

---

**SUBSTITUTE HOUSE BILL 1244**

---

**State of Washington**

**63rd Legislature**

**2013 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Stanford, Orcutt, Ryu, Warnick, Maxwell, Blake, Upthegrove, Lytton, MacEwen, Van De Wege, Haigh, and Tharinger; by request of Department of Natural Resources)

READ FIRST TIME 02/19/13.

1       AN ACT Relating to clarifying the department of natural resources'  
2 authority to enter into cooperative agreements; and amending RCW  
3 79.10.130.

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

5       **Sec. 1.** RCW 79.10.130 and 2003 c 334 s 540 are each amended to  
6 read as follows:

7       (1) The department is hereby authorized to carry out all activities  
8 necessary to achieve the purposes of RCW 79.10.060, 79.10.070,  
9 79.10.100 through 79.10.120, 79.10.130, 79.10.200 through 79.10.330,  
10 79.44.003, and ~~((79.90.456,))~~ 79.105.050 including, but not limited to:

11       ~~((+1))~~ (a) Planning, construction, and operation of conservation,  
12 recreational sites, areas, roads, and trails, by itself or in  
13 conjunction with any public agency, nonprofit organization, volunteer,  
14 or volunteer organization, including entering cooperative agreements  
15 for these purposes;

16       ~~((+2))~~ (b) Planning, construction, and operation of special  
17 facilities for educational, scientific, conservation, or experimental  
18 purposes by itself or in conjunction with any other public or private  
19 agency, including entering cooperative agreements for these purposes;

1        ~~((3))~~ (c) Improvement of any lands to achieve the purposes of RCW  
2 79.10.060, 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200  
3 through 79.10.330, 79.44.003, and ~~((79.90.456))~~ 79.105.050, including  
4 entering cooperative agreements with public agencies, nonprofit  
5 organizations, volunteers, and volunteer organizations for these  
6 purposes;

7        ~~((4) Cooperation with public and private agencies in the~~  
8 ~~utilization of such lands for watershed purposes;~~

9        (5)) (d) Entering cooperative agreements with public agencies,  
10 nonprofit organizations, volunteers, and volunteer organizations  
11 regarding the use of lands managed by the department for the purpose of  
12 providing a benefit to lands managed by the department, including but  
13 not limited to the following benefits: The utilization of such lands  
14 for watershed purposes; carrying out restoration and enhancement  
15 projects on such lands, such as improving, restoring, or enhancing  
16 habitat that provides for plant or animal species protection;  
17 improving, restoring, or enhancing watershed conditions; removing  
18 nonnative vegetation and providing vegetation management to restore,  
19 enhance, or maintain properly functioning conditions of the local  
20 ecosystem; and other similar projects on these lands that provide long-  
21 term environmental and other land management benefits, provided that  
22 the cooperative agreements are consistent with land management  
23 obligations;

24        (e) Authorizing individual volunteers and volunteer organizations  
25 to conduct restoration and enhancement projects on lands managed by the  
26 department through cooperative agreements authorized in this section or  
27 other arrangements that are consistent with land management obligations  
28 and that do not require the volunteers to pay a fee for the cooperative  
29 agreement purpose;

30        (f) Authorizing the receipt of gifts of personal property,  
31 services, and other items of value for the purposes of this section, as  
32 well as the exchange of consideration in cooperative agreements  
33 authorized under this section;

34        (g) The authority to make such leases, contracts, agreements, or  
35 other arrangements as are necessary to accomplish the purposes of RCW  
36 79.10.060, 79.10.070, 79.10.100 through 79.10.120, 79.10.130, 79.10.200  
37 through 79.10.330, 79.44.003, and ~~((79.90.456))~~ 79.105.050. However,  
38 nothing in this section shall affect any existing requirements for

1 public bidding or auction with private agencies or parties, except that  
2 agreements or other arrangements may be made with public schools,  
3 colleges, universities, governmental agencies, (~~and~~) nonprofit  
4 (~~scientific and educational associations~~) organizations, volunteers,  
5 and volunteer organizations and nothing in this section is intended to  
6 conflict with the department's trust obligations.

7 (2) The definitions in this subsection apply throughout this  
8 section unless the context clearly requires otherwise.

9 (a) "Nonprofit organization" means: (i) Any organization described  
10 in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C.  
11 Sec. 501(c)(3)) and exempt from tax under section 501(a) of the  
12 internal revenue code; or (ii) any not-for-profit organization that is  
13 organized and conducted for public benefit and operated primarily for  
14 charitable, civic, educational, religious, welfare, or health purposes.

15 (b) "Volunteer" or "volunteer organization" means an individual or  
16 entity performing services for a nonprofit organization or a  
17 governmental entity who does not receive compensation, other than  
18 reasonable reimbursement or allowances for expenses actually incurred,  
19 or any other thing of value, in excess of five hundred dollars per  
20 year. "Volunteer" includes a volunteer serving as a director, officer,  
21 trustee, or direct service volunteer.

--- END ---