

proposals that have been properly filed and read only the ~~((bid items on))~~ unit prices of the three lowest bids, and shall award the contract to the lowest responsible bidder unless the department has, for good cause, continued the date of opening bids to a day certain, or rejected ~~((said))~~ that bid~~((: PROVIDED, That))~~. Any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract. If the lowest responsible bidder fails to meet the provisions or specifications requiring compliance with chapter 39.19 RCW and the rules adopted to implement that chapter, the department may award the contract to the next lowest responsible bidder which does meet the provisions or specifications or may reject all bids and readvertise. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid, and ~~((no))~~ a bid shall not be considered unless the deposit is enclosed ~~((therewith))~~ with it.

Passed the Senate February 7, 1985.

Passed the House April 12, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

## CHAPTER 243

[Substitute House Bill No. 179]

### MIGRATORY WATERFOWL—HUNTING STAMP

AN ACT Relating to migratory waterfowl; amending RCW 77.32.350; adding a new section to chapter 77.08 RCW; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.16 RCW; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 12, chapter 310, Laws of 1981 as amended by section 6, chapter 240, Laws of 1984 and RCW 77.32.350 are each amended to read as follows:

(1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is six dollars.

(2) An upland game bird stamp is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this stamp is six dollars.

(3) An archery stamp is required to hunt with a bow and arrow during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.

(4) A muzzleloading firearm stamp is required to hunt with a muzzle-loading firearm during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.

(5) A falconry stamp is required to hunt with a falcon during seasons established exclusively for hunting in that manner. The fee for this stamp is fifteen dollars.

(6) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

(7) A migratory waterfowl stamp is required to hunt migratory waterfowl. The fee for the stamp is five dollars. The migratory waterfowl stamp shall be required in the hunting season starting not later than the fall of 1986.

(8) The migratory waterfowl stamp shall be validated by the signature of the licensee written across the face of the stamp.

(9) Stamps required by this section expire on March 31st following the date of issuance except for hound stamps, which expire December 31st following the date of issuance.

NEW SECTION. Sec. 2. A new section is added to chapter 77.08 RCW to read as follows:

As used in this title or rules of the commission:

(1) "Migratory waterfowl" means members of the family Anatidae, including brants, ducks, geese, and swans;

(2) "Migratory waterfowl stamp" means the stamp that is required by RCW 77.32.350 to be in the possession of persons over sixteen years of age to hunt migratory waterfowl;

(3) "Prints and artwork" means replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory waterfowl stamp that is required by RCW 77.32.350. Artwork may be any facsimile of the original stamp design, including color renditions, metal duplications, or any other kind of design; and

(4) "Migratory waterfowl art committee" means the committee created by section 5 of this act. The committee's primary function is to select the annual migratory waterfowl stamp design.

NEW SECTION. Sec. 3. A new section is added to chapter 77.16 RCW to read as follows:

It is unlawful for any person over sixteen years of age to hunt any migratory waterfowl without first obtaining a migratory waterfowl stamp as required by RCW 77.32.350.

NEW SECTION. Sec. 4. A new section is added to chapter 77.12 RCW to read as follows:

The migratory waterfowl stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee.

All revenue derived from the sale of the stamps by the department shall be deposited in the state game fund and shall be used only for the cost of printing and production of the stamp and for those migratory waterfowl

projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for the enhancement, protection, and propagation of migratory waterfowl in the state. Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, insure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to insure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission.

The department may produce migratory waterfowl stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public.

NEW SECTION. Sec. 5. A new section is added to chapter 77.12 RCW to read as follows:

(1) There is created the migratory waterfowl art committee which shall be composed of nine members.

(2)(a) The committee shall consist of one member appointed by the governor, six members appointed by the director of game, one member appointed by the chairman of the state arts commission, and one member appointed by the director of the department of agriculture.

(b) The member appointed by the director of the department of agriculture shall represent state-wide farming interests.

(c) The member appointed by the chairman of the state arts commission shall be knowledgeable in the area of fine art reproduction.

(d) The members appointed by the governor and the director of game shall be knowledgeable about waterfowl and waterfowl management. The six members appointed by the director of game shall represent, respectively:

(i) An eastern Washington sports group;

(ii) A western Washington sports group;

(iii) A group with a major interest in the conservation and propagation of migratory waterfowl;

(iv) A state-wide conservation organization;

(v) A state-wide sports hunting group; and

(vi) The general public.

The members of the committee shall serve three-year staggered terms and at the expiration of their term shall serve until qualified successors are

appointed. Of the nine members, three shall serve initial terms of four years, three shall serve initial terms of three years, and three shall serve initial terms of two years. The appointees of the governor, the chairman of the state arts commission, and the director of agriculture shall serve the initial terms of four years. Vacancies shall be filled for unexpired terms consistent with this section. A chairman shall be elected annually by the committee. The committee shall review the director of game's expenditures of the previous year of both the stamp money and the prints and related artwork money. Members of the committee shall serve without compensation.

**NEW SECTION.** Sec. 6. A new section is added to chapter 77.12 RCW to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory waterfowl stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state game fund. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director of game to contract with one or more appropriate individuals or non-profit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the game commission and to the natural resources committees of the house and senate.

**NEW SECTION.** Sec. 7. There is appropriated to the migratory waterfowl art committee from the state game fund for the biennium ending June 30, 1987, the sum of five thousand dollars, to be used for the initiation of the program provided for in section 6 of this act. The appropriation shall

be repaid to the state game fund with moneys generated from the sale of art prints and related artwork.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

## CHAPTER 244

[Engrossed Substitute House Bill No. 323]

### NISQUALLY RIVER—MANAGEMENT PLAN

AN ACT Relating to the Nisqually river system; creating new sections; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) The Nisqually river, its waters, and beds have been statutorily characterized for more than a decade as an area of state-wide significance by the people of the state;

(b) The river is a highly prized area of great natural beauty that extends through four biological zones of Washington state from the peak of Mount Rainier to the Nisqually Delta;

(c) The productive uses of the river may well be enhanced in terms of recreation, fish and wildlife habitat, forestry, agriculture, and other benefits associated with the basin if a carefully developed program of stewardship for the area is established;

(d) Notwithstanding existing governmental units' management programs, including those developed under the shoreline management act, an optimum management program designed to achieve maximum benefits for the public and the private landowning community for the use of this valuable natural river corridor has not been established;

(e) The Nisqually river corridor has been historically used for such productive uses as agriculture, education, forestry, hunting, fishing, mining, military maneuvers, irrigation, and electric power production.

(2) It is the purpose of this act to initiate a process that emphasizes the natural and economic values of this river of state-wide significance and that will bring about a stewardship program for the Nisqually river that will assure enhancement of economic and recreational benefits for this generation as well as those to come.