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**SUBSTITUTE SENATE BILL 5380**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senator Pearson)

READ FIRST TIME 02/05/15.

1 AN ACT Relating to migratory bird-related provisions; and  
2 amending RCW 77.12.670 and 77.12.690.

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

4 **Sec. 1.** RCW 77.12.670 and 2011 1st sp.s. c 21 s 15 are each  
5 amended to read as follows:

6 (1) (~~Beginning July 1, 2011, the department, after soliciting~~  
7 ~~recommendations from the public, shall select the design for the~~  
8 ~~migratory bird stamp.~~

9 ~~(2))~~ All revenue derived from the sale of migratory bird  
10 ~~((license validations or stamps))~~ permits by the department to  
11 ~~((any))~~ persons hunting waterfowl ~~((or to any stamp collector shall~~  
12 ~~be deposited in the state wildlife account and shall be used only for~~  
13 ~~that portion of the cost of printing and production of the stamps for~~  
14 ~~migratory waterfowl hunters))~~, as determined by subsection ~~((4))~~  
15 ~~(3)~~ of this section, ~~((and for those))~~ must be deposited in the state  
16 wildlife account and may only be used for migratory waterfowl  
17 projects specified by the director of the department for the  
18 acquisition and development of migratory waterfowl habitat in the  
19 state and for the enhancement, protection, and propagation of  
20 migratory waterfowl in the state. ~~((Migratory bird license validation~~  
21 ~~and stamp funds may not be used on lands controlled by private~~

1 ~~hunting clubs or on private lands that charge a fee for public~~  
2 ~~access. Migratory bird license validation and stamp funds may be used~~  
3 ~~for migratory waterfowl projects on private land where public hunting~~  
4 ~~is provided by written permission or on areas established by the~~  
5 ~~department as waterfowl hunting closures.~~

6 ~~(3))~~ (2) All revenue derived from the sale of ~~((the license~~  
7 ~~validation and stamp))~~ migratory bird permits by the department to  
8 persons hunting solely nonwaterfowl migratory birds ~~((shall be~~  
9 ~~deposited in the state wildlife account and shall be used only for~~  
10 ~~that portion of the cost of printing and production of the stamps for~~  
11 ~~nonwaterfowl migratory bird hunters))~~, as determined by subsection  
12 ~~((4))~~ (3) of this section, ~~((and for those))~~ must be deposited in  
13 the state wildlife account and may only be used for nonwaterfowl  
14 migratory bird projects specified by the director for the acquisition  
15 and development of nonwaterfowl migratory bird habitat in the state  
16 and for the enhancement, protection, and propagation of nonwaterfowl  
17 migratory birds in the state.

18 ~~((4) With regard to the revenue from license validation and~~  
19 ~~stamp sales that is not the result of sales to stamp collectors,))~~  
20 (3) The department shall determine the proportion of migratory  
21 waterfowl hunters and solely nonwaterfowl migratory bird hunters by  
22 using the yearly migratory bird hunter harvest information program  
23 survey results or, in the event that these results are not available,  
24 other similar survey results. A two-year average of the most recent  
25 survey results ~~((shall))~~ must be used to determine the proportion of  
26 the revenue attributed to migratory waterfowl hunters and the  
27 proportion attributed to solely nonwaterfowl migratory bird hunters  
28 for each fiscal year. ~~((For fiscal year 1998-99 and for fiscal year~~  
29 ~~1999-2000, ninety six percent of the stamp revenue shall be~~  
30 ~~attributed to migratory waterfowl hunters and four percent of the~~  
31 ~~stamp revenue shall be attributed to solely nonwaterfowl migratory~~  
32 ~~game hunters.~~

33 ~~(5) Acquisition shall include but not be))~~ (4)(a) Acquisition  
34 projects under this section may include but are not limited to the  
35 acceptance of gifts of real estate or any interest therein or the  
36 rental, lease, or purchase of real estate or any interest therein.

37 (b) If the department acquires any fee interest, leasehold, or  
38 rental interest in real property under this section, it shall allow  
39 the general public, including consumptive users, reasonable access to  
40 that property and shall, if appropriate, ensure that the deed or

1 other instrument creating the interest allows such access to the  
2 general public.

3 (c) If the department obtains a covenant in real property in its  
4 favor or an easement or any other interest in real property under  
5 this section, it shall exercise its best efforts to ensure that the  
6 deed or other instrument creating the interest grants to the general  
7 public ~~((in the form of a covenant running with the land))~~, including  
8 consumptive users, reasonable access to the property. The private  
9 landowner from whom the department obtains such a covenant or  
10 easement ~~((shall))~~ retains the right of granting access to the lands  
11 by written permission, but may not charge a fee for access.

12 ~~((6) The department may produce migratory bird stamps in any  
13 given year in excess of those necessary for sale in that year. The  
14 excess stamps may be sold to the public.))~~

15 (5) Migratory bird permit funds may not be used on lands  
16 controlled by private hunting clubs or on private lands that charge a  
17 fee for public access. These funds may be used for migratory bird  
18 projects on private land where public hunting is provided by written  
19 permission or on areas established by the department as waterfowl  
20 hunting closures.

21 (6) The state auditor shall audit the department's use of revenue  
22 derived from the sale of migratory bird permits at least every four  
23 years following the effective date of this section for compliance  
24 with the requirements of this section.

25 **Sec. 2.** RCW 77.12.690 and 2011 1st sp.s. c 21 s 16 are each  
26 amended to read as follows:

27 ~~(1) ((The director is responsible for the selection of the annual  
28 migratory bird stamp design. The department shall create collector  
29 art prints and related artwork, utilizing the same design.))~~ The  
30 selection of the annual migratory bird stamp design and the  
31 administration, sale, distribution, and other matters relating to  
32 ~~((the prints and sales of stamps with prints and related artwork  
33 shall be))~~ stamps and prints and artwork is the responsibility of the  
34 department. The department may contract with an appropriate  
35 individual or nonprofit organization for selection of the annual  
36 migratory bird stamp design and the administration, sale,  
37 distribution, and other matters relating to the stamps and prints and  
38 artwork.

1           (2) (~~The total amount brought in from the sale of prints and~~  
2 ~~related artwork shall be deposited in the state wildlife account~~  
3 ~~created in RCW 77.12.170.~~) (a) The costs of producing and marketing  
4 of stamps and prints and (~~related~~) artwork (~~shall~~) may be paid  
5 out of the total amount brought in from sales of those same items.  
6 (~~Net funds derived from the sale of prints and related artwork shall~~  
7 ~~be used by the director~~)

8           (b) The remaining amount may only be used to contract with one or  
9 more appropriate individuals or nonprofit organizations for the  
10 development of waterfowl propagation projects within Washington which  
11 specifically provide waterfowl for the Pacific flyway. The department  
12 (~~shall~~) may not contract with any individual or organization that  
13 obtains compensation for allowing waterfowl hunting except if the  
14 individual or organization does not permit hunting for compensation  
15 on the subject property.

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