
SENATE BILL 5474

State of Washington

65th Legislature

2017 Regular Session

By Senator Pearson

Read first time 01/25/17. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to initiating proactive steps to address elk hoof
2 disease; amending RCW 77.12.047 and 77.12.240; adding new sections to
3 chapter 77.12 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that elk hoof
6 disease poses a significant threat to the state, including elk
7 populations and livestock. While the legislature recognizes the
8 efforts of the department of fish and wildlife thus far, more
9 aggressive steps are necessary to achieve a better understanding of
10 the hoof disease epidemic facing the state's elk populations and to
11 ensure proactive management and treatment actions are pursued.
12 Additionally, the legislature finds that immediate measures are
13 necessary to ensure the humane treatment of severely diseased and
14 suffering elk.

15 **Sec. 2.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to
16 read as follows:

17 (1) The commission may adopt, amend, or repeal rules as follows:

18 (a) Specifying the times when the taking of wildlife, fish, or
19 shellfish is lawful or unlawful.

1 (b) Specifying the areas and waters in which the taking and
2 possession of wildlife, fish, or shellfish is lawful or unlawful.

3 (c) Specifying and defining the gear, appliances, or other
4 equipment and methods that may be used to take wildlife, fish, or
5 shellfish, and specifying the times, places, and manner in which the
6 equipment may be used or possessed.

7 (d) Regulating the importation, transportation, possession,
8 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed
9 within the state, whether acquired within or without the state.
10 However, the rules of the department must prohibit any person,
11 including department staff, from translocating a live elk from an
12 area with elk affected by hoof disease to any other location. The
13 department may not issue a permit allowing such an action.

14 (e) Regulating the prevention and suppression of diseases and
15 pests affecting wildlife, fish, or shellfish.

16 (f) Regulating the size, sex, species, and quantities of
17 wildlife, fish, or shellfish that may be taken, possessed, sold, or
18 disposed of.

19 (g) Specifying the statistical and biological reports required
20 from fishers, dealers, boathouses, or processors of wildlife, fish,
21 or shellfish.

22 (h) Classifying species of marine and freshwater life as food
23 fish or shellfish.

24 (i) Classifying the species of wildlife, fish, and shellfish that
25 may be used for purposes other than human consumption.

26 (j) Regulating the taking, sale, possession, and distribution of
27 wildlife, fish, shellfish, or deleterious exotic wildlife.

28 (k) Establishing game reserves and closed areas where hunting for
29 wild animals or wild birds may be prohibited.

30 (l) Regulating the harvesting of fish, shellfish, and wildlife in
31 the federal exclusive economic zone by vessels or individuals
32 registered or licensed under the laws of this state.

33 (m) Authorizing issuance of permits to release, plant, or place
34 fish or shellfish in state waters.

35 (n) Governing the possession of fish, shellfish, or wildlife so
36 that the size, species, or sex can be determined visually in the
37 field or while being transported.

38 (o) Other rules necessary to carry out this title and the
39 purposes and duties of the department.

1 (2)(a) Subsections (1)(a), (b), (c), (d), and (f) of this section
2 do not apply to private tideland owners and lessees and the immediate
3 family members of the owners or lessees of state tidelands, when they
4 take or possess oysters, clams, cockles, borers, or mussels,
5 excluding razor clams, produced on their own private tidelands or
6 their leased state tidelands for personal use.

7 (b) "Immediate family member" for the purposes of this section
8 means a spouse, brother, sister, grandparent, parent, child, or
9 grandchild.

10 (3) Except for subsection (1)(g) of this section, this section
11 does not apply to private sector cultured aquatic products as defined
12 in RCW 15.85.020. Subsection (1)(g) of this section does apply to
13 such products.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12
15 RCW to read as follows:

16 (1) The department must request recommendations from the state
17 veterinarian and Washington State University college of veterinary
18 medicine for department actions to prevent hoof disease from being
19 transmitted from elk to domestic animals.

20 (2) The state veterinarian must transmit any recommendations that
21 are jointly agreed upon by the state veterinarian and Washington
22 State University college of veterinary medicine to the department,
23 and may provide both initial recommendations and supplemental
24 recommendations on an ongoing basis.

25 (3) The department must implement any recommendations jointly
26 agreed upon by the state veterinarian and Washington State University
27 college of veterinary medicine.

28 **Sec. 4.** RCW 77.12.240 and 2009 c 333 s 63 are each amended to
29 read as follows:

30 (1)(a) The department may authorize the removal or killing of
31 wildlife that is destroying or injuring property, or when it is
32 necessary for wildlife management or research.

33 (b) While on duty, department staff in possession of a firearm
34 must humanely euthanize an elk that is exhibiting a severe limp and
35 is located in an area where hoof disease is present.

36 (2) The department shall dispose of wildlife taken or possessed
37 by them under this title in the manner determined by the director to
38 be in the best interest of the state. Proceeds from sales shall be

1 deposited in the state treasury to be credited to the state wildlife
2 account created in RCW 77.12.170.

3 (3)(a) An authorized person, as identified in (c) of this
4 subsection, may humanely euthanize an elk that the person reasonably
5 believes is exhibiting a severe limp and is located in an area where
6 hoof disease is present. An authorized person may humanely euthanize
7 an affected elk the person encounters without regard to hunting
8 season dates and areas and no tag is required. An authorized person
9 may retain the animal, at their discretion.

10 (b) An authorized person humanely euthanizing an elk under this
11 subsection (3) must, except for a tribal member, notify the
12 department of that action within forty-eight hours after taking that
13 action.

14 (c) Those authorized to humanely euthanize an elk under this
15 subsection (3) are a landowner humanely euthanizing an elk on their
16 land, a person with a valid hunting license under chapter 77.32 RCW,
17 and a person with a tribal identification card from a federally
18 recognized tribe.

19 NEW SECTION. Sec. 5. A new section is added to chapter 77.12
20 RCW to read as follows:

21 (1) The department must maintain the elk hoof disease public
22 working group, with a substantially similar structure and purpose to
23 the way it exists on the effective date of this section, as a forum
24 to advise the department on elk hoof disease issues statewide, and to
25 discuss relevant research, management, and public outreach efforts.

26 (2) The department must hold working group meetings at least
27 quarterly and ensure that the department both: (a) Keeps the working
28 group informed of current information; and (b) seeks input and
29 recommendations from the working group at each meeting.

30 (3) The department must provide a status report to the commission
31 and legislature every six months, on a cycle determined by the
32 department to be most efficient and effective. The status report must
33 include a summary of: Relevant research and management activities and
34 results; outcomes from working group meetings; and any additional
35 recommendations from the department.

1 NEW SECTION. **Sec. 6.** The department of fish and wildlife must
2 immediately adopt or amend any rule as necessary to implement, and
3 ensure rules are consistent with, this act.

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