

# HOUSE BILL REPORT

## 2SHB 1118

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**As Passed House:**  
March 10, 2015

**Title:** An act relating to creating cost savings by providing administrative flexibility to the department of fish and wildlife in its implementation of Title 77 RCW while not directing any changes to resource management outcomes.

**Brief Description:** Creating cost savings by providing administrative flexibility to the department of fish and wildlife in its implementation of Title 77 RCW while not directing any changes to resource management outcomes.

**Sponsors:** House Committee on General Government & Information Technology (originally sponsored by Representative Blake).

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 1/20/15, 2/10/15 [DPS];  
General Government & Information Technology: 2/17/15, 2/24/15 [DP2S(w/o sub AGNR)].

**Floor Activity:**

Passed House: 3/10/15, 63-35.

**Brief Summary of Second Substitute Bill**

- Changes the nature of some requirements of the Washington Department of Fish and Wildlife (WDFW) from mandatory to permissive.
- Changes the nature of some requirements of the WDFW from mandatory to permissive.
- Allows the WDFW to develop a mobile phone application.
- Clarifies and updates the distinction between migratory bird stamps and migratory bird artwork.
- Updates outdated citations and references.

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**HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dunshee, Hurst, Pettigrew, Stanford and Van De Wege.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Dent, Assistant Ranking Minority Member; Chandler, Kretz, Orcutt and Schmick.

**Staff:** Jason Callahan (786-7117).

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## HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by 4 members: Representatives Hudgins, Chair; Senn, Vice Chair; Morris and Takko.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Caldier, Assistant Ranking Minority Member; McCabe.

**Minority Report:** Without recommendation. Signed by 1 member: Representative MacEwen, Ranking Minority Member.

**Staff:** Dan Jones (786-7118).

### **Background:**

#### The Washington Department of Fish and Wildlife.

The Washington Department of Fish and Wildlife (WDFW), under the direction of the Fish and Wildlife Commission (Commission), has been delegated the responsibility to preserve, protect, perpetuate, and manage Washington's wildlife, food fish, game fish, and shellfish (RCW 77.04.012). The primary direction to the WDFW in the pursuit of its mission is codified in Title 77 of the Revised Code of Washington.

Title 77 is organized in 27 different chapters. These chapters address topics such as licenses, enforcement, wildlife damage, construction projects in state waters, salmon recovery, and invasive species.

#### Shellfish Enforcement.

The crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree is a class C felony. This crime applies if a person traffics in fish, shellfish, or wildlife with a wholesale value of less than \$250 and the trafficked product is either in violation of a rule for unclassified species or the species is classified as a game species, food fish, shellfish, game fish, or a protected species.

Prior to the year 2001, the crime only applied to fish and wildlife. Legislation that year added shellfish to the scope of the crime. The mechanics of the 2001 legislation were such that the word "shellfish" was added to the phrase "fish or wildlife" to create the re-occurring phrase "fish, shellfish, or wildlife."

The addition of the word "shellfish" occurred eight times in the 2001 legislation. However, the phrase "fish and wildlife" occurs nine times. This resulted in one instance in the statutory basis for the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife where "shellfish" is not included in the phrase "fish or wildlife." This appears in the element of the crime that describes the species classification that must apply for the crime to be prosecuted, and results in only "fish or wildlife," but not "shellfish," being a species type that qualifies under that element.

#### Advisory Committee.

The Commission is required to maintain an advisory committee on the interests of hunters and fishers with disabilities. The advisory committee must have seven members who are appointed from the six administrative regions of the WDFW as it existed 2007. The purpose of the committee is to advise the Commission on matters important to hunters and fishers with disabilities, such as special hunts, access to public land, and the use of modified sporting equipment.

The Commission must report to the Legislature once every four years detailing the effectiveness of the advisory committee.

#### **Summary of Second Substitute Bill:**

A series of changes are made to the statutes directing the WDFW. These changes include updating citations and references, creating reporting and account management flexibility, updating references to migratory bird stamps, allowing for the production of a mobile phone application, providing an enforcement tool.

#### Reporting Requirements.

The nature of a number of reports produced by the WDFW is changed. Some reports that are required to be produced by the WDFW are no longer mandated. Instead, the reporting requirements apply when the agency is requested by, depending on the report, the Commission, the Legislature, the Office of Financial Management, or a constituency group. Other reporting requirements are made more general. The reports affected by these changes include the annual fishing industry statistics report, the pheasant activity report, the habitat project list report, and the biennial salmon production cost report.

In addition, separate but linked reporting requirements regarding salmon recovery by both the WDFW and the Recreation and Conservation Office is merged into one report.

#### Account and Administration Flexibility.

Specific legislative direction to the WDFW is removed in a few instances. This includes allowing the WDFW to spend money generated from the sale of interpretive materials and advertising as it sees best and not necessarily for producing regulation and education materials and allowing the WDFW to disseminate wildlife viewing activities instead of mandating it, changing the direction to field test salmonid remote site incubators from a mandate to an option, and providing the WDFW with flexibility around volunteer cooperative projects.

#### Mobile Phone Applications.

The WDFW is authorized to develop a mobile phone application that provides the user with content such as licensing information, harvest recording and reporting, and access to regulations and information. The authority to develop an application is permissive. If the WDFW chooses to develop an application then the agency may charge a fee for accessing the application.

#### Migratory Bird Stamps.

A distinction is provided between a migratory bird permit, which allows one to hunt migratory birds, and a piece of migratory bird artwork sold by the WDFW. An existing distinction between the sales of permits for waterfowl and non-waterfowl migratory birds, and how the funds generated from those sales may be spent, is dissolved.

#### Advisory Committee.

The Commission is authorized to appoint members to the required advisory committee on the interests of hunters and fishers with disabilities statewide, as opposed to from the six administrative regions of the WDFW as it existed 2007. In addition, the Commission may maintain an advisory committee with less than seven members and is no required to report to the Legislature once every four years detailing the effectiveness of the advisory committee.

#### Enforcement Update.

The word "shellfish" is added to the phrase "fish or wildlife" for the purposes of the scope of one element to the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree.

#### Outdated Citations and References.

A series of changes are made to Title 77 that updates citations contained within statutes that have been amended since their initial enactment. There are also updates to the names of science programs used by the WDFW, such as the salmon stock inventory, and the deletion of agency programs and task forces that no longer exist (such as the Division of Purchasing and the Forum on Monitoring Salmon Recovery and Watershed Health).

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Agriculture & Natural Resources):**

(In support) The contents of the bill were a collaboration between the prime sponsor and the WDFW.

(In support with concerns) The contents of the bill are good changes that are a long time coming; however, the narrow title of the bill may not give citizens full notice of the bill's content.

(Opposed) None.

**Staff Summary of Public Testimony (General Government & Information Technology):**

(In support) This bill would create efficiencies and allow the WDFW to focus on the mission of the agency rather than accounting details, such as the two aquatic invasive species accounts.

(Opposed) Current law states that the Commission "must" appoint an advisory committee to represent the interests of hunters and fishers with disabilities. It is concerning that the bill states that the Commission "may" appoint the committee if deemed beneficial, because it is unclear whether the Commission would continue to consult with hunters and fishers with disabilities.

**Persons Testifying (Agriculture & Natural Resources):** (In support) Catherine Suter, Washington Department of Fish and Wildlife.

(In support with concerns) Tom Davis, Washington Farm Bureau.

**Persons Testifying (General Government & Information Technology):** (In support) Catherine Suter, Washington Department of Fish and Wildlife.

(Opposed) Noah Seidel, Self Advocates in Leadership.

**Persons Signed In To Testify But Not Testifying (Agriculture & Natural Resources):** None.

**Persons Signed In To Testify But Not Testifying (General Government & Information Technology):** None.