

SENATE BILL REPORT

SB 5669

As of May 16, 2011

Title: An act relating to consolidating natural resources agencies and programs.

Brief Description: Regarding the consolidation of certain natural resources agencies and programs.

Sponsors: Senators Ranker, Swecker, Regala, Rockefeller, Nelson, White, Pflug and Shin; by request of Governor Gregoire.

Brief History:

Committee Activity: Natural Resources & Marine Waters: 2/10/11.

Brief Summary of Bill

- Creates the Department of Conservation and Recreation as a new cabinet agency;
- Consolidates the Department of Fish and Wildlife, State Parks and Recreation Commission, Recreation and Conservation Office, and Department of Natural Resources' Law Enforcement and Natural Heritage Programs into the new agency;
- Establishes a transition team and process to facilitate the consolidation of agencies and programs into the new agency;
- Consolidates the Department of Archeology and Historic Preservation into the Department of Natural Resources; and
- Establishes July 1, 2012, as the date the various consolidations occur.

SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

Staff: Curt Gavigan (786-7437)

Background: Washington has a number of state agencies involved in the management of the state's natural resources. In turn, these natural resource agencies represent an array of governance structures. These agencies include:

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.

The Department of Fish and Wildlife (DFW). DFW serves as manager of the state's fish and wildlife resources. Among other duties, DFW must protect and manage fish and wildlife, including establishing the time, place, manner, and methods used to harvest or enjoy fish and wildlife. DFW also manages nearly one million acres of public land for fish and wildlife, habitat conservation, and wildlife-oriented recreation.

The Legislature has provided the Fish and Wildlife Commission with broad policy and rulemaking authority for DFW. Commission members are appointed by the Governor with the advice and consent of the Senate. The Commission, in turn, has the authority to appoint the Director.

The State Parks and Recreation Commission (SPRC). The Legislature has charged the SPRC with care and control over lands set aside for park purposes, including 120 developed parks. Statutes provide the SPRC with broad policy and rulemaking authority over management of the state's park system. Other SPRC responsibilities include recreational boater safety and education and winter recreation.

SPRC members are appointed by the Governor with the advice and consent of the Senate. The Commission, in turn, has the authority to appoint the Director.

The Recreation and Conservation Office (RCO). The RCO administers a number of grant and policy programs relating to natural resource conservation and outdoor recreation. These programs include the Recreation and Conservation Funding Board (RCFB) and Salmon Recovery Funding Board (SRFB); the Governor's Salmon Recovery Office; the Forum on Monitoring Salmon Recovery and Watershed Health; the Invasive Species Council; and the Habitat and Recreational Land Coordinating Group.

The Director of RCO is appointed by and serves at the pleasure of the Governor. However, the Governor must select the Director from among nominations submitted by the RCFB.

Department of Natural Resources (DNR) Law Enforcement Program and Natural Heritage Program (NHP). DNR maintains a law enforcement program to protect public safety and DNR managed lands. DNR's law enforcement officers are limited authority peace officers, meaning that their role is the apprehension or detection of persons committing infractions or violating criminal laws relating to a limited subject area.

The primary role of the NHP is to identify priority species and ecosystems for conservation, maintain a database of these species and ecosystems, and make this information available for environmental assessments and conservation planning.

The Department of Archeology and Historic Preservation (DAHP). DAHP is charged with activities including administering the State Historic Preservation Program, the protection of historical and archaeological sites, and making nominations to the State and National Historic Registers.

The Director of DAHP is appointed by the Governor, with the advice and consent of the Senate.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed First Substitute): Creates the Department of Conservation and Recreation (DCR). The primary duties of the newly created DCR are to:

- preserve, protect, and perpetuate the state's fish and wildlife resources;
- wisely manage the state's parks and trail systems, promote outdoor recreation and safety, and protect cultural, historical, and natural sites; and
- be good stewards of public funds that perpetuate healthy ecosystems and open spaces; restore habitat important to fish and wildlife; and support outdoor recreation and recreational places and facilities.

The Director of DCR is appointed by the Governor, with the advice and consent of the Senate.

Consolidates Specified Agencies and Programs into the DCR. The following agencies and programs are consolidated into the newly created DCR:

- *DFW is consolidated into DCR in its entirety.* The Fish and Wildlife Commission becomes the Fish and Wildlife Advisory Commission, and must advise the Director of DCR on a broad array of issues relating to fish and wildlife resources.
- *SPRC is consolidated into DCR in its entirety.* The SPRC becomes the Parks and Recreation Advisory Commission, and must advise the Director of DCR on a broad array of issues relating to managing and protecting state parks and specified recreational and cultural sites.
- *RCO is consolidated into DCR in its entirety.* The RCFB and SRFB have independent and final decision-making authority over specified grant administration matters when DCR is an applicant or recipient.
- *DNR's Law Enforcement Program is consolidated into DCR.* DNR officers become Fish and Wildlife officers in the consolidation. DNR and DCR must enter into an interagency agreement to provide law enforcement on state trust lands. Funds from DNR land management accounts may be used for enforcement on state trust lands.
- *DNR's Natural Heritage Program is consolidated into DCR.*

Establishes Processes to Facilitate the Consolidation of Agencies and Programs into the DCR. The agencies affected by the consolidation of agencies and programs in DCR must each select a representative to participate on the Natural Resources Consolidation Transition Team, which must develop materials including:

- by August 1, 2011, a report detailing all legislative and fiscal changes needed to implement the consolidation, and expected costs and savings from consolidation;
- by September 1, 2011, if necessary, a supplemental budget request for consideration during the 2012 legislative session; and
- by July 1, 2012, a second report detailing all legislative and fiscal changes needed to implement the consolidation, and expected costs and savings from consolidation.

By April 1, 2012, the Public Employment Relations Commission (PERC) must review the collective bargaining units within the agencies set for consolidation into DCR. If an existing unit is appropriate, the exclusive bargaining representative may continue to serve in that role. If not, PERC must modify a unit and order an election. PERC may also order an election if similarly situated employees are represented by more than one employee organization.

Consolidates DAHP into DNR in its Entirety. DAHP becomes the Office of Archeology and Historic Preservation (OAHP) within DNR. The State Historic Preservation Officer must supervise OAHP, and is appointed by the Governor from among nominations submitted by the Commissioner of Public Lands.

Other Provisions. Additional modifications are made as follows:

- Establishes the date for agency and program consolidations to occur as July 1, 2012.
- Amends numerous statutes to reflect the transfer of powers and duties occurring in the consolidations.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2011.

Staff Summary of Public Testimony: PRO: The proposal arises out of continuing budget challenges and a desire to ensure the state looks at government organizations and does not just cut front-line staff. This will create a simpler, more functional agency structure. It will also save some money now, with the opportunity for more savings in the future. The reorganization must keep key environmental protections in place, and ensuring efficient agencies will help save resources to support these core functions. This proposal is a work in progress; and, there are suggestions for improvement as it moves through the legislative process, including ensuring that the commissions continue to serve as forum for public input.

CON: DAHP is not a good fit with DNR because the two agencies have little nexus and because DAHP must regulate certain DNR projects and activities. DAHP operating under DNR could be seen as a conflict of interest. The SPRC is a well run agency that would not fit well combined with a fish and wildlife management agency. Allowing the Governor to appoint the agency head makes the position more political than under a commission structure. There is no objection to government reform or streamlining, but this consolidation proposal is not the answer. The open public process provided by the Fish and Wildlife Commission is valuable, and should not be changed. Recreational fishing is a \$1 billion industry in the state, and that economic driver more than offsets the small cost of the Fish and Wildlife Commission. The citizens of the state adopted the current fish and wildlife management structure by referendum, and that system has been a success over the last 15 years. The agencies are not broke, and do not need to be fixed. A consolidation process will impact agency morale and distract from substantive duties, with very little in dollar savings to show for it. Before consolidating agencies the state should first try all other means to save money and improve the agencies. The state's natural resources are too fragile to put at risk by merging the managing agencies and changing management structures.

OTHER: This is an important discussion to have. The commissions should retain a role as a communication point between citizens and agencies, and be involved in long-term strategic planning. The recreational fishing industry is open to discussions on this issue, but wants to

avoid removing policy authority of the Fish and Wildlife Commission and its authority to appoint the director. DAHP operating under DNR could be viewed as a conflict of interest.

Persons Testifying: PRO: John Mankowski, Governor's Office; Kirstan Arestad, Office of Financial Management; Bill Robinson, The Nature Conservancy; Mo McBroom, WA Environmental Council; Jeremy Jording, WA Assn. of Fish and Wildlife Professionals.

CON: Robert Rao, Frank Urabeck, Jim Tuggle, Ray Carter, Joe Taller, Wallace Cogley, Teri Nomura, citizens; Larry Snyder, Vancouver Wildlife League; Tim Young, Brian Yearat, Mark James, WA Federation of State Employees; Daniel Fallstrom, WA State Snowmobile Assn; Paul Sparks, Gregg Bufando, Trout Unlimited; Carl Rienstra, Ted Measor, Jim Howard, Coastal Conservation Assn., Puget Sound Anglers; Ed Wickersham, Dave Kuno, Lewis Boyd, Coastal Conservation Assn.; Norman Reinharot, Kitsap Poggie Club; Don Freeman, South Sound Fly Fishers; Ron Garner, Puget Sound Anglers; Jack Field, WA Cattlemen's Assn.; Jennifer Meisner, Susan White, Michael Sullivan, WA Trust for Historic Preservation; Connie Lorenz, Olympia Downtown Assn.

OTHER: Ed Owens, Coalition of Coastal Fisheries, Hunters Heritage Council; Carl Burke, Fish Northwest, NW Sportsfishing Ind; Dawn Vyvyan, Yakama Nation.