

## Summary Sheet

---

**Meeting dates:** July 31, 2020

**Agenda item:** 2021 Legislative Proposals for Agency Request

**Presenter:** Tom McBride, Legislative Director

---

**Background summary:**

Legislative Policy proposals were solicited from the programs and regions; reviewed by EMT and briefed to the FWC. Draft fact sheets and draft statutory language are included within your materials. The Department is recommending that we advance four items:

**Technical Corrections to split State Wildlife Account** A bill to correct a technical problem with the State Wildlife Account splitting bill from 2020. Wolf-livestock injury claims and assessment costs were identified as being in the unrestricted account, but should have been coming from the restricted account. It also includes repealing RCW 77.55.331 (HPA account – which expired in 2017).

**Federal Indemnification Authority** A bill to provide the FWC with authority to agree to indemnification to federal agencies (specifically in the first case to the Army Corp of Engineers) for Federal funding and involvement in Major Restoration Work. This issue ties to the Duckabush restoration project (as well as the Skagit River and Nooksack River delta projects). These would be decisions that come to the FWC. The AGO has reviewed the drafting. This is the same authority that WSDOT and DNR have in statute.

**Hunting and Fishing Recruitment and Retention** A hunting and fishing recruitment and opportunity bill addressing increased youth access, license options, college student and military license prices. We are monitoring the cumulative revenue impacts, which are expected to be neutral. There are ten distinct amendments:

- Align the definition of youth to be those persons under 16 for both hunting and fishing
  - Adjust the residency definition of active duty members of the US military, as well as their spouses and children, so service members qualify for licenses at the resident rates
  - Allow the Department to sell merchandise to better market to hunters, fishers, and the general public, driving more participation in the sport
  - Exempt retired members of the US military and current or retired federal peace officers from firearm skills portions of hunter education.
  - Allow individuals to defer hunters' education for one year if they are accompanied by a licensed hunter who is over 18 years of age. (Section 4)
  - Provide a financial incentive to resident hunter education graduates by providing a \$20 discount on the purchase of their first hunting license. (Section 4)
  - Removes the restriction that prohibits temporary fishing combination licenses from being used for the popular lowland lakes fishing opener. (Section 5)
  - Allows youth to use a second pole free of charge. (Section 5)
  - Allows out-of-state, full-time, post-secondary students at an accredited institution to purchase hunting and fishing licenses at resident rates. Children and spouses of eligible students also qualify for resident rates. (Section 6)
-

- Provide additional authority for the Department to create bundled license packages and multi-year license packages through rule; and provide the ability for the Director to offer promotional pricing. (New Section)

**Payment in lieu of Taxes Program** The Department is working with a coalition of conservation groups and counties to reform the payment in lieu of taxes program. This has been a multi-year effort and should help with support for Lands 20/20. This change would stabilize how junior taxing districts receive their equitable PILT amount when WDFW acquires land and removes the property from the county's tax rolls. We are pursuing permanent statutory change that places the transfer of payment into the State Treasurer's Office in 2021.

---

**Staff recommendation:**

Staff are seeking approval from the Commission to advance four bills to the Governor's Office as agency request legislation.

---

**Policy issue(s) and expected outcome:**

Improved operations and policy advancement. Better customer engagement. Increased opportunity to pursue large habitat restoration projects. Greater acceptance of land acquisitions.

---

**Fiscal impacts of agency implementation:**

Expected to be revenue neutral to the agency.

---

**Public involvement process used and what you learned:**

Support from direct partners. The Department met with the Budget and Policy Advisory Group Tuesday July 28<sup>th</sup> to discuss these recommendations.

---

**Action requested and/or proposed next steps:**

Approval of proposed agency request legislation.

---

**Draft motion language:**

"I move to approve the agency-request legislative proposals as proposed by staff."

---

**Post decision communications plan:**

The Department will continue to work with members of the Budget and Policy Advisory Group and other advisory groups and stakeholders to secure further support for the bills. Legislative fact sheets and other outreach materials will be posted to the Department's website and provided to the Commission.

---

## Summary Sheet

---

**Meeting dates:** July 31, 2020

**Agenda item:** 2021 Legislative Proposals for Joint Agency Request with AGO

**Presenter:** Tom McBride, Legislative Director

---

### **Background summary:**

This legislative proposal for joint action by the FWC and the AGO was raised as a possibility at your prior meeting. Since then, the AGO has indicated they would like to pursue this jointly with the FWC. The Department is recommending that we jointly advance this fifth item.

In 1984, Initiative 456 was approved. The language of Initiative 456 is codified in RCW Chapter 77.110. That language asserts that the state alone manages all resources. It further asserts that equal access and use of resources cannot be denied by any treaty. Both of these assertions are inaccurate statements of the law and constitution.

**Repeal of RCW Chapter 77.110** The entire chapter is included below:

#### **RCW 77.110.010**

##### **Declaration.**

The people of the state of Washington declare that an emergency exists in the management of salmon and steelhead trout resources such that both are in great peril. An immediate resolution of this crisis is essential to perpetuating and enhancing these resources.

#### **RCW 77.110.020**

##### **Petition to congress.**

The people of the state of Washington petition the United States Congress to immediately make the steelhead trout a national game fish protected under the Black Bass Act.

#### **RCW 77.110.030**

##### **Management of natural resources—State policy.**

The people of the state of Washington declare that conservation, enhancement, and proper utilization of the state's natural resources, including but not limited to lands, waters, timber, fish, and game are responsibilities of the state of Washington and shall remain within the express domain of the state of Washington.

While fully respecting private property rights, all resources in the state's domain shall be managed by the state alone such that conservation, enhancement, and proper utilization are the primary considerations. No citizen shall be denied equal access to and use of any resource on the basis of race, sex, origin, cultural heritage, or by and through any treaty based upon the same.

---

**RCW [77.110.040](#)**

**Declaration—Denial of rights based on race, sex, origin, or cultural heritage.**

The people of the state of Washington declare that under the Indians Citizens Act of 1924, all Indians became citizens of the United States and subject to the Constitution and laws of the United States and state in which they reside. The people further declare that any special off-reservation legal rights or privileges of Indians established through treaties that are denied to other citizens were terminated by that 1924 enactment, and any denial of rights to any citizen based upon race, sex, origin, cultural heritage, or by and through any treaty based upon the same is unconstitutional.

No rights, privileges, or immunities shall be denied to any citizen upon the basis of race, sex, origin, cultural heritage, or by and through any treaty based upon the same.

**RCW [77.110.900](#)**

**Transmittal of act to president and congress—1985 c 1.**

The secretary of state shall transmit copies of this act to the president of the United States senate, the speaker of the United States house of representatives, and each member of congress.

---

**Staff recommendation:**

Staff are seeking approval from the Commission to advance a fifth item as joint agency request legislation with the AGO.

---

**Policy issue(s) and expected outcome:**

Remove legally inaccurate and unenforceable language from state statutes.

---

**Fiscal impacts of agency implementation:**

Revenue neutral to the agency

---

**Public involvement process used and what you learned:**

Support and concurrence from the state's legal advisor. We have briefed the issue to NWIFC and CRITFC.

---

**Action requested and/or proposed next steps:**

Approve co-sponsoring with the AGO.

---

**Draft motion language:**

"I move to approve the agency-request legislative proposal as proposed by staff – to be jointly pursued with the Attorney General's Office."

---

---

**Post decision communications plan:**

The Department will create a fact sheet. Outreach materials will be posted to the Department's website and provided to the Commission. Co- manager's will be coordinated with for support.

---