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**SUBSTITUTE SENATE BILL 6052**

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**State of Washington**

**63rd Legislature**

**2014 Regular Session**

**By Senate Ways & Means** (originally sponsored by Senators Honeyford, Hargrove, Schoesler, Sheldon, Brown, Rivers, Pearson, and Angel)

READ FIRST TIME 02/11/14.

1       AN ACT Relating to habitat and recreation land acquisitions;  
2 amending RCW 79.70.040 and 43.88.030; adding new sections to chapter  
3 77.12 RCW; adding new sections to chapter 43.30 RCW; adding new  
4 sections to chapter 79A.05 RCW; adding a new section to chapter 44.28  
5 RCW; and providing an expiration date.

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

7       NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW  
8 to read as follows:

9       (1) Prior to acquiring real property for purposes of wildlife  
10 areas, water access sites, or other habitat or recreation purposes  
11 after the effective date of this section, the department shall submit  
12 the following notification to the appropriate committees of the senate  
13 and house of representatives, the office of financial management, and  
14 the recreation and conservation office:

15       (a) A description of the purpose of the acquisition, intended use  
16 of the real property, a set of detailed and measurable goals for the  
17 land purchase, and a monitoring plan to track whether the land purchase  
18 is meeting the identified goals. The monitoring plan must include a

1 date, which may be no more than ten years from the date of acquisition,  
2 by which the property must meet the identified goals;

3 (b) Information on the anticipated ongoing and one-time actions and  
4 projects associated with the operation and maintenance of the real  
5 property, the anticipated and range of potential operating and capital  
6 costs associated with the operation and maintenance of that property,  
7 and the anticipated funding source for these operating and capital  
8 costs; and

9 (c) Information on the anticipated costs associated with the  
10 payment of amounts in lieu of real property taxes on the real property  
11 pursuant to the election and payments authorized under RCW 77.12.201,  
12 77.12.203, and 79A.15.120, if applicable, and the anticipated funding  
13 source for these costs.

14 (2)(a) By October 1st of each odd-numbered year, the department  
15 shall submit a consolidated postacquisition report to the appropriate  
16 committees of the senate and house of representatives, the office of  
17 financial management, and the recreation and conservation office that  
18 summarizes the actual use of the real property, results of  
19 postacquisition monitoring, actual operation and maintenance costs, and  
20 actual costs associated with the payment of amounts in lieu of real  
21 property taxes for each piece of property acquired by the department  
22 that was initially subject to the notification requirement of  
23 subsection (1) of this section.

24 (b) The department may submit a joint report in conjunction with  
25 the department of natural resources, the state parks and recreation  
26 commission, and the recreation and conservation office.

27 (3) The department shall, as expeditiously as is reasonably  
28 practicable, dispose of any piece of real property subject to the  
29 notification requirement of subsection (1) of this section under RCW  
30 77.12.210 if: (a) A preacquisition or postacquisition reporting  
31 requirement of this section for an acquisition has not been met within  
32 six months of the due date; or (b) the postacquisition monitoring  
33 indicates that the detailed and measurable goals for the real property  
34 have not been met by the date identified as required under subsection  
35 (1)(a) of this section.

36 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.30 RCW

1 under the subchapter heading "part 5 powers and duties--general" to  
2 read as follows:

3 (1) Prior to acquiring real property for purposes of a natural area  
4 preserve, natural resources conservation area, community forest trust,  
5 or other habitat or recreation purposes under chapters 79.70, 79.71,  
6 and 79.155 RCW or RCW 79A.15.120 after the effective date of this  
7 section, the department shall submit the following information to the  
8 appropriate committees of the senate and house of representatives, the  
9 office of financial management, and the recreation and conservation  
10 office:

11 (a) A description of the purpose of the acquisition, intended use  
12 of the real property, a set of detailed and measurable goals for the  
13 land purchase, and a monitoring plan to track whether the land purchase  
14 is meeting the identified goals. The monitoring plan must include a  
15 date, which may be no more than ten years from the date of acquisition,  
16 by which the property must meet the identified goals;

17 (b) Information on the anticipated ongoing and one-time actions and  
18 projects associated with the operation and maintenance of the real  
19 property, the anticipated and range of potential operating and capital  
20 costs associated with the operation and maintenance of that property,  
21 and the anticipated funding source for these operating and capital  
22 costs; and

23 (c) Information on the anticipated costs associated with the  
24 payment of amounts in lieu of real property taxes on the real property  
25 pursuant to the payments authorized under RCW 79.70.130, 79.71.130,  
26 79.155.140, and 79A.15.120, if applicable, and the anticipated funding  
27 source for these costs.

28 (2)(a) By October 1st of each odd-numbered year, the department  
29 shall submit a consolidated postacquisition report to the appropriate  
30 committees of the senate and house of representatives, the office of  
31 financial management, and the recreation and conservation office that  
32 summarizes the actual use of the real property, results of  
33 postacquisition monitoring, actual operation and maintenance costs, and  
34 actual costs associated with the payment of amounts in lieu of real  
35 property taxes for each piece of property acquired by the department  
36 that was initially subject to the notification requirement of  
37 subsection (1) of this section.

1 (b) The department may submit a joint report in conjunction with  
2 the department of fish and wildlife, the state parks and recreation  
3 commission, and the recreation and conservation office.

4 (3) The department shall, as expeditiously as is reasonably  
5 practicable, dispose of any piece of real property subject to the  
6 notification requirement of subsection (1) of this section if: (a) A  
7 preacquisition or postacquisition reporting requirement of this section  
8 for an acquisition has not been met within six months of the due date;  
9 or (b) the postacquisition monitoring indicates that the detailed and  
10 measurable goals for the real property have not been met by the date  
11 identified as required under subsection (1)(a) of this section.

12 **Sec. 3.** RCW 79.70.040 and 2004 c 199 s 228 are each amended to  
13 read as follows:

14 The department is further authorized to purchase, lease, set aside,  
15 or exchange any public lands which are deemed to be natural areas(~~(+  
16 PROVIDED, That)~~) where the appropriate state land trust receives the  
17 fair market value for any interests that are disposed of(~~(+  
18 FURTHER, That)~~) and such transactions are approved by the board of  
19 natural resources.

20 An area consisting of public land designated as a natural area  
21 preserve shall be held in trust and shall not be alienated except: To  
22 another public use upon a finding by the department of natural  
23 resources of imperative and unavoidable public necessity; or as  
24 required under section 2 of this act.

25 NEW SECTION. **Sec. 4.** A new section is added to chapter 79A.05 RCW  
26 to read as follows:

27 (1) Prior to acquiring real property after the effective date of  
28 this section, the commission shall submit the following information to  
29 the appropriate committees of the senate and house of representatives,  
30 the office of financial management, and the recreation and conservation  
31 office:

32 (a) A description of the purpose of the acquisition, intended use  
33 of the real property, a set of detailed and measurable goals for the  
34 land purchase, and a monitoring plan to track whether the land purchase  
35 is meeting the identified goals. The monitoring plan must include a

1 date, which may be no more than ten years from the date of acquisition,  
2 by which the property must meet the identified goals; and

3 (b) Information on the anticipated ongoing and one-time actions and  
4 projects associated with the operation and maintenance of the real  
5 property, the anticipated and range of potential operating and capital  
6 costs associated with the operation and maintenance of that property,  
7 and the anticipated funding source for these operating and capital  
8 costs.

9 (2)(a) By October 1st of each odd-numbered year, the commission  
10 shall submit a consolidated postacquisition report to the appropriate  
11 committees of the senate and house of representatives, the office of  
12 financial management, and the recreation and conservation office that  
13 summarizes the actual use of the real property, results of  
14 postacquisition monitoring, and actual operation and maintenance costs  
15 for each piece of property acquired by the commission that was  
16 initially subject to the notification requirement of subsection (1) of  
17 this section.

18 (b) The commission may submit a joint report in conjunction with  
19 the department of natural resources, the department of fish and  
20 wildlife, and the recreation and conservation office.

21 (3) The commission shall, as expeditiously as is reasonably  
22 practicable, dispose of any piece of real property subject to the  
23 notification requirement of subsection (1) of this section if: (a) A  
24 preacquisition or postacquisition reporting requirement of this section  
25 for an acquisition has not been met within six months of the due date;  
26 or (b) the postacquisition monitoring indicates that the detailed and  
27 measurable goals for the real property have not been met by the date  
28 identified as required under subsection (1)(a) of this section.

29 **Sec. 5.** RCW 43.88.030 and 2006 c 334 s 43 are each amended to read  
30 as follows:

31 (1) The director of financial management shall provide all agencies  
32 with a complete set of instructions for submitting biennial budget  
33 requests to the director at least three months before agency budget  
34 documents are due into the office of financial management. The budget  
35 document or documents shall consist of the governor's budget message  
36 which shall be explanatory of the budget and shall contain an outline  
37 of the proposed financial policies of the state for the ensuing fiscal

1 period, as well as an outline of the proposed six-year financial  
2 policies where applicable, and shall describe in connection therewith  
3 the important features of the budget. The biennial budget document or  
4 documents shall also describe performance indicators that demonstrate  
5 measurable progress towards priority results. The message shall set  
6 forth the reasons for salient changes from the previous fiscal period  
7 in expenditure and revenue items and shall explain any major changes in  
8 financial policy. Attached to the budget message shall be such  
9 supporting schedules, exhibits and other explanatory material in  
10 respect to both current operations and capital improvements as the  
11 governor shall deem to be useful to the legislature. The budget  
12 document or documents shall set forth a proposal for expenditures in  
13 the ensuing fiscal period, or six-year period where applicable, based  
14 upon the estimated revenues and caseloads as approved by the economic  
15 and revenue forecast council and caseload forecast council or upon the  
16 estimated revenues and caseloads of the office of financial management  
17 for those funds, accounts, sources, and programs for which the forecast  
18 councils do not prepare an official forecast. Revenues shall be  
19 estimated for such fiscal period from the source and at the rates  
20 existing by law at the time of submission of the budget document,  
21 including the supplemental budgets submitted in the even-numbered years  
22 of a biennium. However, the estimated revenues and caseloads for use  
23 in the governor's budget document may be adjusted to reflect budgetary  
24 revenue transfers and revenue and caseload estimates dependent upon  
25 budgetary assumptions of enrollments, workloads, and caseloads. All  
26 adjustments to the approved estimated revenues and caseloads must be  
27 set forth in the budget document. The governor may additionally  
28 submit, as an appendix to each supplemental, biennial, or six-year  
29 agency budget or to the budget document or documents, a proposal for  
30 expenditures in the ensuing fiscal period from revenue sources derived  
31 from proposed changes in existing statutes.

32 The budget document or documents shall also contain:

33 (a) Revenues classified by fund and source for the immediately past  
34 fiscal period, those received or anticipated for the current fiscal  
35 period, and those anticipated for the ensuing biennium;

36 (b) The undesignated fund balance or deficit, by fund;

37 (c) Such additional information dealing with expenditures,

1 revenues, workload, performance, and personnel as the legislature may  
2 direct by law or concurrent resolution;

3 (d) Such additional information dealing with revenues and  
4 expenditures as the governor shall deem pertinent and useful to the  
5 legislature;

6 (e) Tabulations showing expenditures classified by fund, function,  
7 and agency;

8 (f) The expenditures that include nonbudgeted, nonappropriated  
9 accounts outside the state treasury;

10 (g) Identification of all proposed direct expenditures to implement  
11 the Puget Sound water quality plan under chapter 90.71 RCW, shown by  
12 agency and in total; and

13 (h) Tabulations showing each postretirement adjustment by  
14 retirement system established after fiscal year 1991, to include, but  
15 not be limited to, estimated total payments made to the end of the  
16 previous biennial period, estimated payments for the present biennium,  
17 and estimated payments for the ensuing biennium.

18 (2) The budget document or documents shall include detailed  
19 estimates of all anticipated revenues applicable to proposed operating  
20 or capital expenditures and shall also include all proposed operating  
21 or capital expenditures. The total of beginning undesignated fund  
22 balance and estimated revenues less working capital and other reserves  
23 shall equal or exceed the total of proposed applicable expenditures.  
24 The budget document or documents shall further include:

25 (a) Interest, amortization and redemption charges on the state  
26 debt;

27 (b) Payments of all reliefs, judgments, and claims;

28 (c) Other statutory expenditures;

29 (d) Expenditures incident to the operation for each agency;

30 (e) Revenues derived from agency operations;

31 (f) Expenditures and revenues shall be given in comparative form  
32 showing those incurred or received for the immediately past fiscal  
33 period and those anticipated for the current biennium and next ensuing  
34 biennium;

35 (g) A showing and explanation of amounts of general fund and other  
36 funds obligations for debt service and any transfers of moneys that  
37 otherwise would have been available for appropriation;

38 (h) Common school expenditures on a fiscal-year basis;

1 (i) A showing, by agency, of the value and purpose of financing  
2 contracts for the lease/purchase or acquisition of personal or real  
3 property for the current and ensuing fiscal periods; and

4 (j) A showing and explanation of anticipated amounts of general  
5 fund and other funds required to amortize the unfunded actuarial  
6 accrued liability of the retirement system specified under chapter  
7 41.45 RCW, and the contributions to meet such amortization, stated in  
8 total dollars and as a level percentage of total compensation.

9 (3) The governor's operating budget document or documents shall  
10 reflect the statewide priorities as required by RCW 43.88.090.

11 (4) The governor's operating budget document or documents shall  
12 identify activities that are not addressing the statewide priorities.

13 (5) A separate capital budget document or schedule shall be  
14 submitted that will contain the following:

15 (a) A statement setting forth a long-range facilities plan for the  
16 state that identifies and includes the highest priority needs within  
17 affordable spending levels;

18 (b) A capital program consisting of proposed capital projects for  
19 the next biennium and the two biennia succeeding the next biennium  
20 consistent with the long-range facilities plan. Inasmuch as is  
21 practical, and recognizing emergent needs, the capital program shall  
22 reflect the priorities, projects, and spending levels proposed in  
23 previously submitted capital budget documents in order to provide a  
24 reliable long-range planning tool for the legislature and state  
25 agencies;

26 (c) A capital plan consisting of proposed capital spending for at  
27 least four biennia succeeding the next biennium;

28 (d) A strategic plan for reducing backlogs of maintenance and  
29 repair projects. The plan shall include a prioritized list of specific  
30 facility deficiencies and capital projects to address the deficiencies  
31 for each agency, cost estimates for each project, a schedule for  
32 completing projects over a reasonable period of time, and  
33 identification of normal maintenance activities to reduce future  
34 backlogs;

35 (e) A statement of the reason or purpose for a project;

36 (f) Verification that a project is consistent with the provisions  
37 set forth in chapter 36.70A RCW;



1 (g) A statement about the proposed site, size, and estimated life  
2 of the project, if applicable;

3 (h) Estimated total project cost;

4 (i) For major projects valued over five million dollars, estimated  
5 costs for the following project components: Acquisition, consultant  
6 services, construction, equipment, project management, and other costs  
7 included as part of the project. Project component costs shall be  
8 displayed in a standard format defined by the office of financial  
9 management to allow comparisons between projects;

10 (j) Estimated total project cost for each phase of the project as  
11 defined by the office of financial management;

12 (k) Estimated ensuing biennium costs;

13 (l) Estimated costs beyond the ensuing biennium;

14 (m) Estimated construction start and completion dates;

15 (n) Source and type of funds proposed;

16 (o) Estimated ongoing operating budget costs or savings resulting  
17 from the project, including staffing and maintenance costs;

18 (p) For any capital appropriation requested for a state agency for  
19 the acquisition of land or the capital improvement of land in which the  
20 primary purpose of the acquisition or improvement is recreation or  
21 ((wildlife)) habitat conservation, the capital budget document, or an  
22 omnibus list of recreation and habitat acquisitions provided with the  
23 governor's budget document, ((shall)) must identify:

24 (i) The projected costs of operation and maintenance for at least  
25 the two biennia succeeding the next biennium. Omnibus lists of habitat  
26 and recreation land acquisitions ((shall)) must include individual  
27 project cost estimates for operation and maintenance as well as a total  
28 for all state projects included in the list. The document ((shall))  
29 must identify the source of funds from which the operation and  
30 maintenance costs are proposed to be funded; and

31 (ii) For applicable land acquisitions, the anticipated biennial  
32 costs for payments of amounts in lieu of real property taxes authorized  
33 under RCW 77.12.203, 79.70.130, 79.71.130, 79.155.140, or 79A.15.120.  
34 The document must also identify a proposed nonstate general fund source  
35 to pay these costs, the projected availability of funds from the  
36 source, and agency efficiencies that will cover the anticipated costs  
37 if the funding is not provided or otherwise unavailable;

1 (q) Such other information bearing upon capital projects as the  
2 governor deems to be useful;

3 (r) Standard terms, including a standard and uniform definition of  
4 normal maintenance, for all capital projects; and

5 (s) Such other information as the legislature may direct by law or  
6 concurrent resolution.

7 For purposes of this subsection (5), the term "capital project"  
8 shall be defined subsequent to the analysis, findings, and  
9 recommendations of a joint committee comprised of representatives from  
10 the house capital appropriations committee, senate ways and means  
11 committee, legislative evaluation and accountability program committee,  
12 and office of financial management.

13 (6) No change affecting the comparability of agency or program  
14 information relating to expenditures, revenues, workload, performance  
15 and personnel shall be made in the format of any budget document or  
16 report presented to the legislature under this section or RCW  
17 43.88.160(1) relative to the format of the budget document or report  
18 which was presented to the previous regular session of the legislature  
19 during an odd-numbered year without prior legislative concurrence.  
20 Prior legislative concurrence shall consist of (a) a favorable majority  
21 vote on the proposal by the standing committees on ways and means of  
22 both houses if the legislature is in session or (b) a favorable  
23 majority vote on the proposal by members of the legislative evaluation  
24 and accountability program committee if the legislature is not in  
25 session.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW  
27 to read as follows:

28 (1) Prior to acquiring or developing real property, the department  
29 must review the proposed acquisition or development project with the  
30 city or county with jurisdiction. The department must endeavor to do  
31 so as soon as is practicable in the acquisition or development planning  
32 process.

33 (2) The department's review of a proposed project application with  
34 the city or county with jurisdiction under RCW 79A.15.110, if  
35 applicable, fulfills the requirements of this section.

1           NEW SECTION.   **Sec. 7.** A new section is added to chapter 43.30 RCW  
2 under the subchapter heading "part 5 powers and duties--general" to  
3 read as follows:

4           (1) Prior to acquiring or developing real property that is  
5 currently or to be managed as a natural area preserve under chapter  
6 79.70 RCW, natural resources conservation area under chapter 79.71 RCW,  
7 community forest trust under chapter 79.155 RCW, or for other habitat  
8 or recreation purposes, the department must review the proposed  
9 acquisition or development project with the city or county with  
10 jurisdiction. The department must endeavor to do so as soon as is  
11 practicable in the acquisition or development planning process.

12           (2) The department's review of a proposed project application with  
13 the city or county with jurisdiction under RCW 79A.15.110, if  
14 applicable, fulfills the requirements of this section.  
15

16           NEW SECTION.   **Sec. 8.** A new section is added to chapter 79A.05 RCW  
17 to read as follows:

18           (1) Prior to acquiring or developing real property, the commission  
19 must review the proposed acquisition or development project with the  
20 city or county with jurisdiction. The commission must endeavor to do  
21 so as soon as is practicable in the acquisition or development planning  
22 process.

23           (2) The commission's review of a proposed project application with  
24 the city or county with jurisdiction under RCW 79A.15.110, if  
25 applicable, fulfills the requirements of this section.

26           NEW SECTION.   **Sec. 9.** A new section is added to chapter 44.28 RCW  
27 to read as follows:

28           (1) The joint committee shall conduct a study of the department of  
29 fish and wildlife, the department of natural resources, and the state  
30 parks and recreation commission regarding implementation of  
31 chapter . . . , Laws of 2014 (this act). The purpose of the study is to  
32 evaluate agency compliance in implementing the requirements of  
33 chapter . . . , Laws of 2014 (this act) including reporting  
34 requirements, development of measurable goals for certain property  
35 acquisitions, and postacquisition monitoring. The joint committee must

1 provide the final study to the appropriate committees of the senate and  
2 house of representatives by December 1, 2018.

3 (2) This section expires December 31, 2019.

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