

SENATE BILL REPORT

SB 6165

As of January 30, 2012

Title: An act relating to creating flexible conservation futures taxing districts.

Brief Description: Creating flexible conservation futures taxing districts.

Sponsors: Senators Hargrove, Swecker, Ranker, Pridemore, Nelson, Rolfes and Shin.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 1/30/12.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Staff: Sam Thompson (786-7413)

Background: To conserve open space, agricultural, and timber lands for public use and enjoyment, counties, cities, and certain other local governments and nonprofit organizations may acquire private land outright, lease private land, or acquire easements on private land that limit use of the land. These acquisitions are made through negotiated purchases or donations, not eminent domain. The rights acquired under this process are called conservation futures in the Washington statutory code. However, easements acquired under this process are occasionally called conservation easements.

Counties may levy a conservation futures property tax of up to \$0.0625 per \$1,000 of assessed valuation to generate funds to acquire conservation futures. The decision to levy this tax is made by a county legislative authority, which may be either a board of county commissioners or a county council. Thirteen Washington counties have opted to impose the tax: Clark, Ferry, Island, Jefferson, King, Kitsap, Pierce, San Juan, Skagit, Snohomish, Spokane, Thurston, and Whatcom.

When levying taxes, counties must conform with Article VII, Section 1 of the Washington Constitution, which provides, in part: "All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax" The territorial limits of a county is the entire county. Thus, if a county opts to levy a conservation futures property tax, it must be levied countywide.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: To acquire, maintain and operate conservation futures, a county may create a flexible conservation futures taxing district (district) that is less than countywide.

A county may enlarge a district containing less than the whole county, reduce a district already created, or consolidate or divide districts.

A district may levy a property tax of up to \$0.0625 per \$1,000 of assessed valuation. The levy may not be imposed on property on which a conservation futures levy is already imposed.

A county legislative authority may initiate formation of a district by adopting a resolution of intention. The resolution must include the nature of the district's proposed activities, proposed levies, district boundaries, the district's designated number, and a date, time, and place for a public hearing on formation of the district. The hearing must be held at least 30 and no more than 90 days after adoption of the resolution, unless an emergency exists.

If the county legislative authority deems interests of the county or a section of the county will be benefited by creating or changing a district, it must record the decision in its minutes and designate district territory.

The county treasurer is the ex officio district treasurer, and the county assessor and other county officers must note formation of a district. District tax levies must be administered in the same manner as other levies. Revenue must be held in a special district fund and paid only on a warrant issued by the county auditor upon voucher approved by the board of county commissioners.

A district supervisor must be either the county commissioner representing the area, who is entitled to receive compensation as if the county commissioner were doing other county business, or another person designated by the county legislative authority, with compensation fixed by the county legislative authority.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill enables counties to levy the conservation futures property tax in limited geographical areas, less than countywide. Rather than being required to levy the tax countywide if they decide to impose it, counties should have the option this bill provides.

Persons Testifying: PRO: Senator Hargrove, prime sponsor; Matthew Randazzo, citizen.