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**SUBSTITUTE HOUSE BILL 1426**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Fisheries & Wildlife (originally sponsored by Representatives Morris, King, Orr, Basich, Karahalios, Brumsickle, Morton, Ogden, Bray, Shin, Pruitt, Brown, G. Cole, Rust, Springer, Kremen, J. Kohl and Jacobsen)

Read first time 02/19/93.

1 AN ACT Relating to preservation of wildlife lands; adding a new  
2 chapter to Title 77 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that wildlife habitat  
5 is being lost at a high rate and that inadequate institutional and  
6 funding mechanisms are available for acquisition and long-term  
7 protection of such habitat. It is the intent of the legislature to  
8 develop a public and private partnership for the specific purpose of  
9 enhancing and preserving wildlife habitat, providing for research and  
10 education related to our wildlife heritage, and for projects that  
11 develop greater appreciation for our natural wildlife legacy, which is  
12 in the public interest.

13 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
14 otherwise, the definitions in this section apply throughout this  
15 chapter.

16 (1) "Board" means the board of the Washington wildlife heritage  
17 trust.

- 1 (2) "Department" means the department of wildlife.  
2 (3) "Director" means the director of the department of wildlife.  
3 (4) "Trust" means the Washington wildlife heritage trust.

4 NEW SECTION. **Sec. 3.** The director is authorized to form a public  
5 nonprofit corporation in the same manner as a private nonprofit  
6 corporation is formed under chapter 24.03 RCW. The public corporation  
7 shall be called the Washington wildlife heritage trust, and shall be an  
8 instrumentality of the state and have all the powers and be subject to  
9 the same restrictions as are permitted or prescribed to private  
10 nonprofit corporations, but shall exercise those powers only for  
11 carrying out the purposes of this chapter and those purposes  
12 necessarily implied from this chapter.

13 NEW SECTION. **Sec. 4.** Upon formation of the corporation authorized  
14 in section 3 of this act, the director shall appoint a board of not  
15 more than fifteen members to administer the trust. The appointments  
16 shall be subject to confirmation by the wildlife commission. The board  
17 shall elect a chair and an executive secretary and shall adopt rules  
18 under chapter 34.05 RCW for the conduct of its meetings. The board  
19 shall meet at least quarterly. Members of the board shall receive no  
20 additional compensation for their services except travel expenses shall  
21 be allowed in accordance with RCW 43.03.050 and 43.03.060. Decisions  
22 of the board shall be subject to final approval by the director.

23 NEW SECTION. **Sec. 5.** The duties of the board shall be to:

24 (1) Enable public acquisition of wildlife habitat through  
25 conservation easements, donations, or purchase and oversee the  
26 management, acquisition, exchange, and sale of lands and land rights by  
27 the trust that have value to the public as rural and urban wildlife  
28 habitat;

29 (2) Educate Washington citizens about opportunities to voluntarily  
30 support habitat conservation;

31 (3) Work with landowners to encourage public recreational, hunting,  
32 and fishing access to their lands;

33 (4) Work with federal, state, and local agencies and private  
34 organizations to accept land interests that are in the public interest;  
35 and

36 (5) Seek out opportunities for cooperative research.

1        NEW SECTION.    **Sec. 6.**    The board may solicit gifts, grants,  
2 matching funds, conveyances, bequests, and devises, whether of real or  
3 personal property, or both, in fee or less than fee, in trust or  
4 otherwise, for the purposes outlined in section 5 of this act. The  
5 board may manage such properties and is authorized to place revenues  
6 derived from the sale of products extracted from these properties into  
7 the Washington wildlife heritage trust fund created in section 8 of  
8 this act. The board may solicit contracts for work, financial and  
9 in-kind contributions, and support from private industries, hunting,  
10 fishing, environmental, and other interest groups, federal and state  
11 sources, and other sources for the purposes of this chapter. The board  
12 shall have access to state agency maintained lists of natural resource  
13 users, license holders, and recreationists for the purposes of this  
14 chapter.

15        All receipts shall be placed by the board into the Washington  
16 wildlife heritage trust fund created in section 8 of this act.

17        NEW SECTION.    **Sec. 7.**    The board shall hire such staff as are  
18 necessary to carry out the intent of sections 5 and 6 of this act.  
19 Staff shall be employees of the trust and exempt from the civil service  
20 provisions of Title 41 RCW. Salaries and expenses for all staff to the  
21 board shall be paid out of the Washington wildlife heritage trust fund.

22        NEW SECTION.    **Sec. 8.**    The Washington wildlife heritage trust fund  
23 is created in the custody of the state treasurer. All receipts  
24 obtained by the board including land held in trust pursuant to section  
25 6 of this act shall be deposited into the fund. Expenditures from the  
26 fund or income from sales of land held in trust or of products  
27 extracted from the land may be used for the purposes outlined in  
28 sections 5 through 7 of this act. Expenditures shall also be used to  
29 repay the state wildlife fund the amount transferred under section 11,  
30 chapter . . . , Laws of 1993 (section 11 of this act), with interest.  
31 Only the chair of the board may authorize expenditures from the fund,  
32 subject to approval by the director. The fund is subject to allotment  
33 procedures under chapter 43.88 RCW, but no appropriation is required  
34 for expenditures. The state treasurer may, upon request by the  
35 director, transfer funds between the Washington wildlife heritage trust  
36 fund and the state wildlife fund solely for the purpose of repaying

1 moneys pursuant to section 11, chapter . . ., Laws of 1993 (section 11  
2 of this act).

3 NEW SECTION. **Sec. 9.** Land and land rights held by the trust shall  
4 not be considered game lands subject to RCW 77.12.201 or 77.12.203,  
5 unless such lands were subject to the in-lieu taxes imposed under RCW  
6 77.12.203 before the effective date of this section. Lands and land  
7 rights held by the trust shall not be considered property owned,  
8 leased, or held by the department and subject to RCW 77.12.210.

9 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act shall  
10 constitute a new chapter in Title 77 RCW.

11 NEW SECTION. **Sec. 11.** The sum of two hundred fifty thousand  
12 dollars, or as much thereof as may be necessary, is transferred,  
13 subject to repayment as authorized under section 8 of this act, for the  
14 biennium ending June 30, 1995, from the wildlife fund to the Washington  
15 wildlife heritage trust fund for the purposes of carrying out the  
16 provisions of sections 5 through 7 of this act.

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