
HOUSE BILL 2650

State of Washington

62nd Legislature

2012 Regular Session

By Representatives McCune and Blake

Read first time 01/20/12. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to state and private partnerships for managing
2 salmonid hatcheries; and amending RCW 77.95.320.

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

4 **Sec. 1.** RCW 77.95.320 and 2009 c 340 s 2 are each amended to read
5 as follows:

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

15 (2)(a) To select a partner, the department shall develop and apply
16 criteria identifying the appropriateness of a potential partner. The
17 criteria must seek to ensure that the partner has a long-range business
18 plan, which may include the sale of hatchery surplus salmon, including

1 eggs and carcasses, and other hatchery salmon taken under a special
2 permit issued by the department, to ensure the long-range future
3 solvency of the partnership.

4 (b) Partners under this section must be:

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

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

7 (iii) A federally recognized tribe.

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

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

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

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

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