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SENATE BILL 5127

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State of Washington

61st Legislature

2009 Regular Session

By Senators Jacobsen and Haugen

Read first time 01/14/09. Referred to Committee on Natural Resources,  
Ocean & Recreation.

1 AN ACT Relating to the governance of the department of fish and  
2 wildlife; amending RCW 43.17.020, 77.04.013, 77.04.055, 77.04.030, and  
3 77.04.060; creating a new section; and providing an effective date.

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

5 **Sec. 1.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to read  
6 as follows:

7 There shall be a chief executive officer of each department to be  
8 known as: (1) The secretary of social and health services, (2) the  
9 director of ecology, (3) the director of labor and industries, (4) the  
10 director of agriculture, (5) the director of fish and wildlife, (6) the  
11 secretary of transportation, (7) the director of licensing, (8) the  
12 director of general administration, (9) the director of community,  
13 trade, and economic development, (10) the director of veterans affairs,  
14 (11) the director of revenue, (12) the director of retirement systems,  
15 (13) the secretary of corrections, (14) the secretary of health, (15)  
16 the director of financial institutions, (16) the director of the  
17 department of archaeology and historic preservation, (17) the director  
18 of early learning, and (18) the executive director of the Puget Sound  
19 partnership.

1       Such officers(~~(, except the director of fish and wildlife,)~~) shall  
2 be appointed by the governor, with the consent of the senate, and hold  
3 office at the pleasure of the governor. (~~(The director of fish and~~  
4 ~~wildlife shall be appointed by the fish and wildlife commission as~~  
5 ~~prescribed by RCW 77.04.055.)~~)

6       **Sec. 2.** RCW 77.04.013 and 1995 1st sp.s. c 2 s 1 are each amended  
7 to read as follows:

8       The legislature supports the recommendations of the state fish and  
9 wildlife commission with regard to the commission's responsibilities in  
10 the merged department of fish and wildlife. It is the intent of the  
11 legislature that, beginning July 1, 1996, the commission assume  
12 regulatory authority for food fish and shellfish in addition to its  
13 existing authority for game fish and wildlife. It is also the intent  
14 of the legislature to provide to the commission the authority to review  
15 and approve department agreements, to review and approve the  
16 department's budget proposals, to adopt rules for the department, and  
17 to select commission staff (~~(and the director of the department)~~).

18       The legislature finds that all fish, shellfish, and wildlife  
19 species should be managed under a single comprehensive set of goals,  
20 policies, and objectives, and that the decision-making authority should  
21 rest with the fish and wildlife commission. The commission acts in an  
22 open and deliberative process that encourages public involvement and  
23 increases public confidence in department decision making.

24       **Sec. 3.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to  
25 read as follows:

26       (1) In establishing policies to preserve, protect, and perpetuate  
27 wildlife, fish, and wildlife and fish habitat, the commission shall  
28 meet annually with the governor to:

29       (a) Review and prescribe basic goals and objectives related to  
30 those policies; and

31       (b) Review the performance of the department in implementing fish  
32 and wildlife policies.

33       The commission shall maximize fishing, hunting, and outdoor  
34 recreational opportunities compatible with healthy and diverse fish and  
35 wildlife populations.

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

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

6 (4) The commission shall have final approval authority for tribal,  
7 interstate, international, and any other department agreements relating  
8 to fish and wildlife.

9 (5) The commission shall adopt rules to implement the state's fish  
10 and wildlife laws.

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

13 (7) The commission shall select its own staff and shall ~~((appoint))~~  
14 advise the governor regarding appointment of the director ~~((of the~~  
15 ~~department))~~. ~~((The director and))~~ Commission staff shall serve at the  
16 pleasure of the commission.

17 **Sec. 4.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to read  
18 as follows:

19 (1) The fish and wildlife commission consists of ~~((nine))~~ five  
20 registered voters of the state. ~~((In January of each odd-numbered~~  
21 ~~year,))~~

22 (2) The governor shall appoint commissioners, who must be  
23 registered voters, with the advice and consent of the senate ~~((three~~  
24 ~~registered voters to the commission to serve for terms of six years~~  
25 ~~from that January or until their successors are appointed and~~  
26 ~~qualified)).~~ Commissioners serve for a term of three years. The  
27 governor shall appoint two commissioners each January, except every  
28 third January following January 2010 the governor shall appoint one  
29 commissioner.

30 (3) If a vacancy occurs on the commission prior to the expiration  
31 of a term, the governor shall appoint a registered voter within sixty  
32 days to complete the term. ~~((Three))~~

33 (4) Two members shall be residents of that portion of the state  
34 lying east of the summit of the Cascade mountains, ~~((and three))~~ two  
35 members shall be residents of that portion of the state lying west of  
36 the summit of the Cascade mountains, and one member shall be appointed  
37 at-large. ~~((Three additional members shall be appointed at-large.))~~

1 No two members may (~~be residents of~~) reside in the same (~~county~~)  
2 administrative region recognized by the department on the effective  
3 date of this section.

4 (5) The legal office of the commission is at the administrative  
5 office of the department in Olympia.

6 **Sec. 5.** RCW 77.04.060 and 1993 sp.s. c 2 s 63 are each amended to  
7 read as follows:

8 (1) The commission shall hold (~~at least~~) one regular meeting  
9 during the first two months of each calendar quarter, and may hold up  
10 to two special meetings each calendar year when called by the chair and  
11 by (~~five~~) three members. All five members constitute a quorum for  
12 the transaction of business.

13 (~~The commission at a meeting in~~) (2) Each (~~odd-numbered~~) year  
14 the commission shall elect one of its members as (~~chairman~~) chair and  
15 another member as (~~vice-chairman~~) vice-chair, each of whom shall  
16 serve for a term of (~~two years~~) one year or until a successor is  
17 elected and qualified.

18 (3) Members of the commission shall be compensated in accordance  
19 with RCW 43.03.250. In addition, members are allowed their travel  
20 expenses incurred while absent from their usual places of residence in  
21 accordance with RCW 43.03.050 and 43.03.060.

22 NEW SECTION. **Sec. 6.** (1) In order to effectuate section 4 of this  
23 act, the position of each sitting commissioner is considered vacated on  
24 January 1, 2010.

25 (2) The governor shall then appoint five registered voters to the  
26 commission, with the advice and consent of the senate, on January 1,  
27 2010. The governor shall appoint one member for a three-year term, two  
28 members for a two-year term, and two members for a one-year term.

29 (3) Nothing in this section or section 4 of this act prohibits the  
30 governor from appointing a sitting commissioner whose position is  
31 considered vacated under subsection (1) of this section as a  
32 commissioner under subsection (2) of this section.

33 NEW SECTION. **Sec. 7.** Sections 4 and 5 of this act take effect

1 January 1, 2010.

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