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HOUSE BILL 1277

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Sawyer, Zeiger, McCoy, Angel, Appleton, Morris, Kirby, Maxwell, Santos, Lias, Tarleton, Freeman, Morrell, Riccelli, Wilcox, Lytton, Jinkins, Ryu, Dahlquist, Fey, Pollet, and Ormsby

Read first time 01/22/13. Referred to Committee on Community Development, Housing & Tribal Affairs.

1 AN ACT Relating to tribes holding conservation easements; and  
2 amending RCW 64.04.130 and 84.34.210.

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

4 **Sec. 1.** RCW 64.04.130 and 1987 c 341 s 1 are each amended to read  
5 as follows:

6 A development right, easement, covenant, restriction, or other  
7 right, or any interest less than the fee simple, to protect, preserve,  
8 maintain, improve, restore, limit the future use of, or conserve for  
9 open space purposes, any land or improvement on the land, whether the  
10 right or interest be appurtenant or in gross, may be held or acquired  
11 by any state agency, federal agency, county, city, town, federally  
12 recognized Indian tribe, or metropolitan municipal corporation,  
13 nonprofit historic preservation corporation, or nonprofit nature  
14 conservancy corporation. Any such right or interest (~~shall~~)  
15 constitutes and (~~be~~) is classified as real property. All instruments  
16 for the conveyance thereof (~~shall~~) must be substantially in the form  
17 required by law for the conveyance of any land or other real property.

18 (~~As used in this section,~~) The definitions in this section apply  
19 throughout this section unless the context clearly requires otherwise.

1        (1) "Nonprofit nature conservancy corporation" means an  
2 organization which qualifies as being tax exempt under 26 U.S.C.  
3 section 501(c)(3) (of the United States Internal Revenue Code of 1954,  
4 as amended) as it existed on June 25, 1976, and which has as one of its  
5 principal purposes the conducting or facilitating of scientific  
6 research; the conserving of natural resources, including but not  
7 limited to biological resources, for the general public; or the  
8 conserving of natural areas including but not limited to wildlife or  
9 plant habitat.

10        (~~(As used in this section,)~~) (2) "Nonprofit historic preservation  
11 corporation" means an organization which qualifies as being tax exempt  
12 under 26 U.S.C. section 501(c)(3) of the United States Internal Revenue  
13 Code of 1954, as amended, and which has as one of its principal  
14 purposes the conducting or facilitating of historic preservation  
15 activities within the state, including conservation or preservation of  
16 historic sites, districts, buildings, and artifacts.

17        **Sec. 2.** RCW 84.34.210 and 1993 c 248 s 1 are each amended to read  
18 as follows:

19        Any county, city, town, metropolitan park district, metropolitan  
20 municipal corporation, nonprofit historic preservation corporation as  
21 defined in RCW 64.04.130, federally recognized Indian tribe, or  
22 nonprofit nature conservancy corporation or association, as such are  
23 defined in RCW 84.34.250, may acquire by purchase, gift, grant,  
24 bequest, devise, lease, or otherwise, except by eminent domain, the fee  
25 simple or any lesser interest, development right, easement, covenant,  
26 or other contractual right necessary to protect, preserve, maintain,  
27 improve, restore, limit the future use of, or otherwise conserve,  
28 selected open space land, farm and agricultural land, and timber land  
29 as such are defined in chapter 84.34 RCW for public use or enjoyment.  
30 Among interests that may be so acquired are mineral rights. Any  
31 county, city, town, metropolitan park district, metropolitan municipal  
32 corporation, nonprofit historic preservation corporation as defined in  
33 RCW 64.04.130, or nonprofit nature conservancy corporation or  
34 association, as such are defined in RCW 84.34.250, may acquire such  
35 property for the purpose of conveying or leasing the property back to  
36 its original owner or other person under such covenants or other

1 contractual arrangements as will limit the future use of the property  
2 in accordance with the purposes of chapter 243, Laws of 1971 ex. sess.

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