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HOUSE BILL 2275

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Mastin and Dunshee

Read first time 04/21/2003. Referred to Committee on Capital Budget.

1            AN ACT Relating to expanding the criteria for habitat conservation  
2 programs; amending RCW 79A.15.010, 79A.15.030, 79A.15.040, 79A.15.050,  
3 79A.15.060, 79A.15.070, and 79A.15.080; reenacting and amending RCW  
4 43.84.092; 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.

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

8            **Sec. 1.** RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each  
9 amended to read as follows:

10            The definitions set forth in this section apply throughout this  
11 chapter.

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

16            (2) "Committee" means the interagency committee for outdoor  
17 recreation.

18            (3) "Critical habitat" means lands important for the protection,  
19 management, or public enjoyment of certain wildlife species or groups

1 of species, including, but not limited to, wintering range for deer,  
2 elk, and other species, waterfowl and upland bird habitat, fish  
3 habitat, and habitat for endangered, threatened, or sensitive species.

4 (4) "Farmlands" means any land defined as "farm and agricultural  
5 land" in RCW 84.34.020(2).

6 (5) "Local agencies" means a city, county, town, tribe, special  
7 purpose district, port district, or other political subdivision of the  
8 state providing services to less than the entire state.

9 ((+5)) (6) "Natural areas" means areas that have, to a significant  
10 degree, retained their natural character and are important in  
11 preserving rare or vanishing flora, fauna, geological, natural  
12 historical, or similar features of scientific or educational value.

13 ((+6)) (7) "Riparian habitat" means land adjacent to water bodies,  
14 as well as submerged land such as streambeds, which can provide  
15 functional habitat for salmonids and other fish and wildlife species.  
16 Riparian habitat includes, but is not limited to, shorelines and near-  
17 shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

18 (8) "Special needs populations" means physically restricted people  
19 or people of limited means.

20 ((+7)) (9) "State agencies" means the state parks and recreation  
21 commission, the department of natural resources, the department of  
22 general administration, and the department of fish and wildlife.

23 (10) "Trails" means public ways constructed for and open to  
24 pedestrians, equestrians, or bicyclists, or any combination thereof,  
25 other than a sidewalk constructed as a part of a city street or county  
26 road for exclusive use of pedestrians.

27 ((+8)) (11) "Urban wildlife habitat" means lands that provide  
28 habitat important to wildlife in proximity to a metropolitan area.

29 ((+9)) (12) "Water access" means boat or foot access to marine  
30 waters, lakes, rivers, or streams.

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

33 (1) Moneys appropriated for this chapter shall be divided (~~equally~~  
34 ~~between the habitat conservation and outdoor recreation accounts and~~  
35 ~~shall be used exclusively for the purposes specified in this chapter~~)  
36 as follows:

1       (a) Appropriations of forty million dollars or less must be  
2 allocated equally between the habitat conservation account and the  
3 outdoor recreation account.

4       (b) If appropriations total more than forty million dollars, the  
5 money must be allocated as follows: (i) Twenty million dollars to the  
6 habitat conservation account and twenty million dollars to the outdoor  
7 recreation account; (ii) any remaining amounts must be allocated as  
8 follows: (A) Thirty percent to the habitat conservation account; (B)  
9 thirty percent to the outdoor recreation account; (C) thirty percent to  
10 the riparian protection account; and (D) ten percent to the farmlands  
11 preservation account.

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

15       (3) All moneys deposited in the habitat conservation ~~((and))~~,  
16 outdoor recreation, riparian protection, and farmlands preservation  
17 accounts shall be allocated as provided under RCW 79A.15.040 ~~((and))~~,  
18 79A.15.050, and sections 5 and 6 of this act as grants to state or  
19 local agencies for acquisition, development, and renovation within the  
20 jurisdiction of those agencies, or as grants to qualified nonprofit  
21 organizations, subject to legislative appropriation. The committee may  
22 use or permit the use of any funds appropriated for this chapter as  
23 matching funds where federal, local, or other funds are made available  
24 for projects within the purposes of this chapter.

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

28       (5) The committee may make grants to an eligible project from  
29 ~~((both))~~ the habitat conservation ~~((and))~~, outdoor recreation, riparian  
30 protection, and farmlands preservation accounts and any one or more of  
31 the applicable categories under such accounts described in RCW  
32 79A.15.040 ~~((and))~~, 79A.15.050, and sections 5 and 6 of this act.

33       (6) The committee may accept private donations to the habitat  
34 conservation account, the outdoor recreation account, the riparian  
35 protection account, and the farmlands preservation account for the  
36 purposes specified in this chapter.

37       (7) The committee may apply up to three percent of the funds

1 appropriated for this chapter for the administration of the programs  
2 and purposes specified in this chapter.

3 **Sec. 3.** RCW 79A.15.040 and 1999 c 379 s 917 are each amended to  
4 read as follows:

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

7 (a) Not less than (~~thirty-five~~) forty-five percent for the  
8 acquisition and development of critical habitat;

9 (b) Not less than (~~twenty~~) thirty percent for the acquisition and  
10 development of natural areas;

11 (c) Not less than (~~fifteen~~) twenty percent for the acquisition  
12 and development of urban wildlife habitat; and

13 (d) The remaining amount shall be considered unallocated and shall  
14 be used by the committee to fund high priority acquisition and  
15 development needs for critical habitat, natural areas, and urban  
16 wildlife habitat. (~~During the fiscal biennium ending June 30, 2001,~~  
17 ~~the remaining amount reappropriated from the fiscal biennium ending~~  
18 ~~June 30, 1999, may be allocated for matching grants for riparian zone~~  
19 ~~habitat protection projects that implement watershed plans under the~~  
20 ~~program established in section 329(6), chapter 235, Laws of 1997.))~~

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

25 (3) Only state agencies may apply for acquisition and development  
26 funds for (~~critical habitat and~~) natural areas projects under  
27 subsection (1)(~~(a)~~) (b)(~~(7)~~) and (d) of this section.

28 (4) State and local agencies may apply for acquisition and  
29 development funds for critical habitat and urban wildlife habitat  
30 projects under subsection (1)(a), (c), and (d) of this section.

31 (5) State agencies receiving grants for acquisition of land under  
32 this section shall pay an amount in lieu of real property taxes and an  
33 additional amount for control of noxious weeds as determined in RCW  
34 77.12.203.

35 **Sec. 4.** RCW 79A.15.050 and 1999 c 379 s 941 are each amended to  
36 read as follows:

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

3 (a) Not less than ~~((twenty-five))~~ thirty percent to ~~((the))~~ state  
4 ~~((parks and recreation commission))~~ agencies for the acquisition and  
5 development of state parks, state campgrounds, and other recreation  
6 facilities, with at least ~~((seventy-five))~~ fifty percent of ~~((this))~~  
7 the money granted to the state agencies to be used only for acquisition  
8 costs~~((. However, during the 1999-2001 biennium, distributions for~~  
9 ~~acquisition and development of state parks shall not exceed four~~  
10 ~~million two hundred fifty thousand dollars, and the proportion for~~  
11 ~~acquisition costs shall be determined by the commission))~~;

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

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

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

20 (e) The remaining amount shall be considered unallocated and shall  
21 be distributed by the committee to state and local agencies to fund  
22 high priority acquisition and development needs for state parks, state  
23 campgrounds, and other recreation facilities, local parks, trails, and  
24 water access sites.

25 (2) In distributing these funds, the committee retains discretion  
26 to meet the most pressing needs for state ~~((and))~~ parks, state  
27 campgrounds, and other recreation facilities, local parks, trails, and  
28 water access sites, and is not required to meet the percentages  
29 described in subsection (1) of this section in any one biennium.

30 (3) Only state agencies may apply for acquisition and development  
31 funds under subsection (1)(a) of this section.

32 (4) Only local agencies may apply for acquisition, development, or  
33 renovation funds for local parks under subsection (1)(b) of this  
34 section.

35 ~~((+4))~~ (5) Only state and local agencies may apply for funds for  
36 trails under subsection (1)(c) of this section.

37 ~~((+5))~~ (6) Only state and local agencies may apply for funds for  
38 water access sites under subsection (1)(d) of this section.

1        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 79A.15 RCW  
2 to read as follows:

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

7        (2) Moneys appropriated for this chapter to the riparian protection  
8 account must be distributed for the acquisition and enhancement or  
9 restoration of riparian habitat. All enhancement or restoration  
10 projects must include the acquisition of a real property interest in  
11 order to be eligible. At least fifty percent of riparian protection  
12 account funds must be used for the acquisition of real property  
13 interests.

14        (3) State and local agencies may apply for acquisition and  
15 enhancement or restoration funds for riparian habitat projects under  
16 subsection (1) of this section.

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

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

24        (6) Moneys appropriated for this section may be used by grant  
25 recipients for costs incidental to acquisition, including, but not  
26 limited to, surveying expenses, fencing, and signing.

27        (7) The committee may not approve a local or qualified nonprofit  
28 organization project where the local agency or qualified nonprofit  
29 organization share is less than the amount to be awarded from the  
30 riparian protection account. In-kind contributions, including  
31 contributions of a real property interest in land may be used to  
32 satisfy the local agency or qualified nonprofit organization's share.

33        (8) State agencies receiving grants for acquisition of land under  
34 this section shall pay an amount in lieu of real property taxes and an  
35 additional amount for control of noxious weeds as determined in RCW  
36 77.12.203.

37        (9) In determining acquisition priorities with respect to the

1 riparian protection account, the committee must consider, at a minimum,  
2 the following criteria:

3 (a) Benefits to wild salmonids, including endangered salmonid  
4 species;

5 (b) Benefits to other endangered, threatened, or sensitive species;

6 (c) Estimated number of fish and species of fish that will benefit;

7 (d) Community support;

8 (e) A recommendation as part of a limiting factors or critical  
9 pathways analysis, a watershed plan or habitat conservation plan, or a  
10 coordinated regionwide prioritization effort;

11 (f) Immediacy of threat to the site;

12 (g) Integration with other salmon recovery efforts;

13 (h) Quality of the habitat or for projects including restoration or  
14 enhancement, the potential for restoring quality habitat, including  
15 linkage of the site to other high quality habitat;

16 (i) Consistency with a local land use plan, or a regional or  
17 statewide recreational or resource plan. The projects that assist in  
18 the implementation of local shoreline master plans updated according to  
19 RCW 90.58.080 or local comprehensive plans updated according to RCW  
20 36.70A.130 must be highly considered in the process;

21 (j) Design and cost-effectiveness; and

22 (k) Educational and scientific value of the site.

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

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 79A.15 RCW  
31 to read as follows:

32 (1) The farmlands preservation account is established in the state  
33 treasury. The committee will administer the account in accordance with  
34 chapter 79A.25 RCW and this chapter, and hold it separate and apart  
35 from all other money, funds, and accounts of the committee. Moneys  
36 appropriated for this chapter to the farmlands preservation account

1 must be distributed for the acquisition and preservation of farmlands  
2 in order to maintain the opportunity for agricultural activity upon  
3 these lands.

4 (2) Moneys appropriated for this chapter to the farmlands  
5 preservation account must be distributed for the fee simple or less  
6 than fee simple acquisition of farmlands, and for the enhancement or  
7 restoration of ecological functions on those properties. In order for  
8 a farmland preservation grant to provide for an environmental  
9 enhancement or restoration project, the project must include the  
10 acquisition of a real property interest in perpetuity.

11 (3) Local agencies and qualified nonprofit organizations may apply  
12 for acquisition and enhancement or restoration funds for farmland  
13 preservation projects under subsection (1) of this section.

14 (4) The committee may adopt rules establishing acquisition and  
15 enhancement or restoration policies and priorities for distributions  
16 from the farmlands preservation account.

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

22 (6) Moneys appropriated for this section may be used by grant  
23 recipients for costs incidental to acquisition, including, but not  
24 limited to, surveying expenses, fencing, and signing.

25 (7) The committee may not approve a local or qualified nonprofit  
26 organization where the local agency or qualified nonprofit  
27 organization's share is less than the amount to be awarded from the  
28 farmlands preservation account. In-kind contributions, including  
29 contributions of a real property interest in land may be used to  
30 satisfy the local agency or qualified nonprofit organization's share.

31 (8) In determining the acquisition priorities, the committee must  
32 consider, at a minimum, the following criteria:

- 33 (a) Community support;
- 34 (b) A recommendation as part of a limiting factors or critical  
35 pathways analysis, a watershed plan or habitat conservation plan, or a  
36 coordinated regionwide prioritization effort;
- 37 (c) The likelihood of the conversion of the site to nonagricultural  
38 or more highly developed usage;



1 (d) Consistency with a local land use plan, or a regional or  
2 statewide recreational or resource plan. The projects that assist in  
3 the implementation of local shoreline master plans updated according to  
4 RCW 90.58.080 or local comprehensive plans updated according to RCW  
5 36.70A.130 must be highly considered in the process;

6 (e) Benefits to wild salmonids;

7 (f) Benefits to other fish and wildlife habitat;

8 (g) Integration with recovery efforts for endangered, threatened,  
9 or sensitive species;

10 (h) The viability of the site for continued agricultural  
11 production, including, but not limited to:

12 (i) Soil types;

13 (ii) On-site production and support facilities such as barns,  
14 irrigation systems, crop processing and storage facilities, wells,  
15 housing, livestock sheds, and other farming infrastructure;

16 (iii) Suitability for producing different types or varieties of  
17 crops;

18 (iv) Farm-to-market access;

19 (v) Water availability; and

20 (i) Other community values provided by the property when used as  
21 agricultural land, including, but not limited to:

22 (i) Viewshed;

23 (ii) Aquifer recharge;

24 (iii) Occasional or periodic collector for storm water runoff;

25 (iv) Agricultural sector job creation;

26 (v) Migratory bird habitat and forage area; and

27 (vi) Educational and curriculum potential.

28 (9) In allotting funds for environmental enhancement or restoration  
29 projects, the committee will require the projects to meet the following  
30 criteria:

31 (a) Enhancement or restoration projects must further the ecological  
32 functions of the farmlands;

33 (b) The projects, such as fencing, bridging watercourses,  
34 replanting native vegetation, replacing culverts, clearing of  
35 waterways, etc., must be less than fifty percent of the acquisition  
36 cost of the project including any in-kind contribution by any party;

37 (c) The projects should be based on accepted methods of achieving  
38 beneficial enhancement or restoration results; and

1 (d) The projects should enhance the viability of the preserved  
2 farmland to provide agricultural production while conforming to any  
3 legal requirements for habitat protection.

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

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

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

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

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

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

33 (5) ~~((During the fiscal biennium ending June 30, 2001, the~~  
34 ~~committee may approve a riparian zone habitat protection project~~  
35 ~~established in section 329(6), chapter 235, Laws of 1997, where the~~  
36 ~~local agency share is less than the amount to be awarded from the~~  
37 ~~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;
  - 6       (ii) Recommendations as part of a limiting factors or critical  
7 pathways analysis, a watershed plan or habitat conservation plan, or a  
8 coordinated regionwide prioritization effort;
  - 9       (iii) Immediacy of threat to the site;
  - 10       ~~((iii))~~ (iv) Uniqueness of the site;
  - 11       ~~((iv))~~ (v) Diversity of species using the site;
  - 12       ~~((v))~~ (vi) Quality of the habitat;
  - 13       ~~((vi))~~ (vii) Long-term viability of the site;
  - 14       ~~((vii))~~ (viii) Presence of endangered, threatened, or sensitive  
15 species;
  - 16       ~~((viii))~~ (ix) Enhancement of existing public property;
  - 17       ~~((ix))~~ (x) Consistency with a local land use plan, or a regional  
18 or statewide recreational or resource plan, including projects that  
19 assist in the implementation of local shoreline master plans updated  
20 according to RCW 90.58.080 or local comprehensive plans updated  
21 according to RCW 36.70A.130; ~~((and~~
  - 22       ~~(x))~~ (xi) Educational and scientific value of the site;
  - 23       (xii) Integration with recovery efforts for endangered, threatened,  
24 or sensitive species;
  - 25       (xiii) For critical habitat proposals by local agencies and  
26 qualified nonprofit organizations, the statewide significance of the  
27 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

1 request to the legislature. The list shall include, but not be limited  
2 to, a description of each project; and shall describe for each project  
3 any anticipated restrictions upon recreational activities allowed prior  
4 to the project.

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

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

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

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

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

1 access sites to be financed from moneys in the outdoor recreation  
2 account.

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

5 (a) For trails proposals:

6 (i) Community support;

7 (ii) Immediacy of threat to the site;

8 (iii) Linkage between communities;

9 (iv) Linkage between trails;

10 (v) Existing or potential usage;

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

16 (vii) Availability of water access or views;

17 (viii) Enhancement of wildlife habitat; and

18 (ix) Scenic values of the site.

19 (b) For water access proposals:

20 (i) Community support;

21 (ii) Distance from similar water access opportunities;

22 (iii) Immediacy of threat to the site;

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

24 (v) Public demand in the area; and

25 (vi) Consistency with a local land use plan, or a regional or  
26 statewide recreational or resource plan, including projects that assist  
27 in the implementation of local shoreline master plans updated according  
28 to RCW 90.58.080 or local comprehensive plans updated according to RCW  
29 36.70A.130.

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

1 (8) Before (~~October~~) November 1st of each year, the committee  
2 shall recommend to the governor a prioritized list of all local  
3 projects to be funded under RCW 79A.15.050(1) (b), (c), and (d). The  
4 governor may remove projects from the list recommended by the committee  
5 and shall submit this amended list in the capital budget request to the  
6 legislature. The list shall include, but not be limited to, a  
7 description of each project and any particular match requirement, and  
8 describe for each project any anticipated restrictions upon  
9 recreational activities allowed prior to the project.

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

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

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

21 For lands acquired under this chapter, the department shall pay an  
22 amount in lieu of real property tax and an additional amount for  
23 control of noxious weeds as determined in RCW 77.12.203.

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

26 For lands acquired under this chapter, the department shall pay an  
27 amount in lieu of real property tax and an additional amount for  
28 control of noxious weeds as determined in RCW 77.12.203.

29 **Sec. 12.** RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and  
30 2002 c 56 s 402 are each reenacted and amended to read as follows:

31 (1) All earnings of investments of surplus balances in the state  
32 treasury shall be deposited to the treasury income account, which  
33 account is hereby established in the state treasury.

1           (2) The treasury income account shall be utilized to pay or receive  
2 funds associated with federal programs as required by the federal cash  
3 management improvement act of 1990. The treasury income account is  
4 subject in all respects to chapter 43.88 RCW, but no appropriation is  
5 required for refunds or allocations of interest earnings required by  
6 the cash management improvement act. Refunds of interest to the  
7 federal treasury required under the cash management improvement act  
8 fall under RCW 43.88.180 and shall not require appropriation. The  
9 office of financial management shall determine the amounts due to or  
10 from the federal government pursuant to the cash management improvement  
11 act. The office of financial management may direct transfers of funds  
12 between accounts as deemed necessary to implement the provisions of the  
13 cash management improvement act, and this subsection. Refunds or  
14 allocations shall occur prior to the distributions of earnings set  
15 forth in subsection (4) of this section.

16           (3) Except for the provisions of RCW 43.84.160, the treasury income  
17 account may be utilized for the payment of purchased banking services  
18 on behalf of treasury funds including, but not limited to, depository,  
19 safekeeping, and disbursement functions for the state treasury and  
20 affected state agencies. The treasury income account is subject in all  
21 respects to chapter 43.88 RCW, but no appropriation is required for  
22 payments to financial institutions. Payments shall occur prior to  
23 distribution of earnings set forth in subsection (4) of this section.

24           (4) Monthly, the state treasurer shall distribute the earnings  
25 credited to the treasury income account. The state treasurer shall  
26 credit the general fund with all the earnings credited to the treasury  
27 income account except:

28           (a) The following accounts and funds shall receive their  
29 proportionate share of earnings based upon each account's and fund's  
30 average daily balance for the period: The capitol building  
31 construction account, the Cedar River channel construction and  
32 operation account, the Central Washington University capital projects  
33 account, the charitable, educational, penal and reformatory  
34 institutions account, the common school construction fund, the county  
35 criminal justice assistance account, the county sales and use tax  
36 equalization account, the data processing building construction  
37 account, the deferred compensation administrative account, the deferred  
38 compensation principal account, the department of retirement systems

1 expense account, the drinking water assistance account, the drinking  
2 water assistance administrative account, the drinking water assistance  
3 repayment account, the Eastern Washington University capital projects  
4 account, the education construction fund, the emergency reserve fund,  
5 the farmlands preservation account, the federal forest revolving  
6 account, the habitat conservation account, the health services account,  
7 the public health services account, the health system capacity account,  
8 the personal health services account, the state higher education  
9 construction account, the higher education construction account, the  
10 highway infrastructure account, the industrial insurance premium refund  
11 account, the judges' retirement account, the judicial retirement  
12 administrative account, the judicial retirement principal account, the  
13 local leasehold excise tax account, the local real estate excise tax  
14 account, the local sales and use tax account, the medical aid account,  
15 the mobile home park relocation fund, the multimodal transportation  
16 account, the municipal criminal justice assistance account, the  
17 municipal sales and use tax equalization account, the natural resources  
18 deposit account, the outdoor recreation account, the oyster reserve  
19 land account, the perpetual surveillance and maintenance account, the  
20 public employees' retirement system plan 1 account, the public  
21 employees' retirement system combined plan 2 and plan 3 account, the  
22 public facilities construction loan revolving account beginning July 1,  
23 2004, the public health supplemental account, the Puyallup tribal  
24 settlement account, the regional transportation investment district  
25 account, the resource management cost account, the riparian protection  
26 account, the site closure account, the special wildlife account, the  
27 state employees' insurance account, the state employees' insurance  
28 reserve account, the state investment board expense account, the state  
29 investment board commingled trust fund accounts, the supplemental  
30 pension account, the Tacoma Narrows toll bridge account, the teachers'  
31 retirement system plan 1 account, the teachers' retirement system  
32 combined plan 2 and plan 3 account, the tobacco prevention and control  
33 account, the tobacco settlement account, the transportation  
34 infrastructure account, the tuition recovery trust fund, the University  
35 of Washington bond retirement fund, the University of Washington  
36 building account, the volunteer fire fighters' and reserve officers'  
37 relief and pension principal fund, the volunteer fire fighters' and  
38 reserve officers' administrative fund, the Washington fruit express



1 account, the Washington judicial retirement system account, the  
2 Washington law enforcement officers' and fire fighters' system plan 1  
3 retirement account, the Washington law enforcement officers' and fire  
4 fighters' system plan 2 retirement account, the Washington school  
5 employees' retirement system combined plan 2 and 3 account, the  
6 Washington state health insurance pool account, the Washington state  
7 patrol retirement account, the Washington State University building  
8 account, the Washington State University bond retirement fund, the  
9 water pollution control revolving fund, and the Western Washington  
10 University capital projects account. Earnings derived from investing  
11 balances of the agricultural permanent fund, the normal school  
12 permanent fund, the permanent common school fund, the scientific  
13 permanent fund, and the state university permanent fund shall be  
14 allocated to their respective beneficiary accounts. All earnings to be  
15 distributed under this subsection (4)(a) shall first be reduced by the  
16 allocation to the state treasurer's service fund pursuant to RCW  
17 43.08.190.

18 (b) The following accounts and funds shall receive eighty percent  
19 of their proportionate share of earnings based upon each account's or  
20 fund's average daily balance for the period: The aeronautics account,  
21 the aircraft search and rescue account, the county arterial  
22 preservation account, the department of licensing services account, the  
23 essential rail assistance account, the ferry bond retirement fund, the  
24 grade crossing protective fund, the high capacity transportation  
25 account, the highway bond retirement fund, the highway safety account,  
26 the motor vehicle fund, the motorcycle safety education account, the  
27 pilotage account, the public transportation systems account, the Puget  
28 Sound capital construction account, the Puget Sound ferry operations  
29 account, the recreational vehicle account, the rural arterial trust  
30 account, the safety and education account, the special category C  
31 account, the state patrol highway account, the transportation equipment  
32 fund, the transportation fund, the transportation improvement account,  
33 the transportation improvement board bond retirement account, and the  
34 urban arterial trust account.

35 (5) In conformance with Article II, section 37 of the state  
36 Constitution, no treasury accounts or funds shall be allocated earnings  
37 without the specific affirmative directive of this section.

1        NEW SECTION.   **Sec. 13.**   Sections 1 through 11 of this act take  
2   effect July 1, 2005.

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