

---

**SENATE BILL 5728**

---

**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senators Wagoner, Dozier, and Short

Read first time 02/11/25. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to fish and wildlife commission members; amending  
2 RCW 77.04.030, 43.06.092, 77.04.040, and 77.04.055; adding new  
3 sections to chapter 77.04 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is important  
6 for the proper management of the fish and wildlife of this state to  
7 have a fully qualified and confirmed fish and wildlife commission  
8 that supports science-based management and represents the broad  
9 interests of the state of Washington.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.04  
11 RCW to read as follows:

12 (1) The governor, in consultation with the senate natural  
13 resources committee chair, must appoint a commission nominating  
14 committee and convene the first meeting of the commission nominating  
15 committee by January 2026. The commission nominating committee shall  
16 meet as necessary to recommend to the governor all potential  
17 commission members to be appointed, reappointed, and replaced on the  
18 commission. The governor may only appoint commission members  
19 recommended by the commission nominating committee. The commission  
20 nominating committee must represent broad interests related to

1 science-based fish and wildlife management in the state of  
2 Washington, and appoint members as follows:

3 (a) Two members representing hunting organizations, with one  
4 representing big game and the other small game;

5 (b) One member representing a recreational angling organization;

6 (c) One member representing fishing guides or charters;

7 (d) One member representing hunting guides;

8 (e) One member representing the commercial fishing or aquaculture  
9 industry;

10 (f) One member representing the sport fishing industry;

11 (g) One member representing an environmental organization or one  
12 specializing in land and water conservation or management;

13 (h) One member from the agricultural sector;

14 (i) One member from the outdoor recreation business community;

15 (j) One member from a county or city government;

16 (k) One member representing a law enforcement agency; and

17 (l) Two members from a federally recognized Indian tribe with  
18 treaty reserved rights in the state of Washington, with one  
19 representing the east of the crest of the Cascades and one  
20 representing the west of the crest of the Cascades.

21 (2) At least five members must be based on the east of the  
22 Cascades and primarily focus their work on the east of the Cascades.  
23 Commission nominating committee members must serve staggered four-  
24 year terms, with unlimited renewals, and initial members must be  
25 split into two and four-year terms. At the initial meeting of the  
26 commission nominating committee, cochairs of the commission  
27 nominating committee must be selected by a majority vote of the  
28 commission nominating committee members, and serve two-year terms.  
29 Decisions of the committee shall be made with a two-thirds majority.  
30 Any vacancy must be filled within 90 days.

31 **Sec. 3.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to  
32 read as follows:

33 (1) The fish and wildlife commission consists of nine registered  
34 voters of the state. In January of each odd-numbered year, the  
35 governor shall appoint with the advice and consent of the senate  
36 three registered voters to the commission to serve for terms of six  
37 years from that January or until their successors are appointed and  
38 qualified. These nominations must originate from the commission  
39 nominating committee established in section 2 of this act. No

1 commission member may serve on the commission without prior senate  
2 confirmation.

3 (2) If a vacancy occurs on the commission prior to the expiration  
4 of a term, the governor shall appoint a registered voter as  
5 recommended by the commission nominating committee established in  
6 section 2 of this act within ((sixty)) 60 days to complete the term.  
7 If the governor fails to fill the vacancy within 90 days, the  
8 commission nominating committee established in section 2 of this act  
9 must appoint the member. Three members shall be residents of that  
10 portion of the state lying east of the summit of the Cascade  
11 mountains, and three shall be residents of that portion of the state  
12 lying west of the summit of the Cascade mountains. Three additional  
13 members shall be appointed at large. No two members may be residents  
14 of the same county. The legal office of the commission is at the  
15 administrative office of the department in Olympia.

16 **Sec. 4.** RCW 43.06.092 and 1981 c 338 s 2 are each amended to  
17 read as follows:

18 (1) ((Any)) Except as provided in RCW 77.04.030, any  
19 gubernatorial appointee subject to senate confirmation shall continue  
20 to serve unless rejected by a vote of the senate. An appointee who is  
21 rejected by a vote of the senate shall not be reappointed to the same  
22 position for a period of one year from termination of service.

23 (2) Any person appointed by the governor to fill the unexpired  
24 term of an appointment subject to senate confirmation must also be  
25 confirmed by the senate.

26 **Sec. 5.** RCW 77.04.040 and 1995 1st sp.s. c 2 s 3 are each  
27 amended to read as follows:

28 (1) Persons eligible for appointment as members of the commission  
29 ((shall have)) must:

30 (a) Support science-based management of game, nongame, and fish  
31 populations;

32 (b) Support recreational hunting and fishing as the preferred  
33 management tools for sustainable fish and wildlife populations;

34 (c) Have no current or prior conflict of interest in upholding  
35 the agency mission or mandates;

36 (d) Have general knowledge of the habits and distribution of fish  
37 and wildlife ((and shall not));

1 (e) Not hold another state, county, or municipal elective or  
2 appointive office, nor have a conflict of interest by receiving  
3 compensation, monetarily or otherwise, from any group, organization,  
4 association, or other entity for legal, lobbying, marketing, or other  
5 means that could reasonably bias a commissioner during rule-making  
6 proceedings; and

7 (f) Have purchased a valid hunting or fishing license in two of  
8 the most recent consecutive five years, unless they are members of a  
9 federally recognized Indian tribe.

10 (2) In making these appointments, the governor shall seek to  
11 maintain a balance reflecting all aspects of fish and wildlife,  
12 including representation recommended by organized groups representing  
13 sportfishers, commercial fishers, hunters, private landowners, and  
14 environmentalists. Persons eligible for appointment as fish and  
15 wildlife commissioners shall comply with the provisions of chapters  
16 42.52 and ((42.17)) 42.56 RCW.

17 **Sec. 6.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to  
18 read as follows:

19 (1)(a) In establishing policies to preserve, protect, and  
20 perpetuate wildlife, fish, and wildlife and fish habitat, the  
21 commission shall meet annually with the governor to:

22 ((a)) (i) Review and prescribe basic goals and objectives  
23 related to those policies; and

24 ((b)) (ii) Review the performance of the department in  
25 implementing fish and wildlife policies.

26 (b) The commission ((shall)) members must follow the mandate of  
27 the department and commission as established under RCW 77.04.012,  
28 77.04.020, and WAC 220-101-010, and maximize fishing, hunting, and  
29 outdoor recreational opportunities compatible with healthy and  
30 diverse fish and wildlife populations.

31 (2) The commission shall establish hunting, trapping, and fishing  
32 seasons and prescribe the time, place, manner, and methods that may  
33 be used to harvest or enjoy game fish and wildlife.

34 (3) The commission must demonstrate when setting hunting and  
35 fishing rules, regulations, and seasons, that they have made their  
36 decisions based on recommendations from the department and peer-  
37 reviewed science.

38 (4) The commission shall establish provisions regulating food  
39 fish and shellfish as provided in RCW 77.12.047.

1       (~~(4)~~) (5) The commission shall have final approval authority  
2 for tribal, interstate, international, and any other department  
3 agreements relating to fish and wildlife.

4       (~~(5)~~) (6) The commission shall adopt rules to implement the  
5 state's fish and wildlife laws.

6       (~~(6)~~) (7) The commission shall have final approval authority  
7 for the department's budget proposals.

8       (~~(7)~~) (8) The commission shall select its own staff and shall  
9 appoint the director of the department. The director and commission  
10 staff shall serve at the pleasure of the commission.

11       NEW SECTION.   **Sec. 7.** A new section is added to chapter 77.04  
12 RCW to read as follows:

13       If a commission member fails to fulfill the department and  
14 commission mandate under RCW 77.04.012 and 77.04.020 and WAC  
15 220-101-010, does not perform the member's duties under RCW  
16 77.04.055, or due to excessive absence or abandonment of the member's  
17 position, engages in any act of dishonesty, willful misconduct, or  
18 activity that reasonably appears as a conflict of interest, and the  
19 senate finds that adequate cause for removal exists, a vote must be  
20 initiated to remove the member from the member's commission position  
21 in a timely manner. The commission position is then vacant and must  
22 be filled as set forth in RCW 77.04.030 and section 2 of this act.

--- END ---