

2SHB 1951 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

ADOPTED 04/09/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds: (1) The full
4 utilization of state salmonid hatcheries is vital to the recreational
5 and commercial fisheries and related economic development and
6 employment; and (2) effective measures are necessary to maintain all
7 hatchery operations that are consistent with conservation of wild
8 salmon populations and support sustainable fisheries.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.95 RCW
10 to read as follows:

11 (1) The department shall establish a program that utilizes
12 department-partner agreements for the resumption or continued operation
13 and management of state-owned salmonid hatcheries now closed or
14 scheduled for closure during the 2009-2011 biennium. To implement the
15 program, the department shall accept and review applications to
16 determine the appropriateness of the partner to manage and operate
17 selected salmonid hatcheries. The department shall accelerate the
18 application process relating to any hatchery currently in operation to
19 avoid cessation of ongoing salmon production.

20 (2)(a) To select a partner, the department shall develop and apply
21 criteria identifying the appropriateness of a potential partner. The
22 criteria must seek to ensure that the partner has a long-range business
23 plan, which may include the sale of hatchery surplus salmon, including
24 eggs and carcasses, to ensure the long-range future solvency of the
25 partnership.

26 (b) Partners under this section must be:

- 27 (i) Qualified under section 501(c)(3) of the internal revenue code;
28 (ii) A for-profit private entity; or
29 (iii) A federally recognized tribe.

1 (3) The department shall place a higher priority on applications
2 from partners that provide for the maximum resumption or continuation
3 of existing hatchery production in a manner consistent with the mandate
4 contained in RCW 77.04.012 to maintain the economic well-being and
5 stability of the fishing industry.

6 (4) Agreements entered into with partners under this section must
7 be consistent with existing state laws, agency rules, collective
8 bargaining agreements, hatchery management policy involving species
9 listed under the federal endangered species act, or, in the case of a
10 tribal partner, any applicable tribal hatchery management policy or
11 recreational and commercial harvest policy. Agreements under this
12 section must also require that partners conducting hatchery operations
13 maintain staff with comparable qualifications to those identified in
14 the class specifications for the department's fish hatchery personnel.

15 (5) All partnership agreements entered into under this section must
16 contain a provision that requires the partner to hold harmless the
17 department and the state for any civil liability arising from the
18 partner's participation in the agreement or activities at the subject
19 hatchery or hatcheries.

20 (6) All partnership agreements entered into under this section must
21 identify any maintenance or improvements to be made to the hatchery
22 facility, and the source of funding for such maintenance or
23 improvements. If funding for the maintenance or improvements is to
24 come from state funds or revenue sources previously received by the
25 department, the work must be performed either by employees in the
26 classified service or in compliance with the contracting procedures set
27 forth in RCW 41.06.142.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.95 RCW
29 to read as follows:

30 The powers and authority conferred by this chapter must be
31 construed as in addition and supplemental to powers or authority
32 conferred by any other law and nothing contained in this chapter may be
33 construed as limiting any other powers or authority of the department.

34 **Sec. 4.** RCW 77.95.090 and 2000 c 107 s 106 are each amended to
35 read as follows:

36 The dedicated regional fisheries enhancement group account is

1 created in the custody of the state treasurer. Only the commission or
2 the commission's designee may authorize expenditures from the account.
3 The account is subject to allotment procedures under chapter 43.88 RCW,
4 but no appropriation is required for expenditures.

5 A portion of each recreational fishing license fee shall be used as
6 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be
7 collected on each commercial salmon fishery license, each salmon
8 delivery license, and each salmon charter license sold in the state.
9 All receipts shall be placed in the regional fisheries enhancement
10 group account and shall be used exclusively for regional fisheries
11 enhancement group projects for the purposes of RCW 77.95.110. Except
12 as provided in section 2 of this act, funds from the regional fisheries
13 enhancement group account shall not serve as replacement funding for
14 department operated salmon projects that exist on January 1, 1991.

15 All revenue from the department's sale of salmon carcasses and eggs
16 that return to group facilities shall be deposited in the regional
17 fisheries enhancement group account for use by the regional fisheries
18 enhancement group that produced the surplus. The commission shall
19 adopt rules to implement this section pursuant to chapter 34.05 RCW."

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20 On page 1, line 4 of the title, after "biennium;" strike the
21 remainder of the title and insert "amending RCW 77.95.090; adding new
22 sections to chapter 77.95 RCW; and creating a new section."

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