

SENATE BILL REPORT

SB 5127

As Passed Senate, March 12, 2009

Title: An act relating to the governance of the department of fish and wildlife.

Brief Description: Concerning the governance of the department of fish and wildlife.

Sponsors: Senators Jacobsen and Haugen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/02/09, 2/25/09 [DPS, DNP, w/oRec].

Passed Senate: 3/12/09, 33-15.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: That Substitute Senate Bill No. 5127 be substituted therefor, and the substitute bill do pass.

Signed by Senators Jacobsen, Chair; Ranker, Vice Chair; Fraser, Hargrove, Hatfield and Stevens.

Minority Report: Do not pass.

Signed by Senator Morton, Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senator Swecker.

Staff: Curt Gavigan (786-7437)

Background: Role of the Commission. The Legislature has authorized the Fish and Wildlife Commission (Commission) to establish policies regarding fish and wildlife species and to monitor the Department of Fish and Wildlife's (DFW's) implementation of those policies. Among other duties, the Commission also classifies wildlife and establishes the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

Composition of the Fish and Wildlife Commission. The Commission consists of nine members who serve six-year terms. Members are appointed by the Governor with the advice

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and consent of the Senate. Each odd-numbered year, the Commission must elect one of its members as Chair and another member as Vice-Chair.

Persons eligible for appointment as members of the Commission must have general knowledge of the habits and distribution of fish and wildlife and must not hold another state, county, or municipal elective or appointive office. In making appointments to the Commission, the Governor must seek to maintain a balance reflecting all aspects of fish and wildlife, including representation recommended by sport fishers, commercial fishers, hunters, private landowners, and environmentalists.

Commission Geographic Residency Requirements. Three commissioners must reside east of the summit of the Cascade mountains, three must reside west of the summit, and three are appointed at-large. No two commissioners may be residents of the same county.

Commission Meetings. The Commission must hold at least one regular meeting in each calendar quarter. The Commission may also hold special meetings when called by the Chair and five members. Five members constitute a quorum to transact business.

Authority to Appoint the Director. The Commission has the authority to appoint the Director of Fish and Wildlife (Director). The Director must supervise the administration and operation of the DFW and perform duties as prescribed by law and delegated by the Commission.

Summary of Bill: Composition of the Commission. Changes are made to the structure of the Commission, including:

- reducing the number of commissioners from nine to five;
- reducing terms of commissioners from six to three years; and
- reducing the term of the commission Chair and Vice-Chair from two years to one year.

Commission Geographic Residency Requirements. Two members of the Commission must reside east of the summit of the Cascade mountains, two must reside west of the summit, and one is appointed at-large. No two commissioners may reside in the same Administrative Region of DFW.

Commission Meetings. The Commission must hold one regular meeting in each calendar quarter. The Commission may also hold a maximum of two special meetings each calendar year. All five commissioners must be present to transact business.

Authority to Appoint the Director. The authority to appoint the Director is transferred from the Fish and Wildlife Commission to the Governor.

Transition to the New Commission Structure. A process is created to facilitate the transfer from the current to the new Commission structure. On January 1, 2010, all Commission positions are considered vacated. The Governor must appoint five commissions that same day with one member serving a three-year term, two serving a two-year term, and two serving a one-year term.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: DFW needs a professional, full-time, cabinet level director that is appointed by the Governor. The current Commission is not trained in fisheries management and is inconsistently involved in the fisheries management process. If it is to remain, the Commission should serve a merely advisory role.

CON: The Commission was created by a vote of the people, so only a vote of the people should change its structure. The Commission is composed of citizens who work very hard to understand complex fish and wildlife issues. They also oversee public processes that allow broad public and stakeholder participation.

OTHER: There are larger questions out there than just the number of Commission members. A stakeholder group should be commissioned to review the Commission and come back with recommendations to the Legislature. Many stakeholders have concerns about the current makeup of the Commission, even if they support the Commission model itself. Although it may not be the right vehicle, this bill provides a good start to conversations about the issue.

Persons Testifying: PRO: Steve Robinson, Northwest Indian Fisheries Commission.

CON: Carl Burke, Northwest Sports Fishing Association; John Douglas, Washington Wildlife Federation.

OTHER: Bill Robinson, The Nature Conservancy; Ed Owens, Coalition of Coastal Fisheries, Hunters Heritage Council.