

2SSB 6082 - H COMM AMD

By Committee on Capital Budget

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each
4 amended to read as follows:

5 The definitions set forth in this section apply throughout this
6 chapter.

7 (1) "Acquisition" means the purchase on a willing seller basis of
8 fee or less than fee interests in real property. These interests
9 include, but are not limited to, options, rights of first refusal,
10 conservation easements, leases, and mineral rights.

11 (2) "Committee" means the interagency committee for outdoor
12 recreation.

13 (3) "Critical habitat" means lands important for the protection,
14 management, or public enjoyment of certain wildlife species or groups
15 of species, including, but not limited to, wintering range for deer,
16 elk, and other species, waterfowl and upland bird habitat, fish
17 habitat, and habitat for endangered, threatened, or sensitive species.

18 (4) "Local agencies" means a city, county, town, federally
19 recognized Indian tribe, special purpose district, port district, or
20 other political subdivision of the state providing services to less
21 than the entire state.

22 (5) "Natural areas" means areas that have, to a significant degree,
23 retained their natural character and are important in preserving rare
24 or vanishing flora, fauna, geological, natural historical, or similar
25 features of scientific or educational value.

26 (6) "Riparian habitat" means land adjacent to water bodies, as well
27 as submerged land such as streambeds, which can provide functional
28 habitat for salmonids and other fish and wildlife species. Riparian
29 habitat includes, but is not limited to, shorelines and near-shore
30 marine habitat, estuaries, lakes, wetlands, streams, and rivers.

1 (7) "Special needs populations" means physically restricted people
2 or people of limited means.

3 ~~((+7))~~ (8) "State agencies" means the state parks and recreation
4 commission, the department of natural resources, the department of
5 general administration, and the department of fish and wildlife.

6 (9) "Trails" means public ways constructed for and open to
7 pedestrians, equestrians, or bicyclists, or any combination thereof,
8 other than a sidewalk constructed as a part of a city street or county
9 road for exclusive use of pedestrians.

10 ~~((+8))~~ (10) "Urban wildlife habitat" means lands that provide
11 habitat important to wildlife in proximity to a metropolitan area.

12 ~~((+9))~~ (11) "Water access" means boat or foot access to marine
13 waters, lakes, rivers, or streams.

14 **Sec. 2.** RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read
15 as follows:

16 (1) Moneys appropriated for this chapter shall be divided ~~((equally~~
17 ~~between the habitat conservation and outdoor recreation accounts and~~
18 ~~shall be used exclusively for the purposes specified in this chapter))~~
19 as follows:

20 (a) Appropriations for a biennium of forty million dollars or less
21 must be allocated equally between the habitat conservation account and
22 the outdoor recreation account.

23 (b) If appropriations for a biennium total more than forty million
24 dollars, the money must be allocated as follows: (i) Twenty million
25 dollars to the habitat conservation account and twenty million dollars
26 to the outdoor recreation account; (ii) any amount over forty million
27 dollars up to fifty million dollars shall be allocated as follows: (A)
28 Twenty-five percent to the habitat conservation account; (B) twenty-
29 five percent to the outdoor recreation account; and (C) fifty percent
30 to the riparian protection account; and (iii) any remaining amounts
31 over fifty million dollars must be allocated as follows: (A) One-third
32 to the habitat conservation account; (B) one-third to the outdoor
33 recreation account; and (C) one-third to the riparian protection
34 account.

35 (2) Except as otherwise provided in this act, moneys deposited in
36 these accounts shall be invested as authorized for other state funds,
37 and any earnings on them shall be credited to the respective account.

1 (3) All moneys deposited in the habitat conservation ~~((and))~~,
2 outdoor recreation, and riparian protection accounts shall be allocated
3 as provided under RCW 79A.15.040 ~~((and))~~, 79A.15.050, and section 6 of
4 this act as grants to state or local agencies for acquisition,
5 development, and renovation within the jurisdiction of those agencies,
6 subject to legislative appropriation. The committee may use or permit
7 the use of any funds appropriated for this chapter as matching funds
8 where federal, local, or other funds are made available for projects
9 within the purposes of this chapter.

10 (4) Projects receiving grants under this chapter that are developed
11 or otherwise accessible for public recreational uses shall be available
12 to the public ~~((on a nondiscriminatory basis))~~.

13 (5) The committee may make grants to an eligible project from
14 ~~((both))~~ the habitat conservation ~~((and))~~, outdoor recreation, and
15 riparian protection accounts and any one or more of the applicable
16 categories under such accounts described in RCW 79A.15.040 ~~((and))~~,
17 79A.15.050, and section 6 of this act.

18 (6) The committee may accept private donations to the habitat
19 conservation account, the outdoor recreation account, and the riparian
20 protection account for the purposes specified in this chapter.

21 (7) The committee may apply up to three percent of the funds
22 appropriated for this chapter for the administration of the programs
23 and purposes specified in this chapter.

24 NEW SECTION. Sec. 3. A new section is added to chapter 79A.15 RCW
25 to read as follows:

26 In a county in which public land, federal land, and tribal land
27 together constitute more than seventy percent of the total area of the
28 county, a state or local agency must consult with the appropriate
29 county or city legislative authority with jurisdiction over the project
30 area prior to applying for funds for acquisition of property under this
31 chapter. Project applications that do not include a letter of support
32 from the county or city legislative authority must be given lower
33 priority in the grant evaluation process. If a project application
34 does not include a letter of support from the appropriate county or
35 city legislative authority, but is recommended for funding by the
36 committee, this information must be included in the prioritized list
37 submitted to the governor and the legislature under RCW 79A.15.060 and
38 79A.15.070.

1 **Sec. 4.** RCW 79A.15.040 and 1999 c 379 s 917 are each amended to
2 read as follows:

3 (1) Moneys appropriated for this chapter to the habitat
4 conservation account shall be distributed in the following way:

5 (a) Not less than thirty-five percent for the acquisition and
6 development of critical habitat;

7 (b) Not less than twenty percent for the acquisition and
8 development of natural areas;

9 (c) Not less than fifteen percent for the acquisition and
10 development of urban wildlife habitat; ~~((and))~~

11 ~~((The remaining amount shall be considered unallocated and))~~
12 Not less than ten percent through June 30, 2011, at which time the
13 amount shall become five percent, shall be used by the committee to
14 fund ~~((high priority acquisition and development needs for critical~~
15 ~~habitat, natural areas, and urban wildlife habitat. During the fiscal~~
16 ~~biennium ending June 30, 2001, the remaining amount reappropriated from~~
17 ~~the fiscal biennium ending June 30, 1999, may be allocated for matching~~
18 ~~grants for riparian zone habitat protection projects that implement~~
19 ~~watershed plans under the program established in section 329(6),~~
20 ~~chapter 235, Laws of 1997))~~ restoration and enhancement projects on
21 state lands. Only the department of natural resources and the
22 department of fish and wildlife may apply for these funds to be used on
23 existing habitat and natural area lands; and

24 (e) The remaining amount shall be considered unallocated and shall
25 be used by the committee to fund high priority acquisition and
26 development needs for critical habitat, natural areas, and urban
27 wildlife habitat.

28 (2) In distributing these funds, the committee retains discretion
29 to meet the most pressing needs for critical habitat, natural areas,
30 and urban wildlife habitat, and is not required to meet the percentages
31 described in subsection (1) of this section in any one biennium.

32 (3) Only state agencies may apply for acquisition and development
33 funds for ~~((critical habitat and))~~ natural areas projects under
34 subsection (1) ~~((a),~~) (b) ~~((, and (d))~~) of this section.

35 (4) State and local agencies may apply for acquisition and
36 development funds for critical habitat and urban wildlife habitat
37 projects under subsection (1) (a) and (c) ~~((and (d))~~) of this section.

38 (5)(a) Any lands that have been acquired with grants under this

1 section by the department of fish and wildlife are subject to an amount
2 in lieu of real property taxes and an additional amount for control of
3 noxious weeds as determined by RCW 77.12.203.

4 (b) Any lands that have been acquired with grants under this
5 section by the department of natural resources are subject to payments
6 in the amounts required under the provisions of sections 10 and 11 of
7 this act.

8 **Sec. 5.** RCW 79A.15.050 and 2003 c 184 s 1 are each amended to read
9 as follows:

10 (1) Moneys appropriated for this chapter to the outdoor recreation
11 account shall be distributed in the following way:

12 (a) Not less than (~~twenty-five~~) thirty percent to the state parks
13 and recreation commission for the acquisition (~~and~~), renovation, or
14 development of state parks, with at least (~~seventy-five~~) fifty
15 percent of (~~this~~) the money for acquisition costs(~~(. — However,~~
16 between July 27, 2003, and June 30, 2009, at least fifty percent of
17 this money for the acquisition and development of state parks must be
18 used for acquisition costs));

19 (b) Not less than (~~twenty-five~~) thirty percent for the
20 acquisition, development, and renovation of local parks, with at least
21 fifty percent of this money for acquisition costs;

22 (c) Not less than (~~fifteen~~) twenty percent for the acquisition
23 and development of trails;

24 (d) Not less than ten percent for the acquisition and development
25 of water access sites, with at least seventy-five percent of this money
26 for acquisition costs; (~~and~~)

27 (e) Not less than five percent for development and renovation
28 projects on state recreation lands. Only the department of natural
29 resources and the department of fish and wildlife may apply for these
30 funds to be used on their existing recreation lands; and

31 (f) The remaining amount shall be considered unallocated and shall
32 be distributed by the committee to state and local agencies to fund
33 high priority acquisition and development needs for parks, trails, and
34 water access sites.

35 (2) In distributing these funds, the committee retains discretion
36 to meet the most pressing needs for state and local parks, trails, and
37 water access sites, and is not required to meet the percentages
38 described in subsection (1) of this section in any one biennium.

1 (3) Only local agencies may apply for acquisition, development, or
2 renovation funds for local parks under subsection (1)(b) of this
3 section.

4 (4) Only state and local agencies may apply for funds for trails
5 under subsection (1)(c) of this section.

6 (5) Only state and local agencies may apply for funds for water
7 access sites under subsection (1)(d) of this section.

8 NEW SECTION. Sec. 6. A new section is added to chapter 79A.15 RCW
9 to read as follows:

10 (1) The riparian protection account is established in the state
11 treasury. The committee must administer the account in accordance with
12 chapter 79A.25 RCW and this chapter, and hold it separate and apart
13 from all other money, funds, and accounts of the committee.

14 (2) Moneys appropriated for this chapter to the riparian protection
15 account must be distributed for the acquisition and enhancement or
16 restoration of riparian habitat. All enhancement or restoration
17 projects, except those qualifying under subsection (9)(a) of this
18 section, must include the acquisition of a real property interest in
19 order to be eligible. At least fifty percent of riparian protection
20 account funds must be used for the acquisition of real property
21 interests.

22 (3) State and local agencies and lead entities under chapter 77.85
23 RCW may apply for acquisition and enhancement or restoration funds for
24 riparian habitat projects under subsection (1) of this section. Other
25 state agencies not defined in RCW 79A.15.010, such as the department of
26 transportation and the department of corrections, may enter into
27 interagency agreements with state agencies to apply in partnership for
28 funds under this section.

29 (4) The committee may adopt rules establishing acquisition policies
30 and priorities for distributions from the riparian protection account.

31 (5) Except as provided in RCW 79A.15.030(7), moneys appropriated
32 for this section may not be used by the committee to fund staff
33 positions or other overhead expenses, or by a state, regional, or local
34 agency to fund operation or maintenance of areas acquired under this
35 chapter.

36 (6) Moneys appropriated for this section may be used by grant
37 recipients for costs incidental to restoration and acquisition,

1 including, but not limited to, surveying expenses, fencing, and
2 signing.

3 (7) The committee may not approve a local project where the local
4 agency share is less than the amount to be awarded from the riparian
5 protection account. In-kind contributions, including contributions of
6 a real property interest in land may be used to satisfy the local
7 agency's share.

8 (8) State agencies receiving grants for acquisition of land under
9 this section must pay an amount in lieu of real property taxes equal to
10 the amount of tax that would be due if the land were taxable as open
11 space land under chapter 84.34 RCW, plus an additional amount for
12 control of noxious weeds equal to that which would be paid if such
13 lands were privately owned. The county assessor and county legislative
14 authority shall assist in determining the appropriate calculation of
15 the amount of tax that would be due under chapter 84.34 RCW.

16 (9) In determining acquisition priorities with respect to the
17 riparian protection account, the committee must consider, at a minimum,
18 the following criteria:

19 (a) Whether the project continues the conservation reserve
20 enhancement program. Applications that extend the duration of leases
21 of riparian areas that are currently enrolled in the conservation
22 reserve enhancement program shall be highly considered in the process.
23 Such applications are also eligible for an additional conservation
24 lease of at least twenty-five years of duration;

25 (b) Whether the projects are identified or recommended in a
26 watershed planning process under chapter 247, Laws of 1998, salmon
27 recovery planning under chapter 77.85 RCW, or other local plans, such
28 as habitat conservation plans, and these must be highly considered in
29 the process;

30 (c) Whether there is community support for the project;

31 (d) Whether there is an immediate threat to the site;

32 (e) Whether the quality of the habitat is improved or, for projects
33 including restoration or enhancement, the potential for restoring
34 quality habitat including linkage of the site to other high quality
35 habitat;

36 (f) Whether the project is consistent with a local land use plan,
37 or a regional or statewide recreational or resource plan. The projects
38 that assist in the implementation of local shoreline master plans

1 updated according to RCW 90.58.080 or local comprehensive plans updated
2 according to RCW 36.70A.130 must be highly considered in the process;
3 and

4 (g) Whether the site has educational or scientific value.

5 (10) Before November 1st of each even-numbered year, the committee
6 will recommend to the governor a prioritized list of projects to be
7 funded under this section. The governor may remove projects from the
8 list recommended by the committee and will submit this amended list in
9 the capital budget request to the legislature. The list must include,
10 but not be limited to, a description of each project and any particular
11 match requirement.

12 **Sec. 7.** RCW 79A.15.060 and 2000 c 11 s 67 are each amended to read
13 as follows:

14 (1) The committee may adopt rules establishing acquisition policies
15 and priorities for distributions from the habitat conservation account.

16 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
17 for this chapter may not be used by the committee to fund
18 ~~((additional))~~ staff positions or other overhead expenses, or by a
19 state, regional, or local agency to fund operation ~~((and))~~ or
20 maintenance of areas acquired under this chapter ~~((, except that the~~
21 ~~committee may use moneys appropriated for this chapter for the fiscal~~
22 ~~biennium ending June 30, 2001, for the administrative costs of~~
23 ~~implementing the pilot watershed plan implementation program~~
24 ~~established in section 329(6), chapter 235, Laws of 1997, and~~
25 ~~developing an inventory of publicly owned lands established in section~~
26 ~~329(7), chapter 235, Laws of 1997)).~~

27 (3) Moneys appropriated for this chapter may be used by grant
28 recipients for costs incidental to acquisition, including, but not
29 limited to, surveying expenses, fencing, and signing.

30 (4) ~~((Except as provided in subsection (5) of this section,))~~ The
31 committee may not approve a local project where the local agency share
32 is less than the amount to be awarded from the habitat conservation
33 account.

34 (5) ~~((During the fiscal biennium ending June 30, 2001, the~~
35 ~~committee may approve a riparian zone habitat protection project~~
36 ~~established in section 329(6), chapter 235, Laws of 1997, where the~~
37 ~~local agency share is less than the amount to be awarded from the~~
38 ~~habitat conservation account.~~

1 ~~(6)~~) In determining acquisition priorities with respect to the
2 habitat conservation account, the committee shall consider, at a
3 minimum, the following criteria:

4 (a) For critical habitat and natural areas proposals:

5 (i) Community support for the project;

6 (ii) Recommendations as part of a watershed plan or habitat
7 conservation plan, or a coordinated regionwide prioritization effort,
8 and for projects primarily intended to benefit salmon, limiting
9 factors, or critical pathways analysis;

10 ~~(iii)~~ Immediacy of threat to the site;

11 ~~((+iii))~~ (iv) Uniqueness of the site;

12 ~~((+iv))~~ (v) Diversity of species using the site;

13 ~~((+v))~~ (vi) Quality of the habitat;

14 ~~((+vi))~~ (vii) Long-term viability of the site;

15 ~~((+vii))~~ (viii) Presence of endangered, threatened, or sensitive
16 species;

17 ~~((+viii))~~ (ix) Enhancement of existing public property;

18 ~~((+ix))~~ (x) Consistency with a local land use plan, or a regional
19 or statewide recreational or resource plan, including projects that
20 assist in the implementation of local shoreline master plans updated
21 according to RCW 90.58.080 or local comprehensive plans updated
22 according to RCW 36.70A.130; ((and

23 ~~+x))~~ (xi) Educational and scientific value of the site;

24 (xii) Integration with recovery efforts for endangered, threatened,
25 or sensitive species;

26 (xiii) For critical habitat proposals by local agencies, the
27 statewide significance of the site.

28 (b) For urban wildlife habitat proposals, in addition to the
29 criteria of (a) of this subsection:

30 (i) Population of, and distance from, the nearest urban area;

31 (ii) Proximity to other wildlife habitat;

32 (iii) Potential for public use; and

33 (iv) Potential for use by special needs populations.

34 ~~((+7))~~ (6) Before ~~((October))~~ November 1st of each even-numbered
35 year, the committee shall recommend to the governor a prioritized list
36 of state agency projects to be funded under RCW 79A.15.040(1) (a), (b),
37 and (c). The governor may remove projects from the list recommended by
38 the committee and shall submit this amended list in the capital budget
39 request to the legislature. The list shall include, but not be limited

1 to, a description of each project; and shall describe for each project
2 any anticipated restrictions upon recreational activities allowed prior
3 to the project.

4 ~~((+8))~~ (7) Before ~~((October))~~ November 1st of each even-numbered
5 year, the committee shall recommend to the governor a prioritized list
6 of all local projects to be funded under RCW 79A.15.040(1) (a) and (c).
7 The governor may remove projects from the list recommended by the
8 committee and shall submit this amended list in the capital budget
9 request to the legislature. The list shall include, but not be limited
10 to, a description of each project and any particular match requirement,
11 and describe for each project any anticipated restrictions upon
12 recreational activities allowed prior to the project.

13 **Sec. 8.** RCW 79A.15.070 and 2000 c 11 s 68 are each amended to read
14 as follows:

15 (1) In determining which state parks proposals and local parks
16 proposals to fund, the committee shall use existing policies and
17 priorities.

18 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
19 for this chapter may not be used by the committee to fund
20 ~~((additional))~~ staff or other overhead expenses, or by a state,
21 regional, or local agency to fund operation ~~((and))~~ or maintenance of
22 areas acquired under this chapter ~~((, except that the committee may use~~
23 ~~moneys appropriated for this chapter for the fiscal biennium ending~~
24 ~~June 30, 2001, for the administrative costs of implementing the pilot~~
25 ~~watershed plan implementation program established in section 329(6),~~
26 ~~chapter 235, Laws of 1997, and developing an inventory of publicly~~
27 ~~owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

28 (3) Moneys appropriated for this chapter may be used by grant
29 recipients for costs incidental to acquisition and development,
30 including, but not limited to, surveying expenses, fencing, and
31 signing.

32 (4) The committee may not approve a project of a local agency where
33 the share contributed by the local agency is less than the amount to be
34 awarded from the outdoor recreation account.

35 (5) The committee may adopt rules establishing acquisition policies
36 and priorities for the acquisition and development of trails and water
37 access sites to be financed from moneys in the outdoor recreation
38 account.

1 (6) In determining the acquisition and development priorities, the
2 committee shall consider, at a minimum, the following criteria:

3 (a) For trails proposals:

4 (i) Community support for the project;

5 (ii) Immediacy of threat to the site;

6 (iii) Linkage between communities;

7 (iv) Linkage between trails;

8 (v) Existing or potential usage;

9 (vi) Consistency with ~~((an existing))~~ a local land use plan, or a
10 regional or statewide recreational or resource plan, including projects
11 that assist in the implementation of local shoreline master plans
12 updated according to RCW 90.58.080 or local comprehensive plans updated
13 according to RCW 36.70A.130;

14 (vii) Availability of water access or views;

15 (viii) Enhancement of wildlife habitat; and

16 (ix) Scenic values of the site.

17 (b) For water access proposals:

18 (i) Community support for the project;

19 (ii) Distance from similar water access opportunities;

20 (iii) Immediacy of threat to the site;

21 (iv) Diversity of possible recreational uses; ~~((and))~~

22 (v) Public demand in the area; and

23 (vi) Consistency with a local land use plan, or a regional or
24 statewide recreational or resource plan, including projects that assist
25 in the implementation of local shoreline master plans updated according
26 to RCW 90.58.080 or local comprehensive plans updated according to RCW
27 36.70A.130.

28 (7) Before ~~((October))~~ November 1st of each even-numbered year, the
29 committee shall recommend to the governor a prioritized list of state
30 agency projects to be funded under RCW 79A.15.050(1) (a), (c), and (d).
31 The governor may remove projects from the list recommended by the
32 committee and shall submit this amended list in the capital budget
33 request to the legislature. The list shall include, but not be limited
34 to, a description of each project; and shall describe for each project
35 any anticipated restrictions upon recreational activities allowed prior
36 to the project.

37 (8) Before ~~((October))~~ November 1st of each even-numbered year, the
38 committee shall recommend to the governor a prioritized list of all
39 local projects to be funded under RCW 79A.15.050(1) (b), (c), and (d).

1 The governor may remove projects from the list recommended by the
2 committee and shall submit this amended list in the capital budget
3 request to the legislature. The list shall include, but not be limited
4 to, a description of each project and any particular match requirement,
5 and describe for each project any anticipated restrictions upon
6 recreational activities allowed prior to the project.

7 **Sec. 9.** RCW 79A.15.080 and 1990 1st ex.s. c 14 s 9 are each
8 amended to read as follows:

9 The committee shall not sign contracts or otherwise financially
10 obligate funds from the habitat conservation account ~~((or))~~, the
11 outdoor recreation account, or the riparian protection account as
12 provided in this chapter before the legislature has appropriated funds
13 for a specific list of projects. The legislature may remove projects
14 from the list recommended by the governor.

15 NEW SECTION. **Sec. 10.** A new section is added to chapter 79.70 RCW
16 to read as follows:

17 The state treasurer, on behalf of the department, must distribute
18 to counties for all lands acquired for the purposes of this chapter an
19 amount in lieu of real property taxes equal to the amount of tax that
20 would be due if the land were taxable as open space land under chapter
21 84.34 RCW, plus an additional amount equal to the amount of weed
22 control assessment that would be due if such lands were privately
23 owned. The county assessor and county legislative authority shall
24 assist in determining the appropriate calculation of the amount of tax
25 that would be due under chapter 84.34 RCW. The county shall distribute
26 the amount received under this section in lieu of real property taxes
27 to all property taxing districts except the state in appropriate tax
28 code areas the same way it would distribute local property taxes from
29 private property. The county shall distribute the amount received
30 under this section for weed control to the appropriate weed district.

31 NEW SECTION. **Sec. 11.** A new section is added to chapter 79.71 RCW
32 to read as follows:

33 The state treasurer, on behalf of the department, must distribute
34 to counties for all lands acquired for the purposes of this chapter an
35 amount in lieu of real property taxes equal to the amount of tax that
36 would be due if the land were taxable as open space land under chapter

1 84.34 RCW, plus an additional amount equal to the amount of weed
2 control assessment that would be due if such lands were privately
3 owned. The county assessor and county legislative authority shall
4 assist in determining the appropriate calculation of the amount of tax
5 that would be due under chapter 84.34 RCW. The county shall distribute
6 the amount received under this section in lieu of real property taxes
7 to all property taxing districts except the state in appropriate tax
8 code areas the same way it would distribute local property taxes from
9 private property. The county shall distribute the amount received
10 under this section for weed control to the appropriate weed district.

11 **Sec. 12.** RCW 84.33.140 and 2003 c 170 s 5 are each amended to read
12 as follows:

13 (1) When land has been designated as forest land under RCW
14 84.33.130, a notation of the designation shall be made each year upon
15 the assessment and tax rolls. A copy of the notice of approval
16 together with the legal description or assessor's parcel numbers for
17 the land shall, at the expense of the applicant, be filed by the
18 assessor in the same manner as deeds are recorded.

19 (2) In preparing the assessment roll as of January 1, 2002, for
20 taxes payable in 2003 and each January 1st thereafter, the assessor
21 shall list each parcel of designated forest land at a value with
22 respect to the grade and class provided in this subsection and adjusted
23 as provided in subsection (3) of this section. The assessor shall
24 compute the assessed value of the land using the same assessment ratio
25 applied generally in computing the assessed value of other property in
26 the county. Values for the several grades of bare forest land shall be
27 as follows:

28	LAND	OPERABILITY	VALUES
29	GRADE	CLASS	PER ACRE
30		1	\$234
31	1	2	229
32		3	217
33		4	157
34		1	198
35	2	2	190

1		3	183
2		4	132
3		1	154
4	3	2	149
5		3	148
6		4	113
7		1	117
8	4	2	114
9		3	113
10		4	86
11		1	85
12	5	2	78
13		3	77
14		4	52
15		1	43
16	6	2	39
17		3	39
18		4	37
19		1	21
20	7	2	21
21		3	20
22		4	20
23	8		1

24 (3) On or before December 31, 2001, the department shall adjust by
25 rule under chapter 34.05 RCW, the forest land values contained in
26 subsection (2) of this section in accordance with this subsection, and
27 shall certify the adjusted values to the assessor who will use these
28 values in preparing the assessment roll as of January 1, 2002. For the
29 adjustment to be made on or before December 31, 2001, for use in the
30 2002 assessment year, the department shall:

31 (a) Divide the aggregate value of all timber harvested within the
32 state between July 1, 1996, and June 30, 2001, by the aggregate harvest
33 volume for the same period, as determined from the harvester excise tax
34 returns filed with the department under RCW 84.33.074; and

35 (b) Divide the aggregate value of all timber harvested within the
36 state between July 1, 1995, and June 30, 2000, by the aggregate harvest
37 volume for the same period, as determined from the harvester excise tax
38 returns filed with the department under RCW 84.33.074; and

1 (c) Adjust the forest land values contained in subsection (2) of
2 this section by a percentage equal to one-half of the percentage change
3 in the average values of harvested timber reflected by comparing the
4 resultant values calculated under (a) and (b) of this subsection.

5 (4) For the adjustments to be made on or before December 31, 2002,
6 and each succeeding year thereafter, the same procedure described in
7 subsection (3) of this section shall be followed using harvester excise
8 tax returns filed under RCW 84.33.074. However, this adjustment shall
9 be made to the prior year's adjusted value, and the five-year periods
10 for calculating average harvested timber values shall be successively
11 one year more recent.

12 (5) Land graded, assessed, and valued as forest land shall continue
13 to be so graded, assessed, and valued until removal of designation by
14 the assessor upon the occurrence of any of the following:

15 (a) Receipt of notice from the owner to remove the designation;

16 (b) Sale or transfer to an ownership making the land exempt from ad
17 valorem taxation;

18 (c) Sale or transfer of all or a portion of the land to a new
19 owner, unless the new owner has signed a notice of forest land
20 designation continuance, except transfer to an owner who is an heir or
21 devisee of a deceased owner, shall not, by itself, result in removal of
22 designation. The signed notice of continuance shall be attached to the
23 real estate excise tax affidavit provided for in RCW 82.45.150. The
24 notice of continuance shall be on a form prepared by the department.
25 If the notice of continuance is not signed by the new owner and
26 attached to the real estate excise tax affidavit, all compensating
27 taxes calculated under subsection (11) of this section shall become due
28 and payable by the seller or transferor at time of sale. The auditor
29 shall not accept an instrument of conveyance regarding designated
30 forest land for filing or recording unless the new owner has signed the
31 notice of continuance or the compensating tax has been paid, as
32 evidenced by the real estate excise tax stamp affixed thereto by the
33 treasurer. The seller, transferor, or new owner may appeal the new
34 assessed valuation calculated under subsection (11) of this section to
35 the county board of equalization in accordance with the provisions of
36 RCW 84.40.038. Jurisdiction is hereby conferred on the county board of
37 equalization to hear these appeals;

38 (d) Determination by the assessor, after giving the owner written
39 notice and an opportunity to be heard, that:

1 (i) The land is no longer primarily devoted to and used for growing
2 and harvesting timber. However, land shall not be removed from
3 designation if a governmental agency, organization, or other recipient
4 identified in subsection (13) or (14) of this section as exempt from
5 the payment of compensating tax has manifested its intent in writing or
6 by other official action to acquire a property interest in the
7 designated forest land by means of a transaction that qualifies for an
8 exemption under subsection (13) or (14) of this section. The
9 governmental agency, organization, or recipient shall annually provide
10 the assessor of the county in which the land is located reasonable
11 evidence in writing of the intent to acquire the designated land as
12 long as the intent continues or within sixty days of a request by the
13 assessor. The assessor may not request this evidence more than once in
14 a calendar year;

15 (ii) The owner has failed to comply with a final administrative or
16 judicial order with respect to a violation of the restocking, forest
17 management, fire protection, insect and disease control, and forest
18 debris provisions of Title 76 RCW or any applicable rules under Title
19 76 RCW; or

20 (iii) Restocking has not occurred to the extent or within the time
21 specified in the application for designation of such land.

22 (6) Land shall not be removed from designation if there is a
23 governmental restriction that prohibits, in whole or in part, the owner
24 from harvesting timber from the owner's designated forest land. If
25 only a portion of the parcel is impacted by governmental restrictions
26 of this nature, the restrictions cannot be used as a basis to remove
27 the remainder of the forest land from designation under this chapter.

28 For the purposes of this section, "governmental restrictions" includes:

29 (a) Any law, regulation, rule, ordinance, program, or other action
30 adopted or taken by a federal, state, county, city, or other
31 governmental entity; or (b) the land's zoning or its presence within an
32 urban growth area designated under RCW 36.70A.110.

33 (7) The assessor shall have the option of requiring an owner of
34 forest land to file a timber management plan with the assessor upon the
35 occurrence of one of the following:

36 (a) An application for designation as forest land is submitted; or

37 (b) Designated forest land is sold or transferred and a notice of
38 continuance, described in subsection (5)(c) of this section, is signed.

1 (8) If land is removed from designation because of any of the
2 circumstances listed in subsection (5)(a) through (c) of this section,
3 the removal shall apply only to the land affected. If land is removed
4 from designation because of subsection (5)(d) of this section, the
5 removal shall apply only to the actual area of land that is no longer
6 primarily devoted to the growing and harvesting of timber, without
7 regard to any other land that may have been included in the application
8 and approved for designation, as long as the remaining designated
9 forest land meets the definition of forest land contained in RCW
10 84.33.035.

11 (9) Within thirty days after the removal of designation as forest
12 land, the assessor shall notify the owner in writing, setting forth the
13 reasons for the removal. The seller, transferor, or owner may appeal
14 the removal to the county board of equalization in accordance with the
15 provisions of RCW 84.40.038.

16 (10) Unless the removal is reversed on appeal a copy of the notice
17 of removal with a notation of the action, if any, upon appeal, together
18 with the legal description or assessor's parcel numbers for the land
19 removed from designation shall, at the expense of the applicant, be
20 filed by the assessor in the same manner as deeds are recorded and a
21 notation of removal from designation shall immediately be made upon the
22 assessment and tax rolls. The assessor shall revalue the land to be
23 removed with reference to its true and fair value as of January 1st of
24 the year of removal from designation. Both the assessed value before
25 and after the removal of designation shall be listed. Taxes based on
26 the value of the land as forest land shall be assessed and payable up
27 until the date of removal and taxes based on the true and fair value of
28 the land shall be assessed and payable from the date of removal from
29 designation.

30 (11) Except as provided in subsection (5)(c), (13), or (14) of this
31 section, a compensating tax shall be imposed on land removed from
32 designation as forest land. The compensating tax shall be due and
33 payable to the treasurer thirty days after the owner is notified of the
34 amount of this tax. As soon as possible after the land is removed from
35 designation, the assessor shall compute the amount of compensating tax
36 and mail a notice to the owner of the amount of compensating tax owed
37 and the date on which payment of this tax is due. The amount of
38 compensating tax shall be equal to the difference between the amount of
39 tax last levied on the land as designated forest land and an amount

1 equal to the new assessed value of the land multiplied by the dollar
2 rate of the last levy extended against the land, multiplied by a
3 number, in no event greater than nine, equal to the number of years for
4 which the land was designated as forest land, plus compensating taxes
5 on the land at forest land values up until the date of removal and the
6 prorated taxes on the land at true and fair value from the date of
7 removal to the end of the current tax year.

8 (12) Compensating tax, together with applicable interest thereon,
9 shall become a lien on the land which shall attach at the time the land
10 is removed from designation as forest land and shall have priority to
11 and shall be fully paid and satisfied before any recognizance,
12 mortgage, judgment, debt, obligation, or responsibility to or with
13 which the land may become charged or liable. The lien may be
14 foreclosed upon expiration of the same period after delinquency and in
15 the same manner provided by law for foreclosure of liens for delinquent
16 real property taxes as provided in RCW 84.64.050. Any compensating tax
17 unpaid on its due date shall thereupon become delinquent. From the
18 date of delinquency until paid, interest shall be charged at the same
19 rate applied by law to delinquent ad valorem property taxes.

20 (13) The compensating tax specified in subsection (11) of this
21 section shall not be imposed if the removal of designation under
22 subsection (5) of this section resulted solely from:

23 (a) Transfer to a government entity in exchange for other forest
24 land located within the state of Washington;

25 (b) A taking through the exercise of the power of eminent domain,
26 or sale or transfer to an entity having the power of eminent domain in
27 anticipation of the exercise of such power;

28 (c) A donation of fee title, development rights, or the right to
29 harvest timber, to a government agency or organization qualified under
30 RCW 84.34.210 and 64.04.130 for the purposes enumerated in those
31 sections, or the sale or transfer of fee title to a governmental entity
32 or a nonprofit nature conservancy corporation, as defined in RCW
33 64.04.130, exclusively for the protection and conservation of lands
34 recommended for state natural area preserve purposes by the natural
35 heritage council and natural heritage plan as defined in chapter 79.70
36 RCW or approved for state natural resources conservation area purposes
37 as defined in chapter 79.71 RCW. At such time as the land is not used
38 for the purposes enumerated, the compensating tax specified in

1 subsection (11) of this section shall be imposed upon the current
2 owner;

3 (d) The sale or transfer of fee title to the parks and recreation
4 commission for park and recreation purposes;

5 (e) Official action by an agency of the state of Washington or by
6 the county or city within which the land is located that disallows the
7 present use of the land;

8 (f) The creation, sale, or transfer of forestry riparian easements
9 under RCW 76.13.120;

10 (g) The creation, sale, or transfer of a fee interest or a
11 conservation easement for the riparian open space program under RCW
12 76.09.040;

13 (h) The sale or transfer of land within two years after the death
14 of the owner of at least a fifty percent interest in the land if the
15 land has been assessed and valued as classified forest land, designated
16 as forest land under this chapter, or classified under chapter 84.34
17 RCW continuously since 1993. The date of death shown on a death
18 certificate is the date used for the purposes of this subsection
19 (13)(h); or

20 (i) The sale or transfer of land after the death of the owner of at
21 least a fifty percent interest in the land if the land has been
22 assessed and valued as classified forest land, designated as forest
23 land under this chapter, or classified under chapter 84.34 RCW
24 continuously since 1993 and the sale or transfer takes place after July
25 22, 2001, and on or before July 22, 2003, and the death of the owner
26 occurred after January 1, 1991. The date of death shown on a death
27 certificate is the date used for the purposes of this subsection
28 (13)(i).

29 (14) In a county with a population of more than one million
30 inhabitants, the compensating tax specified in subsection (11) of this
31 section shall not be imposed if the removal of designation as forest
32 land under subsection (5) of this section resulted solely from:

33 (a) An action described in subsection (13) of this section; or

34 (b) A transfer of a property interest to a government entity, or to
35 a nonprofit historic preservation corporation or nonprofit nature
36 conservancy corporation, as defined in RCW 64.04.130, to protect or
37 enhance public resources, or to preserve, maintain, improve, restore,
38 limit the future use of, or otherwise to conserve for public use or

1 enjoyment, the property interest being transferred. At such time as
2 the property interest is not used for the purposes enumerated, the
3 compensating tax shall be imposed upon the current owner.

4 **Sec. 13.** RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each
5 amended to read as follows:

6 (1) Notwithstanding RCW 84.36.010 or other statutes to the
7 contrary, the director shall pay by April 30th of each year on game
8 lands in each county, if requested by an election under RCW 77.12.201,
9 an amount in lieu of real property taxes equal to that amount paid on
10 similar parcels of open space land taxable under chapter 84.34 RCW or
11 the greater of seventy cents per acre per year or the amount paid in
12 1984 plus an additional amount for control of noxious weeds equal to
13 that which would be paid if such lands were privately owned. This
14 amount shall not be assessed or paid on department buildings,
15 structures, facilities, game farms, fish hatcheries, tidelands, or
16 public fishing areas of less than one hundred acres.

17 (2) "Game lands," as used in this section and RCW 77.12.201, means
18 those tracts one hundred acres or larger owned in fee by the department
19 and used for wildlife habitat and public recreational purposes. All
20 lands purchased for wildlife habitat, public access or recreation
21 purposes with federal funds in the Snake River drainage basin shall be
22 considered game lands regardless of acreage.

23 (3) This section shall not apply to lands transferred after April
24 23, 1990, to the department from other state agencies.

25 (4) The county shall distribute the amount received under this
26 section in lieu of real property taxes to all property taxing districts
27 except the state in appropriate tax code areas the same way it would
28 distribute local property taxes from private property. The county
29 shall distribute the amount received under this section for weed
30 control to the appropriate weed district.

31 NEW SECTION. **Sec. 14.** This act takes effect July 1, 2005."

2SSB 6082 - H COMM AMD

By Committee on Capital Budget

1 On page 1, line 2 of the title, after "programs;" strike the
2 remainder of the title and insert "amending RCW 79A.15.010, 79A.15.030,
3 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 79A.15.080, 84.33.140,
4 and 77.12.203; adding new sections to chapter 79A.15 RCW; adding a new
5 section to chapter 79.70 RCW; adding a new section to chapter 79.71
6 RCW; and providing an effective date."

--- END ---