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SENATE BILL 5132

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State of Washington

60th Legislature

2007 Regular Session

By Senators Regala, Jacobsen, Swecker, Rockefeller, Spanel, Hatfield, Hargrove and Rasmussen

Read first time 01/11/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to funding the department of fish and wildlife;  
2 amending RCW 77.12.177 and 77.95.090; reenacting and amending RCW  
3 77.12.170; and repealing RCW 77.32.510.

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

5 **Sec. 1.** RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c  
6 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as  
7 follows:

8 (1) There is established in the state treasury the state wildlife  
9 account which consists of moneys received from:

10 (a) Rentals or concessions of the department;

11 (b) The sale of real or personal property held for department  
12 purposes;

13 (c) The assessment of administrative penalties, and the sale of  
14 licenses, permits, tags, and stamps required by chapter 77.32 RCW (~~and~~  
15 ~~RCW 77.65.490, except annual resident adult saltwater and all annual~~  
16 ~~razor clam and shellfish licenses, which shall be deposited into the~~  
17 ~~state general fund));~~

18 (d) Fees for informational materials published by the department;

1 (e) Fees for personalized vehicle, Wild on Washington, and  
2 Endangered Wildlife license plates and Washington's Wildlife license  
3 plate collection as provided in chapter 46.16 RCW;

4 (f) Articles or wildlife sold by the director under this title;

5 (g) Compensation for damage to department property or wildlife  
6 losses or contributions, gifts, or grants received under RCW 77.12.320;

7 (h) Excise tax on anadromous game fish collected under chapter  
8 82.27 RCW;

9 (i) The sale of personal property seized by the department for  
10 fish, shellfish, or wildlife violations;

11 (j) The department's share of revenues from auctions and raffles  
12 authorized by the commission; (~~and~~)

13 (k) The sale of watchable wildlife decals under RCW 77.32.560; and

14 (l) The sale of commercial licenses and permits required under this  
15 title.

16 (2) State and county officers receiving any moneys listed in  
17 subsection (1) of this section shall deposit them in the state treasury  
18 to be credited to the state wildlife account.

19 **Sec. 2.** RCW 77.12.177 and 2001 c 253 s 16 are each amended to read  
20 as follows:

21 (1) Except as provided in this title, state and county officers  
22 receiving (~~the following~~) moneys for damages to food fish or  
23 shellfish shall deposit them in the state general fund(~~(+~~

24 ~~(a) The sale of commercial licenses required under this title,~~  
25 ~~except for licenses issued under RCW 77.65.490; and~~

26 ~~(b) Moneys received for damages to food fish or shellfish)).~~

27 (2) The director shall make weekly remittances to the state  
28 treasurer of moneys collected by the department.

29 (3) All fines and forfeitures collected or assessed by a district  
30 court for a violation of this title or rule of the department shall be  
31 remitted as provided in chapter 3.62 RCW.

32 (4) Proceeds from the sale of food fish or shellfish taken in test  
33 fishing conducted by the department, to the extent that these proceeds  
34 exceed the estimates in the budget approved by the legislature, may be  
35 allocated as unanticipated receipts under RCW 43.79.270 to reimburse  
36 the department for unanticipated costs for test fishing operations in  
37 excess of the allowance in the budget approved by the legislature.

1 (5) Proceeds from the sale of salmon carcasses and salmon eggs from  
2 state general funded hatcheries by the department of general  
3 administration shall be deposited in the regional fisheries enhancement  
4 group account established in RCW 77.95.090.

5 (6) Moneys received by the commission under RCW 77.12.039, to the  
6 extent these moneys exceed estimates in the budget approved by the  
7 legislature, may be allocated as unanticipated receipts under RCW  
8 43.79.270. Allocations under this subsection shall be made only for  
9 the specific purpose for which the moneys were received, unless the  
10 moneys were received in settlement of a claim for damages to food fish  
11 or shellfish, in which case the moneys may be expended for the  
12 conservation of these resources.

13 (7) Proceeds from the sale of herring spawn on kelp fishery  
14 licenses by the department, to the extent those proceeds exceed  
15 estimates in the budget approved by the legislature, may be allocated  
16 as unanticipated receipts under RCW 43.79.270. Allocations under this  
17 subsection shall be made only for herring management, enhancement, and  
18 enforcement.

19 **Sec. 3.** RCW 77.95.090 and 2000 c 107 s 106 are each amended to  
20 read as follows:

21 (1) The dedicated regional fisheries enhancement group account is  
22 created in the custody of the state treasurer. Only the commission or  
23 the commission's designee may authorize expenditures from the account.  
24 The account is subject to allotment procedures under chapter 43.88 RCW,  
25 but no appropriation is required for expenditures.

26 ~~((A portion of each recreational fishing license fee shall be used  
27 as provided in RCW 77.32.440.))~~

28 (2) The department shall deposit the following into the regional  
29 fisheries enhancement group account:

30 (a) All revenue from a surcharge of one hundred dollars, which  
31 shall be collected on each commercial salmon fishery license, ((each))  
32 salmon delivery license, and ((each)) salmon charter license sold in  
33 the state((-));

34 (b) All revenue from the department's sale of salmon carcasses and  
35 eggs that return to group facilities; and

36 (c)(i) Two dollars for each recreational fishing license sold to an

1 individual intending to fish for salmon, steelhead, marine fish, or  
2 sturgeon.

3 (ii) To determine the number of individuals intending to fish for  
4 salmon, steelhead, marine fish, or sturgeon, the department shall  
5 conduct an annual survey of a portion of the individuals who purchased  
6 a recreational fishing license in that year. The survey must be  
7 designed to determine the percentage of licensees surveyed who intended  
8 to, or actually did, fish for salmon, steelhead, marine fish, or  
9 sturgeon. The department shall multiply the percentage number of  
10 individuals intending to fish for salmon, steelhead, marine fish, or  
11 sturgeon against the total number of recreational fishing licenses sold  
12 to determine the total number of recreational fishing licenses that  
13 were sold to individuals intending to fish for salmon, steelhead,  
14 marine fish, or sturgeon.

15 (3) All receipts ((shall be)) placed in the regional fisheries  
16 enhancement group account ((and shall)) under this section must be used  
17 exclusively for regional fisheries enhancement group projects for the  
18 purposes of RCW 77.95.110, except for:

19 (a) Revenue collected under subsection (2)(b) of this section,  
20 which must be made available for use by the regional fisheries  
21 enhancement group that produced the surplus; and

22 (b) Revenue collected under subsection (2)(c) of this section,  
23 which must be used as provided in this section.

24 (4) Funds from the regional fisheries enhancement group account  
25 shall not serve as replacement funding for department operated salmon  
26 projects that exist on January 1, 1991.

27 ~~((All revenue from the department's sale of salmon carcasses and~~  
28 ~~eggs that return to group facilities shall be deposited in the regional~~  
29 ~~fisheries enhancement group account for use by the regional fisheries~~  
30 ~~enhancement group that produced the surplus.))~~

31 (5) The commission shall adopt rules to implement this section  
32 pursuant to chapter 34.05 RCW.

33 NEW SECTION. Sec. 4. RCW 77.32.510 (Recreational license fees--  
34 Disposition of appropriation) and 1998 c 191 s 43 are each repealed.

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