
SENATE BILL 5971

State of Washington

52nd Legislature

1991 Regular Session

By Senators Conner and Rasmussen.

Read first time April 18, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to the reorganization of the natural resource
2 agencies of the state of Washington; amending RCW 43.17.010, 43.51.020,
3 43.99.010, 43.99.025, 43.99.110, 43.99.130, 77.04.020, 77.04.030, and
4 77.04.055; adding a new section to chapter 43.30 RCW; and creating new
5 sections.

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

7 NEW SECTION. **Sec. 1.** The legislature declares that wildlife
8 and fish are among the state's most valuable resources. The
9 legislature finds that the effective and efficient management of these
10 resources requires concerted agency action and consistent leadership
11 and direction and that it is in the best interests of the state of
12 Washington to transfer the departments of wildlife and fisheries into
13 the department of natural resources, and to grant the commissioner of
14 public lands the authority to appoint the state parks and recreation
15 commission, the public members of the interagency committee for outdoor

1 recreation, and the director of the interagency committee for outdoor
2 recreation.

3 **Sec. 2.** RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each
4 amended to read as follows:

5 There shall be departments of the state government which shall be
6 known as (1) the department of social and health services, (2) the
7 department of ecology, (3) the department of labor and industries, (4)
8 the department of agriculture, (5) (~~the department of fisheries,~~ (6)
9 ~~the department of wildlife,~~ (7)) the department of transportation,
10 ((+8)) (6) the department of licensing, ((+9)) (7) the department of
11 general administration, ((+10)) (8) the department of trade and
12 economic development, ((+11)) (9) the department of veterans affairs,
13 ((+12)) (10) the department of revenue, ((+13)) (11) the department
14 of retirement systems, ((+14)) (12) the department of corrections,
15 ((+15)) (13) the department of community development, and ((+16))
16 (14) the department of health, which shall be charged with the
17 execution, enforcement, and administration of such laws, and invested
18 with such powers and required to perform such duties, as the
19 legislature may provide.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.30 RCW
21 to read as follows:

22 The department shall create a division within the department that
23 will exercise the powers, duties, and functions of the department of
24 wildlife and a division that will exercise the powers, duties, and
25 functions of the department of fisheries.

1 NEW SECTION. **Sec. 4.** The department of wildlife is hereby
2 abolished and its powers, duties, and functions are hereby transferred
3 to the department of natural resources.

4 NEW SECTION. **Sec. 5.** All reports, documents, surveys, books,
5 records, files, papers, or written material in the possession of the
6 department of wildlife shall be delivered to the custody of the
7 department of natural resources. All cabinets, furniture, office
8 equipment, motor vehicles, and other tangible property employed by the
9 department of wildlife shall be made available to the department of
10 natural resources. All funds, credits, or other assets held by the
11 department of wildlife shall be assigned to the department of natural
12 resources.

13 Any appropriations made to the department of wildlife shall, on the
14 effective date of this section, be transferred and credited to the
15 department of natural resources.

16 Whenever any question arises as to the transfer of any personnel,
17 funds, books, documents, records, papers, files, equipment, or other
18 tangible property used or held in the exercise of the powers and the
19 performance of the duties and functions transferred, the director of
20 financial management shall make a determination as to the proper
21 allocation and certify the same to the state agencies concerned.

22 NEW SECTION. **Sec. 6.** All employees of the department of
23 wildlife are transferred to the jurisdiction of the department of
24 natural resources. All employees classified under chapter 41.06 RCW,
25 the state civil service law, are assigned to the department of natural
26 resources to perform their usual duties upon the same terms as
27 formerly, without any loss of rights, subject to any action that may be

1 appropriate thereafter in accordance with the laws and rules governing
2 state civil service.

3 NEW SECTION. **Sec. 7.** All rules and all pending business
4 before the department of wildlife shall be continued and acted upon by
5 the department of natural resources. All existing contracts and
6 obligations shall remain in full force and shall be performed by the
7 department of natural resources.

8 NEW SECTION. **Sec. 8.** The transfer of the powers, duties,
9 functions, and personnel of the department of wildlife shall not affect
10 the validity of any act performed prior to the effective date of this
11 section.

12 NEW SECTION. **Sec. 9.** If apportionments of budgeted funds are
13 required because of the transfers directed by sections 5 through 8 of
14 this act, the director of financial management shall certify the
15 apportionments to the agencies affected, the state auditor, and the
16 state treasurer. Each of these shall make the appropriate transfer and
17 adjustments in funds and appropriation accounts and equipment records
18 in accordance with the certification.

19 NEW SECTION. **Sec. 10.** Nothing contained in sections 4 through
20 9 of this act may be construed to alter any existing collective
21 bargaining unit or the provisions of any existing collective bargaining
22 agreement until the agreement has expired or until the bargaining unit
23 has been modified by action of the personnel board as provided by law.

1 NEW SECTION. **Sec. 11.** The department of fisheries is hereby
2 abolished and its powers, duties, and functions are hereby transferred
3 to the department of natural resources.

4 NEW SECTION. **Sec. 12.** All reports, documents, surveys, books,
5 records, files, papers, or written material in the possession of the
6 department of fisheries shall be delivered to the custody of the
7 department of natural resources. All cabinets, furniture, office
8 equipment, motor vehicles, and other tangible property employed by the
9 department of fisheries shall be made available to the department of
10 natural resources. All funds, credits, or other assets held by the
11 department of fisheries shall be assigned to the department of natural
12 resources.

13 Any appropriations made to the department of fisheries shall, on
14 the effective date of this section, be transferred and credited to the
15 department of natural resources.

16 Whenever any question arises as to the transfer of any personnel,
17 funds, books, documents, records, papers, files, equipment, or other
18 tangible property used or held in the exercise of the powers and the
19 performance of the duties and functions transferred, the director of
20 financial management shall make a determination as to the proper
21 allocation and certify the same to the state agencies concerned.

22 NEW SECTION. **Sec. 13.** All employees of the department of
23 fisheries are transferred to the jurisdiction of the department of
24 natural resources. All employees classified under chapter 41.06 RCW,
25 the state civil service law, are assigned to the department of natural
26 resources to perform their usual duties upon the same terms as
27 formerly, without any loss of rights, subject to any action that may be

1 appropriate thereafter in accordance with the laws and rules governing
2 state civil service.

3 NEW SECTION. **Sec. 14.** All rules and all pending business
4 before the department of fisheries shall be continued and acted upon by
5 the department of natural resources. All existing contracts and
6 obligations shall remain in full force and shall be performed by the
7 department of natural resources.

8 NEW SECTION. **Sec. 15.** The transfer of the powers, duties,
9 functions, and personnel of the department of fisheries shall not
10 affect the validity of any act performed prior to the effective date of
11 this section.

12 NEW SECTION. **Sec. 16.** If apportionments of budgeted funds are
13 required because of the transfers directed by sections 12 through 15 of
14 this act, the director of financial management shall certify the
15 apportionments to the agencies affected, the state auditor, and the
16 state treasurer. Each of these shall make the appropriate transfer and
17 adjustments in funds and appropriation accounts and equipment records
18 in accordance with the certification.

19 NEW SECTION. **Sec. 17.** Nothing contained in sections 11 through
20 16 of this act may be construed to alter any existing collective
21 bargaining unit or the provisions of any existing collective bargaining
22 agreement until the agreement has expired or until the bargaining unit
23 has been modified by action of the personnel board as provided by law.

24 **Sec. 18.** RCW 43.51.020 and 1984 c 287 s 82 are each amended to
25 read as follows:

1 There is hereby created a "state parks and recreation commission"
2 consisting of seven electors of the state. The members of the
3 commission shall be appointed by the (~~governor by and with the advice~~
4 ~~and consent of the senate~~) commissioner of public lands and shall
5 serve for a term of six years, expiring on December 31st of even-
6 numbered years, and until their successors are appointed. In case of
7 a vacancy, the (~~governor~~) commissioner of public lands shall fill the
8 vacancy for the unexpired term of the commissioner whose office has
9 become vacant.

10 (~~The commissioners incumbent as of August 11, 1969, shall serve as~~
11 ~~follows: Those commissioners whose terms expire December 31, 1970,~~
12 ~~shall serve until December 31, 1970; the elector appointed to succeed~~
13 ~~to the office, the term for which expired December 31, 1968, shall~~
14 ~~serve until December 31, 1974; the terms of three of the four remaining~~
15 ~~commissioners shall each expire on December 31, 1972.~~)

16 To assure that no more than the terms of three members will expire
17 simultaneously on December 31st in any one even-numbered year, the term
18 of not more than one commissioner incumbent on August 11, 1969, as
19 designated by the governor, who was either appointed or reappointed to
20 serve until December 31, 1972, shall be increased by the governor by
21 two years, and said term shall expire December 31, 1974.)

22 In making the appointments to the commission, the (~~governor~~)
23 commissioner of public lands shall choose electors who understand park
24 and recreation needs and interests. No person shall serve if he or she
25 holds any elective or full-time appointive state, county, or municipal
26 office. Members of the commission shall be compensated in accordance
27 with RCW 43.03.240 and in addition shall be allowed their travel
28 expenses incurred while absent from their usual places of residence in
29 accordance with RCW 43.03.050 and 43.03.060.

1 Payment of expenses pertaining to the operation of the commission
2 shall be made upon vouchers certified to by such persons as shall be
3 designated by the commission.

4 **Sec. 19.** RCW 43.99.010 and 1989 c 237 s 1 are each amended to read
5 as follows:

6 (1) As Washington begins its second century of statehood, the
7 legislature recognizes that renewed efforts are needed to preserve,
8 conserve, and enhance the state's recreational resources. Rapid
9 population growth and increased urbanization have caused a decline in
10 suitable land for recreation and resulted in overcrowding and
11 deterioration of existing facilities. Lack of adequate recreational
12 resources directly affects the health and well-being of all citizens of
13 the state, reduces the state's economic viability, and prevents
14 Washington from maintaining and achieving the quality of life that it
15 deserves.

16 It is therefore the policy of the state and its agencies to
17 preserve, conserve, and enhance recreational resources and open space.
18 In carrying out this policy, the mission of the interagency committee
19 for outdoor recreation and its staff is to (a) create and work actively
20 for the implementation of a unified state-wide strategy for meeting the
21 recreational needs of Washington's citizens, (b) represent and promote
22 the interests of the state on recreational issues in concert with other
23 state and local agencies (~~and the governor~~), (c) encourage and
24 provide interagency and regional coordination, and interaction between
25 public and private organizations, (d) administer recreational grant-in-
26 aid programs and provide technical assistance, and (e) serve as a
27 repository for information, studies, research, and other data relating
28 to recreation.

1 (2) Washington is uniquely endowed with fresh and salt waters rich
2 in scenic and recreational value. This outdoor heritage enriches the
3 lives of citizens, attracts new residents and businesses to the state,
4 and is a major support of its expanding tourist industry. Rising
5 population, increased income and leisure time, and the rapid growth of
6 boating and other water sports have greatly increased the demand for
7 water related recreation, while waterfront land is rapidly rising in
8 value and disappearing from public use. There is consequently an
9 urgent need for the acquisition or improvement of waterfront land on
10 fresh and salt water suitable for marine recreational use by Washington
11 residents and visitors. To meet this need, it is necessary and proper
12 that the portion of motor vehicle fuel taxes paid by boat owners and
13 operators on fuel consumed in their watercraft and not reclaimed as
14 presently provided by law should be expended for the acquisition or
15 improvement of marine recreation land on the Pacific Ocean, Puget
16 Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters
17 of the state.

18 **Sec. 20.** RCW 43.99.025 and 1989 c 237 s 4 are each amended to read
19 as follows:

20 The director shall have the following powers and duties:

21 (1) To supervise the administrative operations of the committee and
22 its staff;

23 (2) To administer recreation grant-in-aid programs and provide
24 technical assistance to state and local agencies;

25 (3) To prepare and update a strategic plan for the acquisition,
26 renovation, and development of recreational resources and the
27 preservation and conservation of open space. The plan shall be
28 prepared in coordination with the (~~office of the governor~~)
29 commissioner of public lands and the office of financial management,

1 with participation of federal, state, and local agencies having
2 recreational responsibilities, user groups, private sector interests,
3 and the general public. The plan shall be submitted to the committee
4 for review, and the committee shall submit its recommendations on the
5 plan to the (~~governor~~) commissioner of public lands. The plan shall
6 include, but is not limited to: (a) an inventory of current resources;
7 (b) a forecast of recreational resource demand; (c) identification and
8 analysis of actual and potential funding sources; (d) a process for
9 broad scale information gathering; (e) an assessment of the
10 capabilities and constraints, both internal and external to state
11 government, that affect the ability of the state to achieve the goals
12 of the plan; (f) an analysis of strategic options and decisions
13 available to the state; (g) an implementation strategy that is
14 coordinated with executive policy and budget priorities; and (h)
15 elements necessary to qualify for participation in or the receipt of
16 aid from any federal program for outdoor recreation;

17 (4) To represent and promote the interests of the state on
18 recreational issues and further the mission of the committee;

19 (5) Upon approval of the committee, to enter into contracts and
20 agreements with private nonprofit corporations to further state goals
21 of preserving, conserving, and enhancing recreational resources and
22 open space for the public benefit and use;

23 (6) To appoint such technical and other committees as may be
24 necessary to carry out the purposes of this chapter;

25 (7) To create and maintain a repository for data, studies,
26 research, and other information relating to recreation in the state,
27 and to encourage the interchange of such information;

28 (8) To encourage and provide opportunities for interagency and
29 regional coordination and cooperative efforts between public agencies

1 and between public and private entities involved in the development and
2 preservation of recreational resources; and

3 (9) To prepare the state trails plan, as required by RCW 67.32.050.

4 **Sec. 21.** RCW 43.99.110 and 1988 c 36 s 21 are each amended to read
5 as follows:

6 There is created the interagency committee for outdoor recreation
7 consisting of the commissioner of public lands, the director of parks
8 and recreation, the ~~((director))~~ manager of wildlife, the ~~((director))~~
9 manager of fisheries, or their designees, and, by appointment of the
10 ~~((governor with the advice and consent of the senate))~~ commissioner of
11 public lands, five members from the public at large who have a
12 demonstrated interest in and a general knowledge of outdoor recreation
13 in the state. The terms of members appointed from the public at large
14 shall commence on January 1st of the year of appointment and shall be
15 for three years or until a successor is appointed, except in the case
16 of appointments to fill vacancies which shall be for the remainder of
17 the unexpired term; provided the first such members shall be appointed
18 for terms as follows: One member for one year, two members for two
19 years, and two members for three years. The ~~((governor))~~ commissioner
20 of public lands shall appoint one of the members from the public at
21 large to serve as chairman of the committee for the duration of the
22 member's term. Members employed by the state shall serve without
23 additional pay and participation in the work of the committee shall be
24 deemed performance of their employment. Members from the public at
25 large shall be compensated in accordance with RCW 43.03.240 and shall
26 be entitled to reimbursement individually for travel expenses incurred
27 in performance of their duties as members of the committee in
28 accordance with RCW 43.03.050 and 43.03.060.

1 **Sec. 22.** RCW 43.99.130 and 1989 c 237 s 3 are each amended to read
2 as follows:

3 When requested by the committee, members employed by the state
4 shall furnish assistance to the committee from their departments for
5 the analysis and review of proposed plans and projects, and such
6 assistance shall be a proper charge against the appropriations to the
7 several agencies represented on the committee. Assistance may be in
8 the form of money, personnel, or equipment and supplies, whichever is
9 most suitable to the needs of the committee.

10 The director shall be appointed by, and serve at the pleasure of,
11 the ~~((governor. The governor shall select the director from a list of~~
12 ~~three candidates submitted by the committee. However, the governor may~~
13 ~~request and the committee shall provide an additional list or lists~~
14 ~~from which the governor may select the director. The lists compiled by~~
15 ~~the committee shall not be subject to public disclosure)) commissioner~~
16 of public lands. The director shall have background and experience in
17 the areas of recreation management and policy. The director shall be
18 paid a salary to be fixed by the ~~((governor))~~ commissioner of public
19 lands in accordance with the provisions of RCW 43.03.040. The director
20 shall appoint such personnel as may be necessary to carry out the
21 duties of the committee. Not more than three employees appointed by
22 the director shall be exempt from the provisions of chapter 41.06 RCW.

23 **Sec. 23.** RCW 77.04.020 and 1987 c 506 s 4 are each amended to read
24 as follows:

25 The ~~((department))~~ division of wildlife consists of the state
26 wildlife commission and the ~~((director))~~ manager of the division of
27 wildlife. The ~~((director))~~ commissioner of public lands is responsible
28 for the administration and operation of the ~~((department))~~ division,
29 subject to the provisions of this title. The commission may delegate

1 to the ((~~director~~)) commissioner additional duties and powers necessary
2 and appropriate to carry out this title. The ((~~director~~)) commissioner
3 shall perform the duties prescribed by law and shall carry out the
4 basic goals and objectives prescribed pursuant to RCW 77.04.055.

5 **Sec. 24.** RCW 77.04.030 and 1987 c 506 s 5 are each amended to read
6 as follows:

7 The state wildlife commission consists of six registered voters of
8 the state. In January of each odd-numbered year, the ((~~governor~~))
9 commissioner of public lands shall appoint ((~~with the advice and~~
10 ~~consent of the senate~~)) two registered voters to the commission to
11 serve for terms of six years from that January or until their
12 successors are appointed and qualified. If a vacancy occurs on the
13 commission prior to the expiration of a term, the ((~~governor~~))
14 commissioner shall appoint a registered voter within sixty days to
15 complete the term. Three members shall be residents of that portion of
16 the state lying east of the summit of the Cascade mountains, and three
17 shall be residents of that portion of the state lying west of the
18 summit of the Cascade mountains. No two members may be residents of
19 the same county. The legal office of the commission is at the
20 administrative office of the department of natural resources in
21 Olympia.

22 **Sec. 25.** RCW 77.04.055 and 1990 c 84 s 2 are each amended to read
23 as follows:

24 (1) In addition to any other duties and responsibilities, the
25 commission shall establish, and periodically review with the
26 ((~~governor~~)) commissioner of public lands and the legislature, the
27 ((~~department's~~)) division of wildlife's basic goals and objectives to
28 preserve, protect, and perpetuate wildlife and wildlife habitat. The

1 commission shall maximize hunting and fishing recreational
2 opportunities.

3 (2) The commission shall establish hunting, trapping, and fishing
4 seasons and prescribe the time, place, manner, and methods that may be
5 used to harvest or enjoy wildlife.

6 NEW SECTION. **Sec. 26.** The commissioner of public lands shall
7 study the organization and mandates of the department of natural
8 resources, especially as to changes necessary to accomplish the most
9 effective integration of the divisions of wildlife and fisheries, and
10 shall make recommendations to the legislature prior to December 1,
11 1991. The commissioner shall specifically consider:

12 (1) Differences and incompatibilities in the mandates of the
13 department of natural resources and the divisions of wildlife and
14 fisheries;

15 (2) Consolidation of enforcement functions of the department of
16 natural resources and the divisions of wildlife and fisheries;

17 (3) Governance of the divisions of wildlife and fisheries,
18 including the role of the wildlife commission and the possible need for
19 a fisheries commission.