

SENATE BILL REPORT

SB 5127

As Reported by Senate Committee On:
Natural Resources, Ocean & Recreation, February 25, 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].

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

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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 Department of Fish and Wildlife (DFW) and perform duties as prescribed by law and delegated by the Commission.

Role of the Commission. The Legislature has authorized the Commission to establish policies regarding fish and wildlife species and to monitor the 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.

Summary of Bill (Recommended Substitute): Composition of the Commission. Changes are made to the structure of the Commission, including reducing the number of commissioners from nine to seven and reducing terms of commissioners from six to three years. The Governor selects the Chair and Vice-Chair of the Commission.

Appointees to the Commission represent the various geographic areas of the state. Specifically, one member must reside in each of DFW's six administrative regions. The Governor appoints one member at large. Appointees must be knowledgeable regarding fish and wildlife management and conservation. Language requiring the Governor to consider recommendations from certain organized hunting and fishing groups when making appointments is removed.

The Governor may remove a commissioner who has not previously been confirmed for any reason, and may remove a confirmed member for cause.

Authority of the Commission and the Department. The authority to appoint the Director is transferred from the Commission to the Governor. The Director serves at the pleasure of the Governor.

Fish and wildlife management and rulemaking authority is transferred from the Commission to the Director, and statutes throughout Title 77 are amended to reflect this transfer of authority.

The Commission's role is to:

- develop policy proposals to DFW, including policies designed to ensure sustainable levels of fish and wildlife, to protect habitat, and preserve recreational opportunities;

- conduct studies and policy analysis for the development of proposals;
- provide for public and tribal involvement in the development of proposals;
- review DFW's implementation of previous proposals by the Commission;
- serve as a forum for public input and discussion of fish and wildlife issues; and
- annually report its policy proposals and an evaluation of DFW's implementation of legislative directives and Commission policy proposals.

Commission and Director Confirmation Requirements. Appointments to the Commission and the Director must be confirmed by the Senate during the first full legislative session following their appointment in order to continue to serve.

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. Four commissioners must be present to transact business.

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 seven commissioners that same day with three members serving a three-year term, two serving a two-year term, and two serving a one-year term.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Substitute): The proposed substitute as compared to the original bill:

- increases the number of Commission members from five to seven;
- requires that one commissioner be appointed from each DFW administrative region;
- authorizes the Governor to select the Chair and Vice-Chair of the Commission;
- reduces the number of commissioners required for a quorum from five to four;
- requires that appointments to the Commission and the Director be confirmed by the Senate during the first full legislative session following their appointment in order to continue to serve;
- transfers fish and wildlife management and rule-making authority from the Commission to DFW, which would take effect immediately; and
- directs the Commission to carry out duties including to develop policy proposals, strategic plans, conduct studies and policy analysis, serve as a forum for public discussion of fish and wildlife issues, and annually provide the Governor and Legislature with its policy recommendations and a review of DFW's implementation of legislative directives and Commission policy proposals.

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 on Original Bill: 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.