

# HOUSE BILL REPORT

## HB 1540

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### As Reported By House Committee On: Natural Resources

**Title:** An act relating to the role of the state commission on fish and wildlife as recommended by the commission on fish and wildlife.

**Brief Description:** Expanding the authority of the fish and wildlife commission.

**Sponsors:** Representatives Fuhrman, Jacobsen, Buck, Campbell, Basich, Hargrove, L. Thomas, Chandler, Robertson, Honeyford, Johnson, Thompson, Dyer, Delvin, Elliot, Mielke, Blanton, McMorris, McMahan, Mulliken, Clements, Cooke, Brumsickle and Stevens.

**Brief History:**

**Committee Activity:**

Natural Resources: 2/14/95, 2/28/95 [DPS].

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Basich, Ranking Minority Member; and Regala, Assistant Ranking Minority Member.

**Staff:** Linda Byers (786-7129).

**Background:** A state commission has been involved in the management of game fish and wildlife since 1933, when a voter initiative created the state Department of Game and the Game Commission. The new commission was charged with hiring the director of the department, establishing the direction and priorities of the agency, adopting hunting and fishing regulations, and other duties. Funding for the agency for the next few decades came primarily through the sale of various licenses, tags, and permits and from excise taxes on sporting goods.

By 1987, the agency was in a precarious fiscal situation. Legislation enacted in 1987 changed the name of the agency to the Department of Wildlife and provided an

infusion of \$8 million dollars to the agency from the state general fund. The legislation also changed the commission's name to the Wildlife Commission, and appointment authority for the agency's director shifted from the commission to the Governor.

In 1993, the Department of Fisheries and the Department of Wildlife merged into the current Department of Fish and Wildlife. The legislation merging the two agencies directed the commission (renamed the Fish and Wildlife Commission) to review its area of responsibility in the consolidated agency and to provide recommendations to the Legislature and the Governor on any necessary changes in its statutory authority.

The Fish and Wildlife Commission completed its review and submitted its recommendations in November 1994. The commission recommends that its authority be expanded to include the following:

- Regulatory authority for all species, including food fish and shellfish;
- Regulatory authority for all user groups, including commercial users;
- Authority for all department agreements, including tribal, interstate, and international agreements;
- Budget approval for the agency;
- Approval of department rules and regulations;
- Responsibility for selection of commission staff; and
- Authority to appoint the director of the department.

**Summary of Substitute Bill:** The Legislature supports the recommendations of the Fish and Wildlife Commission with regard to its proposed role in the Department of Fish and Wildlife. Initial changes are made to statute to accomplish the following: expand the commission's authority to food fish and shellfish and to commercial user groups; give the commission authority over all department agreements; allow the commission to approve the department's budget and rules; and give the commission the responsibility of selecting its own staff and appointing the director of the department. These statutory changes take effect July 1, 1996. By December 1, 1995, the commission is to submit a report to the House and Senate Natural Resources committees identifying other changes necessary for implementing the commission's recommendations.

In making appointments to the commission, the Governor is to seek a balance reflecting all aspects of fish and wildlife, including representation recommended by

organized groups representing sportfishers, commercial fishers, hunters, private landowners, and environmentalists. Commission appointees must comply with state laws on ethics in public service and public disclosure.

**Substitute Bill Compared to Original Bill:** The substitute bill adds the provisions regarding the appointment of commission members.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** Sections 2 through 43 take effect July 1, 1996. Sections 1 and 44 take effect ninety days after adjournment of session in which bill is passed.

**Testimony For (original bill):** The most effective organization for the department is under one line of authority, with one group accountable. It is hard to do business with two parties making policy. Changing the appointment authority for the director was part of an earlier deal to get general fund money. This hasn't worked out as well as hoped. Public stewardship is essential in fish and wildlife. The public has to have access to the process, which they do with the commission. The Game Department was established by initiative; the intent was to take it out of the political arena. The people's idea was for an independent body. Over time, the initiative has been eroded. The existing system regarding fishing is highly politicized and separated from the public. Because of a lack of support at the grassroots level, it is difficult for the department to do its job and get people to lobby for department funding. There are bad relations between citizens, users and the department; it would be good to turn that around with the commission and a long-term plan. We are especially gratified over the commission's authority over appointment of the director and approval of tribal government agreements. This will improve management quality and restore citizen confidence. There are too few fish left; we need to get beyond divisiveness. We urge cooperation on both sides. The commission and the director should be working cooperatively. The commission process has worked well for wildlife in the past. Sportsmen in the state have worked with the commission to improve wildlife and protect species. Some parts of the state are overfished. This is a result of special interest considerations that the commission tries to avoid. The commission is more well-versed to make qualified decisions than is one person. This bill is similar to a model developed in the 1930s that has stood the test of time. The commission has worked with the trappers to balance things on the commercial side and on the recreational side. These are well-rounded people who make intelligent decisions. If they were lacking expertise in an area, they would seek information before making a decision.

**Testimony Against (original bill):** While we share the proponents' frustration with the department, the complexity of commercial fishing is enormous. There are international, treaty, and boundary issues and litigation; this is more than the average citizen can deal with. This proposal would have commercial fishing regulated without representation. The LBC report indicates that no other commission exercises this much authority. The commission has no expertise in fishing and of fish stocks offshore. This proposal is reckless and without common sense. This arrangement has worked okay under wildlife when everything was recreational, but this includes commercial too. There are conflicts between recreational and commercial fishers. We don't want gear and other important decisions made by people who don't know about commercial fishing. The commission needs representation of people on each side of the issue. Salmon seasons are set at PMFC meetings and the tribes have co-management of salmon; it will be hard to bring new people into this complicated process. The whole scheme of things needs to be looked at, and bringing in another organization won't help. This could be another layer of bureaucracy. How is the commission accountable? They aren't elected and can't be voted out. Citizens rely on the electoral process to respond to problems. In an arrangement like the commission, the Governor winds up with expectations to fix things but no authority to make changes when necessary. Studies on the organization of government emphasize the need to provide accountability. This would be a big job for a part-time board. You have to live in Disneyland to think that fishing is not political. This is too sports-oriented; they need to find the middle ground. The Governor should appoint the director from a list of names assembled by the commission.

**Testified:** John McGlenn, Fish and Wildlife Commission; Gerald W. Rowland, Modern Firearm Hunters of Washington; Barbara Lindsay, Northwest Sportfishing Industry Association; John Kelly, King County Outdoor Sports Council; Ric Abbett, Trout Unlimited; Ray Crisp, Washington State Archery Association; John Cook, F.N.A.W.S. and Safari Club International; Carl Crouse, Washington Wildlife Federation; Ken Koski, Washington State Trappers; Rory Calhoun, Citizens Task Force for Disabled (all in favor); Ed Owens, Coalition of Washington Ocean Fishermen; Jim Blunt, Coast Draggers and Fishermen's Market Association; Ernie Summers, Washington Dungeness Crab Fishers Association; Bob Lake, Willapa Bay Gillnetters and Willapa Bay Enhancement; Pat Hamilton, Pacific County Commissioner; Fred Hellberg, Governor's Office/OFM; and Doug Merino, Mayor of Westport (all opposed).