

SSB 6135 - H AMD TO APPG COMM AMD (H-4459.1/12) 1265  
By Representative Blake

ADOPTED 03/01/2012

1 On page 23, after line 15 of the amendment, insert the following:

2 "Sec. 5. RCW 77.95.320 and 2009 c 340 s 2 are each amended to read  
3 as follows:

4 (1) The department shall establish a program that utilizes  
5 department-partner agreements for the resumption or continued operation  
6 and management of state-owned salmonid hatcheries (~~((now closed or  
7 scheduled for closure during the 2009-2011 biennium))~~). To implement  
8 the program, the department shall accept and review applications to  
9 determine the appropriateness of the partner to manage and operate  
10 selected salmonid hatcheries. The department shall accelerate the  
11 application process relating to any hatchery currently in operation to  
12 avoid cessation of ongoing salmon production.

13 (2)(a) To select a partner, the department shall develop and apply  
14 criteria identifying the appropriateness of a potential partner. The  
15 criteria must seek to ensure that the partner has a long-range business  
16 plan, which may include the sale of hatchery surplus salmon, including  
17 eggs and carcasses, to ensure the long-range future solvency of the  
18 partnership. The business plan may also allow the partner to harvest  
19 hatchery chum salmon in a designated area through persons under  
20 contract with the partner as provided under a permit from the  
21 department or by rule of the commission. All chum salmon harvested  
22 must be sold at prices commensurate with the current market and all  
23 funds must be utilized by the partner to operate the hatchery.

24 (b) Partners under this section must be:

- 25 (i) Qualified under section 501(c)(3) of the internal revenue code;  
26 (ii) A for-profit private entity; or  
27 (iii) A federally recognized tribe.

28 (3) The department shall place a higher priority on applications  
29 from partners that provide for the maximum resumption or continuation

1 of existing hatchery production in a manner consistent with the mandate  
2 contained in RCW 77.04.012 to maintain the economic well-being and  
3 stability of the fishing industry.

4 (4) Agreements entered into with partners under this section must  
5 be consistent with existing state laws, agency rules, collective  
6 bargaining agreements, hatchery management policy involving species  
7 listed under the federal endangered species act, or, in the case of a  
8 tribal partner, any applicable tribal hatchery management policy or  
9 recreational and commercial harvest policy. Agreements under this  
10 section must also require that partners conducting hatchery operations  
11 maintain staff with comparable qualifications to those identified in  
12 the class specifications for the department's fish hatchery personnel.

13 (5) All partnership agreements entered into under this section must  
14 contain a provision that requires the partner to hold harmless the  
15 department and the state for any civil liability arising from the  
16 partner's participation in the agreement or activities at the subject  
17 hatchery or hatcheries.

18 (6) All partnership agreements entered into under this section must  
19 identify any maintenance or improvements to be made to the hatchery  
20 facility, and the source of funding for such maintenance or  
21 improvements. If funding for the maintenance or improvements is to  
22 come from state funds or revenue sources previously received by the  
23 department, the work must be performed either by employees in the  
24 classified service or in compliance with the contracting procedures set  
25 forth in RCW 41.06.142.

26 (7) If deemed necessary and appropriate by the director, department  
27 enforcement officers may conduct background checks on potential  
28 partners described by subsection (2)(b)(i) and (ii) of this section  
29 prior to the department executing a partnership agreement."

30 Renumber the remaining sections consecutively and correct any  
31 internal references accordingly.

EFFECT: Removes the limitation on agreements between the  
Washington department of fish and wildlife and private sector partners

to resume or continue a salmon hatchery operation that makes the agreements applicable to only hatcheries that were closed in 2009 or slated for closure in the 2009-2011 biennium. Allows certain hatchery partners to harvest and sell hatchery produced chum salmon to help fund the management of the associated hatchery. Allows for background checks for certain partner applicants.

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