

HOUSE BILL REPORT

HB 1118

As Reported by House Committee On:
Agriculture & Natural Resources
General Government & Information Technology

Title: An act relating to creating cost savings by providing administrative flexibility to the department of fish and wildlife in its implementation of Title 77 RCW while not directing any changes to resource management outcomes.

Brief Description: Creating cost savings by providing administrative flexibility to the department of fish and wildlife in its implementation of Title 77 RCW while not directing any changes to resource management outcomes.

Sponsors: Representative Blake.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/20/15, 2/10/15 [DPS];
General Government & Information Technology: 2/17/15, 2/24/15 [DP2S(w/o sub AGNR)].

Brief Summary of Second Substitute Bill

- Changes the nature of some requirements of the Washington Department of Fish and Wildlife (WDFW) from mandatory to permissive.
- Allows the WDFW to develop a mobile phone application.
- Clarifies and updates the distinction between migratory bird stamps and migratory bird artwork.
- Updates outdated citations and references.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Blake, Chair; Lytton, Vice Chair; Buys, Ranking Minority Member; Dunshee, Hurst, Pettigrew, Stanford and Van De Wege.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 5 members: Representatives Dent, Assistant Ranking Minority Member; Chandler, Kretz, Orcutt and Schmick.

Staff: Jason Callahan (786-7117).

Background:

The Washington Department of Fish and Wildlife (WDFW), under the direction of the Fish and Wildlife Commission (Commission), has been delegated the responsibility to preserve, protect, perpetuate, and manage Washington's wildlife, food fish, game fish, and shellfish (RCW 77.04.012). The primary direction to the WDFW in the pursuit of its mission is codified in Title 77 of the Revised Code of Washington.

Title 77 is organized in 27 different chapters. These chapters address topics such as licenses, enforcement, wildlife damage, construction projects in state waters, salmon recovery, and invasive species.

Summary of Substitute Bill:

A series of changes are made to the statutes directing the WDFW. These changes include updating citations and references, creating reporting and account management flexibility, updating references to migratory bird stamps, allowing for the production of a mobile phone application, providing an enforcement tool, and consolidating accounts and fees relating to aquatic invasive species.

Reporting Requirements.

The nature of a number of reports produced by the WDFW is changed. Reports that are required to be produced by the WDFW are no longer mandated. Instead, the reporting requirements apply when the agency is requested by, depending on the report, the Commission, the Legislature, the Office of Financial Management, or a constituency group. The reports affected by the change include the annual fishing industry statistics report, the pheasant activity report, the habitat project list report, and the biennial salmon production cost report.

In addition, separate but linked reporting requirements regarding salmon recovery by both the WDFW and the Recreation and Conservation Office is merged into one report.

Account and Administration Flexibility.

Specific legislative direction is removed in a few instances. This includes allowing the Commission to appoint members statewide, as opposed to by administrative regions, to the advisory committee representing the interests of hunters and fishers with disabilities and allowing the WDFW to spend money generated from the sale of interpretive materials and advertising as it sees best and not necessarily for producing regulation and education materials.

A new account is created called the Aquatic Invasive Species Management Account (AIS Account). The AIS Account replaces the Aquatic Invasive Species Prevention Account (Prevention Account) and the Aquatic Invasive Species Enforcement Account (Enforcement Account), which are both dissolved. The new AIS Account generally assumes the same functions as the two dissolved accounts. In addition, the fees charged on vessel registration to support aquatic invasive species activities are merged. Instead of \$1.50 going to the Prevention Account and 50 cents going to the Enforcement Account, \$2 goes to the new AIS Account.

In some instances, a mandated action of the WDFW is changed to a permissive action. This includes allowing the WDFW to disseminate wildlife viewing activities instead of mandating it, changing the direction to field test salmonid remote site incubators from a mandate to an option, and providing the WDFW with flexibility around volunteer cooperative projects.

Mobile Phone Applications.

The WDFW is authorized to develop a mobile phone application that provides the user with content such as licensing information, harvest recording and reporting, and access to regulations and information. The authority to develop an application is permissive. If the WDFW chooses to develop an application then the agency may charge a fee for accessing the application.

Migratory Bird Stamps.

A distinction is provided between a migratory bird permit, which allows one to hunt migratory birds, and a piece of migratory bird artwork sold by the WDFW. An existing distinction between the sales of permits for waterfowl and non-waterfowl migratory birds, and how the funds generated from those sales may be spent, is dissolved.

Enforcement Update.

The term "shellfish" is added to the category of species types that qualify for prosecution under the crime of Unlawful Trafficking in Fish, Shellfish, or Wildlife in the second degree.

Outdated Citations and References.

A series of changes are made to Title 77 that updates citations contained within statutes that have been amended since their initial enactment. There are also updates to the names of science programs used by the WDFW, such as the salmon stock inventory, and the deletion of agency programs and task forces that no longer exist (such as the Division of Purchasing and the Forum on Monitoring Salmon Recovery and Watershed Health).

Substitute Bill Compared to Original Bill:

The substitute bill retains language in existing law that allows the Washington State Patrol to use money generated through the invasive species surcharge on vessel registrations for the

enforcement of aquatic invasive species provisions and repeals a section of law related to migratory bird permits that is redundant with new language in the bill.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The contents of the bill were a collaboration between the prime sponsor and the WDFW.

(In support with concerns) The contents of the bill are good changes that are a long time coming; however, the narrow title of the bill may not give citizens full notice of the bill's content.

(Opposed) None.

Persons Testifying: (In support) Catherine Suter, Washington Department of Fish and Wildlife.

(In support with concerns) Tom Davis, Washington Farm Bureau.

Persons Signed In To Testify But Not Testifying: None.

**HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION
TECHNOLOGY**

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by 4 members: Representatives Hudgins, Chair; Senn, Vice Chair; Morris and Takko.

Minority Report: Do not pass. Signed by 2 members: Representatives Caldier, Assistant Ranking Minority Member; McCabe.

Minority Report: Without recommendation. Signed by 1 member: Representative MacEwen, Ranking Minority Member.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On General Government & Information Technology Compared to Recommendation of Committee On Agriculture & Natural Resources:

The second substitute bill retains current law for the two aquatic invasive species accounts and fees rather than merging them into a single account and fee, restores mandatory agency reporting for a series of reports, and retains current law that mandates that the WDFW maintain an advisory committee for hunters and fishers with disabilities.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill would create efficiencies and allow the WDFW to focus on the mission of the agency rather than accounting details, such as the two aquatic invasive species accounts.

(Opposed) Current law states that the Commission "must" appoint an advisory committee to represent the interests of hunters and fishers with disabilities. It is concerning that the bill states that the Commission "may" appoint the committee if deemed beneficial, because it is unclear whether the Commission would continue to consult with hunters and fishers with disabilities.

Persons Testifying: (In support) Catherine Suter, Washington Department of Fish and Wildlife.

(Opposed) Noah Seidel, Self Advocates in Leadership.

Persons Signed In To Testify But Not Testifying: None.