

# HOUSE BILL REPORT

## HB 1112

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### As Passed Legislature

**Title:** An act relating to standards for the use of science to support public policy.

**Brief Description:** Concerning standards for the use of science to support public policy.

**Sponsors:** Representatives Short, Upthegrove, Springer, Pollet, Taylor, Zeiger and Wilcox.

#### Brief History:

##### Committee Activity:

Agriculture & Natural Resources: 2/5/13, 2/12/13 [DP].

##### Floor Activity:

Passed House: 3/6/13, 97-0.

Passed Senate: 4/12/13, 47-0.

Passed Legislature.

#### Brief Summary of Bill

- Requires the Washington Department of Fish and Wildlife to identify the sources of information reviewed and relied upon before taking significant agency action.
- Defines "significant agency action."

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 14 members: Representatives Blake, Chair; Lytton, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys, Dunshee, Haigh, Hurst, Kretz, Orcutt, Schmick, Stanford, Van De Wege and Warnick.

**Staff:** Cherlyn Walden (786-7296).

#### Background:

The Washington Department of Fish and Wildlife (WDFW) is responsible for establishing policy and direction for fish and wildlife species and their habitats, as well as establishing

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basic rules and regulations governing the time, place, manner, and methods used to harvest or enjoy fish and wildlife.

The State Administrative Procedure Act (chapter 34.05 RCW) establishes the rulemaking process for state agencies and also outlines the procedural requirements for appealing an agency action. The State Public Records Act (chapter 42.56 RCW) establishes requirements for agency maintenance of public records, and for the provision of those records for public inspection. Public records invoked by an agency must be indexed and made available to the public.

**Summary of Bill:**

Before taking significant agency action, the WDFW must identify peer-reviewed literature, scientific literature, and other sources reviewed and relied upon for significant agency action. The WDFW must also provide the index of records required under the State Public Records Act (chapter 42.56 RCW) that are relied upon or invoked in support of the a proposed significant agency action.

"Significant agency action" is defined as an act of the WDFW that: (1) results in substantive requirements for a non-state actor with penalties for noncompliance; (2) establishes, alters, or revokes any qualification or standard for the issuance, suspension, or revocation of a license or permit; (3) results in significant amendments to an existing policy or program; (4) results in the development of technical guidance, assessments, or documents used to implement a state rule or statute; or (5) results in the development of fish and wildlife recovery plans. "Significant agency action" does not include rulemaking by the WDFW associated with fishing and hunting rules.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Sound and quality science is essential to making informed policy decisions. Making the science relied upon to make agency decision readily available to the public affected by those decisions creates a more transparent and open process that enables stakeholders to meaningfully participate.

(Opposed) None.

**Persons Testifying:** Representative Short, prime sponsor; Jim Detro, Okanogon County; Timothy Quinn, Washington Department of Fish and Wildlife; Jack Field, Washington Cattleman's Association; and Don Dashiell, Stevens County.

**Persons Signed In To Testify But Not Testifying:** None.