

# HOUSE BILL REPORT

## HJR 4212

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### As Reported by House Committee On:

Natural Resources

**Brief Description:** Amending the Constitution regarding initiatives and referenda on fish and wildlife issues.

**Sponsors:** Representatives Buck, Doumit, Sump, Hatfield, Eickmeyer, Pennington, Veloria, Boldt, O'Brien, Schoesler, Kessler, Clements, Grant and Edwards.

### Brief History:

#### Committee Activity:

Natural Resources: 2/16/01 [DP].

#### Brief Summary of Bill

- Proposes a constitutional amendment to the voters of the state which will require any initiative effecting the management of fish and wildlife to receive a two thirds majority in order to be adopted.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 10 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Buck, G. Chandler, Edwards, Eickmeyer, Ericksen, Murray and Pennington.

**Minority Report:** Do not pass. Signed by 1 member: Representative Rockefeller, Democratic Vice Chair.

**Staff:** Jason Callahan (786-7117).

### Background:

The first power reserved by the people in the Washington Constitution is the initiative. An initiative is placed on a ballot and proposed to the general electorate when the underlying petition is signed by the appropriate number of voters and the document is filed with the Secretary of State in a timely fashion. Initiatives receiving a majority of the popular vote in its favor are incorporated into state law. Such successful initiatives may not be repealed or changed by the Legislature for two years without two thirds of

the Legislature agreeing to do so. The current initiative process makes no special provisions for petitions seeking to effect particular areas of law, including the management of the state's fish and wildlife.

The Legislature has delegated stewardship of the state's fish and wildlife to the Fish and Wildlife Commission and the Department of Fish and Wildlife. Recent initiatives have effected the management of wildlife. Most recently, Initiative 713 was approved by the voters in the 2000 general election. Initiative 713 prohibited certain trapping methods.

The constitutions of the states of Alaska and Utah both treat initiatives effecting fish and wildlife differently from general initiatives. Alaska's constitution prohibits any initiatives seeking to prohibit the transportation of wildlife or prescribing seasons or methods for taking wildlife. Utah's constitution requires a two thirds vote of the electorate before an initiative effecting the management of wildlife is incorporated into state law.

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**Summary of Bill:**

A constitutional amendment is proposed to the voters of Washington. The amendment requires that a two thirds majority vote is needed for the passage of any initiative that provides rules, permits, regulates, or prohibits the taking or transportation of fish or wildlife, or prescribes seasons or methods for the taking of wildlife.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Testimony For:** Best possible science should be used in wildlife management and recent initiatives have not reflected this. The citizens of Washington pay a high price for top notch wildlife management, and they should get a value for their investment. The legislative process offers bills a high level of scrutiny, review, and opportunity for amendment; while initiatives are a one-shot deal that is not open for comment or amendment. Fish and wildlife initiatives also out-of-state interest groups an opportunity to spend a lot of money and directly undermine the state's management. Often supporters of the wildlife initiatives are people who do not have direct contact or experience with wildlife and underestimate the effects of dangerous and nuisance wildlife in rural areas. The wildlife initiatives in the past have often been poorly written and proved to result in negative effects. Recent wildlife-related initiatives have not taken into account the social and economic impacts on Washington. These initiatives undermine the state in its duty to manage the fish and wildlife of Washington for all citizens. The initiative was reserved to the people for a safety valve against an unresponsive government. It was not reserved so that interest groups could bypass a representative legislature. Only two states are currently not dealing with wildlife-based initiative

problems. Money raised for sound wildlife management should not have to be expended in political campaigns to defeat poorly drafted amendments. Wildlife initiatives often end up costing farmers a great deal of money, which in turn costs the consumers and the government. Past wildlife-based initiatives have been devastating to family farmers.

**Testimony Against:** None.

**Testified:** (In support) Representative Buck, prime sponsor; Bruce Bjork, Washington Department of Fish and Wildlife; Dawn Vyvyan, Association of Professional Biologists; Min T. Huang, Association of Professional Biologists; Ed Owens, Coalition of Coastal Fisheries, Purse Seine Vessel Owners Association, Puget Sound Gill Netters Association, Hunters Heritage Council, Citizens for Responsible Wildlife Management, Habitat for Washington Foundation, and Salmon for Washington; Tony Wells, Citizens for Washington Wildlife; and Linda Johnson, Washington Farm Bureau.

(Neutral) Russ Cahill, Fish and Wildlife Commission.