

SENATE BILL REPORT

SB 5372

As of January 26, 2015

Title: An act relating to limiting the enforcement of policies of the department of fish and wildlife and providing for abrogation of policies by act of the governor or either house of the legislature.

Brief Description: Limiting the enforcement of policies of the department of fish and wildlife and providing for abrogation of policies by act of the governor or either house of the legislature.

Sponsors: Senators Warnick, Honeyford, Becker, Padden, Pearson and Roach.

Brief History:

Committee Activity: Natural Resources & Parks: 1/29/15.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Staff: Curt Gavigan (786-7437)

Background: Role of the Department of Fish and Wildlife (DFW) Generally. DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must classify wildlife and establish the basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

DFW is led by a Commission and Director. The Commission consists of nine members who serve six-year terms. Members are appointed by the Governor with the advice and consent of the Senate. Three members 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.

DFW Rulemaking Authority. In general, DFW rules and rule changes must be adopted by approval of the majority of the Fish and Wildlife Commission. The rulemaking process must be consistent with the state's Administrative Procedure Act (APA).

The Commission may delegate DFW employees to act on its behalf in the rule-adoption process.

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.

Summary of Bill: Establishes a Process Prior to Rule Enforcement. After July 1, 2015, DFW may not enforce a rule until it has been adopted under the APA, codified in the state's administrative code, and ratified by an act of the Legislature.

Provides Authority to Abrogate a Rule. A DFW rule or policy is null and void if either of the following occur:

- the Governor issues an executive order declaring the rule or policy abrogated; or
- either house of the Legislature adopts a resolution declaring the rule or policy abrogated.

In these circumstances, the rule is null and void immediately unless the executive order or resolution make the rule abrogation retroactive.

Appropriation: None.

Fiscal Note: Requested on January 24, 2015.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2015.