

**SENATE BILL 5130**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senators Metcalf and Owen. Read first time January 22, 1991.  
Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to the department of wildlife; adding new sections  
2 to chapter 77.04 RCW; adding a new section to chapter 77.32 RCW; adding  
3 a new section to chapter 82.08 RCW; creating new sections; making an  
4 appropriation; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The intent of the legislature is to improve  
7 the programs of the department of wildlife by securing a dependable and  
8 expanded source of funding for all programs and to improve department  
9 efficiency.

10 The legislature finds that reorganization of the department is a  
11 necessary first step to assure that the programs are focused on their  
12 primary goals. The primary goal of the department is to efficiently  
13 improve the wildlife resource for both consumptive and nonconsumptive  
14 users.

1 The legislature further finds that any department activity that is  
2 not focused on improving the wildlife resource and wildlife-oriented  
3 recreation is of very limited value to all citizens of the state.  
4 Resources should be redirected into areas that produce tangible  
5 results.

6 The legislature finds that the department should maximize  
7 productive in-the-field activities that result in more or improved fish  
8 and wildlife stocks, that improve the habitat for wildlife, or that are  
9 intended to increase the practical knowledge regarding fish and  
10 wildlife stocks. The department should de-emphasize planning,  
11 coordination, conferences, meetings, public relations, publications,  
12 retreats, adjudication, litigation, excessive layers of management,  
13 personal service contracts, mediation, coffee breaks, and all other  
14 activities that are trappings of the bureaucratic process. Department  
15 resources should be efficiently directed into areas that produce fish  
16 and wildlife.

17 NEW SECTION. **Sec. 2.** The department shall consist of two  
18 programs:

- 19 (1) The habitat and research program; and  
20 (2) The fishing and hunting program.

21 NEW SECTION. **Sec. 3.** (1) All employees of the department except  
22 exempt employees, the commission, and the commission's staff shall be  
23 allocated to divisions within each of these two programs.

24 (2) The habitat and research program shall consist of:

25 (a) All employees of the habitat management division plus an  
26 additional ten FTE's for the primary purpose of habitat survey and  
27 quantification;

1 (b) All employees of the fisheries management division who conduct  
2 research activities;

3 (c) All employees of the wildlife management division who conduct  
4 research on nonhunted wildlife activities;

5 (d) Five or more new FTE's for the primary purpose of enforcement  
6 of habitat protection rules and protection of nonhunted wildlife  
7 species;

8 (e) All employees of the engineering and lands division in excess  
9 of the sixty FTE's employed in the fishing and hunting division;

10 (f) Employees of the administrative division not in excess of  
11 fifty FTE's; and

12 (g) Ten or more new FTE's for the primary purpose of conducting  
13 research activities involving wildlife habitat restoration and  
14 replacement.

15 (3) The fishing and hunting program shall consist of:

16 (a) Employees of the fisheries management division, except for  
17 those employees who conduct research activities;

18 (b) Employees of the wildlife management division, except for  
19 those employees who conduct research activities or nonhunted wildlife  
20 activities;

21 (c) Employees of the wildlife enforcement division;

22 (d) Employees of the engineering and lands division up to a  
23 maximum of sixty FTE's; and

24 (e) Employees of the administrative division not in excess of  
25 fifty FTE's.

26 (4) Within the fishing and hunting program no more than one FTE  
27 may be used for public relations activities.

28 NEW SECTION. **Sec. 4.** (1) Funding of the fishing and hunting  
29 division and the habitat and research division shall be strictly

1 segregated to ensure fiscal accountability and maximize program  
2 performance. Consumptive fishing and hunting activities shall be paid  
3 for largely through user fees and programs in the habitat and research  
4 division with revenue from the general fund and a surcharge on the sale  
5 of camping equipment and optical gear as provided for in section 11 of  
6 this act.

7 (2) The habitat and research program shall be funded from the  
8 following dedicated sources:

9 (a) The general fund;

10 (b) All game special wildlife account funds that are revenue from  
11 the sale of personalized license plates;

12 (c) All federal funds related to projects for nonfished or  
13 nonhunted wildlife species;

14 (d) All local or private funds related to projects for nonfished  
15 or nonhunted wildlife species;

16 (e) A 2.0 percent surcharge on the sale of camping gear, outdoor  
17 gear, and camera and optical equipment as provided for in section 11 of  
18 this act; and

19 (f) Scientific permit fees under RCW 77.32.240.

20 (3) The funding sources dedicated to the habitat and research  
21 program shall not be used by the fishing and hunting program or for any  
22 other department activities.

23 (4) The fishing and hunting program shall be funded from the  
24 following dedicated sources:

25 (a) All fishing license, hunting license, tag, stamp, permit,  
26 punchcard, guide license, taxidermy license, and all other fees related  
27 to consumptive fishing or hunting activities under chapter 77.32 RCW  
28 except for scientific permit fees under RCW 77.32.240;

29 (b) All off-road vehicle account funds submitted to the  
30 department;

1 (c) All aquatic lands enhancement account funds submitted to the  
2 department;

3 (d) All public safety and education account funds submitted to the  
4 department;

5 (e) All federal funds for the operation of fish hatcheries,  
6 wildlife control, land purchase for mitigation of federal projects,  
7 enhancement or restoration of hunted wildlife populations, or any other  
8 federal funds that are for the primary purpose of improving fishing or  
9 hunting activities;

10 (f) All federal aid to wildlife restoration and federal aid to  
11 sportfish restoration funds that are submitted to the department;

12 (g) All private and local funds that are for mitigation of fish or  
13 wildlife impacts that affect fishing and hunting activities or the  
14 hunted or fished wildlife resource.

15 (5) The funding sources dedicated to the fishing and hunting  
16 program shall not be used by the habitat and research program or for  
17 any other department activities.

18 NEW SECTION. **Sec. 5.** The commission shall conduct a minimum of  
19 six public hearings between June 1 and September 1 of each year for the  
20 purpose of informing the public about the needs of the wildlife  
21 resource and allocation of funds to the habitat and research division  
22 and the fishing and hunting division.

23 NEW SECTION. **Sec. 6.** The exempt employees of the department  
24 shall be funded solely from the general fund appropriation to the  
25 department.

1        NEW SECTION.    **Sec. 7.**    The commission and its staff shall be  
2 funded solely from the general fund appropriation to the wildlife  
3 department.

4        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 77.32 RCW  
5 to read as follows:

6        The cost of hunting and fishing licenses, tags, permits, and  
7 stamps, and all associated consumptive user fees shall be adjusted to  
8 reflect changes in the inflation rate once every three years, beginning  
9 on January 1, 1994, and every three years thereafter. The commission  
10 shall determine after adequate deliberation and public input the  
11 magnitude of the fee changes and shall conduct at least four public  
12 hearings in various areas of the state before adoption of the revised  
13 fees as agency rule.

14        NEW SECTION.    **Sec. 9.**    The director of wildlife shall study the  
15 wildlife habitat within the state, quantify habitat losses, and prepare  
16 a report on the habitat replacement needs. The report shall contain  
17 recommendations for funding sources and funding levels to achieve the  
18 habitat replacement and restoration goals of the department of  
19 wildlife. The report shall be submitted to the senate ways and means  
20 committee, senate environment and natural resources committee, house of  
21 representatives appropriations committee, and house of representatives  
22 fisheries and wildlife committee or their successor committees on or  
23 before November 1, 1992.

24        NEW SECTION.    **Sec. 10.**        The director of the state energy office  
25 shall conduct a pilot energy audit program. The primary purpose of the  
26 program is to audit the use of petroleum products by the department of  
27 wildlife staff. The audit shall include an examination of the

1 restriction on travel of the enforcement division while other divisions  
2 have been freely allowed petroleum resources, which caused other  
3 government entities to supply petroleum products to the enforcement  
4 division. In the interest of wise use of irreplaceable petroleum  
5 resources, the director shall study the allocation practices within the  
6 department of wildlife and report to the legislature on or before  
7 December 31, 1992, on the findings. The director shall also  
8 investigate the total number of petroleum-consuming devices owned by  
9 the department of wildlife for the purposes of identifying items that  
10 are not necessary or efficient that should be surplussed. The director  
11 shall recommend ways of conserving fuel while continuing to fulfill the  
12 duties of the agency.

13 NEW SECTION. **Sec. 11.** A new section is added to chapter 82.08 RCW  
14 to read as follows:

15 The purpose of imposing a tax on outdoor equipment is to provide an  
16 appropriate mechanism to fund nonconsumptive land, habitat, and  
17 wildlife uses. The funds derived from this tax shall be used  
18 exclusively by the department of wildlife for the habitat and research  
19 program provided for in sections 2 through 7 of this act. The outdoor  
20 equipment tax shall be imposed on the first possession of the specified  
21 outdoor equipment for commercial purposes. A person has constructive  
22 possession for the purposes of this tax if the person has legal  
23 ownership.

24 No equipment specified in this section may be sold in the state  
25 without the tax having been paid. The tax rate under this section is  
26 two percent of the cost at wholesale sale as defined in RCW 82.04.060.  
27 The department of revenue shall adopt by rule a specific list of  
28 taxable outdoor items including but not limited to the following  
29 categories:

1 (1) All photographic products such as: Cameras, film, video  
2 recorders, videotapes, and all photographic developing products;

3 (2) All ski equipment such as: Skis, poles, boots, bindings, and  
4 ski clothes;

5 (3) River rafts, kayaks, and boats of all types that are not  
6 subject to the watercraft excise tax under chapter 82.49 or 88.02 RCW.  
7 All vessels exempted from state or federal registration shall be taxed.  
8 The following are exempt from the tax imposed under this chapter:

9 (a) Vessels used exclusively for commercial fishing purposes;

10 (b) Vessels under sixteen feet in overall length;

11 (c) Vessels owned and operated by the United States, a state of the  
12 United States, or any municipality or political subdivision thereof;

13 (d) Vessels owned by a nonprofit organization or association  
14 engaged in character building of boys and girls under eighteen years of  
15 age and solely used for such purposes, as determined by the department  
16 for the purposes of RCW 84.36.030; and

17 (e) Vessels owned and held for sale by a dealer, but not rented on  
18 a regular commercial basis;

19 (4) Jet skis, water skis, and water and jet ski-related equipment;

20 (5) All forms of nonmotorized vehicles such as bicycles and trail  
21 bicycles;

22 (6) All items made from natural animal fur;

23 (7) Rock collecting equipment and rock polishing and grinding  
24 equipment and supplies;

25 (8) Mountain climbing equipment including special ropes, shoes,  
26 and any other item used primarily for mountain climbing;

27 (9) Maps, whether sold or distributed without charge, but maps  
28 provided by federal, state, or local agencies without charge shall not  
29 be taxed;

30 (10) Windsurfing equipment and supplies;

1 (11) Wet suits and scuba diving equipment, unless used for  
2 commercial purposes;

3 (12) Special shoes used for outdoor activities including hiking  
4 boots and snow shoes;

5 (13) Camping equipment including sleeping bags, tents, cots,  
6 cooking equipment, dried foods and dehydrated foods made for camping,  
7 backpacks, shepherd stoves, air mattresses, and ice chests;

8 (14) Chain saws, chain saw blades, axes, and hatchets;

9 (15) Hang gliders, parachutes, and hot air balloons;

10 (16) All traps and trapping equipment unless made for common  
11 household purposes;

12 (17) All equestrian equipment including saddles, saddle blankets,  
13 and bags; and

14 (18) Binoculars and telescope equipment.

15 NEW SECTION. **Sec. 12.** The Washington state human rights  
16 commission, pursuant to RCW 49.74.005, shall undertake a study of  
17 affirmative action policies and procedures of the department of  
18 wildlife. The success or failure to meet goals at all levels  
19 throughout the department shall be studied. Special attention shall be  
20 given to the various field offices and mid and low-level management.  
21 The commission shall particularly analyze the affirmative action  
22 programs with respect to race, color, sex, and physical handicaps. If  
23 necessary, the commission shall prepare a mandatory action plan for the  
24 department of wildlife and shall monitor its full implementation over  
25 a reasonable but timely period. The results of the study and the  
26 action plan shall be submitted to the legislature by December 31, 1992.

27 NEW SECTION. **Sec. 13.** The sum of fifteen thousand dollars, or  
28 as much thereof as may be necessary, is appropriated for the biennium

1 ending June 30, 1993, from the general fund to the state energy office  
2 for the study in section 10 of this act.

3 NEW SECTION. **Sec. 14.** Sections 2 through 7 of this act are  
4 each added to chapter 77.04 RCW.

5 NEW SECTION. **Sec. 15.** This act shall take effect January 1,  
6 1992.

7 NEW SECTION. **Sec. 16.** If any provision of this act or its  
8 application to any person or circumstance is held invalid, the  
9 remainder of the act or the application of the provision to other  
10 persons or circumstances is not affected.