

Sec. 13. Section 43.19.1937, chapter 8, Laws of 1965 and RCW 43.19.1937 are each amended to read as follows:

No member of the state (~~(purchasing committee and no)~~) supply management advisory board or state employee whose duties performed for the state include:

- (1) Advising on or drawing specifications for supplies, equipment, commodities, or services;
- (2) Suggesting or determining vendors to be placed upon a bid list;
- (3) Drawing requisitions for supplies, equipment, commodities, or services;
- (4) Evaluating specifications or bids and suggesting or determining awards; or
- (5) Accepting the receipt of supplies, equipment, and commodities or approving the performance of services or contracts; shall accept or receive, directly or indirectly, a personal financial benefit, or accept any gift, token, membership, or service, as a result of a purchase entered into by the state, from any person, firm, or corporation engaged in the sale, lease, or rental of property, material, supplies, equipment, commodities, or services to the state of Washington.

Violation of this section shall be considered a malfeasance and may cause loss of position, and the violator shall be liable to the state upon his official bond for all damages sustained by the state. Contracts involved may be canceled at the option of the state. Penalties provided in this section are not exclusive, and shall not bar action under any other statute penalizing the same act or omission.

NEW SECTION. Sec. 14. If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This 1976 amendatory 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 Senate February 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 20, 1976.

Filed in Office of Secretary of State February 20, 1976.

CHAPTER 22

[Engrossed Senate Bill No. 2660]
PROPERTY TAXATION—OPEN
SPACE—NONPROFIT NATURE
CONSERVANCY ORGANIZATIONS

AN ACT Relating to open space; amending section 2, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.210; amending section 3, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.220; amending section 43, chapter 149, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1973 and RCW 84.36.260; and adding a new section to chapter 84.34 RCW.

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

Section 1. Section 2, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.210 are each amended to read as follows:

Any county, city ((or)), town, or metropolitan municipal corporation, or non-profit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may acquire ~~((the fee to))~~ such property for the purpose of conveying or leasing the property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of *this 1971 amendatory act.

Sec. 2. Section 3, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.220 are each amended to read as follows:

In accordance with the authority granted in RCW 84.34.210, a county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may specifically purchase or otherwise acquire, except by eminent domain, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. For the purposes of *this 1971 amendatory act, such developmental rights shall be termed "conservation futures". The private owner may retain the right to continue any existing open space use of the land, and to develop any other open space use, but, under the terms of purchase of conservation futures, the county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, may forbid or restrict building thereon, or may require that improvements cannot be made without county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, permission. The land may be alienated or sold and used as formerly by the new owner, subject to the terms of the agreement made by the county, city ((or)), town, ((or)) metropolitan municipal corporation, or nonprofit nature conservancy corporation or association, as such are defined in section 4 of this 1976 amendatory act, with the original owner.

Sec. 3. Section 43, chapter 149, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1973 and RCW 84.36.260 are each amended to read as follows:

All real property ~~((or leaseholds thereof))~~ interests, including fee simple or any lesser interest, development rights, easements, covenants and conservation futures, as that latter term is defined in RCW 84.34.220 as now or hereafter amended, used exclusively for the conservation of ecological systems or natural resources,

~~((owned in fee or by contract purchase))~~ held by any nonprofit corporation or association the primary purpose of which is the conducting or facilitating of scientific research or the conserving of natural resources for the general public, shall be exempt from ad valorem taxation if either of the following conditions are met:

(1) ~~((Such))~~ To the extent feasible considering the nature of the property interest involved, such property interests shall be used and effectively dedicated primarily for the purpose of providing scientific research or educational opportunities for the general public or the preservation of native plants or animals, or biotic communities, or works of ancient man or geological or geographical formations, of distinct scientific and educational interest, and not for the pecuniary benefit of any person or company, as defined in RCW 82.04.030(†), and shall be open to the general public for educational and scientific research purposes subject to reasonable restrictions designed for its protection; or

(2) Such property interests shall be subject to an option, accepted in writing by the state, a city or a county, or department of the United States government, for the purchase thereof by the state, a city or a county, or the United States, at a price not exceeding the lesser of the following amounts: (a) the sum of the original purchase cost to such nonprofit corporation or association plus interest from the date of acquisition by such corporation or association at the rate of six percent per annum compounded annually to the date of the exercise of the option; or (b) the appraised value of the property at the time of the granting of the option, as determined by the department of revenue or when the option is held by the United States, or by an appropriate agency thereof.

NEW SECTION. Sec. 4. There is added to chapter 84.34 RCW a new section to read as follows:

As used in RCW 84.34.210, as now or hereafter amended, and RCW 84.34-.220, as now or hereafter amended, "nonprofit nature conservancy corporation or association" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501 (c) (of the Internal Revenue Code) as it exists on the effective date of this 1976 amendatory act and one which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of open spaces, including but not limited to wildlife habitat to be utilized as public access areas, for the use and enjoyment of the general public.

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