

HB 2351 - H AMD 1455

By Representative Hinkle

NOT CONSIDERED 03/11/2010

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

3 "Sec. 1. RCW 79A.15.020 and 2007 c 241 s 27 are each amended to
4 read as follows:

5 The habitat conservation account is established in the state
6 treasury. The board (~~shall~~) must administer the account in
7 accordance with chapter 79A.25 RCW and this chapter, and (~~shall~~) must
8 hold it separate and apart from all other money, funds, and accounts of
9 the board. By January 1, 2011, the state treasurer must transfer from
10 the habitat conservation account to the enhanced 911 account created in
11 RCW 38.52.540, seven million five hundred thousand dollars.

12 **Sec. 2.** RCW 79A.15.120 and 2009 c 341 s 4 and 2009 c 16 s 2 are
13 each reenacted and amended to read as follows:

14 (1) The riparian protection account is established in the state
15 treasury. The board must administer the account in accordance with
16 chapter 79A.25 RCW and this chapter, and hold it separate and apart
17 from all other money, funds, and accounts of the board.

18 (2) Moneys appropriated for this chapter to the riparian protection
19 account must be distributed for the acquisition or enhancement or
20 restoration of riparian habitat. All enhancement or restoration
21 projects, except those qualifying under subsection (9)(a) of this
22 section, must include the acquisition of a real property interest in
23 order to be eligible.

24 (3) State and local agencies and lead entities under chapter 77.85
25 RCW, nonprofit nature conservancy organizations or associations, and
26 the conservation commission may apply for acquisition and enhancement
27 or restoration funds for riparian habitat projects under subsection (1)
28 of this section. Other state agencies not defined in RCW 79A.15.010,

1 such as the department of transportation and the department of
2 corrections, may enter into interagency agreements with state agencies
3 to apply in partnership for funds under this section.

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

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

10 (6) Moneys appropriated for this section may be used by grant
11 recipients for costs incidental to restoration and acquisition,
12 including, but not limited to, surveying expenses, fencing, and
13 signing.

14 (7) The board may not approve a local project where the local
15 agency or nonprofit nature conservancy organization or association
16 share is less than the amount to be awarded from the riparian
17 protection account. In-kind contributions, including contributions of
18 a real property interest in land may be used to satisfy the local
19 agency's or nonprofit nature conservancy organization's or
20 association's share.

21 (8) State agencies receiving grants for acquisition of land under
22 this section must pay an amount in lieu of real property taxes equal to
23 the amount of tax that would be due if the land were taxable as open
24 space land under chapter 84.34 RCW except taxes levied for any state
25 purpose, plus an additional amount for control of noxious weeds equal
26 to that which would be paid if such lands were privately owned. The
27 county assessor and county legislative authority shall assist in
28 determining the appropriate calculation of the amount of tax that would
29 be due.

30 (9) In determining acquisition priorities with respect to the
31 riparian protection account, the board must consider, at a minimum, the
32 following criteria:

33 (a) Whether the project continues the conservation reserve
34 enhancement program. Applications that extend the duration of leases
35 of riparian areas that are currently enrolled in the conservation
36 reserve enhancement program shall be eligible. Such applications are
37 eligible for a conservation lease extension of at least twenty-five
38 years of duration;

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

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

7 (d) Whether the proposal includes an ongoing stewardship program
8 that includes control of noxious weeds, detrimental invasive species,
9 and that identifies the source of the funds from which the stewardship
10 program will be funded;

11 (e) Whether there is an immediate threat to the site;

12 (f) Whether the quality of the habitat is improved or, for projects
13 including restoration or enhancement, the potential for restoring
14 quality habitat including linkage of the site to other high quality
15 habitat;

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

21 (h) Whether the site has educational or scientific value; and

22 (i) Whether the site has passive recreational values for walking
23 trails, wildlife viewing, or the observation of natural settings.

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

31 (11) By January 1, 2011, the state treasurer must transfer from the
32 riparian protection account to the enhanced 911 account created in RCW
33 38.52.540, seven million five hundred thousand dollars.

34 **Sec. 3.** RCW 79A.15.130 and 2009 c 341 s 5 are each amended to read
35 as follows:

36 (1) The farmlands preservation account is established in the state
37 treasury. The board will administer the account in accordance with

1 chapter 79A.25 RCW and this chapter, and hold it separate and apart
2 from all other money, funds, and accounts of the board. Moneys
3 appropriated for this chapter to the farmlands preservation account
4 must be distributed for the acquisition and preservation of farmlands
5 in order to maintain the opportunity for agricultural activity upon
6 these lands.

7 (2)(a) Moneys appropriated for this chapter to the farmlands
8 preservation account may be distributed for (i) the fee simple or less
9 than fee simple acquisition of farmlands; (ii) the enhancement or
10 restoration of ecological functions on those properties; or (iii) both.
11 In order for a farmland preservation grant to provide for an
12 environmental enhancement or restoration project, the project must
13 include the acquisition of a real property interest.

14 (b) If a city, county, nonprofit nature conservancy organization or
15 association, or the conservation commission acquires a property through
16 this program in fee simple, the city, county, nonprofit nature
17 conservancy organization or association, or the conservation commission
18 shall endeavor to secure preservation of the property through placing
19 a conservation easement, or other form of deed restriction, on the
20 property which dedicates the land to agricultural use and retains one
21 or more property rights in perpetuity. Once an easement or other form
22 of deed restriction is placed on the property, the city, county,
23 nonprofit nature conservancy organization or association, or the
24 conservation commission shall seek to sell the property, at fair market
25 value, to a person or persons who will maintain the property in
26 agricultural production. Any moneys from the sale of the property
27 shall either be used to purchase interests in additional properties
28 which meet the criteria in subsection (9) of this section, or to repay
29 the grant from the state which was originally used to purchase the
30 property.

31 (3) Cities, counties, nonprofit nature conservancy organizations or
32 associations, and the conservation commission may apply for acquisition
33 and enhancement or restoration funds for farmland preservation projects
34 within their jurisdictions under subsection (1) of this section.

35 (4) The board may adopt rules establishing acquisition and
36 enhancement or restoration policies and priorities for distributions
37 from the farmlands preservation account.

1 (5) The acquisition of a property right in a project under this
2 section by a county, city, nonprofit nature conservancy organization or
3 association, or the conservation commission does not provide a right of
4 access to the property by the public unless explicitly provided for in
5 a conservation easement or other form of deed restriction.

6 (6) Except as provided in RCW 79A.15.030(7), moneys appropriated
7 for this section may not be used by the board to fund staff positions
8 or other overhead expenses, or by a city, county, nonprofit nature
9 conservancy organization or association, or the conservation commission
10 to fund operation or maintenance of areas acquired under this chapter.

11 (7) Moneys appropriated for this section may be used by grant
12 recipients for costs incidental to restoration and acquisition,
13 including, but not limited to, surveying expenses, fencing, and
14 signing.

15 (8) The board may not approve a local project where the local
16 agency's or nonprofit nature conservancy organization's or
17 association's share is less than the amount to be awarded from the
18 farmlands preservation account. In-kind contributions, including
19 contributions of a real property interest in land, may be used to
20 satisfy the local agency's or nonprofit nature conservancy
21 organization's or association's share.

22 (9) In determining the acquisition priorities, the board must
23 consider, at a minimum, the following criteria:

24 (a) Community support for the project;

25 (b) A recommendation as part of a limiting factors or critical
26 pathways analysis, a watershed plan or habitat conservation plan, or a
27 coordinated regionwide prioritization effort;

28 (c) The likelihood of the conversion of the site to nonagricultural
29 or more highly developed usage;

30 (d) Consistency with a local land use plan, or a regional or
31 statewide recreational or resource plan. The projects that assist in
32 the implementation of local shoreline master plans updated according to
33 RCW 90.58.080 or local comprehensive plans updated according to RCW
34 36.70A.130 must be highly considered in the process;

35 (e) Benefits to salmonids;

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

37 (g) Integration with recovery efforts for endangered, threatened,
38 or sensitive species;

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

3 (i) Soil types;

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

7 (iii) Suitability for producing different types or varieties of
8 crops;

9 (iv) Farm-to-market access;

10 (v) Water availability; and

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

13 (i) Viewshed;

14 (ii) Aquifer recharge;

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

16 (iv) Agricultural sector job creation;

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

18 (vi) Educational and curriculum potential.

19 (10) In allotting funds for environmental enhancement or
20 restoration projects, the board will require the projects to meet the
21 following criteria:

22 (a) Enhancement or restoration projects must further the ecological
23 functions of the farmlands;

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

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

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

33 (11) Before November 1st of each even-numbered year, the board will
34 recommend to the governor a prioritized list of all projects to be
35 funded under this section. The governor may remove projects from the
36 list recommended by the board and must submit this amended list in the
37 capital budget request to the legislature. The list must include, but

1 not be limited to, a description of each project and any particular
2 match requirement.

3 (12) By January 1, 2011, the state treasurer must transfer from the
4 farmlands preservation account to the enhanced 911 account created in
5 RCW 38.52.540, seven million five hundred thousand dollars.

6 **Sec. 4.** RCW 79A.25.060 and 2007 c 241 s 43 are each amended to
7 read as follows:

8 The outdoor recreation account is created in the state treasury.
9 Moneys in the account are subject to legislative appropriation. The
10 board shall administer the account in accordance with chapter 79A.15
11 RCW and this chapter, and shall hold it separate and apart from all
12 other money, funds, and accounts of the board.

13 Grants, gifts, or other financial assistance, proceeds received
14 from public bodies as administrative cost contributions, and moneys
15 made available to the state of Washington by the federal government for
16 outdoor recreation, may be deposited into the account.

17 By January 1, 2011, the state treasurer must transfer from the
18 outdoor recreation account to the enhanced 911 account created in RCW
19 38.52.540, two million five hundred thousand dollars.

20 **Sec. 5.** RCW 38.52.540 and 2002 c 371 s 905 and 2002 c 341 s 4 are
21 each reenacted and amended to read as follows:

22 (1) The enhanced 911 account is created in the state treasury. All
23 receipts from the state enhanced 911 excise taxes imposed by RCW
24 82.14B.030 shall be deposited into the account. Moneys in the account
25 shall be used only to support the statewide coordination and management
26 of the enhanced 911 system, for the implementation of wireless enhanced
27 911 statewide, and to help supplement, within available funds, the
28 operational costs of the system, including adequate funding of counties
29 to enable implementation of wireless enhanced 911 service and
30 reimbursement of radio communications service companies for costs
31 incurred in providing wireless enhanced 911 service pursuant to
32 negotiated contracts between the counties or their agents and the radio
33 communications service companies.

34 (2) Funds generated by the enhanced 911 excise tax imposed by RCW
35 82.14B.030(3) shall not be distributed to any county that has not
36 imposed the maximum county enhanced 911 tax allowed under RCW

1 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed
2 by RCW 82.14B.030(4) shall not be distributed to any county that has
3 not imposed the maximum county enhanced 911 tax allowed under RCW
4 82.14B.030(2).

5 (3) The state enhanced 911 coordinator, with the advice and
6 assistance of the enhanced 911 advisory committee, is authorized to
7 enter into statewide agreements to improve the efficiency of enhanced
8 911 services for all counties and shall specify by rule the additional
9 purposes for which moneys, if available, may be expended from this
10 account.

11 ~~((During the 2001-2003 fiscal biennium, the legislature may
12 transfer from the enhanced 911 account to the state general fund such
13 amounts as reflect the excess fund balance of the account.))~~ All
14 transfers into the enhanced 911 account from the riparian protection
15 account, the habitat conservation account, the outdoor recreation
16 account, and the farmlands preservation account must be used for the
17 modernization of enhanced 911 communications systems statewide."

18 Correct the title.

EFFECT: Transfers a total of \$25 million from the Washington
wildlife and recreation accounts into the state enhanced 911 account.
Requires the transferred money to be used exclusively for the
modernization of enhanced 911 communications systems statewide.

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