section to be found with ~~((any torch, lantern, electric, acetylene, gas))~~ a spotlight or other artificial light and with ~~((any rifle, shotgun, or other))~~ a firearm, bow and arrow, or crossbow, after sunset, in ~~((any wooded section or other))~~ a place where ~~((any of the above mentioned animals))~~ big game 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))~~.

Sec. 74. Section 77.16.060, chapter 36, Laws of 1955 and RCW 77.16.060 are each amended to read as follows:

~~((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))~~ is unlawful to lay, set, or use a net or other device capable of taking game fish in ~~((any))~~ the waters of this state except as ~~((permitted))~~ authorized by ~~((regulation))~~ rule of the ~~((department))~~ commission or director of fisheries ~~((: PROVIDED, That persons may use a small))~~. Game fish taken incidental to a lawful season established by the director of fisheries shall be returned immediately to the water. A landing net ~~((s or under written permit issued by the director may use nets or seines in the taking of nongame fish))~~ may be used to land fish otherwise legally hooked.

~~((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:))~~

Sec. 75. Section 77.16.070, chapter 36, Laws of 1955 and RCW 77.16.070 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to hunt ~~((with firearms))~~ while under the influence of intoxicating liquor or drugs.

Sec. 76. Section 77.16.080, chapter 36, Laws of 1955 and RCW 77.16.080 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to lay, set, or use ~~((any poisonous))~~ a drug, explosive, poison, or other deleterious substance ~~((s in any place or manner so as to))~~ that may endanger, injure, or kill ~~((any game animals, fur-bearing animals, game birds or nongame birds))~~ wildlife except as authorized by law or rule of the commission.

Sec. 77. Section 77.16.090, chapter 36, Laws of 1955 and RCW 77.16.090 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for ~~((any))~~ a person ~~((to permit any))~~ who kills or possesses game animals, ~~((fur-bearing animal,))~~ game birds, or game fish to allow them ~~((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))~~.

NEW SECTION. Sec. 78. There is added to chapter 77.16 RCW a new section to read as follows:

It is unlawful to mutilate wildlife so that the size, species, or sex cannot be determined visually in the field or while being transported. The commission may prescribe specific criteria for field identification to satisfy this section.

Sec. 79. Section 77.16.100, chapter 36, Laws of 1955 as amended by section 1, chapter 275, Laws of 1977 ex. sess. and RCW 77.16.100 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for the owner or ~~((any))~~ a person harboring ~~((any))~~ a dog to directly or negligently permit ~~((such))~~ the dog to pursue or injure ~~((any))~~ deer or elk ~~((, or to allow dogs of any kind to))~~ or to accompany ~~((any))~~ a person ~~((while such person))~~ who is hunting deer or elk. ~~((Any))~~ During the closed season for a species of game animal or game bird, a dog found pursuing ~~((any game animal or game bird, or))~~ that species, molesting ~~((the))~~ its young ~~((of any game animal or game bird))~~, or destroying the nest of ~~((any))~~ a 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:))~~

Sec. 80. Section 77.16.110, chapter 36, Laws of 1955 and RCW 77.16.110 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to carry firearms, other hunting weapons, or traps ~~((within the limits of or take any))~~ or to allow directly or negligently a 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))~~ or as authorized by rule of the commission.

Sec. 81. Section 77.16.120, chapter 36, Laws of 1955 and RCW 77.16.120 are each amended to read as follows:

Except as ~~((lawfully))~~ authorized by ~~((permit or license issued by the director))~~ rule of the commission, it ~~((shall be))~~ is 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))~~, fish for, possess, or control protected wildlife, or endangered species or to destroy or ~~((to have in his possession or under his control))~~ possess the nests or eggs of ~~((any))~~ game birds ~~((nongame bird, or harmless or song bird))~~ or protected wildlife.

Sec. 82. Section 77.16.130, chapter 36, Laws of 1955 and RCW 77.16.130 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to resist or obstruct ~~((the director, a game protector, deputy,))~~ wildlife agents or ex officio ~~((game protector, or other peace officer))~~ wildlife agents in the discharge of ~~((his duty))~~ their duties while enforcing the ~~((provisions of this title))~~ law or rules of the commission.

Sec. 83. Section 77.16.150, chapter 36, Laws of 1955 and RCW 77.16.150 are each amended to read as follows:

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))~~ rule of the commission, it is unlawful ~~((for any person to plant any fish, fish fry, spawn, or any))~~ to release wildlife or to plant aquatic plants ~~((in any waters))~~ or their seeds 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)).~~

Sec. 84. Section 77.16.160, chapter 36, Laws of 1955 and RCW 77.16.160 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to ~~((break open, open, unlock,))~~ damage~~(;)~~ or interfere with~~((, injure, or destroy any))~~ a fish ladder, ~~((fish))~~ guard, screen, ~~((fish))~~ stop, ~~((fish))~~ protective device, bypass, ~~((or part thereof,))~~ or ~~((any fish))~~ trap operated by the department.

Sec. 85. Section 77.16.170, chapter 36, Laws of 1955 and RCW 77.16.170 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to take ~~((any))~~ a wild animal from ~~((a))~~ another person's trap ~~((not his own))~~ without permission, or to spring, pull up, ~~((throw away, mutilate,))~~ damage, possess, or destroy ~~((any))~~ the 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))~~ attach to the chain of ~~((the))~~ their traps ~~((an indestructible))~~ or devices a legible metal tag with the ~~((true))~~ name and address of the ~~((owner of trap))~~ trapper in English letters not less than one-eighth inch in height.

Sec. 86. Section 77.16.180, chapter 36, Laws of 1955 and RCW 77.16.180 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to ~~((destroy, tear down, shoot at, deface, or erase any))~~ remove, possess, or damage printed matter or signs placed ~~((or posted by or under the instructions of the director))~~ by authority of the commission.

Sec. 87. Section 77.16.190, chapter 36, Laws of 1955 and RCW 77.16.190 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for ~~((any))~~ a person ~~((or his agent or employee))~~ to wilfully ~~((to))~~ post ~~((any notice))~~ signs or ~~((warning or wilfully to))~~ warn~~((, drive, or attempt to drive, any person off, or prevent his))~~ against or otherwise prevent hunting or fishing on any land not owned or ~~((lawfully occupied))~~ leased by ~~((such))~~ that person~~((, his agent, or employee, unless such land is a lawfully established game or game fish reserve))~~.

Sec. 88. Section 77.16.210, chapter 36, Laws of 1955 and RCW 77.16.210 are each amended to read as follows:

~~((Any))~~ Persons or ~~((governmental agency))~~ government agencies managing, controlling, or owning ~~((any))~~ a dam or other obstruction across ~~((any))~~ a 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 allow the free passage of ~~((all))~~ game fish ~~((inhabiting such waters will not~~

~~be obstructed. Such))~~ around the obstruction. The 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.))~~

Sec. 89. Section 77.16.220, chapter 36, Laws of 1955 and RCW 77.16.220 are each amended to read as follows:

It ~~((shall be))~~ is unlawful ~~((for any person))~~ to divert ~~((any))~~ water from ~~((any))~~ a lake, river, or stream containing game fish unless the ~~((ditch, channel, canal, or water pipe conducting such))~~ water diversion device is equipped at or near its ~~((entrance or))~~ intake with a fish guard or screen ~~((capable of preventing))~~ to prevent the passage of game fish into ((such ditch, channel, or water pipe, and also equipped)) the device and, if necessary, with a ((bypass to permit the passage of)) means of returning 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)) of origin. A person who is now otherwise lawfully diverting water from a lake, river or stream shall not 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)) and bypass ((to)) shall be approved by the director((, obtained his approval thereof, installed such fish guard, screen, or bypass, and obtained the director's approval of such)) prior to construction. The 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)) shall be approved by the director prior to the diversion of water.

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

Sec. 90. Section 1, chapter 152, Laws of 1963 and RCW 77.16.221 are each amended to read as follows:

~~((In the event any fish passage facility))~~ The director may authorize removal, relocation, reconstruction, or other modification of an inadequate fishway or fish protective device ((as set forth in)) required by RCW 77.16.210 and 77.16.220 ((which have been in existence or are existing at the time of enactment of this act, is determined by the director to be inadequate for the purposes for which it was intended; the director in addition to other authority granted in this chapter may in his discretion, remove, relocate, reconstruct, or modify said device;)) which device was in existence on September 1, 1963, without cost to the owner for materials and labor ((to the owner or owners thereof: PROVIDED, That the director)). The modification may not materially ((modify)) alter the amount ((of flow)) of water flowing through the ((facility)) fishway or fish protective device. ((Thereafter such fish passage facility)) Following modification, the fishway or fish protective device shall be maintained at the expense of the person or governmental agency owning ((said)) the obstruction or water diversion ((in accordance with RCW 77.16.210 and 77.16.220)) device.

Sec. 91. Section 77.16.230, chapter 36, Laws of 1955 and RCW 77.16.230 are each amended to read as follows:

~~((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)) may trap or kill ((at any time)) on ((such)) that property ((; any)) wild animals or wild birds ((which is destroying any such)), other than an endangered species, that is damaging crops, ((or injuring)) domestic animals ((or)), fowl, or ((any dike, drain or irrigation ditch)) other property. Except in emergency situations, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director.

~~((Such wild animal or wild bird, when so))~~ Wildlife trapped or killed ((; shall)) under this section remains 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)) wildlife shall notify the department immediately. The commission may specify by rule the disposition of wildlife so taken.

~~((It shall be unlawful for any person, after trapping or killing any wild animal or wild bird as above provided, to give away, cat, 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))~~ means an agricultural or horticultural ((seeded or planted crop and shall)) product growing or harvested and excludes ((all)) wild shrubs and range land vegetation.

Sec. 92. Section 77.16.240, chapter 36, Laws of 1955 and RCW 77.16.240 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, or 77.16.220 or of a violation of RCW 77.16.020, 77.16.120, or 77.32.300 (as recodified by this 1980 act) involving big game or an endangered species 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 the fine and imprisonment.

~~((Any))~~ (2) A person violating or failing to comply with ~~((any))~~ this title or a rule ~~((or regulation))~~ of the commission ~~((or violating any of the provisions of this title))~~ for which no penalty is otherwise provided ~~((, shall be))~~ is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than ~~((ten))~~ twenty-five dollars ~~((, together with the cost of prosecution;))~~ or by imprisonment for not ~~((exceeding))~~ more than ninety days in the county jail or by both ~~((such))~~ the fine and imprisonment.

(3) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

(4) The unlawful killing ~~((or)),~~ taking ~~((of every single bird, animal or fish, protected by the laws of this state, shall)),~~ or possession of each wild-life member constitutes a separate offense.

~~((Every justice of the peace shall have))~~ (5) District courts have jurisdiction concurrent with the superior courts of ~~((all))~~ misdemeanors and gross misdemeanors committed in violation of ~~((the provisions of))~~ this title or rules of the commission and may impose ~~((any))~~ the punishment ~~((in this title))~~ provided for ~~((such))~~ these offenses.

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

~~((It shall be))~~ Except as provided in RCW 77.16.290, it is unlawful ~~((for any person))~~ to carry, transport ~~((or)),~~ convey, ~~((or to have in his possession))~~ possess, or ~~((under his))~~ control in ~~((any motor-driven or horse-drawn))~~ or on a motor vehicle ~~((or in any vehicle propelled by man, any))~~ a shotgun or rifle containing shells or cartridges ~~((therein))~~ in the magazine or chamber, or a muzzle-loading firearm loaded and capped or primed.

Sec. 94. Section 77.16.260, chapter 36, Laws of 1955 as amended by section 1, chapter 85, Laws of 1955 and RCW 77.16.260 are each amended to read as follows:

Except as provided in RCW 77.16.290, it ~~((shall be))~~ is unlawful ~~((for any person))~~ to shoot ~~((any pistol, rifle, shotgun or other))~~ a firearm from, across, or along ~~((any))~~ the maintained portion of a public highway. ~~((This section shall not apply to artillery fire from authorized military activities within the confines of the Fort Lewis military reservation if proper precautions are taken to safeguard life and property if the authority conducting the military maneuvers assumes responsibility for any damages therefrom~~

~~resulting to users of the highway. No public highway shall be closed to traffic by the military for purposes hereunder without the consent of the governing body exercising jurisdiction over the highway.-)~~

Sec. 95. Section 77.16.290, chapter 36, Laws of 1955 and RCW 77.16.290 are each amended to read as follows:

~~((The word "person" as used in RCW 77.16.250 and 77.16.260 does not include any))~~ While on duty within their respective jurisdictions, law enforcement officers ~~((who is))~~ authorized to carry firearms are exempt from RCW 77.16.250 and 77.16.260.

NEW SECTION. Sec. 96. RCW 77.32.300, as amended by this 1980 act, is hereby decodified and is added to chapter 77.16 RCW.

NEW SECTION. Sec. 97. RCW 77.12.110, 77.12.173, 77.16.240, 77.32.260, 77.32.280, and 77.32.290, each as amended by this 1980 act, are each decodified and shall constitute a new chapter in Title 77 RCW.

Sec. 98. Section 77.28.020, chapter 36, Laws of 1955 as last amended by section 2, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.28.020 are each amended to read as follows:

~~((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 forty-one dollars for the first year and twenty-one dollars for each yearly renewal thereafter. All such licenses shall expire on December 31st annually and application for renewal shall be made prior thereto.))~~ The commission shall adopt rules specifying the procedures, qualifications, and conditions for issuing a game farm license and governing the operation of game farms.

Sec. 99. Section 77.28.070, chapter 36, Laws of 1955 and RCW 77.28.070 are each amended to read as follows:

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of ~~((any))~~ game birds or game fish lawfully ~~((in his possession in such manner as may be))~~ possessed as provided by rule ~~((and regulation))~~ of the commission.

Sec. 100. Section 77.28.080, chapter 36, Laws of 1955 and RCW 77.28.080 are each amended to read as follows:

~~((All wild animals, wild birds or game fish))~~ Wildlife given away, sold, or ~~((in any manner))~~ transferred ~~((to any person))~~ by ~~((any))~~ a licensed game farmer shall~~((, upon delivery thereof,))~~ have attached to each ~~((such animal, bird or fish, such))~~ wildlife member, package, or container, a tag ~~((or)), seal, or invoice as ~~((may be prescribed))~~ required 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:))~~

Sec. 101. Section 77.28.090, chapter 36, Laws of 1955 and RCW 77.28.090 are each amended to read as follows:

A common carrier may ~~((at any time))~~ transport ~~((any wild animal, wild bird or game fish or part thereof))~~ wildlife shipped by ~~((the holder of))~~ a licensed game farmer ~~((s license if such wild animal, wild bird, game fish, or such part thereof))~~ if the wildlife is tagged ~~((or))~~, sealed ~~((as aforesaid))~~, or invoiced as provided in RCW 77.28.080 as recodified by this 1980 act. ~~((Every))~~ Packages containing ~~((the tagged or sealed carcass of any wild animal, wild bird, or game fish, or any tagged or sealed part thereof,))~~ wildlife shall have affixed ~~((thereto an additional))~~ to them tags or labels ~~((upon which shall be plainly written or printed))~~ showing the name of the licensee and ~~((the name of))~~ the consignee.

Sec. 102. Section 14, chapter 176, Laws of 1957 as amended by section 1, chapter 94, Laws of 1961 and RCW 77.32.005 are each amended to read as follows:

For the purposes of this chapter:

A "resident" means ~~((any))~~ a citizen of the United States or person who has in good faith declared ~~((his intention of becoming))~~ the intent to become a citizen of the United States, ((and who)) has maintained a permanent place of abode within this state for at least ninety days immediately preceding ~~((any))~~ an application for a license ~~((has maintained a permanent place of abode within this state))~~, and has established by formal evidence ~~((his))~~ an intent to continue ((his residence)) residing within this state.

~~((An "alien" means any person who is not a citizen of the United States and has not in good faith declared his intention of becoming a citizen of the United States:))~~

A "nonresident" means ~~((any))~~ a person who ((is neither a "resident" nor an "alien" as defined in this section)) has not fulfilled the qualifications of a resident.

Sec. 103. Section 77.32.010, chapter 36, Laws of 1955 as last amended by section 1, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.010 are each amended to read as follows:

~~((It shall be unlawful for any person))~~ (1) Except as otherwise provided in this chapter, a license issued by the commission is required to:

(a) Hunt ~~((, trap, or fish))~~ for ~~((game))~~ wild animals ~~((, fur-bearing animals, game))~~ or wild birds or fish for game fish ~~((during the season when it is lawful to hunt, trap, or fish for them or to))~~;

(b) Practice taxidermy for profit ~~((, or to receive or purchase or resell))~~;

(c) Deal in 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, from fishing at any time when it is otherwise lawful to fish: PROVIDED FURTHER, That any person over the age of seventy years who has been a resident of Washington for ten years or more shall be issued, upon making an affidavit to such effect, a license to fish at any time when it is otherwise lawful to fish. The state game commission in its discretion may authorize license dealers to issue such licenses and make a charge therefor which shall not exceed fifty cents: 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);~~

~~(d) Act as a fishing guide; or~~

~~(e) Operate a game farm.~~

~~(2) A permit issued by the commission is required to:~~

~~(a) Conduct, hold, or sponsor hunting or fishing contests or competitive field trials using wildlife; or~~

~~(b) Collect wild animals, wild birds, game fish, or protected wildlife for scientific or display purposes.~~

Sec. 104. Section 1, chapter 17, Laws of 1957 and RCW 77.32.015 are each amended to read as follows:

~~((The commission may, as a condition precedent to the granting of a hunting license, require that all)) When purchasing a hunting license, persons ((seventeen years of age or younger)) under the age of eighteen shall present ((a certificate stating that the holder has completed)) certification of completion of a course of instruction of at least ((four)) six hours in the safe handling of firearms.~~

The commission ~~((is authorized to))~~ may establish a program for training persons in the safe handling of firearms, and ~~((for this purpose))~~ may cooperate with the National Rifle Association, organized sportsmen's groups, or ~~((any))~~ other public or private ~~((association or organization having as one of its objectives the promotion of safety in firearms handling))~~ organizations.

The commission shall prescribe the type of instruction~~((;))~~ and the qualifications of the instructors~~((, and has the right to except certain areas~~

~~from the requirements of such instruction when facilities for giving instruction are not available)).~~

~~((Each trainee,))~~ Upon successful completion of the course, a trainee shall ~~((be furnished))~~ receive a firearms safety certificate ~~((which shall be))~~ signed by an authorized instructor ~~((and which))~~. The certificate ~~((shall be considered as))~~ is evidence of compliance with this section ~~((for the purpose of obtaining a hunting license))~~.

Sec. 105. Section 77.32.020, chapter 36, Laws of 1955 as last amended by section 3, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.020 are each amended to read as follows:

~~((It shall be unlawful for any person to hunt or kill deer without first having procured from the director a tag to be known as a supplemental deer seal, which tag shall be procured, in addition to any other license, to hunt game animals required by law. The fee for issuing and procuring such tag shall be five dollars on and after July 1, 1975, 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 tag to be known as a supplemental elk seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be eleven dollars on and after July 1, 1975, 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 tag to be known as a supplemental goat seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be eleven dollars on and after July 1, 1975, 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 sheep without first having procured from the director a tag to be known as a supplemental mountain sheep seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be eleven dollars on and after July 1, 1975, 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 wild turkey without first having procured from the director a tag to be known as a supplemental wild turkey seal, which tag shall be procured in addition to any other license to hunt game birds required by law. The fee for issuing and procuring such tag shall be two dollars until December 31, 1975, and three dollars thereafter 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 bear in any place where bear is classified as a game animal without first having procured from the director a tag to be known as a supplemental bear seal, which tag shall be procured in addition to any other license to hunt game animals required~~

~~by law. The fee for issuing and procuring such tag shall be two dollars until December 31, 1975, and three dollars thereafter and shall be paid in addition to all other license fees prescribed by law. PROVIDED, That the director may issue permits for the control of bears in areas where, in his opinion, property is being damaged. No tag will be required for any bear killed to control damage.~~

~~It shall be unlawful for any nonresident or alien to hunt or kill elk without first having procured from the director a tag to be known as a supplemental nonresident elk seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be forty-two dollars on and after July 1, 1975, 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 tag to be known as a supplemental nonresident goat seal which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be forty-two dollars on and after July 1, 1975, 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 mountain sheep without first having procured from the director a tag to be known as a supplemental mountain sheep seal, which tag shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such tag shall be forty-two dollars on and after July 1, 1975, 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 any pheasant, quail, or partridge without first having procured from the director an upland bird permit, which permit shall be procured in addition to any other license to hunt game animals required by law. The fee for issuing and procuring such permit shall be three dollars on and after July 1, 1975.~~

~~It shall be unlawful for any person to hunt or kill wild animals or birds with a bow and arrow or muzzle-loading rifle during any special seasons established exclusively for bow and arrow or muzzle-loading rifle without first procuring from the director a permit to be known as an archery and/or muzzle-loading rifle permit, which permit shall be procured in addition to any other license to hunt game animals or birds required by law. The fee for issuing and procuring such permit shall be six dollars on and after July 1, 1975.~~

~~Such tags or permits shall be in the possession of all persons while engaged in hunting deer, elk, mountain goat, mountain sheep, wild turkey, bear, pheasant, quail, or partridge, or any game animals during special bow and arrow or muzzle-loading rifle seasons. Such tags or permits 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, mountain goat, mountain sheep, wild turkey, or bear shall immediately attach his own tag to the carcass of any such animal or bird and properly seal the same. All moneys received from the issuance or sale of tags or permits 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)) In addition to the license required by RCW 77.32.010:

(1) A deer tag is required to hunt deer. The fee for this tag is five dollars.

(2) An elk tag is required to hunt elk. The fee for this tag is eleven dollars for residents and forty-two dollars for nonresidents.

(3) A goat tag is required to hunt mountain goat. The fee for this tag is eleven dollars for residents and forty-two dollars for nonresidents.

(4) A mountain sheep tag is required to hunt mountain sheep. The fee for this tag is eleven dollars for residents and forty-two dollars for nonresidents.

(5) A wild turkey tag is required to hunt wild turkey. The fee for this tag is three dollars.

(6) A bear tag is required to hunt bear. The fee for this tag is three dollars.

(7) A beaver tag is required to trap beaver. The fee for this tag is two dollars.

(8) An upland bird permit is required to hunt pheasant, quail, or partridge. The fee for this permit is three dollars.

(9) An archery and muzzleloading firearm permit is required to hunt wild animals or wild birds with a bow and arrow or muzzleloading firearm during seasons established exclusively for hunting in that manner. The fee for this permit is six dollars.

(10) A steelhead permit is required to fish for steelhead. The fee for this permit is three dollars.

(11) A special hunting season permit is required to participate in a special hunting season. A different permit is required for each special season.

Except for steelhead permits, tags and permits required by this section are void on April 1st following the date of issuance. Steelhead permits are void on May 1st. Persons who kill deer, elk, mountain goat, mountain sheep, wild turkey, or bear shall attach their own tag to the carcass immediately and validate the tag as provided by rule of the commission.

Moneys received from the sale of tags or permits shall be deposited in the state treasury to be credited to the state game fund.

Sec. 106. Section 77.32.050, chapter 36, Laws of 1955 as amended by section 2, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.050 are each amended to read as follows:

~~((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 a sum not to exceed fifty 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.))~~ Licenses, permits, or tags required by this chapter shall be issued under the authority of the commission. The commission may authorize department personnel, county auditors, or other reputable citizens to issue licenses, permits, and tags and collect the appropriate fees. The authorized persons shall pay on demand or before December 31st of each year the fees collected and shall make reports as required by the commission. The commission may adopt rules for issuing licenses, permits, and tags, collecting and paying fees, and making reports.

Sec. 107. Section 77.32.060, chapter 36, Laws of 1955 as last amended by section 3, chapter 3, Laws of 1979 ex. sess. and RCW 77.32.060 are each amended to read as follows:

~~((Any))~~ Persons ~~((deputized by the director))~~ authorized to issue ~~((combination county hunting and fishing))~~ licenses, ~~((state resident fishing licenses, state resident hunting licenses, nonresident state fishing licenses, nonresident state hunting licenses, and nonresident state transient licenses, and special))~~ permits, and tags ~~((shall))~~ may charge ~~((a sum not to exceed))~~ and keep up to fifty cents ~~((in addition to collecting the fee prescribed by law.))~~ for ~~((issuing))~~ each ~~((such))~~ license issued, and ~~((a sum not to exceed))~~ up to twenty-five cents for ~~((issuing))~~ each tag or permit ~~((; which sum shall be retained by him for his services))~~ issued.

Sec. 108. Section 77.32.070, chapter 36, Laws of 1955 and RCW 77.32.070 are each amended to read as follows:

~~((Every application))~~ Applicants 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))~~ furnish the information ~~((concerning sex, citizenship, age, place of residence, and any other matters))~~ required by rule ~~((and regulation))~~ of the commission. The commission may adopt rules requiring licensees to keep records and make reports concerning the taking of wildlife.

Sec. 109. Section 77.32.090, chapter 36, Laws of 1955 and RCW 77.32.090 are each amended to read as follows:

~~((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))~~ period of validity, use, possession, and display of ((such)) licenses, permits, and tags required by this chapter.

Sec. 110. Section 20, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.101 are each amended to read as follows:

~~((Any resident may by paying the sum of fourteen dollars obtain)) (1) A state hunting and fishing license(, which shall entitle the holder thereof) allows a resident holder to hunt and fish ((in any county of)) throughout the state ((until the first day of January next following the date of its issuance, when it is lawful to hunt or fish therein)). The fee for this license is fourteen dollars.~~

(2) A state hunting license allows the holder to hunt throughout the state. The fee for this license is seven dollars and fifty cents for residents and sixty dollars for nonresidents.

(3) A state fishing license allows the holder to fish throughout the state. The fee for this license is eight dollars and fifty cents for residents and twenty-four dollars for nonresidents.

(4) A county hunting and fishing license allows a resident to hunt and fish in the county of the holder's residence and for which the license is issued. The fee for this license is nine dollars.

(5) A county fishing license allows a resident to fish in the county of the holder's residence and for which the license is issued. The fee for this license is seven dollars.

NEW SECTION. Sec. 111. RCW 77.32.015, as amended by this 1980 act, is hereby decodified and recodified as RCW 77.32.155.

Sec. 112. Section 27, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.161 are each amended to read as follows:

~~((Any)) A nonresident ((or alien who is temporarily sojourning in the state may by paying the sum of seven dollars and twenty-five cents)) may obtain a temporary state fishing license, which ((shall entitle)) allows the holder ((thereof)) to fish ((in any county of)) throughout the state for ((a period of)) seven days following ((the date of)) its issuance(, when it is lawful to fish therein. PROVIDED, That the)). The fee for this license is seven dollars and twenty-five cents. This license ((under this section shall)) does not entitle the holder ((thereof)) to fish for steelhead ((during the winter steelhead seasons as established by rule or regulation of the commission)).~~

Sec. 113. Section 28, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.191 are each amended to read as follows:

~~((Any resident may by paying the sum of eleven dollars obtain)) A state trapping license ((which shall entitle)) allows the holder ((thereof)) to trap fur-bearing animals ((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)) throughout the~~

state. A state trapping license is void on April 1st following the date of issuance. The fee for this license is eleven dollars for residents and fifty dollars for nonresidents.

Sec. 114. Section 1, chapter 43, Laws of 1977 and RCW 77.32.197 are each amended to read as follows:

~~((Before granting a trapping license to any))~~ Persons ~~((who is))~~ purchasing a state trapping license for the first time ~~((or who is under eighteen years of age the commission))~~ shall ~~((require that the person either present a certificate showing that the holder has satisfactorily completed))~~ present certification of completion of a course of instruction in safe, humane, and proper trapping techniques or pass an examination ~~((given by the commission))~~ to establish that the applicant has the requisite knowledge ~~((concerning humane, safe, and proper trapping techniques))~~.

The commission shall establish a program ~~((to properly train))~~ for training persons in ~~((safe, humane, and proper))~~ trapping techniques and responsibilities, including the use of trapping devices designed to painlessly capture or instantly kill. ~~((For this purpose))~~ The commission shall cooperate with national and state animal, humane, firearm safety, and trapping organizations in the development of a curriculum. Upon successful completion of the course ~~((every)),~~ trainees shall ~~((be furnished))~~ receive a trapper's training certificate signed by ~~((the))~~ an authorized instructor ~~((which shall satisfy the certification requirement of this section for obtaining a trapping license))~~. This certificate is evidence of compliance with this section.

Sec. 115. Section 30, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.211 are each amended to read as follows:

~~((Any person may, by paying the sum of eleven dollars, obtain))~~ (1) A taxidermy license allows the holder to practice taxidermy for profit. The fee for this license is eleven dollars.

(2) A fur dealer's license~~((, which shall entitle))~~ allows 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))~~. The fee for this license is eleven dollars.

(3) A fishing guide license allows the holder to offer or perform the services of a professional guide in the taking of game fish. The fee for this license is seventy-six dollars for a resident and one hundred fifty dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the commission. The fee for this license is forty-one dollars for the first year and twenty-one for each following year.

Sec. 116. Section 77.32.220, chapter 36, Laws of 1955 and RCW 77.32.220 are each amended to read as follows:

~~((A)) Licensed taxidermists ((and)), fur dealers, fishing guides, and game farmers 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)) as required by rules ~~((and regulation))~~ of the commission.~~

Sec. 117. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1973 1st ex. sess. and RCW 77.32.230 are each amended to read as follows:

~~((Any bona fide resident of this state who is a veteran of the Spanish-American War, or any)) (1) A person sixty-five ((or more)) years of age or older who is an honorably discharged veteran of the United States ((military or naval)) armed 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)) may receive upon application a state hunting and fishing license free of charge ((upon application therefor: PROVIDED, That the applicant pays the statutory agent's fee for such license)).~~

~~((Any person who is blind shall be issued)) (2) A person seventy years of age or older who has been a resident for ten years or a blind person may receive upon application a fishing license free of charge ((except for the statutory agent's fee. Such license shall be renewable annually under the same conditions. Any separate)).~~

(3) A fishing license is not required for persons under the age of sixteen.

~~(4) Tags ((or punch cards which may be)) and permits required by ((law shall not be deemed to be included with the free fishing license and must)) this chapter shall be purchased separately by ((any)) persons receiving a free license ((pursuant to this section)), except that a fee shall not be charged for a steelhead permit.~~

NEW SECTION. Sec. 118. There is added to chapter 77.32 RCW a new section to read as follows:

A hunting and fishing contest permit allows the holder to promote, conduct, hold, or sponsor hunting or fishing contests or competitive field trials under conditions prescribed by the director. The fee for this permit is one dollar.

Sec. 119. Section 77.32.240, chapter 36, Laws of 1955 and RCW 77.32.240 are each amended to read as follows:

~~((The director may issue permits limited as to number and duration for the collection of wild birds;)) A collector's permit allows the holder to collect wildlife or their nests(;) and eggs(, game animals, fur-bearing animals, or game fish) for scientific or display purposes ((only, within certain game areas or throughout the state)) under conditions prescribed by the director. Before ((any such)) a 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 Washington State University 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))~~ demonstrate the qualifications and establish the need for the permit. The director ~~((, in the penal sum of))~~ may require a bond of up to one thousand dollars ~~((, and conditioned for the faithful))~~ to insure 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))~~ are valid for the time ~~((limited therein))~~ specified, unless sooner revoked ~~((, but in no instance for a period of more))~~. Permits shall not be issued for longer than one year from ~~((the first day of))~~ March 1st 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))~~ a 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))~~ others with the approval of the director.

~~((Every))~~ A permit holder ~~((of such permit))~~ who violates ~~((any of the provisions of))~~ this section shall forfeit ~~((his))~~ the permit and ~~((the penalty of the))~~ bond ~~((required for the issuance thereof and he shall be prohibited from being issued))~~ and shall not receive a similar permit for ~~((a period of))~~ one year.

Sec. 120. Section 77.32.250, chapter 36, Laws of 1955 and RCW 77.32.250 are each amended to read as follows:

~~Licenses~~ ~~((issued under this title)),~~ permits, and tags required by this chapter shall not be ~~((transferable. Any))~~ transferred and, unless otherwise provided in this chapter, are void on January 1st following the year in which the license, permit, or tag was issued.

Upon request of a wildlife agent or ex officio wildlife agent, persons hunting, ~~((trapping, or))~~ fishing, or possessing wildlife shall ~~((, upon the demand of the director, any game protector, deputy game protector, ex officio game protector, sheriff, constable, or police officer, exhibit his))~~ produce required licenses ~~((to such officer)),~~ permits, or tags for inspection and write ~~((his name))~~ their signatures 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))~~ comply with the request

is prima facie evidence that ~~((such))~~ the person has no license or is not the person named ~~((in the license in his possession))~~.

Sec. 121. Section 32, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.256 are each amended to read as follows:

~~((In the case))~~ Upon proof of the loss, mutilation, or destruction of a license ~~((certificate or))~~, permit ~~((certificate issued under the provisions of Title 77 RCW)), or tag required by this chapter,~~ the director shall issue a duplicate ~~((thereof upon proof of the facts and payment of))~~ for a fee of two dollars.

Sec. 122. Section 77.32.260, chapter 36, Laws of 1955 and RCW 77.32.260 are each amended to read as follows:

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))~~ court may~~(, in addition to the penalty imposed by law;)~~ forfeit ~~((the))~~ a license ~~((of such person)), in addition to other penalties provided by law.~~ 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))~~ the license ~~((shall be))~~ is mandatory. The commission may ~~((by rule and regulation))~~ prohibit ~~((the))~~ by rule issuance of a license to ~~((any))~~ a person convicted two or more times ~~((of any such violation))~~ or prescribe the conditions ~~((under which such))~~ for subsequent issuance of a license ~~((may be issued)).~~

Sec. 123. Section 77.32.280, chapter 36, Laws of 1955 and RCW 77.32.280 are each amended to read as follows:

The director shall revoke the hunting license of ~~((any))~~ a person who shoots ~~((any other))~~ another person or ~~((any))~~ domestic livestock while hunting. ~~((No))~~ A hunting license shall ~~((thereafter be reissued to such))~~ not be issued to that person unless the commission~~(, after a hearing held at one of its regular meetings;)~~ authorizes the issuance of ~~((such))~~ a 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))~~ have been paid.

Sec. 124. Section 1, chapter 6, Laws of 1975 1st ex. sess. and RCW 77.32.290 are each amended to read as follows:

In addition to ~~((any))~~ other penalties provided by law, the director shall revoke the hunting license of ~~((any))~~ a person who is convicted of ~~((violating))~~ a violation of RCW 77.16.020 ~~((or 77.16.030 relating to elk, moose, cougar, antelope, mountain goat, mountain sheep, caribou, bear or deer))~~ involving big game or RCW 77.16.050. Forfeiture of bail ~~((on two occasions))~~ twice during ~~((any))~~ a five-year period for these violations ~~((of~~

~~RCW 77.16.020 or 77.16.030 shall~~) constitutes the basis for a revocation under this section.

~~((No))~~ A hunting license shall ~~((thereafter be reissued to such))~~ not be issued to the person for ((a period of) two years from the ((date of)) revocation unless the commission((, after a hearing held at one of its regular meetings,)) authorizes the issuance ~~((of such license))~~.

~~((Any))~~ A person who has had ~~((his))~~ a license revoked or has been denied ~~((reissuance))~~ issuance pursuant to this section or RCW 77.32.280, as recodified by this 1980 act, may appeal ~~((such))~~ the decision as provided in chapter 34.04 RCW.

Sec. 125. Section 1, chapter 127, Laws of 1979 ex. sess. and RCW 77.32.300 are each amended to read as follows:

~~((+))~~ It is unlawful to purchase, obtain, or possess or to attempt to purchase or obtain a ((hunting, fishing, or trapping)) license, permit, or tag((, or other document issued by or under the authority of the department of game)) required by this title:

~~((a))~~ (1) By using false information; or

~~((b))~~ (2) After ~~((a notification by the department or a court))~~ notice of the revocation or forfeiture of an existing license, permit, or tag, ~~((or other document. PROVIDED, That))~~ except that a person may purchase a license((, permit, tag or other document that is not authorized by the same section of Title 77 RCW as the revoked document)) that does not grant the privilege that was revoked; or

~~((c))~~ (3) In excess of one license, permit, or tag~~((, or other document per))~~ for a license year except as authorized by ~~((statute or game))~~ RCW 77.32.256 or other law or rule of the commission ((regulation. PROVIDED, That a duplicate document may be acquired upon the filing of a notarized affidavit showing loss or destruction of the document.

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

Sec. 126. Section 77.40.050, chapter 36, Laws of 1955 and RCW 77.40.050 are each amended to read as follows:

~~((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))~~ if used for another purpose. The department shall certify ~~((such))~~ the reversion to the commissioner of public lands who shall then supervise and control the lands as provided in Title 79 RCW.

Sec. 127. Section 77.40.060, chapter 36, Laws of 1955 and RCW 77.40.060 are each amended to read as follows:

The ~~((department))~~ commission may ~~((make))~~ adopt rules ~~((and regulations in relation to))~~ regarding the use of ~~((such))~~ the tidelands ~~((for the purposes specified))~~ as shooting grounds.

Sec. 128. Section 77.40.080, chapter 36, Laws of 1955 and RCW 77.40.080 are each amended to read as follows:

Upon ~~((the))~~ filing a certificate with the commissioner of public lands ~~((of a certificate showing))~~ that shows that ~~((such))~~ lands ~~((are about to))~~ will be used for ~~((a))~~ public shooting grounds by the department, the lands shall be withdrawn from sale or lease and then 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 may also use the 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.))

Sec. 129. Section 1, chapter 199, Laws of 1969 ex. sess. as amended by section 2, chapter 130, Laws of 1974 ex. sess. and RCW 3.62.015 are each amended to read as follows:

The state auditor shall establish distribution percentages for use by the county treasurer and state treasurer in remitting justice court income, except for (1) fines, forfeitures, and penalties assessed and collected because of the violation of city and/or county ordinances~~((,))~~, (2) fees and costs assessed and collected because of a civil action ~~((and))~~, (3) penalty assessments assessed and collected pursuant to RCW 46.61.515(2), and (4) fines, forfeitures, and costs, by whatever name known, collected pursuant to RCW 77.12.170. A separate percentage shall be established for each city within the county, and for each county, and for the amount that each county shall remit to the state treasurer. These percentages shall be established by reviewing the financial records of each county for the six years prior to January 1, 1969, and determining the average percentage of the net income, from that county's justice courts, that each city, and the county, and the state has received for that period of time. The percentages determined by this procedure shall then be provided to each county treasurer for his use in distributing justice court income. Percentages shall be established for each state fund, now receiving justice court income, by determining the average percentage of justice court income that each fund has received from the total income remitted to the state by the counties for this period of time, except that any state fund receiving less than five hundred dollars each year for the two years 1967 and 1968 shall not have a percentage established for it and the amounts of income in such situation shall be added to the

amounts remitted to the state general fund for the purpose of calculating average distribution percentages.

The state auditor, with the assistance of the administrator for the courts, shall review the distribution percentages annually. This review shall be based upon the annual percentages of types of violations, in relationship to the total cases processed, to determine if the original percentages established by this section are still proportionately accurate within a margin of plus or minus five percent. In the event the annual review indicates that the existing percentages are not proportionately accurate, the state auditor shall revise the distribution percentages to the percentages indicated in the annual review and notify the county and state treasurer within fifteen days in advance of any quarterly distribution of the revised percentages and the statistics supporting the revision.

Sec. 130. Section 3, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.030 are each amended to read as follows:

It shall be the duty of the Washington state board on geographic names and it shall have the power and authority to:

(1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this subsection geographic features do not include manmade features or administrative areas such as parks, game (~~(preserves)~~) reserves, and dams, but shall include manmade lakes;

(2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;

(3) Cooperate with county commissioners, state departments and agencies and with the United States board on geographic names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features; and for the purpose of eliminating, so far as possible, duplication of place names within the state;

(4) Serve as a state of Washington liaison with the United States board on geographic names;

(5) Issue periodically a list of names approved by the board.

Sec. 131. Section 20, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.200 are each amended to read as follows:

The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, (~~(state game protectors and deputy game protectors)~~) wildlife agents, state park rangers, state fisheries (~~(patrolmen)~~) patrol officers, and those employees of the department of natural resources designated by the commissioner of

public lands under RCW 43.30.310, as having police powers to enforce the laws of this state.

Sec. 132. Section 5, chapter 307, Laws of 1971 ex. sess. as amended by section 4, chapter 94, Laws of 1979 and RCW 70.93.050 are each amended to read as follows:

The director shall designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this chapter and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter. In addition, state patrol officers, (~~game protectors and deputy game protectors~~) wildlife agents, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this chapter and all rules and regulations adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this chapter or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this chapter and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his last known place of residence shall be deemed as personal service upon the person charged.

Sec. 133. Section 75.08.150, chapter 12, Laws of 1955 and RCW 75-08.150 are each amended to read as follows:

Every fisheries inspector, deputy fisheries inspector, (~~game protector~~) wildlife agent, sheriff, constable, marshal, and police officer within his respective jurisdiction, shall enforce all laws and all rules and regulations adopted by the director for the protection of food fish and shellfish, 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 fisheries inspectors within their respective jurisdictions.

Sec. 134. Section 75.08.200, chapter 12, Laws of 1955 and RCW 75-08.200 are each amended to read as follows:

The director, all fisheries inspectors, and all deputy fisheries inspectors may serve and execute all warrants and processes issued by the courts in enforcing the provisions of law and all rules and regulations of the director pertaining to food fish and shellfish.

For the purpose of enforcing any such law or rule or regulation, they may call to their aid any necessary equipment, boat, vehicle, or airplane, or any sheriff, deputy sheriff, (~~game protector~~) wildlife agent, constable, police officer, or citizen, and any such person shall render such aid.

Sec. 135. Section 15, chapter 327, Laws of 1977 ex. sess. and RCW 75-28.650 are each amended to read as follows:

Anadromous salmon angling licenses shall not be transferable. Any person fishing for anadromous salmon or having anadromous salmon in his or her possession that are taken for personal use from the waters of this state or offshore waters shall, upon demand of any fisheries patrol officer, fisheries inspector, deputy fisheries inspector, (~~game protector~~) wildlife agent, or law enforcement officer within their respective jurisdiction, exhibit his or her license and write his or her name for the purpose of comparison with the signature on the license. Failure to exhibit the license and to write the name upon demand shall be prima facie evidence that the person has no license or is not the person named on the license in the person's possession.

NEW SECTION. Sec. 136. RCW 77.40.010, 77.40.030, 77.40.040, 77-40.070, 77.40.090, 77.98.010, 77.98.020, 77.98.030, 77.98.040, and 77.98-.050 are each decodified.

NEW SECTION. Sec. 137. This act shall take effect on July 1, 1981.

NEW SECTION. Sec. 138. This act shall not have the effect of terminating or in any way modifying any proceeding or liability, civil or criminal, which exists on the effective date of this act.

NEW SECTION. Sec. 139. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 140. The following acts or parts of acts are each repealed:

- (1) Section 77.04.050, chapter 36, Laws of 1955 and RCW 77.04.050;
- (2) Section 2, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.040;
- (3) Section 5, chapter 166, Laws of 1971 ex. sess. and RCW 77.08.050;
- (4) Section 1, chapter 121, Laws of 1971 ex. sess. and RCW 77.08.060;
- (5) Section 77.12.160, chapter 36, Laws of 1955, section 2, chapter 102, Laws of 1975 1st ex. sess. and RCW 77.12.160;
- (6) Section 4, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.205;
- (7) Section 5, chapter 97, Laws of 1965 ex. sess. and RCW 77.12.207;
- (8) Section 77.12.310, chapter 36, Laws of 1955 and RCW 77.12.310;
- (9) Section 77.12.340, chapter 36, Laws of 1955 and RCW 77.12.340;
- (10) Section 77.12.350, chapter 36, Laws of 1955 and RCW 77.12.350;
- (11) Section 77.12.400, chapter 36, Laws of 1955 and RCW 77.12.400;
- (12) Section 77.12.410, chapter 36, Laws of 1955 and RCW 77.12.410;
- (13) Section 2, chapter 62, Laws of 1967 and RCW 77.12.460;

- (14) Section 1, chapter 45, Laws of 1967 and RCW 77.12.500;
- (15) Section 6, chapter 166, Laws of 1971 ex. sess. and RCW 77.12.510;
- (16) Section 77.16.140, chapter 36, Laws of 1955 and RCW 77.16.140;
- (17) Section 77.16.157, chapter 36, Laws of 1955 and RCW 77.16.157;
- (18) Section 3, chapter 166, Laws of 1971 ex. sess. and RCW 77.16.158;
- (19) Section 77.16.200, chapter 36, Laws of 1955 and RCW 77.16.200;
- (20) Section 77.16.270, chapter 36, Laws of 1955 and RCW 77.16.270;
- (21) Section 77.16.280, chapter 36, Laws of 1955 and RCW 77.16.280;
- (22) Section 77.16.300, chapter 36, Laws of 1955 and RCW 77.16.300;
- (23) Section 77.20.010, chapter 36, Laws of 1955, section 1, chapter 177, Laws of 1963 and RCW 77.20.010;
- (24) Section 10, chapter 177, Laws of 1963, section 1, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.20.015;
- (25) Section 11, chapter 177, Laws of 1963 and RCW 77.20.016;
- (26) Section 77.20.020, chapter 36, Laws of 1955, section 2, chapter 177, Laws of 1963 and RCW 77.20.020;
- (27) Section 77.20.030, chapter 36, Laws of 1955, section 3, chapter 177, Laws of 1963 and RCW 77.20.030;
- (28) Section 77.20.040, chapter 36, Laws of 1955, section 4, chapter 177, Laws of 1963 and RCW 77.20.040;
- (29) Section 77.20.045, chapter 36, Laws of 1955, section 5, chapter 177, Laws of 1963 and RCW 77.20.045;
- (30) Section 77.20.050, chapter 36, Laws of 1955, section 6, chapter 177, Laws of 1963 and RCW 77.20.050;
- (31) Section 77.20.060, chapter 36, Laws of 1955 and RCW 77.20.060;
- (32) Section 77.24.010, chapter 36, Laws of 1955 and RCW 77.24.010;
- (33) Section 77.24.020, chapter 36, Laws of 1955 and RCW 77.24.020;
- (34) Section 77.24.030, chapter 36, Laws of 1955 and RCW 77.24.030;
- (35) Section 77.24.040, chapter 36, Laws of 1955 and RCW 77.24.040;
- (36) Section 77.24.050, chapter 36, Laws of 1955 and RCW 77.24.050;
- (37) Section 77.24.060, chapter 36, Laws of 1955 and RCW 77.24.060;
- (38) Section 77.24.070, chapter 36, Laws of 1955 and RCW 77.24.070;
- (39) Section 77.24.080, chapter 36, Laws of 1955 and RCW 77.24.080;
- (40) Section 77.24.090, chapter 36, Laws of 1955 and RCW 77.24.090;
- (41) Section 77.24.100, chapter 36, Laws of 1955 and RCW 77.24.100;
- (42) Section 77.24.110, chapter 36, Laws of 1955 and RCW 77.24.110;
- (43) Section 77.24.120, chapter 36, Laws of 1955 and RCW 77.24.120;
- (44) Section 77.28.010, chapter 36, Laws of 1955 and RCW 77.28.010;
- (45) Section 77.28.030, chapter 36, Laws of 1955 and RCW 77.28.030;
- (46) Section 77.28.040, chapter 36, Laws of 1955 and RCW 77.28.040;
- (47) Section 77.28.050, chapter 36, Laws of 1955 and RCW 77.28.050;
- (48) Section 77.28.060, chapter 36, Laws of 1955 and RCW 77.28.060;

- (49) Section 77.28.100, chapter 36, Laws of 1955 and RCW 77.28.100;
(50) Section 77.28.110, chapter 36, Laws of 1955 and RCW 77.28.110;
(51) Section 77.28.120, chapter 36, Laws of 1955 and RCW 77.28.120;
(52) Section 19, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.032;
(53) Section 77.32.080, chapter 36, Laws of 1955 and RCW 77.32.080;
(54) Section 21, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.104;
(55) Section 22, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.106;
(56) Section 23, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.111;
(57) Section 24, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.114;
(58) Section 77.32.120, chapter 36, Laws of 1955 and RCW 77.32.120;
(59) Section 25, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.131;
(60) Section 26, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.151;
(61) Section 77.32.185, chapter 36, Laws of 1955 and RCW 77.32.185;
(62) Section 14, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.195;
(63) Section 29, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.201;
(64) Section 31, chapter 15, Laws of 1975 1st ex. sess. and RCW 77.32.226;
(65) Section 7, chapter 166, Laws of 1971 ex. sess. and RCW 77.32.245; and
(66) Section 77.32.270, chapter 36, Laws of 1955 and RCW 77.32.270.

Passed the House February 22, 1980.

Passed the Senate February 19, 1980.

Approved by the Governor March 7, 1980.

Filed in Office of Secretary of State March 7, 1980.

CHAPTER 79

[House Bill No. 1458]

PUBLIC ASSISTANCE—NURSING HOME RESIDENTS, WAGE RETENTION— PROPERTY TRANSFERS, PRESUMPTION OF PURPOSE

AN ACT Relating to public assistance eligibility; amending section 74.08.025, chapter 26, Laws of 1959 as last amended by section 1, chapter 169, Laws of 1971 ex. sess. and RCW 74.08.025; and amending section 74.08.335, chapter 26, Laws of 1959 as amended by section 330, chapter 141, Laws of 1979 and RCW 74.08.335.

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