

CHAPTER 71

[Senate Bill No. 4348]

CLASS K ALCOHOLIC BEVERAGE LICENSES

AN ACT Relating to permitting public attendance under class K alcoholic beverage licenses; and amending section 12, chapter 173, Laws of 1975 1st ex. sess. as amended by section 47, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.510.

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

Sec. 1. Section 12, chapter 173, Laws of 1975 1st ex. sess. as amended by section 47, chapter 5, Laws of 1981 1st. ex. sess. and RCW 66.24.510 are each amended to read as follows:

There shall be a spirituous liquor retailer's license to be designated as class K; a special license to a nonprofit organization to sell spirituous liquor as defined in RCW 66.24.410 by the glass, including mixed drinks and cocktails compounded or mixed on the premises only, to their members and ((invited)) guests at special occasions at a specified date and place ((~~when said special occasion is not open to the general public~~)); fee thirty-five dollars per day. Sale, service, and consumption of spirituous liquor is to be confined to specified premises or designated areas only. Spirituous liquor so sold shall be purchased at a state liquor store or agency without discount at retail prices including all taxes. No more than two such licenses may be issued to any one nonprofit organization during a calendar year.

Passed the Senate February 3, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 1, 1984.

Filed in Office of Secretary of State March 1, 1984.

CHAPTER 72

[Substitute Senate Bill No. 4367]

VOLUNTEER COOPERATIVE FISH AND WILDLIFE ENHANCEMENT PROGRAM

AN ACT Relating to volunteer cooperative fish and game enhancement and conservation; and adding a new chapter to Title 75 RCW.

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

NEW SECTION. Sec. 1. The fish and game resources of the state benefit by the contribution of volunteer recreational and commercial fishing organizations, schools, and other volunteer groups in cooperative projects under agreement with the department of fisheries or the department of game. These projects provide educational opportunities, improve the communication between the natural resources agencies and the public, and increase the fish and game resources of the state. In an effort to increase these benefits and realize the full potential of cooperative projects, the department

of fisheries and the department of game each shall administer a cooperative fish and wildlife enhancement program and enter agreements with volunteer groups relating to the operation of cooperative projects.

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

(1) "Volunteer group" means any person or group of persons interested in or party to an agreement with the department of fisheries or the department of game relating to a cooperative fish or game project.

(2) "Cooperative project" means a project conducted by a volunteer group that will benefit the fish, shellfish, game bird, nongame wildlife, or game animal resources of the state and for which the benefits of the project, including fish and game reared and released, are available to all citizens of the state. Indian tribes may elect to participate in cooperative fish and wildlife projects with the department.

(3) "Department" means either the department of fisheries or the department of game, whichever is responsible for managing the species of fish or game most affected by the cooperative project.

NEW SECTION. Sec. 3. The department shall encourage and support the development and operation of cooperative projects of the following types:

(1) Cooperative food fish and game fish rearing projects, including but not limited to egg planting, egg boxes, juvenile planting, pen rearing, pond rearing, raceway rearing, and egg taking;

(2) Cooperative fish habitat improvement projects, including but not limited to fish migration improvement, spawning bed rehabilitation, habitat restoration, reef construction, lake fertilization, pond construction, pollution abatement, and endangered stock protection;

(3) Cooperative fish or game research projects if the project is clearly of a research nature and if the results are readily available to the public;

(4) Cooperative game bird and game animal projects, including but not limited to habitat improvement and restoration, replanting and transplanting, nest box installation, pen rearing, game protection, and supplemental feeding;

(5) Cooperative nongame wildlife projects, including but not limited to habitat improvement and restoration, nest box installation, establishment of wildlife interpretive areas or facilities, pollution abatement, supplemental feeding, and endangered species preservation and enhancement; and

(6) Cooperative information and education projects, including but not limited to landowner relations, outdoor ethics, natural history of Washington's fish, shellfish, and wildlife, and outdoor survival.

NEW SECTION. Sec. 4. (1) The department shall:

(a) Encourage and support the establishment of cooperative agreements for the development and operation of cooperative food fish, shellfish,

game fish, game bird, game animal, and nongame wildlife projects, and projects which provide an opportunity for volunteer groups to become involved in resource and habitat-oriented activities. All cooperative projects shall be fairly considered in the approval of cooperative agreements;

(b) Identify regions and species or activities that would be particularly suitable for cooperative projects providing benefits compatible with department goals;

(c) Determine the availability of rearing space at operating facilities or of net pens, egg boxes, portable rearing containers, incubators, and any other rearing facilities for use in cooperative projects, and allocate them to volunteer groups as fairly as possible;

(d) Exempt volunteer groups from payment of fees to the department for activities related to the project;

(e) Annually report to the legislature on accepted and rejected cooperative agreements, production, costs, and benefits of the cooperative program;

(f) Publicize the cooperative program;

(g) Not substitute a new cooperative project for any part of the department's program unless mutually agreeable to the department and volunteer group;

(h) Not approve agreements that are incompatible with legally existing land, water, or property rights.

(2) The department may, when requested, provide to volunteer groups its available professional expertise and assist the volunteer group to evaluate its project.

NEW SECTION. Sec. 5. The director of each department shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 or 77.16.150. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for notice in writing to a volunteer group of cause to revoke the agreement for the project and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

NEW SECTION. Sec. 6. Agreements under this chapter may be for up to five years, with the department attempting to maximize the duration of each cooperative agreement. The duration of the agreement should reflect the financial and volunteer commitment and the stability of the volunteer group as well as the department's expectation of resource availability and project contributions to the resource.

NEW SECTION. Sec. 7. (1) The volunteer group shall:

(a) Provide care and diligence in conducting the cooperative project; and

(b) Maintain accurately the required records of the project on forms provided by the department.

(2) The volunteer group shall acknowledge that fish and game reared in cooperative projects are public property and must be handled and released for the benefit of all citizens of the state. The fish and game are to remain public property until reduced to private ownership under rules of the department.

NEW SECTION. Sec. 8. This chapter applies to cooperative projects which were in existence on the effective date of this act or which require no further funding. Implementation of this chapter for new projects requiring funding shall be to the extent that funds are available from the aquatic land enhancement account.

NEW SECTION. Sec. 9. If any provision of this 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. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 75 RCW.

Passed the Senate February 1, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 1, 1984.

Filed in Office of Secretary of State March 1, 1984.

CHAPTER 73

[Senate Bill No. 4371]

REAL PROPERTY CONVEYANCE—EXECUTORY CONTRACTS

AN ACT Relating to real property; amending section 1, chapter 278, Laws of 1927 and RCW 65.08.060; and repealing section 3, chapter 278, Laws of 1927 and RCW 65.08.080.

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

Sec. 1. Section 1, chapter 278, Laws of 1927 and RCW 65.08.060 are each amended to read as follows:

(1) The term "real property" as used in RCW 65.08.060 through 65.08.150 includes lands, tenements and hereditaments and chattels real and mortgage liens thereon except a leasehold for a term not exceeding two years.

(2) The term "purchaser" includes every person to whom any estate or interest in real property is conveyed for a valuable consideration and every assignee of a mortgage, lease or other conditional estate.

(3) The term "conveyance" includes every written instrument by which any estate or interest in real property is created, transferred, mortgaged or assigned or by which the title to any real property may be affected, including an instrument in execution of a power, although the power be one of revocation only, and an instrument releasing in whole or in part, postponing or subordinating a mortgage or other lien; except a will, a lease for a term of not exceeding two years, (~~(an executory contract for the sale or purchase of lands;)~~) and an instrument granting a power to convey real property as the agent or attorney for the owner of the property. "To convey" is to execute a "conveyance" as defined in this subdivision.

(4) The term "recording officer" means the county auditor of the county.

NEW SECTION. Sec. 2. Section 3, chapter 278, Laws of 1927 and RCW 65.08.080 are each repealed.

Passed the Senate February 2, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 1, 1984.

Filed in Office of Secretary of State March 1, 1984.