
SENATE BILL 5543

State of Washington

63rd Legislature

2013 Regular Session

By Senators Hatfield and Shin

Read first time 02/04/13. Referred to Committee on Natural Resources & Parks.

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
19 eggs and carcasses, to ensure the long-range future solvency of the

1 partnership. The business plan may also allow the partner to harvest
2 hatchery chum salmon in a designated area through persons under
3 contract with the partner as provided under a permit from the
4 department or by rule of the commission. All chum salmon harvested
5 must be sold at prices commensurate with the current market and all
6 funds must be utilized by the partner to operate the hatchery.

7 (b) Partners under this section must be:

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

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

10 (iii) A federally recognized tribe.

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

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

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

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

1 forth in RCW 41.06.142.

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