

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2013 AGENCY REQUEST LEGISLATIVE PROPOSALS**

| Summary of Legislative Proposals | Pages |
|---|--------------|
| 1. Carnivore Conflict Management | 2-19 |
| 2. Citizen Volunteer Science | 20-25 |
| 3. Hunter Education | 26-31 |
| 4. License Suspensions | 32-37 |
| 5. Background Checks | 38-43 |
| 6. Invasive Species Management | 44-46 |

WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2013 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM

Bill Title: An Act Relating to large wild carnivore conflict management

Statement of Need: The Department of Fish and Wildlife adopted the *Wolf Conservation and Management Plan for Washington* (Plan) in December 2011. The Plan prescribes actions to recover wolves where they are currently classified as state endangered (and federally endangered in the western two-thirds of Washington) and prescribes management measures to address wolf-livestock or wolf-ungulate conflicts.

As wolves continue to colonize the state and as our human population continues to grow, interactions between wolves and humans will be more frequent, with a potential increase of conflict with livestock. The concerns extend to other large carnivores as well and extend beyond property damage to concerns for personal safety. The Legislature directed the Department of Fish and Wildlife to address these growing issues regarding all wildlife conflict through significant amendments to Chapter 77.36 RCW. The FY12 Supplemental budget appropriated some funding for livestock compensation. Currently there are compensation claims, but as the wolf population grows, inevitably, so will the number of claim requests. This bill would establish an independent non-appropriated account for any unspent annual livestock compensation appropriations to be available for future use.

The primary limiting factor for wolf recovery is social tolerance. As such, the bill would add wolves to the classification of Big Game, thereby adding a \$4,000 criminal wildlife penalty as an additional deterrent from poaching. Once recovered, the Department anticipates recommending that wolves be managed as a game species. Having the Legislature make this classification change now will garner support from the hunting and livestock community for this bill, and the additional criminal penalty will bring support from the environmental community.

Reducing conflict with livestock operators is key to developing social tolerance and to maintain healthy, sustainable carnivore populations. There is broad support for providing non-lethal tools to operators to reduce conflict. This bill would create a wolf background license plate to generate approximately \$100,000 per year to:

- develop local contracts for collection and disposal of livestock carcasses, a key management strategy to prevent wolves from learning and focusing on areas occupied by livestock; and,
- provide non-lethal tools such as fladry, fencing, radio-activated guard boxes, and other proactive supplies.

Summary of Major Provisions and Impact on Existing Laws:

- Modify 77.08.030 to add wolves to the classification of big game thereby instituting a criminal wildlife penalty of \$4,000.
- Modify RCW 77.36 to facilitate payment to landowners for livestock losses from wolves and establish an independent account where unspent funds are deposited and available for future use.
- Modify 46.18.200 to add a wolf background plate to the Washington wildlife carnivore collection to provide non-lethal technical assistance and management tools to livestock operators, including: turbofladry, rangerider contracts, carcass removal contracts, pyrotechnics, radio-activated guard boxes, etc.

Affected Agencies:

Washington Department of Fish and Wildlife

Stakeholders Information:

| Name | Affiliation | Summary of Position | Contact Information |
|------------------|-----------------------------|---------------------|---------------------|
| Ed Owens | Hunters Heritage | Support | (360) 456-1334 |
| Jennifer Convy | PAWS | Support/Neutral | (425) 787-2500 x815 |
| Jennifer Hillman | HSUS | Support/Neutral | (206) 783-1451 |
| Jack Field | Cattleman's | Support | (509) 925-3004 |
| John Stuhlmiller | Farm Bureau | Support | (360) 528-2903 |
| Mitch Friedman | Cons NW | Support | (360) 671-9950 x13 |
| Helen Engle | Wash State Audubon | Support | |
| Linda Saunders | Wolf Haven International | Support | |

Agency Contacts:

Nate Pamplin, Assistant Director, Wildlife Program (360) 902-2693
Dave Ware, Game Division Manager, Wildlife Program (360) 902-2509
Ann Larson, Legislative Affairs, (360) 902-2226

Legal Review:

Neil Wise, AAG, (360) 664-8977

Code Reviser Draft of the Proposed Bill:

Code Reviser Draft Z-1039.1/12 attached.

Fiscal Impact Information: \$100,000/yr revenue and spending authority for non-lethal technical assistance and management tools to prevent/minimize livestock losses from wolves

Agency Decision Package:

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-1039.1/12

ATTY/TYPIST: ML:lcl

BRIEF DESCRIPTION: Concerning large wild carnivore conflict
management.

AN ACT Relating to large wild carnivore conflict management; amending RCW 77.08.030, 77.36.100, 77.36.130, 46.18.200, 46.17.220, 46.68.425, and 46.18.060; reenacting and amending RCW 77.36.010; adding new sections to chapter 77.36 RCW; and adding a new section to chapter 46.04 RCW.

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

Sec. 1.1. RCW 77.08.030 and 1980 c 78 s 11 are each amended to read as follows:

As used in this title or rules of the commission, "big game" means the following species:

| Scientific Name | Common Name |
|------------------------|-----------------------------|
| Cervus canadensis | elk or wapiti |
| Odocoileus hemionus | blacktail deer or mule deer |
| Odocoileus virginianus | whitetail deer |
| Alces americana | moose |
| Oreamnos americanus | mountain goat |
| Rangifer caribou | <u>woodland</u> caribou |
| Ovis canadensis | mountain sheep |
| Antilocapra americana | pronghorn antelope |

~~((Felis))~~ Puma cougar or
concolor mountain lion
~~((Euarctos~~ black bear
~~americana))~~
Ursus
americanus
Ursus grizzly bear
horribilis
Canis lupus gray wolf

Sec. 1.2. RCW 77.36.010 and 2009 c 521 s 184 and 2009 c 333 s 54 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Claim" means an application to the department for compensation under this chapter.

(2) "Commercial crop" means a horticultural or agricultural product, including the growing or harvested product. For the purposes of this chapter all parts of horticultural trees shall be considered a commercial crop and shall be eligible for claims.

(3) "~~((Commercial))~~ Livestock" means cattle, sheep, and horses ~~((held or raised by a person for sale))~~.

(4) "Compensation" means a cash payment, materials, or service.

(5) "Damage" means economic losses caused by wildlife interactions.

(6) "Immediate family member" means spouse, state registered domestic partner, brother, sister, grandparent, parent, child, or grandchild.

(7) "Owner" means a person who has a legal right to commercial crops, ~~((commercial))~~ livestock, or other property that was damaged during a wildlife interaction.

(8) "Wildlife interaction" means the negative interaction and the resultant damage between wildlife and commercial crops, ~~((commercial))~~ livestock, or other property.

NEW SECTION. **Sec. 1.3.** A new section is added to chapter 77.36 RCW to read as follows:

The wildlife conflict account is created in the custody of the state treasurer. Prior to the end of each biennium, the department must transfer to the wildlife conflict account the balance of unexpended state funds authorized to be used for livestock claims and assessment costs under section 4 of this act and appropriated for mitigation, claims, and assessment costs for injury to or loss of livestock submitted under RCW 77.36.100. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of this section. Expenditures from the account may be used only for the mitigation, assessment, and payment of livestock losses consistent with this chapter. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. **Sec. 1.4.** A new section is added to chapter 77.36 RCW to read as follows:

(1) The department may not pay more than fifty thousand dollars per fiscal year from the state wildlife account created in RCW 77.12.170 for claims and assessment costs for injury or loss of livestock submitted under RCW 77.36.100.

(2) The department may accept and expend money from other sources to address losses or damage to livestock or other property.

(3) Prior to the end of any biennium in which the department expends fewer state funds from the state wildlife account than is authorized under subsection (1) of this section, under the specific authority provided in this section, the unexpended amount must be transferred to the wildlife conflict account created in section 3 of this act.

Sec. 1.5. RCW 77.36.100 and 2009 c 333 s 55 are each amended to read as follows:

(1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk (~~(or to the owners of commercial livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the commercial livestock has been diminished)~~). Payments for claims for damage to (~~commercial~~) livestock (~~(are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not exceed the total amount specifically appropriated therefor)~~) that have been killed or that have been injured by large wild carnivores to such a degree that the market value of the livestock has been diminished, are subject to the limitations of section 4(1) of this act and may not exceed the total amount specifically appropriated therefor.

(b) Owners of commercial crops or (~~commercial~~) livestock are only eligible for a claim under this subsection if:

(i) The commercial crop owner satisfies the definition of "eligible farmer" in RCW 82.08.855;

(ii) The conditions of RCW 77.36.110 have been satisfied; and

(iii) The damage caused to the commercial crop or (~~commercial~~) livestock satisfies the criteria for damage established by the commission under (c) of this subsection.

(c) The commission shall adopt and maintain by rule criteria that clarifies the damage to commercial crops and (~~commercial~~) livestock qualifying for compensation under this subsection. An owner of a commercial crop or (~~commercial~~) livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or (~~commercial~~) livestock, which may not be set at a value of less than five hundred dollars.

(2) (a) The department may offer to provide noncash compensation (~~(only)~~) to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or (~~(commercial)~~) livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis if the conditions of RCW 77.36.110 have been satisfied and if the damage satisfies the criteria for damage established by the commission under (b) of this subsection.

(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or (~~(commercial)~~) livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3) (a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the commission under this (~~(subsection)~~) section.

(b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

(4) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the commission if the claim:

(a) Is denied; or

(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

(5) The commission shall adopt rules setting limits and conditions for the department's expenditures on claims and assessments for commercial crops, livestock, other property, and mitigating actions.

Sec. 1.6. RCW 77.36.130 and 2009 c 333 s 58 are each amended to read as follows:

(1) Except as otherwise provided in this section and as limited by RCW 77.36.100, 77.36.070, ~~((and))~~ 77.36.080, and section 4(1) of this act, the cash compensation portion of each claim by the department under this chapter is limited to the lesser of:

(a) The value of the damage to the property by wildlife, reduced by the amount of compensation provided to the claimant by any nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions ~~((, except that, subject to appropriation to pay compensation for damage to commercial livestock,))~~. The value of killed or injured ((commercial)) livestock may be no more than two hundred dollars per sheep, one thousand five hundred dollars per head of cattle, and one thousand five hundred dollars per horse; or

(b) Ten thousand dollars.

(2) The department may offer to pay a claim for an amount in excess of ten thousand dollars to the owners of commercial crops or ~~((commercial))~~ livestock filing a claim under RCW 77.36.100 only if the outcome of an appeal filed by the claimant under RCW 77.36.100 determines a payment higher than ten thousand dollars.

(3) All payments of claims by the department under this chapter must be paid to the owner of the damaged property and may not be assigned to a third party.

(4) The burden of proving all property damage, including damage to commercial crops and ~~((commercial))~~ livestock, belongs to the claimant.

Sec. 1.7. RCW 46.18.200 and 2012 c 65 s 1 are each amended to read as follows:

(1) Special license plate series reviewed and approved by the department:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the department.

(2) The department approves and shall issue the following special license plates:

| LICENSE PLATE | DESCRIPTION, SYMBOL, OR ARTWORK |
|---------------------------------------|--|
| 4-H | Displays the "4-H" logo. |
| Armed forces collection | Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard. |
| Endangered wildlife | Displays a symbol or artwork, approved by the special license plate review board and the legislature. |
| Gonzaga University alumni association | Recognizes the Gonzaga University alumni association. |
| Helping kids speak | Recognizes an organization that supports programs that provide no-cost speech pathology programs to children. |
| Keep kids safe | Recognizes efforts to prevent child abuse and neglect. |
| Law enforcement memorial | Honors law enforcement officers |

| | |
|--|---|
| | in Washington killed in the line of duty. |
| Music matters | Displays the "Music Matters" logo. |
| Professional firefighters and paramedics | Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters. |
| Share the road | Recognizes an organization that promotes bicycle safety and awareness education. |
| Ski & ride Washington | Recognizes the Washington snowsports industry. |
| State flower | Recognizes the Washington state flower. |
| Volunteer firefighters | Recognizes volunteer firefighters. |
| Washington lighthouses | Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs. |
| Washington state parks | Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources. |
| Washington's national park fund | Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging |

Washington's wildlife carnivore collection

Washington's wildlife collection

We love our pets

Wild on Washington

communities, and providing educational opportunities related to Washington's national parks.

Recognizes wild carnivores and their special management needs.

Recognizes Washington's wildlife.

Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.

Symbolizes wildlife viewing in Washington state.

(3) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof eligibility by providing a certificate of current membership from the Washington state council of firefighters.

(4) Applicants for initial volunteer firefighters special license plates must (a) have been a volunteer firefighter for at least ten years or be a volunteer firefighter for one or more years and (b) have documentation of service from the district of the appropriate fire service. If the volunteer firefighter leaves firefighting service before ten years of service have been completed, the volunteer firefighter shall surrender the license plates to the department on the registration renewal date. If the volunteer firefighter stays in service for at least ten years and then leaves, the license plate may be retained by the former volunteer firefighter and as long as the license plate is retained for use the person will continue to pay the future registration renewals. A qualifying volunteer firefighter may have no more than one set of license plates per vehicle, and a maximum

of two sets per applicant, for their personal vehicles. If the volunteer firefighter is convicted of a violation of RCW 46.61.502 or a felony, the license plates must be surrendered upon conviction.

NEW SECTION. **Sec. 1.8.** A new section is added to chapter 46.04 RCW to read as follows:

"Washington's wildlife carnivore license plate collection" means the collection of two separate license plate designs. Each license plate design displays a distinct symbol or artwork.

Sec. 1.9. RCW 46.17.220 and 2012 c 65 s 4 are each amended to read as follows:

(1) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16A RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

| PLATE TYPE | INITIAL FEE | RENEWAL FEE | DISTRIBUTED UNDER |
|--|-------------|-------------|-----------------------------------|
| (a) 4-H | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (b) Amateur radio license | \$ 5.00 | N/A | RCW 46.68.070 |
| (c) Armed forces | \$ 40.00 | \$ 30.00 | RCW 46.68.425 |
| (d) Baseball stadium | \$ 40.00 | \$ 30.00 | Subsection (2) of this section |
| (e) Collector vehicle | \$ 35.00 | N/A | RCW 46.68.030 |
| (f) Collegiate | \$ 40.00 | \$ 30.00 | RCW 46.68.430 |
| (g) Endangered wildlife | \$ 40.00 | \$ 30.00 | RCW 46.68.425 |
| (h) Gonzaga University alumni association | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |

| | | | |
|---|----------|----------|---------------|
| (i) Helping kids speak | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (j) Horseless carriage | \$ 35.00 | N/A | RCW 46.68.030 |
| (k) Keep kids safe | \$ 45.00 | \$ 30.00 | RCW 46.68.425 |
| (l) Law enforcement memorial | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (m) Military affiliate radio system | \$ 5.00 | N/A | RCW 46.68.070 |
| (n) Music matters | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (o) Professional firefighters and paramedics | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (p) Ride share | \$ 25.00 | N/A | RCW 46.68.030 |
| (q) Share the road | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (r) Ski & ride Washington | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (s) Square dancer | \$ 40.00 | N/A | RCW 46.68.070 |
| (t) State flower | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (u) Volunteer firefighters | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (v) Washington lighthouses | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| (w) Washington state parks | \$ 40.00 | \$ 30.00 | RCW 46.68.425 |
| (x) Washington's national | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |

| | | | |
|-----------------------------------|----------------|----------------|----------------------|
| parks | | | |
| (y) <u>Washington's</u> | <u>\$40.00</u> | <u>\$30.00</u> | <u>RCW 46.68.425</u> |
| <u>wildlife</u> | | | |
| <u>carnivore</u> | | | |
| <u>collection</u> | | | |
| (z) <u>Washington's</u> | \$ 40.00 | \$ 30.00 | RCW 46.68.425 |
| wildlife | | | |
| collection | | | |
| ((z)) <u>(aa) We</u> | \$ 40.00 | \$ 30.00 | RCW 46.68.420 |
| love our pets | | | |
| ((aa)) <u>(bb)</u> | \$ 40.00 | \$ 30.00 | RCW 46.68.425 |
| Wild on | | | |
| Washington | | | |

(2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

Sec. 1.10. RCW 46.68.425 and 2011 c 171 s 88 are each amended to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under RCW 46.17.220;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

| SPECIAL LICENSE PLATE TYPE | ACCOUNT | CONDITIONS FOR USE OF FUNDS |
|---|----------------------|--|
| Armed forces | RCW 43.60A.140 | N/A |
| Endangered wildlife | RCW 77.12.170 | Must be used only for the department of fish and wildlife's endangered wildlife program activities |
| Keep kids safe | RCW 43.121.100 | (As specified in RCW 43.121.050) <u>N/A</u> |
| Washington state parks | RCW 79A.05.059 | Provide public educational opportunities and enhancement of Washington state parks |
| <u>Washington's wildlife carnivore collection</u> | <u>RCW 77.12.170</u> | <u>Dedicated to the department of fish and wildlife's management of carnivores</u> |
| Washington's wildlife collection | RCW 77.12.170 | Only for the department of fish and wildlife's game species management activities |
| Wild on Washington | RCW 77.12.170 | Dedicated to the department of fish and |

wildlife's watchable
wildlife activities, as
defined in RCW 77.32.560

Sec. 1.11. RCW 46.18.060 and 2012 c 65 s 6 are each amended to read as follows:

(1) The department must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(2) Duties of the department include, but are not limited to, the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the joint transportation committee;

(b) Report annually to the joint transportation committee on the special license plate applications that were considered by the department;

(c) Issue approval and rejection notification letters to sponsoring organizations, the executive committee of the joint transportation committee, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application; and

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The department may submit a recommendation to discontinue a special plate series to the executive committee of the joint transportation committee.

(3) Except as provided in RCW 46.18.245, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2013. During this period of time, the department is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, a special license plate may not be enacted by the legislature during the moratorium, unless the

proposed license plate has been approved by the former special license plate review board before February 15, 2005.

(4) The limitations under subsection (3) of this section do not apply to the following special license plates:

(a) 4-H license plates created under RCW 46.18.200;

(b) Music Matters license plates created under RCW 46.18.200;

(c) State flower license plates created under RCW 46.18.200;

(d) Volunteer firefighter license plates created under RCW 46.18.200;

(e) Washington's wildlife carnivore collection license plates created under RCW 46.18.200.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2013 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

Bill Title: Biodiversity Monitoring through Citizen Scientist Volunteers

Statement of Need:

In 1973, the citizens of Washington passed a landmark initiative, leading the country with a new, forward-thinking way of funding wildlife conservation programs for species that were not hunted or fished. Then called “nongame”, now referred to as “diversity species”, these species were largely ignored prior to implementation of the sale of “Personalized License Plates”. This 1973 initiative dedicated the funds generated by the sale of PLPs to nongame activities, establishing one of the country’s first funds to manage the vast majority of wildlife species. Initial fees in 1973 for this progressive idea were \$32 for new plates and \$20 for renewals, and have changed little since then (currently \$42/\$32, respectively).

But even with this unique and stable funding source, the demand for scientifically-credible information on the status and trend of wildlife species that make up Washington’s incredible biodiversity is huge and largely unmet. For example, **The Washington Biodiversity Council identified as a top priority the need to establish an inventory and monitoring program to determine the long-term status and trends of Washington’s biodiversity heritage (Washington Biodiversity Strategy -Sustaining our Natural Heritage for Future Generations, 2007).**

Little if any information is available on the status and trends of the thousands of plant and animal species that make up Washington’s biodiversity. **Recently**, the Washington State Comprehensive Wildlife Conservation Strategy (WDFW 2005) identified the Species of Greatest Conservation Need (SGCN). There were almost 200 SGCN species identified, and adequate monitoring occurs on less than 40 species. **Staffing capacity in state, local and federal agencies is inadequate to meet this need.**

The only way we are going to be able to track the long-term trends of Washington’s biodiversity is to enlist the help of volunteers and citizen scientists. There were 2 million Washington residents who engaged in wildlife viewing related activities during almost 8 million wildlife viewing days in 2006 (USFWS and U.S. Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation). Contrast this with a few hundred biologists who are employed statewide. Many citizens in Washington (retirees, teachers, organization members, and young people) are interested in contributing to our ability to understand the status and trends of our biodiversity heritage.

A collaboration with these and other citizens also addresses a growing trend recognized by social scientists—and reaching critical levels—is a lack of “connection” of the public with the outdoor world. As our state’s human population becomes more urbanized, our citizens become increasingly disconnected with nature. This has been termed “nature deficit disorder,” and directly impacts fish and wildlife agencies. Not only do fewer people hunt or fish, but the public is losing connection with nature, working lands, and habitat conservation values. Developing a citizen science based biodiversity inventory project can serve as a way to engage/encourage students and young adults to reconnect with the outdoors.

This proposal is designed to meet both those challenges, by developing a volunteer network that uses citizen volunteers as scientists; and getting adults and youth outside, gathering much-needed data to effectively and efficiently manage Washington’s wildlife resources.

Other examples of how citizen science can offer a relatively untapped and cost-effective opportunity to bolster data collection include ecological integrity monitoring on Washington’s wildlife areas and forage fish indicators related to Puget Sound recovery efforts, all the while fostering learning, community stewardship, and leadership. Coordinated citizen science efforts ensure rigor and validity of citizen science findings, and create lasting partnerships. Sound citizen science provides valuable insights to inform decision makers on long-term

land management actions; and Puget Sound recovery, while engaging and empowering local citizen groups in stewardship.

This proposed bill is designed to address these key needs for a contemporary fish and wildlife agency:

- Enlisting citizens in obtaining valid scientific information to be utilized in fish and wildlife management;
- Reconnecting the citizens of the state of Washington to fish and wildlife and the outdoors and habitat in which they live.

Emphasis projects for the 13-15BN includes developing citizen science monitoring protocols to:

- Develop a volunteer network to conduct citizen science projects;
- Initiate long-term biodiversity status assessment program;
- Establish baseline of ecological condition on WDFW lands as part of long-term Ecological Integrity Monitoring program; and
- Gain critical insights into forage fish and other species dependent on marine nearshore habitat in Puget Sound.

Summary of Major Provisions and Impact on Existing Laws:

Funding for the citizen science program would be derived by modifying RCW 46.17.210 to increase the cost of a personalized license plate by \$10. This would generate \$800K / yr. Funding would be used to:

- Create one Community Outreach and Environmental Education Specialist 4 position for outreach and developing partnerships with universities, NGOs, and K-12 schools to enlist volunteer projects to monitor Species of Greatest Conservation Need, and perform Ecological Integrity Assessments on Washington's 900,000 acres of wildlife areas. This position would compliment an existing position in establishing one COEES positions each in eastern and western Washington.
- Create two Research Scientist 1 positions. These positions (one for terrestrial species and habitats, one for marine/nearshore and freshwater species and habitats) would be responsible for developing biodiversity data collection protocols and serve as a consulting scientist to the citizen science network, and to WDFW district wildlife biologists, and wildlife area managers.
- Fund one Fish and Wildlife Biologist 4 FTE deployed across the state to provide biological expertise to volunteer groups and help facilitate and train citizen scientists.
- The remaining funds would be used for grants and personal services to build capacity with potential partners to develop a citizen science network throughout the state and to develop software and data management and reporting infrastructure necessary to support the citizen science network.

Funds generated will continue to be dedicated to preservation, protection, perpetuation, and enhancement of the biodiversity of fish and wildlife and their habitats and ecosystems they depend on; and to managing resources associated with nonconsumptive use of wildlife, and wildlife rehabilitation as established by founding statute, with emphasis on ways that citizen science can aid improved resource attention and response by WDFW.

Affected Agencies:

WDFW, Universities, K-12 schools

Stakeholders Information:

| Name | Affiliation | Summary of Position | Contact Information |
|------------|--------------|---------------------|---|
| Chris Grue | U of W Coop. | Support | Associate Professor, Aquatic & Fishery Sciences Unit Leader, WA Coop Fish & |

| | | | |
|--|--|---------|---|
| | | | Wildlife Res. Unit cgrue@u.washington.edu 206-543-6475 |
| John Garner | Point Defiance Zoo and Aquarium/ Northwest Trek & Tacoma Nature Center | Support | Conservation and Education Coordinator/NW Trek & Tacoma Nature Center johng@tacomaparks.com 253-591-6439 |
| Kevin Powers | WSU Extension | Support | Kevin Powers kcpowers@wsu.edu 509-670-7700 |
| Dan Hannafious | Pacific NW Salmon Center | Support | PO Box 2169, 600 NE Roessel Road Belfair, WA 98528 360-275-2011 dan@hcseg.org |
| Sarah Vickerman | Defender of Wildlife | Support | Senior Director, Biodiversity Partnerships (503) 697-3222 sara.vickerman@defenders.org |
| Julia Parrish | UW Professor/Associate Director, Aquatic & Fishery Sciences | Support | jparrish@u.washington.edu |
| Brad Smith | Dean Huxley College of Environmental Studies Western WA University | Support | Bellingham, WA 98225-9079 360-650-3521 Brad.Smith@wwu.edu |
| Numerous other NGOs, Educational Organizations | TNC, DU, TU, RMEF, SCI, Sierra Club, Mountaineers, Audubon, etc. | | TBA |

Agency Contacts:

Nate Pamplin (360) 902-2693
John Pierce (360) 902-2511
Ann Larson (360) 902-2226

Legal Review:

Code Reviser Draft of the Proposed Bill:

Code Reviser Draft Z-1038.1/12 attached.

Fiscal Impact Information: \$800,000/year

Agency Decision Package:

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-1038.1/12

ATTY/TYPIST: ML:lcl

BRIEF DESCRIPTION: Concerning personalized license plate fees.

AN ACT Relating to personalized license plate fees; and amending RCW 46.17.210.

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

Sec. 1.12. RCW 46.17.210 and 2011 c 171 s 57 are each amended to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration under chapter 46.16A RCW, the holder of a personalized license plate shall pay an initial fee of fifty-two dollars and forty-two dollars (~~(and thirty-two dollars)~~) for each renewal. The personalized license plate fee must be distributed as provided in RCW 46.68.435.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2013 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

Bill Title:

An act to establish Hunter Education Training course fees and to provide for Youth-hunter accompaniment

Statement of Need:

The Washington Department of Fish and Wildlife's (WDFW's) Hunter Education Division relies solely on federal funding to support the hunter-education training it provides. This training has always been free for course attendees, and instructors are unpaid. However, this has led to students registering for numerous classes but only showing up for one class, resulting in multiple empty seats for each course. It has also led to volunteer instructors collecting donations for themselves during class, which is contrary to WDFW's statutory authority and department policy.

Second, anyone who wants to hunt in Washington must successfully complete a state-approved Hunter Education course if the person was born after January 1, 1972. Once the person completes the course, he or she is free to obtain a hunting license. Many course graduates who obtain licenses are youth between the ages of 8 and 14. On occasion, these youth are found to be hunting alone and without supervision. Due to the dangers inherent in these situations, the Department seeks to impose limitations on these hunters.

Summary of Major Provisions and Impact on Existing Laws:

This bill will amend RCW 77.32.155 to allow WDFW to charge a nominal fee for its Hunter Education training. This will deter students from registering for more than one class, and it will allow the Department to provide volunteer instructors with money they need to purchase equipment and teaching aids for classes. This bill will also require hunters under the age of 14 to be accompanied by a licensed hunter aged 18 or older. This will increase the safety of youth hunters and other hunters in the field.

Affected Agencies:

Washington Department of Fish and Wildlife

Stakeholders Information:

| Name | Affiliation | Summary of Position | Contact Information |
|----------------------|---|---|---|
| Butch Buffalo | Hunter Education Resource Org. | Support is anticipated; their board will review | Butch Buffalo: Bbuffalo@verizon.net ; (509) 539-8792 |
| Harold Costa | WA Hunter Education Instructor's Assoc. | Support is anticipated; their board will review | Harold Costa: Hcosta1945@gmail.com ; (360) 749-4409 |
| Bob Cromwell | Safari Club Int'l | Support is anticipated; their board will review | Bob Cromwell: Bobcrom@gmail.com ; (206) 498-4152 |
| Dan Connelly | Pheasants Forever | Support is anticipated; their board will review | Dan Connelly , Regional Rep: DConnelly@pheasantsforever.org ; (702) 606-6775 |
| Mike Hale | Rocky Mtn. Elk Foundation | Support is anticipated; their board will review | Mike Hale, State Director: MHale@rmef.org ; (509) 826-5571 |

| | | | |
|----------------------|-----------------------------------|---|---|
| John K. Smith | Inland Northwest Wildlife Council | Support is anticipated; their board will review | John K. Smith, President; INWC@aol.com ; (509) 487-8552 |
| Jeff Gardner | Richland Rod and Gun Club | Support is anticipated; their board will review | Jeff Gardner, President; (509) 554-2450 |

Agency Contacts:

Joanna Eide, (360) 902-2403
 Sgt. Carl Klein, (360) 902-2426
 Mike Kuttel, (360) 902-8413
 Ann Larson, (360) 902-2226

Legal Review:

Lori Preuss, (360) 902-2930
 Joanna Eide, (360) 902-2403

Code Reviser Draft of the Proposed Bill:

Code Reviser Draft Z-1036.1/12 attached.

Fiscal Impact Information:

Requiring hunters under the age of fourteen to be accompanied while hunting will have no fiscal impact to the Department.

Collecting a nominal fee for Hunter Education training may generate approximately \$250,000 in revenue annually, based on a projection of approximately 12,500 Hunter Education students each year and charging \$20 per student. There will be a nominal expense for managing this new revenue. A fiscal note is forthcoming.

Agency Decision Package:

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-1036.1/12

ATTY/TYPIST: ML:lcl

BRIEF DESCRIPTION: Regarding the hunter education training program.

AN ACT Relating to the hunter education training program; and amending RCW 77.32.155.

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

Sec. 1.13. RCW 77.32.155 and 2009 c 269 s 1 are each amended to read as follows:

(1)(a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sportsmanship. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification. Only persons eight years old or older may register for and take hunter education training.

(b) ~~((i))~~ The director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of establishing the training program, exempt members of the United States military from the firearms skills portion of any instruction course completed over the internet.

~~((ii))~~ (i) The director may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations when establishing the training program.

(ii) Beginning July 1, 2013, the director is authorized to charge a registration fee of twenty-five dollars for any hunter education training course. This fee must be used to pay for administration of the internet registration process and for an instructor stipend program to be approved by the commission based upon the number of students taught. Remaining funds generated from the fee must be deposited into

the fish and wildlife enforcement reward account created in RCW 77.15.425 and used exclusively to offset director-approved costs incurred by instructors and department staff conducting hunter education training programs and to help pay the cost of registration fees for indigent students.

(iii) The director shall adopt rules specifying acceptable use of instructor stipends established under this subsection.

(c) Upon the successful completion of a course established under this section, the trainee shall receive ~~((a))~~ an approved hunter education certificate signed by ~~((an authorized instructor))~~ the state hunter education coordinator. The certificate is evidence of compliance with this section.

(d) The director may accept certificates from other states, indicating that persons have successfully completed firearm safety, hunter education, or similar courses, as evidence of compliance with this section.

(e) The director is authorized to collect an application fee, not to exceed ten dollars, for providing a duplicate hunter education training certificate. This fee must be deposited into the fish and wildlife enforcement reward account created in RCW 77.15.425 and must be used exclusively to offset director-approved costs incurred by instructors and department staff conducting hunter education training programs and to help pay the cost of registration fees for indigent students.

(2) ~~((a))~~ All hunters under the age of fourteen are required to be accompanied by a Washington-licensed hunter, age eighteen or older, while hunting for wild animals or wild birds.

(3) (a) The director may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied by a nondeferred Washington-licensed hunter who has held a Washington hunting license for the prior three years and is over eighteen years of age. The commission shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

(b) The director is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one

license year deferral of hunter education training from the department. This fee must be deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

(c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.

~~((3))~~ (4) To encourage the participation of an adequate number of instructors for the training program, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2013 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

Bill Title: An act relating to reducing the lengths of license suspensions for certain violators.

Statement of Need: RCW 77.15.670 requires the Washington Department of Fish and Wildlife (WDFW) to permanently suspend the hunting and/or fishing privileges of anyone who hunts or fishes while his/her privileges are already suspended. However, Governor Chris Gregoire believes that a permanent suspension of the hunting and/or fishing privileges of a person whose underlying suspension is based on child-support noncompliance appears contrary to the intent of the license suspension law. In Laws of 1997, Chapter 58, Section 801, the Legislature stated that the intent of the law was to “provide a strong incentive for persons owing child support to make timely payments and to cooperate with the department of social and health services (DSHS) to establish an appropriate schedule for the payment of any arrears.” According to the Governor, a lifetime suspension of fishing (or hunting) privileges in these circumstances could remove the incentive to comply with child support provisions. Therefore, Governor Gregoire asked WDFW and DSHS to consider whether they should propose legislation to penalize a person for fishing (or hunting) during a period of suspension while also providing a pathway for reinstatement of license privileges upon payment of child support.

Summary of Major Provisions and Impact on Existing Laws:

WDFW and DSHS agree that it is impractical to tie the reinstatement of license privileges for violations of child-support-based suspensions to the payment of child support. Approximately one-third of people who are in arrears on child support come into compliance and fall out of compliance on a monthly basis. To track these people for purposes of releasing hunting-and-fishing privilege suspensions that are based on child-support-suspension violations would present a logistical nightmare for WDFW and DSHS and would remove the deterrent effect of WDFW suspensions. Therefore, WDFW proposes to simply reduce the length of a WDFW suspension that is based on a child-support-suspension violation from a lifetime to a 2-year term for second-degree violations and a 4-year term for first-degree violations. These suspensions would have no effect on the underlying suspension for failure to pay child support.

Affected Agencies:

WDFW
DSHS

Stakeholders Information:

| Name | Affiliation | Summary of Position | Contact Information |
|------------------------------------|-------------------------------------|---------------------|--|
| Nancy Koptur and Jan Hentze | DSHS | Supports | Nancy Koptur: Koptun@dshs.wa.gov . Jan Hentze: Jhentze@dshs.wa.gov |
| John Suessman | WDFW Enforcement Advisory Committee | Supports | John Suessman, Chair jsuessman@cjtc.state.wa.us |

Agency Contacts:

Lori Preuss, (360) 902-2930
Deputy Chief Mike Cenci, (360) 902-2938
Ann Larson, (360) 902-2226

Legal Review:

Lori Preuss, (360) 902-2930

AAG Joe Panesko, (360) 586-0643

Code Reviser Draft of the Proposed Bill:

Cade Reviser Draft Z-1037.2/12 attached.

Fiscal Impact Information:

This bill will have no fiscal impact on WDFW or DSHS. It will not involve any new processes for either agency.

Agency Decision Package:

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-1037.2/12 2nd draft

ATTY/TYPIST: ML:crs

BRIEF DESCRIPTION: Concerning department of fish and wildlife license suspensions.

AN ACT Relating to department of fish and wildlife license suspensions; and amending RCW 77.15.670.

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

Sec. 1.14. RCW 77.15.670 and 1999 c 258 s 11 are each amended to read as follows:

(1) A person is guilty of violating a suspension of department privileges in the second degree if the person engages in any activity that is licensed by the department and the person's privileges to engage in that activity were revoked or suspended by any court or the department.

(2) A person is guilty of violating a suspension of department privileges in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The suspension of privileges that was violated was a permanent suspension;

(b) The person takes or possesses more than two hundred fifty dollars' worth of unlawfully taken food fish, wildlife, game fish, seaweed, or shellfish; or

(c) The violation involves the hunting, taking, or possession of fish or wildlife classified as endangered or threatened or big game.

(3)(a) Violating a suspension of department privileges in the second degree is a gross misdemeanor. (~~Upon conviction, the department shall order~~) Except for violations of child support-based

suspensions, which are covered in (c) of this subsection, a conviction under this subsection requires the department to order a permanent suspension of the person's privileges to engage in ((such)) the hunting or fishing activities that he or she was engaged in when he or she violated a suspension of department privileges in the second degree.

(b) Violating a suspension of department privileges in the first degree is a class C felony. ~~((Upon conviction, the department shall order))~~ Except for violations of child support-based suspensions, which are covered in (c) of this subsection, a conviction under this subsection requires the department to order a permanent suspension of all of the person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish.

(c) Suspension periods for violations of child support-based suspensions are as follows:

(i) If the suspension that the person violated in the second degree was based on noncompliance with child support and was ordered under RCW 74.20A.322 or 77.32.014, then the department must order a suspension of all of the person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish for a period of two years. This suspension is in addition to any suspension required by the statute for the underlying fish or wildlife violation.

(ii) If the suspension that the person violated in the first degree was based on noncompliance with child support and was ordered under RCW 74.20A.322 or 77.32.014, then the department must order a suspension of all of the person's privileges to hunt, fish, trap, or take wildlife, food fish, game fish, or shellfish for a period of four years. This suspension is in addition to any suspension required by the statute for the underlying fish or wildlife violation.

(iii) Suspensions pursuant to (c) (i) and (ii) of this subsection do not affect any underlying hunting and fishing privilege suspensions based on noncompliance with child support and ordered under RCW 74.20A.322 or 77.32.014. If a person who is suspended pursuant to (c) (i) and (ii) of this subsection completes the period of suspension ordered under this section but is still suspended for child support

noncompliance, the person is prohibited from hunting, fishing, or engaging in any activity regulated by the department until he or she obtains a release from the department of social and health services and provides a copy of the release to the department.

(4) As used in this section, hunting includes trapping with a trapping license.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2013 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

Bill Title:

Background Checks for Certain Employees and Volunteers of the Washington Department of Fish and Wildlife

Statement of Need:

The Washington Department of Fish and Wildlife (WDFW) lacks statutory authority to perform background checks on certain people. These people include prospective employees and volunteers who will have unsupervised access to children under age 16, developmentally disabled people, and vulnerable adults. They also include current and prospective employees who: (1) work in WDFW's Information Technology Services Division and may have access to the Department's information technology and equipment; (2) are suspects in employee-criminal-misconduct cases; or (3) are issued firearms to perform their duties. The Department must ensure that its above-described employees and volunteers have clean backgrounds. Otherwise, the Department risks liability and the health and safety of the Department, its employees, and the public.

Summary of Major Provisions and Impact on Existing Laws:

Create a new section in chapter 77.12 RCW to allow the Department to obtain from the Washington State Patrol (WSP) the conviction records of the above-described employees and volunteers. The department may decline to hire or engage, or take other action as allowed by state and federal law, prospective volunteers and employees who have prior criminal convictions. However, prior felony convictions cannot serve as the basis for employment denial unless the convictions are less than ten years old and relate specifically to the duties the person will be performing for the Department.

Affected Agencies:

WDFW, WSP, and the Labor Relations Office (LRO).

Stakeholder Information:

| Name | Affiliation | Summary of Position | Contact Information |
|-----------------------|--|---------------------|--|
| Shane Esquibel | Labor Relations Office | Pending | Shane Esquibel, LRO Staff Atty/Labor Negotiator: Shane.esquibel@ofm.wa.gov ; 360-725-5510 |
| Rhonda Fenrich | Washington Assoc. of Fish and Wildlife Professionals | Pending | Rhonda Fenrich, WAFWP Atty: rhonda@fglaborlaw.com |
| Greg Devereux | Washington Federation of State Employees | Pending | Greg Devereux, WFSE Exec Dir: greg@wfse.org |
| Jason Berry | Washington State Patrol | Pending | Captain Jason Berry, WSP Legislative Liaison: Jason.berry@wsp.wa.gov |
| Jim Cline | Fish and Wildlife Officers' Guild | Pending | Jim Cline, FWOG Atty: jcline@clinelawfirm.com |
| Wayne Johnson | Teamsters 760 (for Fish and Wildlife Sergeants) | Pending | Wayne Johnson, Teamsters' Business Agent: Waynej760@yvn.com |

Agency Contacts:

Lori Preuss, (360) 902-2930

Deputy Chief Mike Cenci, (360) 902-2938

Ann Larson (360) 902-2226

Legal Review:

Lori Preuss, (360) 902-2930

AAG Gil Hodgson, (360) 664-4172

Code Reviser Draft of the Proposed Bill:

Code Reviser Draft Z-1035.2/12 attached.

Fiscal Impact Information:

This bill will have a negative fiscal impact on the agency because it will have to pay WSP to run criminal background checks. We anticipate needing 300-400 criminal background checks, at \$10/person checked.

Agency Decision Package:

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-1035.2/12 2nd draft

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: Authorizing the department of fish and wildlife to perform background checks.

AN ACT Relating to authorizing the department of fish and wildlife to perform background checks; adding a new section to chapter 77.12 RCW; and prescribing penalties.

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

NEW SECTION. **Sec. 1.15.** A new section is added to chapter 77.12 RCW to read as follows:

(1) If requested by the department, the Washington state patrol identification and criminal history section must disclose to the department, pursuant to RCW 10.97.050(1), 43.43.815(1), 43.43.830, and 43.43.832(1)(a), conviction records for purposes of:

(a) Preemployment evaluations of any prospective employee who will or may have unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of the person's employment or involvement with the department;

(b) Preengagement evaluations of any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age, developmentally disabled persons, or vulnerable adults during the course of the person's involvement with the department under circumstances where the access will or may involve groups of: (i) Five or fewer children under twelve years of age; (ii) three or fewer children between twelve and sixteen years of age; (iii) developmentally disabled persons; or (iv) vulnerable adults; or

(c) Preemployment and postemployment evaluations of employees and prospective employees who, in the course of employment:

(i) Work in the department's information technology services division and therefore may have access to the department's information technology and equipment, as defined in RCW 43.105.020;

(ii) Are suspected of employee misconduct where the misconduct may also constitute a penal offense under the laws of the United States or any state; or

(iii) Have or will be issued a firearm, as a requirement of the position or at the discretion of the appointing authority, for euthanizing injured or sick wildlife, killing or hazing nuisance wildlife, collecting wildlife for research or other studies, or protection from dangerous wildlife in close quarters.

(2) Pursuant to RCW 43.43.834, the department must notify employees and volunteers described under subsection (1) of this section prior to requesting conviction records from the Washington state patrol under RCW 43.43.832 or making an equivalent inquiry to a federal law enforcement agency.

(3) The department must pay reasonable fees for the records check as the state patrol may require under RCW 43.43.838.

(4) Pursuant to RCW 43.43.815, when the department has received a conviction record under subsection (1) of this section, the department must notify the subject of the conviction record within thirty days of the record's receipt by the department, or upon completion of an investigation under subsection (1)(c)(ii) of this section. The department must make the conviction record available for examination by its subject and notify the subject of this availability.

(5) Pursuant to RCW 43.43.834 and 9.96A.020, the department will use conviction records only in making employment or engagement decisions. The department may deny employment or engagement to prospective employees and volunteers, and take other action as allowed by law for prospective and current employees, based on conviction record results. However, the department may not make denials or take action based on a person's prior conviction of a felony, unless the

time elapsed since the felony is less than ten years and the felony for which he or she was convicted directly relates to the employment or volunteer position sought or held.

(6) The department may not disseminate or use conviction records beyond what is allowed by this section, except as provided in RCW 28A.320.155 or other state or federal law. If the department violates this subsection it is subject to a civil action for damages.

(7) An insurance company may not require the department to request background information on any employee before issuing a policy of insurance.

(8) The department is immune from civil liability for failure to request background information on an applicant unless the failure to do so constitutes gross negligence.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Conviction record" has the same meaning as "criminal history record information" as defined in RCW 10.97.030. The provisions of RCW 10.97.050 apply to the term "conviction record" in the same manner as that section applies to the term "criminal history record information."

(b) "Unsupervised" has the same meaning as defined in RCW 43.43.830.

(c) "Vulnerable adult" has the same meaning as defined in RCW 43.43.830.

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE
2013 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

Bill Title: An Act related to invasive species management

Statement of Need:

A unified statutory chapter for invasive species management (ISM) under Title 77 RCW is needed to address the continued and growing threat of invasive species to Washington’s land, water, and other natural resources. This threat could seriously impact Washington’s economy, environment, and the health of its citizens. The proposal accomplishes three primary objectives: a) consolidates aquatic invasive species into a single Title 77 RCW chapter; b) incorporates terrestrial invasive species for a unified management approach in keeping with the department’s recently adopted ISM Policy 5310; and provide management authorities similar to those used by the Department of Agriculture for invasive pests and noxious weeds. Failure to adopt this legislation would expose the state to potentially hundreds of millions of dollars in annual management and mitigation costs, further imperil native salmon populations, and cause changes to whole water body ecosystems. Revising and enhancing the department’s AIS statutes is supported by the Attorney General’s Office, the Washington Invasive Species Council and the Puget Sound Partnership. Incorporation of controversial new authorities may be done incrementally over several sessions as support gained.

Summary of Major Provisions and Impact on Existing Laws:

Current state laws guiding control of invasive animal species are scattered throughout Title 77 RCW, creating jurisdictional uncertainty for the department and other agencies that regulate invasive species. Since 1995, new invasive species statutes have been added or modified under multiple chapters without a clear program nexus. The table below outlines current WDFW Title 77 RCW statutes regarding invasive species by chapter, section, title, and year adopted and most recently revised.

| RCW | Title | Year Adopted/ Revised |
|-----------|--|--------------------------|
| 77.08.010 | Definitions (Purpose in NOTES) | 2002; 2007 |
| 77.12.020 | Wildlife to be Classified | 2002 |
| 77.12.455 | Prevention and suppression of diseases and pests | 1949; 2001 |
| 77.12.875 | Prohibited aquatic animal species - - Infested state waters | 2002 |
| 77.12.878 | Infested waters - - Rapid response plan | 2002 |
| 77.12.879 | AIS prevention account - AIS prevention program for recreational and commercial watercraft - - Enforcement program - - Check stations - - Training - - Report to the legislature | 2005; 2009 |
| 77.12.882 | AIS - - Inspection of recreational and commercial watercraft - - Rules - - Signage | 2007 |
| 77.15.080 | Fish and wildlife officers - - Inspection authority | 2002 |
| 77.15.250 | Unlawful release of fish, shellfish, or wildlife - - Penalty - - Unlawful release of deleterious exotic wildlife - - Penalty | 2001 |
| 77.15.253 | Unlawful use of prohibited aquatic animal species - - Penalty | 2002; 2007 |
| 77.15.290 | Unlawful transport of fish or wildlife - - Unlawful transport of aquatic plants - - Penalty | 2007 |
| 77.55.021 | Permit [inclusion of ISM protocols in HPA approvals] | 2005; 2010 |
| 77.55.051 | Spartina/purple loosestrife - - Removal or control | 2005 |
| 77.55.081 | Removal or control of aquatic noxious weeds | 1995; 2005 |
| 77.60.110 | Zebra mussels and European green crabs - - Draft rules - - Prevention of introduction and dispersal (Intent in NOTES) | 1998 |
| 77.60.120 | Infested waters - - List published | 1998 |

| | | |
|-------------------|--|------------|
| 77.60.130 | Aquatic nuisance species committee | 2000; 2007 |
| 77.65.480 | Taxidermist, fur dealer, game fish guide, game farmer,... | 1975; 2011 |
| 77.115.010 | Disease inspection and control for aquatic farmers... | 1988; 2000 |
| 77.125.010 | Accidental Atlantic salmon release - - Prevention measures | 2001 |

Affected Agencies:

Ecology, Natural Resources, Agriculture, Puget Sound Partnership, State Patrol, Recreation and Conservation, and Health. Extensive work has already been completed on developing and reviewing language among state agencies. A sub-group of members from the Invasive Species Council have committed to assisting the department to continue refining legislative language and addressing concerns.

Stakeholder Information:

Most stakeholders are aware and supportive of the general concept for this proposal as it was originally identified as a problem in both the 2007 AIS Prevention and Enforcement Program and Aquatic Nuisance Species Committee biennial reports to the legislature. A sub-group of members from the Invasive Species Council have committed to assisting the department in soliciting support from other stakeholders and in refining legislative language to address concerns. Stakeholder names will be added as internal drafting progress evolves.

| Name | Affiliation | Summary of Position | Contact Information |
|-------------------------|---|----------------------------|--|
| Bruce Wishart | People for Puget Sound | General concept support | 360-754-9177 x2 bwishart@pugetsound.org |
| Herb Curl | WA Invasive Species Coalition | General concept support | 206-715-4013 hcurl55@comcast.net |
| Dianne Cooper | Taylor Shellfish | No position yet | 360-426-6178 dianec@taylorshellfish.com |
| Phil Rockefeller | Northwest Power and Conservation Commission | No position yet | 360-534-9347 PRockefeller@NWCouncil.org |
| John Kounts | WA Public Utility District Association | No position yet | 206-841-4199 jkounts@wpuda.org |
| Jeff Adams | Washington Sea Grant | General concept support | 360-337-4619 jaws@u.washington.edu |
| Steve Greaves | WA Recreational Boating Association | No position yet | 206-371-0486 sgreaves@portagebaysystems.com |
| Johan Hellman | WA Public Ports Assoc | General concept support | (360) 943-0760 jhellman@washingtonports.org |
| Pat Stevenson | Stillaguamish Tribe (WISC member) | General concept support | (360) 631-0946 pstevenson@stillaguamish.nsn.us |
| Fran Wilshusen | NW Indian Fisheries Commission | No position yet | (360) 528-4351 fwilshusen@nwifc.org |
| John Stuhlmiller | WA Farm Bureau | No position yet | 360-528-2903 jstuhlmiller@wsfb.com |
| Mike Schwisow | WA State Water Resources Association | No position yet | 360-705-1975 mschwisow@aol.com |
| Mike Mackey | Chelan County Noxious Weed Control Board | General concept support | (509) 667-6550 Mike.Mackey@co.chelan.wa.us |

Agency Contacts:

Allen Pleus, Fish Program, AIS Coordinator, (360) 902-2724
 Bill Tweit, Director's Office, (360) 902-2723
 Ann Larson, Legislative Affairs, (360) 902-2226

Legal Review:

Jessica Fogel, AAG (360)753-6287

Code Reviser Draft of the Proposed Bill:

Draft bill language currently under review.

Fiscal Impact Information:

Agency Decision Package: