

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1951

61st Legislature
2009 Regular Session

Passed by the House April 20, 2009
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 9, 2009
Yeas 44 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1951** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1951

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By House General Government Appropriations (originally sponsored by Representatives Finn, Short, Takko, Walsh, Blake, Johnson, McCune, Pearson, Williams, and Van De Wege)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to creating a program for public-private
2 partnerships for the operation and management of salmonid hatcheries
3 now closed or scheduled for closure by the department of fish and
4 wildlife during the 2009-2011 biennium; amending RCW 77.95.090; adding
5 new sections to chapter 77.95 RCW; and creating a new section.

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

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

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

15 (1) The department shall establish a program that utilizes
16 department-partner agreements for the resumption or continued operation
17 and management of state-owned salmonid hatcheries now closed or
18 scheduled for closure during the 2009-2011 biennium. To implement the

1 program, the department shall accept and review applications to
2 determine the appropriateness of the partner to manage and operate
3 selected salmonid hatcheries. The department shall accelerate the
4 application process relating to any hatchery currently in operation to
5 avoid cessation of ongoing salmon production.

6 (2)(a) To select a partner, the department shall develop and apply
7 criteria identifying the appropriateness of a potential partner. The
8 criteria must seek to ensure that the partner has a long-range business
9 plan, which may include the sale of hatchery surplus salmon, including
10 eggs and carcasses, to ensure the long-range future solvency of the
11 partnership.

12 (b) Partners under this section must be:

13 (i) Qualified under section 501(c)(3) of the internal revenue code;

14 (ii) A for-profit private entity; or

15 (iii) A federally recognized tribe.

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

21 (4) Agreements entered into with partners under this section must
22 be consistent with existing state laws, agency rules, collective
23 bargaining agreements, hatchery management policy involving species
24 listed under the federal endangered species act, or, in the case of a
25 tribal partner, any applicable tribal hatchery management policy or
26 recreational and commercial harvest policy. Agreements under this
27 section must also require that partners conducting hatchery operations
28 maintain staff with comparable qualifications to those identified in
29 the class specifications for the department's fish hatchery personnel.

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

35 (6) All partnership agreements entered into under this section must
36 identify any maintenance or improvements to be made to the hatchery
37 facility, and the source of funding for such maintenance or
38 improvements. If funding for the maintenance or improvements is to

1 come from state funds or revenue sources previously received by the
2 department, the work must be performed either by employees in the
3 classified service or in compliance with the contracting procedures set
4 forth in RCW 41.06.142.

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

7 The powers and authority conferred by this chapter must be
8 construed as in addition and supplemental to powers or authority
9 conferred by any other law and nothing contained in this chapter may be
10 construed as limiting any other powers or authority of the department.

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

13 The dedicated regional fisheries enhancement group account is
14 created in the custody of the state treasurer. Only the commission or
15 the commission's designee may authorize expenditures from the account.
16 The account is subject to allotment procedures under chapter 43.88 RCW,
17 but no appropriation is required for expenditures.

18 A portion of each recreational fishing license fee shall be used as
19 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be
20 collected on each commercial salmon fishery license, each salmon
21 delivery license, and each salmon charter license sold in the state.
22 All receipts shall be placed in the regional fisheries enhancement
23 group account and shall be used exclusively for regional fisheries
24 enhancement group projects for the purposes of RCW 77.95.110. Except
25 as provided in section 2 of this act, funds from the regional fisheries
26 enhancement group account shall not serve as replacement funding for
27 department operated salmon projects that exist on January 1, 1991.

28 All revenue from the department's sale of salmon carcasses and eggs
29 that return to group facilities shall be deposited in the regional
30 fisheries enhancement group account for use by the regional fisheries
31 enhancement group that produced the surplus. The commission shall
32 adopt rules to implement this section pursuant to chapter 34.05 RCW.

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