
SUBSTITUTE HOUSE BILL 2567

State of Washington 62nd Legislature 2012 Regular Session

By House Local Government (originally sponsored by Representative Fitzgibbon)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to authorizing an optional system of rates and
2 charges for conservation districts; adding a new section to chapter
3 89.08 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 89.08 RCW
6 to read as follows:

7 (1) In order to implement the authority granted under this chapter,
8 and as an alternative, but not in addition to the system provided by
9 RCW 89.08.400, a conservation district may provide for revenues by
10 fixing rates and charges payable by the landowner for the furnishing of
11 service to those served or receiving benefits, or to be served or to
12 receive benefits, from the district. In fixing rates and charges, the
13 conservation district may, in its discretion, consider:

14 (a) Services furnished or to be furnished;

15 (b) Benefits received or to be received;

16 (c) The character and use of land or its water runoff
17 characteristics;

18 (d) The nonprofit public benefit status, as defined in RCW
19 24.03.490, of the land user;

1 (e) The income level of persons served or provided benefits under
2 this chapter, including senior citizens and disabled persons; and

3 (f) Any other matters which present a reasonable difference as a
4 ground for distinction.

5 (2) The maximum annual per acre rate or charge shall not exceed ten
6 cents per acre. The maximum annual per parcel rate may not exceed five
7 dollars, except that for counties with a population of more than one
8 million five hundred thousand persons, the maximum annual per parcel
9 rate may not exceed ten dollars.

10 (3) Public land, including lands owned or held by the state, shall
11 be subject to rates and charges to the same extent as privately owned
12 lands. The procedures provided in chapter 79.44 RCW shall be followed
13 if lands owned or held by the state are subject to the rates and
14 charges of a conservation district.

15 (4) Forest lands used solely for the planting, growing, or
16 harvesting of trees may be subject to rates and charges if such lands
17 are served by the activities of the conservation district. The per
18 acre rate or charge on these forest lands, however, may not exceed
19 one-tenth of the weighted average per acre rate or charge on all other
20 lands within the conservation district that are subject to rates and
21 charges. The calculation of the weighted average per acre shall be a
22 ratio calculated as follows: (a) The numerator shall be the total
23 amount of money estimated to be derived from the per acre special rates
24 and charges on the nonforest lands in the conservation district; and
25 (b) the denominator shall be the total number of nonforest land acres
26 in the conservation district that are served by the activities of the
27 conservation district and that are subject to the rates or charges of
28 the conservation district. No more than ten thousand acres of forest
29 lands that are both owned by the same person or entity and are located
30 in the same conservation district may be subject to the rates and
31 charges that are imposed for that conservation district in any year.
32 Per parcel charges may not be imposed on forest land parcels. However,
33 in lieu of a per parcel charge, a charge of up to three dollars per
34 forest landowner may be imposed on each owner of forest lands whose
35 forest lands are subject to a per acre rate or charge.

36 (5) The consideration, adoption, implementation, and collection of
37 a system of rates and charges shall follow the same public notice and

1 hearing process and be subject to the same procedure and authority of
2 RCW 89.08.400.

3 (6) In the resolution providing for a system of rates and charges,
4 or by separate resolution, the conservation district board of
5 supervisors shall establish rules providing for appeals and the board's
6 hearing of appeals regarding the application of the adopted system of
7 rates and charges to a parcel or parcels. Any appeal must be filed
8 with the conservation district no later than twenty-one days after the
9 system of rates and charges has been approved by the county legislative
10 authority. The decision of the board of supervisors regarding any
11 appeal shall be final and conclusive. Any appeal of the decision of
12 the board shall be to the superior court of the county in which the
13 district is located, and served and filed within twenty-one days of the
14 date of the board's written decision.

15 (7) A conservation district shall prepare a roll that implements
16 the system of rates and charges approved by the county legislative
17 authority. The rates and charges from the roll shall be spread by the
18 county assessor as a separate item on the tax rolls and shall be
19 collected and accounted for with property taxes by the county
20 treasurer. The amount of the rates and charges shall constitute a lien
21 against the land that shall be subject to the same conditions as a tax
22 lien, and collected by the treasurer in the same manner as delinquent
23 real property taxes. The interest rate on the amount of the rates and
24 charges shall be the lesser of an average of the federal short-term
25 rate as defined in 26 U.S.C. Sec. 1274(d) as it existed on the
26 effective date of this section, plus two percentage points or eight
27 percent. The rate set for each new year shall be computed by taking an
28 arithmetical average to the nearest percentage point of the federal
29 short-term rate, compounded annually. That average shall be calculated
30 using the rates from four months: January, April, and July of the
31 calendar year immediately preceding the new year, and October of the
32 previous preceding year. The county treasurer shall deduct an amount
33 from the collected rates and charges, as established by the county
34 legislative authority, to cover the costs incurred by the county
35 assessor and county treasurer in spreading and collecting the rates and
36 charges, but not to exceed the actual costs of the work. All remaining
37 funds collected under this section shall be transferred to the

1 conservation district and used by the conservation district in
2 accordance with this section.

3 NEW SECTION. **Sec. 2.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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