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**SENATE BILL 5675**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators L. Wilson, Boehnke, Dozier, King, MacEwen, Schoesler, Short, and Wagoner

Read first time 02/02/23. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to fish and wildlife commission members; amending  
2 RCW 77.04.030, 43.06.092, 77.04.040, and 77.04.055; adding new  
3 sections to chapter 77.04 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is important  
6 for the proper management of the fish and wildlife of this state to  
7 have a fully qualified and confirmed fish and wildlife commission  
8 that supports science-based management and represents the broad  
9 interests of the state of Washington.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.04  
11 RCW to read as follows:

12 (1) The governor, in consultation with the senate natural  
13 resources committee chair, must establish a commission nominating  
14 committee that must appoint the members of the commission nominating  
15 committee and convene the first meeting of the commission nominating  
16 committee by January 2024. The commission nominating committee shall  
17 meet as necessary to recommend to the governor all potential  
18 commission members to be appointed, reappointed, and replaced on the  
19 commission. The commission nominating committee must represent broad

1 interests related to science-based wildlife management in the state  
2 of Washington, and appoint members as follows:

3 (a) Two members representing hunting organizations, with one  
4 representing big game and the other small game;

5 (b) One member representing a recreational angling organization;

6 (c) One member representing fishing guides;

7 (d) One member representing commercial fishers;

8 (e) One member representing an organization focused on land and  
9 water management or fish and wildlife conservation;

10 (f) One member from the agricultural sector;

11 (g) One member from the outdoor recreation business community;

12 (h) One member from county or city government; and

13 (i) One member from a federally recognized Indian tribe with  
14 treaty reserved rights in the state of Washington.

15 (2) Commission nominating committee members shall serve staggered  
16 three-year terms, with unlimited renewals, and initial members must  
17 be split into one, two, and three-year terms. At the initial meeting  
18 of the commission nominating committee, cochairs of the commission  
19 nominating committee must be selected by a majority vote of the  
20 commission nominating committee members, and serve three-year terms.  
21 Any vacancy must be filled within 90 days.

22 **Sec. 3.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to  
23 read as follows:

24 (1) The fish and wildlife commission consists of nine registered  
25 voters of the state. In January of each odd-numbered year, the  
26 governor shall appoint with the advice and consent of the senate  
27 three registered voters to the commission to serve for terms of six  
28 years from that January or until their successors are appointed and  
29 qualified. These nominations must originate from the commission  
30 nominating committee established in section 2 of this act. No  
31 commission member may serve on the commission without senate  
32 confirmation.

33 (2) If a vacancy occurs on the commission prior to the expiration  
34 of a term, the governor shall appoint a registered voter as  
35 recommended by the commission nominating committee established in  
36 section 2 of this act within ((sixty)) 60 days to complete the term.  
37 If the governor fails to fill the vacancy within 90 days, the  
38 commission nominating committee established in section 2 of this act  
39 shall appoint the member. Three members shall be residents of that

1 portion of the state lying east of the summit of the Cascade  
2 mountains, and three shall be residents of that portion of the state  
3 lying west of the summit of the Cascade mountains. Three additional  
4 members shall be appointed at large. No two members may be residents  
5 of the same county. The legal office of the commission is at the  
6 administrative office of the department in Olympia.

7 **Sec. 4.** RCW 43.06.092 and 1981 c 338 s 2 are each amended to  
8 read as follows:

9 (1) ~~((Any))~~ Except as provided in RCW 77.04.030, any  
10 gubernatorial appointee subject to senate confirmation shall continue  
11 to serve unless rejected by a vote of the senate. An appointee who is  
12 rejected by a vote of the senate shall not be reappointed to the same  
13 position for a period of one year from termination of service.

14 (2) Any person appointed by the governor to fill the unexpired  
15 term of an appointment subject to senate confirmation must also be  
16 confirmed by the senate.

17 **Sec. 5.** RCW 77.04.040 and 1995 1st sp.s. c 2 s 3 are each  
18 amended to read as follows:

19 Persons eligible for appointment as members of the commission  
20 shall be Washington residents who support science-based management of  
21 game, nongame, and fish populations, support hunting and fishing as a  
22 management tool for sustainable fish and wildlife populations, have  
23 no current or prior conflict of interest in upholding the agency  
24 mandates, and have general knowledge of the habits and distribution  
25 of fish and wildlife and shall not hold another state, county, or  
26 municipal elective or appointive office, nor have a conflict of  
27 interest by receiving compensation, monetarily or otherwise, from any  
28 group, organization, association, or other entity for legal,  
29 lobbying, marketing, or other means that could reasonably bias a  
30 commissioner during rule-making proceedings. In making these  
31 appointments, the governor shall seek to maintain a balance  
32 reflecting all aspects of fish and wildlife, including representation  
33 recommended by organized groups representing sportfishers, commercial  
34 fishers, hunters, private landowners, and environmentalists. Persons  
35 eligible for appointment as fish and wildlife commissioners shall  
36 comply with the provisions of chapters 42.52 and ~~((42.17))~~ 42.56 RCW.

1       **Sec. 6.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to  
2 read as follows:

3       (1) (a) In establishing policies to preserve, protect, and  
4 perpetuate wildlife, fish, and wildlife and fish habitat, the  
5 commission shall meet annually with the governor to:

6       (~~(a)~~) (i) Review and prescribe basic goals and objectives  
7 related to those policies; and

8       (~~(b)~~) (ii) Review the performance of the department in  
9 implementing fish and wildlife policies.

10       (b) The commission members shall follow the mandate of the agency  
11 and commission as established under RCW 77.04.012, 77.04.020, and WAC  
12 220-101-010, and maximize fishing, hunting, and outdoor recreational  
13 opportunities compatible with healthy and diverse fish and wildlife  
14 populations.

15       (2) The commission shall establish hunting, trapping, and fishing  
16 seasons and prescribe the time, place, manner, and methods that may  
17 be used to harvest or enjoy game fish and wildlife.

18       (3) The commission shall demonstrate when setting hunting and  
19 fishing rules, regulations, and seasons, that they have made their  
20 decisions based upon peer-reviewed science.

21       (4) The commission shall establish provisions regulating food  
22 fish and shellfish as provided in RCW 77.12.047.

23       (~~(4)~~) (5) The commission shall have final approval authority  
24 for tribal, interstate, international, and any other department  
25 agreements relating to fish and wildlife.

26       (~~(5)~~) (6) The commission shall adopt rules to implement the  
27 state's fish and wildlife laws.

28       (~~(6)~~) (7) The commission shall have final approval authority  
29 for the department's budget proposals.

30       (~~(7)~~) (8) The commission shall select its own staff and shall  
31 appoint the director of the department. The director and commission  
32 staff shall serve at the pleasure of the commission.

33       NEW SECTION. **Sec. 7.** A new section is added to chapter 77.04  
34 RCW to read as follows:

35       If a commission member fails to fulfill the agency and commission  
36 mandate under RCW 77.04.012, 77.04.020, and WAC 220-101-010, does not  
37 perform the member's duties under RCW 77.04.055 or due to excessive  
38 absence or abandonment of the member's position, or engages in any  
39 act of dishonesty, willful misconduct, or activity that reasonably

1 appears as a conflict of interest, and the senate finds that adequate  
2 cause for removal exists, a vote must be initiated to remove the  
3 member from the member's commission position in a timely manner. The  
4 commission position is then vacant and must be filled as set forth in  
5 RCW 77.04.030 and section 2 of this act.

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