

2 **2SSB 5886** - H COMM AMD **NOT ADOPTED 4-17-97**
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Currently, many of the salmon stocks on the Washington coast
9 and in Puget Sound are severely depressed and may soon be listed under
10 the federal endangered species act.

11 (2) Immediate action is needed to reverse the severe decline of the
12 resource and ensure its very survival.

13 (3) The cooperation and participation of private landowners in
14 efforts to restore and enhance anadromous fish populations is crucial
15 to their success.

16 (4) The existing property rights of private landowners should not
17 be adversely impacted at a later date, by the successful implementation
18 of salmon restoration and enhancement projects on their property.

19 (5) Regional fisheries enhancement groups have been exceptionally
20 successful in their efforts to work with private landowners to restore
21 and enhance salmon habitat on private lands.

22 (6) Regional fisheries enhancement groups have provided the most
23 cost-effective approach to affecting the recovery of anadromous
24 fisheries in Washington state, with work undertaken by regional
25 fisheries enhancement groups returning on average nine dollars in
26 matching funds for every one dollar in expenditures from the regional
27 enhancement account.

28 (7) As each of the groups mature and expand, funding becomes a
29 significant limitation to maximizing their fisheries enhancement and
30 habitat restoration efforts.

31 (8) Therefore, an ample stable funding source is essential to the
32 success of the regional enhancement groups and their efforts to work
33 cooperatively with private landowners to restore salmon resources.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 75.50 RCW
35 to read as follows:

1 (1) The regional fisheries enhancement salmonid recovery account is
2 created in the state treasury. All receipts from federal sources and
3 moneys from state sources specified by law must be deposited into the
4 account. Moneys in the account may be spent only after appropriation.
5 Expenditures from the account may be used for the sole purpose of
6 fisheries enhancement and habitat restoration by regional fisheries
7 enhancement groups.

8 (2) The salmonid recovery account is created in the custody of the
9 state treasurer. All receipts from private gifts, grants, bequests,
10 and donations must be deposited into the account. Expenditures from
11 the account may be used for the sole purpose of fisheries enhancement
12 and habitat restoration by regional fisheries enhancement groups. Only
13 the director or the director's designee may authorize expenditures from
14 the account. The account is subject to allotment procedures under
15 chapter 43.88 RCW, but an appropriation is not required for
16 expenditures.

17 NEW SECTION. **Sec. 3.** The regional fisheries enhancement group
18 advisory board shall conduct a study of federal, state, and local
19 permitting requirements for fisheries enhancement and habitat
20 restoration projects. The study shall identify redundant, conflicting,
21 or duplicative permitting requirements and rules, and shall make
22 recommendations for streamlining and improving the permitting process.
23 The results of the study shall be reported to the senate natural
24 resources and parks committee and the house of representatives natural
25 resources committee by November 1, 1997.

26 **Sec. 4.** RCW 75.50.080 and 1993 sp.s. c 2 s 47 are each amended to
27 read as follows:

28 Regional fisheries enhancement groups, consistent with the long-
29 term regional policy statements developed under RCW 75.50.020, shall
30 seek to:

- 31 (1) Enhance the salmon and steelhead resources of the state;
- 32 (2) Maximize volunteer efforts and private donations to improve the
33 salmon and steelhead resources for all citizens;
- 34 (3) Assist the department in achieving the goal to double the
35 state-wide salmon and steelhead catch by the year 2000 (~~under chapter~~
36 ~~214, Laws of 1988~~); and

1 (4) Develop projects designed to supplement the fishery enhancement
2 capability of the department.

3 **Sec. 5.** RCW 75.50.100 and 1995 1st sp.s. c 2 s 39 (Referendum Bill
4 No. 45) are each amended to read as follows:

5 (1) The (~~dedicated~~) regional fisheries enhancement group account
6 is created in the custody of the state treasurer. All money from the
7 surcharges under RCW 75.28.780 and subsections (2) and (3) of this
8 section, steelhead license fees under subsection (5) of this section,
9 and the revenue generated from the sale of salmon carcasses and eggs
10 under RCW 75.08.230(5) and subsection (6) of this section shall be
11 deposited into the account. Only the commission or the commission's
12 designee may authorize expenditures from the account. The account is
13 subject to allotment procedures under chapter 43.88 RCW, but no
14 appropriation is required for expenditures.

15 (2)(a) A surcharge of one dollar shall be collected on each
16 recreational personal use food fish license sold in the state.

17 (b) A surcharge of one hundred dollars shall be collected on each
18 commercial salmon fishery license, each salmon delivery license, and
19 each salmon charter license sold in the state.

20 (3) A surcharge of twenty-five dollars shall be collected on each
21 game fish guide license and each anadromous game fish buyer's license
22 issued under RCW 77.32.211.

23 (4) The department shall study methods for collecting and making
24 available, an annual list, including names and addresses, of all
25 persons who obtain recreational and commercial salmon fishing licenses.
26 This list may be used to assist formation of the regional fisheries
27 enhancement groups and allow the broadest participation of license
28 holders in enhancement efforts. The results of the study shall be
29 reported to the house of representatives fisheries and wildlife
30 committee and the senate environment and natural resources committee by
31 October 1, 1990. All receipts shall be placed in the regional
32 fisheries enhancement group account and shall be used exclusively for
33 regional fisheries enhancement group projects for the purposes of RCW
34 75.50.110. Funds from the regional fisheries enhancement group account
35 shall not serve as replacement funding for department operated salmon
36 projects that exist on January 1, 1991.

37 (5) One dollar of each steelhead license sold in the state shall be
38 deposited into the regional fisheries enhancement group account. This

1 subsection does not authorize the department to assess a surcharge on
2 steelhead fishing licenses.

3 (6) All revenue from the department's sale of salmon carcasses and
4 eggs that return to group facilities shall be deposited in the regional
5 fisheries enhancement group account for use by the regional fisheries
6 enhancement group that produced the surplus. The commission shall
7 adopt rules to implement this section pursuant to chapter 34.05 RCW.

8 (7) Start-up funds may be provided to regional fisheries
9 enhancement groups for costs associated with an enhancement project.
10 The regional fisheries enhancement group advisory board and the
11 department shall develop guidelines for providing funds to the regional
12 fisheries enhancement groups.

13 **Sec. 6.** RCW 43.84.092 and 1996 c 262 s 4 are each amended to read
14 as follows:

15 (1) All earnings of investments of surplus balances in the state
16 treasury shall be deposited to the treasury income account, which
17 account is hereby established in the state treasury.

18 (2) The treasury income account shall be utilized to pay or receive
19 funds associated with federal programs as required by the federal cash
20 management improvement act of 1990. The treasury income account is
21 subject in all respects to chapter 43.88 RCW, but no appropriation is
22 required for refunds or allocations of interest earnings required by
23 the cash management improvement act. Refunds of interest to the
24 federal treasury required under the cash management improvement act
25 fall under RCW 43.88.180 and shall not require appropriation. The
26 office of financial management shall determine the amounts due to or
27 from the federal government pursuant to the cash management improvement
28 act. The office of financial management may direct transfers of funds
29 between accounts as deemed necessary to implement the provisions of the
30 cash management improvement act, and this subsection. Refunds or
31 allocations shall occur prior to the distributions of earnings set
32 forth in subsection (4) of this section.

33 (3) Except for the provisions of RCW 43.84.160, the treasury income
34 account may be utilized for the payment of purchased banking services
35 on behalf of treasury funds including, but not limited to, depository,
36 safekeeping, and disbursement functions for the state treasury and
37 affected state agencies. The treasury income account is subject in all
38 respects to chapter 43.88 RCW, but no appropriation is required for

1 payments to financial institutions. Payments shall occur prior to
2 distribution of earnings set forth in subsection (4) of this section.

3 (4) Monthly, the state treasurer shall distribute the earnings
4 credited to the treasury income account. The state treasurer shall
5 credit the general fund with all the earnings credited to the treasury
6 income account except:

7 (a) The following accounts and funds shall receive their
8 proportionate share of earnings based upon each account's and fund's
9 average daily balance for the period: The capitol building
10 construction account, the Cedar River channel construction and
11 operation account, the Central Washington University capital projects
12 account, the charitable, educational, penal and reformatory
13 institutions account, the common school construction fund, the county
14 criminal justice assistance account, the county sales and use tax
15 equalization account, the data processing building construction
16 account, the deferred compensation administrative account, the deferred
17 compensation principal account, the department of retirement systems
18 expense account, the Eastern Washington University capital projects
19 account, the education construction fund, the emergency reserve fund,
20 the federal forest revolving account, the health services account, the
21 public health services account, the health system capacity account, the
22 personal health services account, the highway infrastructure account,
23 the industrial insurance premium refund account, the judges' retirement
24 account, the judicial retirement administrative account, the judicial
25 retirement principal account, the local leasehold excise tax account,
26 the local real estate excise tax account, the local sales and use tax
27 account, the medical aid account, the mobile home park relocation fund,
28 the municipal criminal justice assistance account, the municipal sales
29 and use tax equalization account, the natural resources deposit
30 account, the perpetual surveillance and maintenance account, the public
31 employees' retirement system plan I account, the public employees'
32 retirement system plan II account, the Puyallup tribal settlement
33 account, the regional fisheries enhancement group account, the regional
34 fisheries enhancement salmonid recovery account, the resource
35 management cost account, the site closure account, the special wildlife
36 account, the state employees' insurance account, the state employees'
37 insurance reserve account, the state investment board expense account,
38 the state investment board commingled trust fund accounts, the
39 supplemental pension account, the teachers' retirement system plan I

1 account, the teachers' retirement system plan II account, the
2 transportation infrastructure account, the tuition recovery trust fund,
3 the University of Washington bond retirement fund, the University of
4 Washington building account, the volunteer fire fighters' relief and
5 pension principal account, the volunteer fire fighters' relief and
6 pension administrative account, the Washington judicial retirement
7 system account, the Washington law enforcement officers' and fire
8 fighters' system plan I retirement account, the Washington law
9 enforcement officers' and fire fighters' system plan II retirement
10 account, the Washington state patrol retirement account, the Washington
11 State University building account, the Washington State University bond
12 retirement fund, the water pollution control revolving fund, and the
13 Western Washington University capital projects account. Earnings
14 derived from investing balances of the agricultural permanent fund, the
15 normal school permanent fund, the permanent common school fund, the
16 scientific permanent fund, and the state university permanent fund
17 shall be allocated to their respective beneficiary accounts. All
18 earnings to be distributed under this subsection (4)(a) shall first be
19 reduced by the allocation to the state treasurer's service fund
20 pursuant to RCW 43.08.190.

21 (b) The following accounts and funds shall receive eighty percent
22 of their proportionate share of earnings based upon each account's or
23 fund's average daily balance for the period: The aeronautics account,
24 the aircraft search and rescue account, the central Puget Sound public
25 transportation account, the city hardship assistance account, the
26 county arterial preservation account, the department of licensing
27 services account, the economic development account, the essential rail
28 assistance account, the essential rail banking account, the ferry bond
29 retirement fund, the gasohol exemption holding account, the grade
30 crossing protective fund, the high capacity transportation account, the
31 highway bond retirement fund, the highway construction stabilization
32 account, the highway safety account, the marine operating fund, the
33 motor vehicle fund, the motorcycle safety education account, the
34 pilotage account, the public transportation systems account, the Puget
35 Sound capital construction account, the Puget Sound ferry operations
36 account, the recreational vehicle account, the rural arterial trust
37 account, the safety and education account, the small city account, the
38 special category C account, the state patrol highway account, the
39 transfer relief account, the transportation capital facilities account,

1 the transportation equipment fund, the transportation fund, the
2 transportation improvement account, the transportation revolving loan
3 account, and the urban arterial trust account.

4 (5) In conformance with Article II, section 37 of the state
5 Constitution, no treasury accounts or funds shall be allocated earnings
6 without the specific affirmative directive of this section.

7 **Sec. 7.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read
8 as follows:

9 (1) Except as provided in this section, state and county officers
10 receiving the following moneys shall deposit them in the state general
11 fund:

12 (a) The sale of licenses required under this title;

13 (b) The sale of property seized or confiscated under this title;

14 (c) Fines and forfeitures collected under this title;

15 (d) The sale of real or personal property held for department
16 purposes;

17 (e) Rentals or concessions of the department;

18 (f) Moneys received for damages to food fish, shellfish or
19 department property; and

20 (g) Gifts.

21 (2) The director shall make weekly remittances to the state
22 treasurer of moneys collected by the department.

23 (3) All fines and forfeitures collected or assessed by a district
24 court for a violation of this title or rule of the department shall be
25 remitted as provided in chapter 3.62 RCW.

26 (4) Proceeds from the sale of food fish or shellfish taken in test
27 fishing conducted by the department, to the extent that these proceeds
28 exceed the estimates in the budget approved by the legislature, may be
29 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
30 the department for unanticipated costs for test fishing operations in
31 excess of the allowance in the budget approved by the legislature.

32 (5) Proceeds from the sale of salmon carcasses and salmon eggs from
33 state general funded hatcheries by the department of general
34 administration shall be deposited in the regional fisheries enhancement
35 group account established in RCW 75.50.100. The department of general
36 administration's fee for administering the sale of salmon carcasses and
37 salmon eggs shall not exceed five percent of the total receipts of each
38 sale.

1 (6) Moneys received by the commission under RCW 75.08.045, to the
2 extent these moneys exceed estimates in the budget approved by the
3 legislature, may be allocated as unanticipated receipts under RCW
4 43.79.270. Allocations under this subsection shall be made only for
5 the specific purpose for which the moneys were received, unless the
6 moneys were received in settlement of a claim for damages to food fish
7 or shellfish, in which case the moneys may be expended for the
8 conservation of these resources.

9 (7) Proceeds from the sale of herring spawn on kelp fishery
10 licenses by the department, to the extent those proceeds exceed
11 estimates in the budget approved by the legislature, may be allocated
12 as unanticipated receipts under RCW 43.79.270. Allocations under this
13 subsection shall be made only for herring management, enhancement, and
14 enforcement.

15 **Sec. 8.** RCW 77.12.170 and 1996 c 101 s 7 are each amended to read
16 as follows:

17 (1) There is established in the state treasury the state wildlife
18 fund which consists of moneys received from:

19 (a) Rentals or concessions of the department;

20 (b) The sale of real or personal property held for department
21 purposes;

22 (c) Except as provided in RCW 75.50.100, the sale of licenses,
23 permits, tags, stamps, and punchcards required by this title;

24 (d) Fees for informational materials published by the department;

25 (e) Fees for personalized vehicle license plates as provided in
26 chapter 46.16 RCW;

27 (f) Articles or wildlife sold by the director under this title;

28 (g) Compensation for wildlife losses or gifts or grants received
29 under RCW 77.12.320;

30 (h) Excise tax on anadromous game fish collected under chapter
31 82.27 RCW;

32 (i) The sale of personal property seized by the department for
33 wildlife violations; and

34 (j) The department's share of revenues from auctions and raffles
35 authorized by the commission.

36 (2) State and county officers receiving any moneys listed in
37 subsection (1) of this section shall deposit them in the state treasury
38 to be credited to the state wildlife fund.

1 NEW SECTION. **Sec. 9.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately."

9 Correct the title.

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