
SENATE BILL 5118

State of Washington

59th Legislature

2005 Regular Session

By Senators Parlette, Doumit, Oke and Esser

Read first time 01/13/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to expanding the criteria for habitat conservation
2 programs; amending RCW 79A.15.030, 79A.15.040, 79A.15.050, 79A.15.060,
3 79A.15.070, 84.33.140, and 77.12.203; adding a new section to chapter
4 79A.15 RCW; adding a new section to chapter 79.70 RCW; adding a new
5 section to chapter 79.71 RCW; providing an effective date; and
6 declaring an emergency.

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

8 **Sec. 1.** RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read
9 as follows:

10 (1) Moneys appropriated for this chapter shall be divided equally
11 between the habitat conservation and outdoor recreation accounts and
12 shall be used exclusively for the purposes specified in this chapter.

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

16 (3) All moneys deposited in the habitat conservation and outdoor
17 recreation accounts shall be allocated as provided under RCW 79A.15.040
18 and 79A.15.050 as grants to state or local agencies for acquisition,
19 development, and renovation within the jurisdiction of those agencies,

1 subject to legislative appropriation. The committee may use or permit
2 the use of any funds appropriated for this chapter as matching funds
3 where federal, local, or other funds are made available for projects
4 within the purposes of this chapter.

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

8 (5) The committee may make grants to an eligible project from
9 (~~both~~) the habitat conservation and outdoor recreation accounts and
10 any one or more of the applicable categories under such accounts
11 described in RCW 79A.15.040 and 79A.15.050.

12 (6) The committee may accept private donations to the habitat
13 conservation account and the outdoor recreation account for the
14 purposes specified in this chapter.

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

18 NEW SECTION. Sec. 2. A new section is added to chapter 79A.15 RCW
19 to read as follows:

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

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

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

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

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

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

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

20 (e) The remaining amount shall be considered unallocated and shall
21 be used by the committee to fund high priority acquisition and
22 development needs for critical habitat, natural areas, and urban
23 wildlife habitat.

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

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

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

34 (5)(a) Any lands that have been acquired with grants under this
35 section by the department of fish and wildlife are subject to an amount
36 in lieu of real property taxes and an additional amount for control of
37 noxious weeds as determined by RCW 77.12.203.

1 (b) Any lands that have been acquired with grants under this
2 section by the department of natural resources are subject to payments
3 in the amounts required under the provisions of sections 7 and 8 of
4 this act.

5 **Sec. 4.** RCW 79A.15.050 and 2003 c 184 s 1 are each amended to read
6 as follows:

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

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

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

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

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

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

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

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

36 (3) Only local agencies may apply for acquisition, development, or

1 renovation funds for local parks under subsection (1)(b) of this
2 section.

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

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

7 **Sec. 5.** RCW 79A.15.060 and 2000 c 11 s 67 are each amended to read
8 as follows:

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

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

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

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

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

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

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

1 (i) Community support for the project;

2 (ii) Recommendations as part of a watershed plan or habitat

3 conservation plan, or a coordinated regionwide prioritization effort,

4 and for projects primarily intended to benefit salmon, limiting

5 factors, or critical pathways analysis;

6 (iii) Immediacy of threat to the site;

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

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

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

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

11 ~~((+vii))~~ (viii) Presence of endangered, threatened, or sensitive

12 species;

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

14 ~~((+ix))~~ (x) Consistency with a local land use plan, or a regional

15 or statewide recreational or resource plan, including projects that

16 assist in the implementation of local shoreline master plans updated

17 according to RCW 90.58.080 or local comprehensive plans updated

18 according to RCW 36.70A.130; ~~((and~~

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

20 (xii) Integration with recovery efforts for endangered, threatened,

21 or sensitive species;

22 (xiii) For critical habitat proposals by local agencies, the

23 statewide significance of the site.

24 (b) For urban wildlife habitat proposals, in addition to the

25 criteria of (a) of this subsection:

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

27 (ii) Proximity to other wildlife habitat;

28 (iii) Potential for public use; and

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

30 ~~((+7))~~ (6) Before ~~((October))~~ November 1st of each even-numbered

31 year, the committee shall recommend to the governor a prioritized list

32 of state agency projects to be funded under RCW 79A.15.040(1) (a), (b),

33 and (c). The governor may remove projects from the list recommended by

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

10 **Sec. 6.** RCW 79A.15.070 and 2000 c 11 s 68 are each amended to read
11 as follows:

12 (1) In determining which state parks proposals and local parks
13 proposals to fund, the committee shall use existing policies and
14 priorities.

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 or other overhead expenses, or by a state,
18 regional, or local agency to fund operation ~~((and))~~ or maintenance of
19 areas acquired under this chapter ~~((, except that the committee may use~~
20 ~~moneys appropriated for this chapter for the fiscal biennium ending~~
21 ~~June 30, 2001, for the administrative costs of implementing the pilot~~
22 ~~watershed plan implementation program established in section 329(6),~~
23 ~~chapter 235, Laws of 1997, and developing an inventory of publicly~~
24 ~~owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

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

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

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

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

1 (a) For trails proposals:
2 (i) Community support for the project;
3 (ii) Immediacy of threat to the site;
4 (iii) Linkage between communities;
5 (iv) Linkage between trails;
6 (v) Existing or potential usage;
7 (vi) Consistency with (~~an existing~~) a local land use plan, or a
8 regional or statewide recreational or resource plan, including projects
9 that assist in the implementation of local shoreline master plans
10 updated according to RCW 90.58.080 or local comprehensive plans updated
11 according to RCW 36.70A.130;

12 (vii) Availability of water access or views;
13 (viii) Enhancement of wildlife habitat; and
14 (ix) Scenic values of the site.

15 (b) For water access proposals:

16 (i) Community support for the project;
17 (ii) Distance from similar water access opportunities;
18 (iii) Immediacy of threat to the site;
19 (iv) Diversity of possible recreational uses; (~~and~~)
20 (v) Public demand in the area; and
21 (vi) Consistency with a local land use plan, or a regional or
22 statewide recreational or resource plan, including projects that assist
23 in the implementation of local shoreline master plans updated according
24 to RCW 90.58.080 or local comprehensive plans updated according to RCW
25 36.70A.130.

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

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

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

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 79.70 RCW
7 to read as follows:

8 The state treasurer, on behalf of the department, must distribute
9 to counties for all lands acquired for the purposes of this chapter an
10 amount in lieu of real property taxes equal to the amount of tax that
11 would be due if the land were taxable as open space land under chapter
12 84.34 RCW, plus an additional amount equal to the amount of weed
13 control assessment that would be due if such lands were privately
14 owned. The county assessor and county legislative authority shall
15 assist in determining the appropriate calculation of the amount of tax
16 that would be due under chapter 84.34 RCW. The county shall distribute
17 the amount received under this section in lieu of real property taxes
18 to all property taxing districts except the state in appropriate tax
19 code areas the same way it would distribute local property taxes from
20 private property. The county shall distribute the amount received
21 under this section for weed control to the appropriate weed district.

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 79.71 RCW
23 to read as follows:

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

1 private property. The county shall distribute the amount received
2 under this section for weed control to the appropriate weed district.

3 **Sec. 9.** RCW 84.33.140 and 2003 c 170 s 5 are each amended to read
4 as follows:

5 (1) When land has been designated as forest land under RCW
6 84.33.130, a notation of the designation shall be made each year upon
7 the assessment and tax rolls. A copy of the notice of approval
8 together with the legal description or assessor's parcel numbers for
9 the land shall, at the expense of the applicant, be filed by the
10 assessor in the same manner as deeds are recorded.

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

20	LAND	OPERABILITY	VALUES
21	GRADE	CLASS	PER ACRE
22		1	\$234
23	1	2	229
24		3	217
25		4	157
26		1	198
27	2	2	190
28		3	183
29		4	132
30		1	154
31	3	2	149
32		3	148
33		4	113
34		1	117
35	4	2	114

1		3	113
2		4	86
3		1	85
4	5	2	78
5		3	77
6		4	52
7		1	43
8	6	2	39
9		3	39
10		4	37
11		1	21
12	7	2	21
13		3	20
14		4	20
15	8		1

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

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

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

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

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall

1 be made to the prior year's adjusted value, and the five-year periods
2 for calculating average harvested timber values shall be successively
3 one year more recent.

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

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

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

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

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

32 (i) The land is no longer primarily devoted to and used for growing
33 and harvesting timber. However, land shall not be removed from
34 designation if a governmental agency, organization, or other recipient
35 identified in subsection (13) or (14) of this section as exempt from
36 the payment of compensating tax has manifested its intent in writing or
37 by other official action to acquire a property interest in the
38 designated forest land by means of a transaction that qualifies for an

1 exemption under subsection (13) or (14) of this section. The
2 governmental agency, organization, or recipient shall annually provide
3 the assessor of the county in which the land is located reasonable
4 evidence in writing of the intent to acquire the designated land as
5 long as the intent continues or within sixty days of a request by the
6 assessor. The assessor may not request this evidence more than once in
7 a calendar year;

8 (ii) The owner has failed to comply with a final administrative or
9 judicial order with respect to a violation of the restocking, forest
10 management, fire protection, insect and disease control, and forest
11 debris provisions of Title 76 RCW or any applicable rules under Title
12 76 RCW; or

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

15 (6) Land shall not be removed from designation if there is a
16 governmental restriction that prohibits, in whole or in part, the owner
17 from harvesting timber from the owner's designated forest land. If
18 only a portion of the parcel is impacted by governmental restrictions
19 of this nature, the restrictions cannot be used as a basis to remove
20 the remainder of the forest land from designation under this chapter.
21 For the purposes of this section, "governmental restrictions" includes:
22 (a) Any law, regulation, rule, ordinance, program, or other action
23 adopted or taken by a federal, state, county, city, or other
24 governmental entity; or (b) the land's zoning or its presence within an
25 urban growth area designated under RCW 36.70A.110.

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

29 (a) An application for designation as forest land is submitted; or
30 (b) Designated forest land is sold or transferred and a notice of
31 continuance, described in subsection (5)(c) of this section, is signed.

32 (8) If land is removed from designation because of any of the
33 circumstances listed in subsection (5)(a) through (c) of this section,
34 the removal shall apply only to the land affected. If land is removed
35 from designation because of subsection (5)(d) of this section, the
36 removal shall apply only to the actual area of land that is no longer
37 primarily devoted to the growing and harvesting of timber, without
38 regard to any other land that may have been included in the application

1 and approved for designation, as long as the remaining designated
2 forest land meets the definition of forest land contained in RCW
3 84.33.035.

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

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

23 (11) Except as provided in subsection (5)(c), (13), or (14) of this
24 section, a compensating tax shall be imposed on land removed from
25 designation as forest land. The compensating tax shall be due and
26 payable to the treasurer thirty days after the owner is notified of the
27 amount of this tax. As soon as possible after the land is removed from
28 designation, the assessor shall compute the amount of compensating tax
29 and mail a notice to the owner of the amount of compensating tax owed
30 and the date on which payment of this tax is due. The amount of
31 compensating tax shall be equal to the difference between the amount of
32 tax last levied on the land as designated forest land and an amount
33 equal to the new assessed value of the land multiplied by the dollar
34 rate of the last levy extended against the land, multiplied by a
35 number, in no event greater than nine, equal to the number of years for
36 which the land was designated as forest land, plus compensating taxes
37 on the land at forest land values up until the date of removal and the

1 prorated taxes on the land at true and fair value from the date of
2 removal to the end of the current tax year.

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

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

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

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

23 (c) A donation of fee title, development rights, or the right to
24 harvest timber, to a government agency or organization qualified under
25 RCW 84.34.210 and 64.04.130 for the purposes enumerated in those
26 sections, or the sale or transfer of fee title to a governmental entity
27 or a nonprofit nature conservancy corporation, as defined in RCW
28 64.04.130, exclusively for the protection and conservation of lands
29 recommended for state natural area preserve purposes by the natural
30 heritage council and natural heritage plan as defined in chapter 79.70
31 RCW or approved for state natural resources conservation area purposes
32 as defined in chapter 79.71 RCW. At such time as the land is not used
33 for the purposes enumerated, the compensating tax specified in
34 subsection (11) of this section shall be imposed upon the current
35 owner;

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

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

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

6 (g) The creation, sale, or transfer of a fee interest or a
7 conservation easement for the riparian open space program under RCW
8 76.09.040;

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

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

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

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

30 (b) A transfer of a property interest to a government entity, or to
31 a nonprofit historic preservation corporation or nonprofit nature
32 conservancy corporation, as defined in RCW 64.04.130, to protect or
33 enhance public resources, or to preserve, maintain, improve, restore,
34 limit the future use of, or otherwise to conserve for public use or
35 enjoyment, the property interest being transferred. At such time as
36 the property interest is not used for the purposes enumerated, the
37 compensating tax shall be imposed upon the current owner.

1 **Sec. 10.** RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each
2 amended to read as follows:

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

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

20 (3) This section shall not apply to lands transferred after April
21 23, 1990, to the department from other state agencies.

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

28 NEW SECTION. **Sec. 11.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 July 1, 2005.

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