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**SUBSTITUTE HOUSE BILL 1248**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, B. Sullivan, Blake, VanDeWege and Ericksen)

READ FIRST TIME 02/02/07.

1 AN ACT Relating to funding the department of fish and wildlife;  
2 amending RCW 77.12.177 and 77.95.090; reenacting and amending RCW  
3 77.12.170; and repealing RCW 77.32.510.

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

5 **Sec. 1.** RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c  
6 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as  
7 follows:

8 (1) There is established in the state treasury the state wildlife  
9 account which consists of moneys received from:

10 (a) Rentals or concessions of the department;

11 (b) The sale of real or personal property held for department  
12 purposes;

13 (c) The assessment of administrative penalties, and the sale of  
14 licenses, permits, tags, and stamps required by chapter 77.32 RCW (~~and~~  
15 ~~RCW 77.65.490, except annual resident adult saltwater and all annual~~  
16 ~~razor clam and shellfish licenses, which shall be deposited into the~~  
17 ~~state general fund));~~

18 (d) Fees for informational materials published by the department;

1 (e) Fees for personalized vehicle, Wild on Washington, and  
2 Endangered Wildlife license plates and Washington's Wildlife license  
3 plate collection as provided in chapter 46.16 RCW;

4 (f) Articles or wildlife sold by the director under this title;

5 (g) Compensation for damage to department property or wildlife  
6 losses or contributions, gifts, or grants received under RCW 77.12.320;

7 (h) Excise tax on anadromous game fish collected under chapter  
8 82.27 RCW;

9 (i) The sale of personal property seized by the department for  
10 fish, shellfish, or wildlife violations;

11 (j) The department's share of revenues from auctions and raffles  
12 authorized by the commission; (~~and~~)

13 (k) The sale of watchable wildlife decals under RCW 77.32.560; and

14 (l) The sale of commercial licenses and permits required under this  
15 title.

16 (2) State and county officers receiving any moneys listed in  
17 subsection (1) of this section shall deposit them in the state treasury  
18 to be credited to the state wildlife account.

19 (3) As part of the allotment process for the state wildlife  
20 account, any statement of proposed expenditures prepared by the  
21 commission or department under RCW 43.88.110 shall require an ending  
22 fund balance in the state wildlife account of not less than five  
23 percent of the projected biennial revenues to the account, and any  
24 additional employment positions created by the department or commission  
25 and funded at least in part from the state wildlife account or  
26 transfers from the state wildlife account must be specifically approved  
27 by the office of financial management as a part of any allotments for  
28 that purpose.

29 (4) Beginning November 1, 2007, and again on every odd year  
30 thereafter, the commission shall submit or update to the office of  
31 financial management and the appropriate committees of the legislature  
32 a six-year financial plan for the state wildlife account.

33 **Sec. 2.** RCW 77.12.177 and 2001 c 253 s 16 are each amended to read  
34 as follows:

35 (1) Except as provided in this title, state and county officers  
36 receiving (~~the following~~) moneys for damages to food fish or  
37 shellfish shall deposit them in the state general fund(~~(+~~

1       ~~(a) The sale of commercial licenses required under this title,~~  
2 ~~except for licenses issued under RCW 77.65.490; and~~

3       ~~(b) Moneys received for damages to food fish or shellfish)).~~

4       (2) The director shall make weekly remittances to the state  
5 treasurer of moneys collected by the department.

6       (3) All fines and forfeitures collected or assessed by a district  
7 court for a violation of this title or rule of the department shall be  
8 remitted as provided in chapter 3.62 RCW.

9       (4) Proceeds from the sale of food fish or shellfish taken in test  
10 fishing conducted by the department, to the extent that these proceeds  
11 exceed the estimates in the budget approved by the legislature, may be  
12 allocated as unanticipated receipts under RCW 43.79.270 to reimburse  
13 the department for unanticipated costs for test fishing operations in  
14 excess of the allowance in the budget approved by the legislature.

15       (5) Proceeds from the sale of salmon carcasses and salmon eggs from  
16 state general funded hatcheries by the department of general  
17 administration shall be deposited in the regional fisheries enhancement  
18 group account established in RCW 77.95.090.

19       (6) Moneys received by the commission under RCW 77.12.039, to the  
20 extent these moneys exceed estimates in the budget approved by the  
21 legislature, may be allocated as unanticipated receipts under RCW  
22 43.79.270. Allocations under this subsection shall be made only for  
23 the specific purpose for which the moneys were received, unless the  
24 moneys were received in settlement of a claim for damages to food fish  
25 or shellfish, in which case the moneys may be expended for the  
26 conservation of these resources.

27       (7) Proceeds from the sale of herring spawn on kelp fishery  
28 licenses by the department, to the extent those proceeds exceed  
29 estimates in the budget approved by the legislature, may be allocated  
30 as unanticipated receipts under RCW 43.79.270. Allocations under this  
31 subsection shall be made only for herring management, enhancement, and  
32 enforcement.

33       **Sec. 3.** RCW 77.95.090 and 2000 c 107 s 106 are each amended to  
34 read as follows:

35       (1) The dedicated regional fisheries enhancement group account is  
36 created in the custody of the state treasurer. Only the commission or

1 the commission's designee may authorize expenditures from the account.  
2 The account is subject to allotment procedures under chapter 43.88 RCW,  
3 but no appropriation is required for expenditures.

4 ~~((A portion of each recreational fishing license fee shall be used  
5 as provided in RCW 77.32.440.))~~

6 (2) The department shall deposit the following into the regional  
7 fisheries enhancement group account:

8 (a) All revenue from a surcharge of one hundred dollars, which  
9 shall be collected on each commercial salmon fishery license, ((each))  
10 salmon delivery license, and ((each)) salmon charter license sold in  
11 the state((-));

12 (b) All revenue from the department's sale of salmon carcasses and  
13 eggs that return to group facilities; and

14 (c)(i) Two dollars for each recreational fishing license sold to an  
15 individual intending to fish for salmon, steelhead, marine fish, or  
16 sturgeon.

17 (ii) To determine the number of individuals intending to fish for  
18 salmon, steelhead, marine fish, or sturgeon, the department shall  
19 conduct an annual survey of a portion of the individuals who purchased  
20 a recreational fishing license in that year. The survey must be  
21 designed to determine the percentage of licensees surveyed who intended  
22 to, or actually did, fish for salmon, steelhead, marine fish, or  
23 sturgeon. The department shall multiply the percentage number of  
24 individuals intending to fish for salmon, steelhead, marine fish, or  
25 sturgeon against the total number of recreational fishing licenses sold  
26 to determine the total number of recreational fishing licenses that  
27 were sold to individuals intending to fish for salmon, steelhead,  
28 marine fish, or sturgeon.

29 (3) All receipts ((shall be)) placed in the regional fisheries  
30 enhancement group account ((and shall)) under this section must be used  
31 exclusively for regional fisheries enhancement group projects for the  
32 purposes of RCW 77.95.110, except for revenue collected under  
33 subsection (2)(b) of this section, which must be made available for use  
34 by the regional fisheries enhancement group that produced the surplus  
35 salmon eggs or carcasses.

36 (4) Funds from the regional fisheries enhancement group account  
37 shall not serve as replacement funding for department operated salmon  
38 projects that exist on January 1, 1991.

1       (~~All revenue from the department's sale of salmon carcasses and~~  
2 ~~eggs that return to group facilities shall be deposited in the regional~~  
3 ~~fisheries enhancement group account for use by the regional fisheries~~  
4 ~~enhancement group that produced the surplus.))~~

5       (5) The commission shall adopt rules to implement this section  
6 pursuant to chapter 34.05 RCW.

7       NEW SECTION. Sec. 4. RCW 77.32.510 (Recreational license fees--  
8 Disposition of appropriation) and 1998 c 191 s 43 are each repealed.

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