
SENATE BILL 6193

State of Washington

63rd Legislature

2014 Regular Session

By Senator Pearson

Read first time 01/17/14. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to migratory bird-related provisions; and amending
2 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 ~~((license~~
10 ~~validations or stamps))~~ permits by the department to ~~((any))~~ persons
11 hunting waterfowl ~~((or to any stamp collector shall be deposited in the~~
12 ~~state wildlife account and shall be used only for that portion of the~~
13 ~~cost of printing and production of the stamps for migratory waterfowl~~
14 ~~hunters))~~, as determined by subsection ~~((4))~~ (3) of this section,
15 ~~((and for those))~~ must be deposited in the state wildlife account and
16 may only be used for migratory waterfowl projects specified by the
17 director of the department for the acquisition and development of
18 migratory waterfowl habitat in the state and for the enhancement,
19 protection, and propagation of migratory waterfowl in the state.

1 (~~Migratory bird license validation and stamp funds may not be used on~~
2 ~~lands controlled by private hunting clubs or on private lands that~~
3 ~~charge a fee for public access. Migratory bird license validation and~~
4 ~~stamp funds may be used for migratory waterfowl projects on private~~
5 ~~land where public hunting is provided by written permission or on areas~~
6 ~~established by the department as waterfowl hunting closures.~~

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

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

1 general public, including consumptive users, reasonable access to that
2 property and shall, if appropriate, ensure that the deed or other
3 instrument creating the interest allows such access to the general
4 public.

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

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

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

22 (6) The state auditor shall audit the department's use of revenue
23 derived from the sale of migratory bird permits each biennium for
24 compliance 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 art~~
29 ~~prints and related artwork, utilizing the same design.)) The selection
30 of the annual migratory bird stamp design and the administration, sale,
31 distribution, and other matters relating to ((the prints and sales of
32 stamps with prints and related artwork shall be)) stamps and prints and
33 artwork is the responsibility of the department. The department may
34 contract with an appropriate individual or nonprofit organization for
35 selection of the annual migratory bird stamp design and the
36 administration, sale, distribution, and other matters relating to the
37 stamps and prints and 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 out
5 of the total amount brought in from sales of those same items. (~~Net~~
6 ~~funds derived from the sale of prints and related artwork shall be used~~
7 ~~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 on
15 the subject property.

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