
SENATE BILL 6052

State of Washington

63rd Legislature

2014 Regular Session

By Senators Honeyford, Hargrove, Schoesler, Sheldon, Brown, Rivers, Pearson, and Angel

Read first time 01/15/14. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to habitat and recreation land acquisitions;
2 amending RCW 79.70.040 and 43.88.030; adding a new section to chapter
3 77.12 RCW; adding a new section to chapter 43.30 RCW; adding a new
4 section 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;

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

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

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

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

25 (3) The department shall dispose of any piece of real property
26 subject to the notification requirement of subsection (1) of this
27 section under RCW 77.12.210 if: (a) The preacquisition or
28 postacquisition reporting requirements of this section are not met for
29 the real property, with the disposal occurring within one year of the
30 date of acquisition or missed reporting deadline under this section,
31 whichever is later; or (b) the postacquisition monitoring indicates
32 that the detailed and measurable goals for the real property have not
33 been met for three consecutive postacquisition reporting periods under
34 subsection (2) of this section, with the disposal occurring within one
35 year of the due date of that third consecutive postacquisition report.

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;

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

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

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

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

1 (3) The department shall dispose of any piece of real property
2 subject to the notification requirement of subsection (1) of this
3 section if: (a) The preacquisition or postacquisition reporting
4 requirements of this section are not met for the real property, with
5 the disposal occurring within one year of the date of acquisition or
6 missed reporting deadline under this section, whichever is later; or
7 (b) the postacquisition monitoring indicates that the detailed and
8 measurable goals for the real property have not been met for three
9 consecutive postacquisition reporting periods under subsection (2) of
10 this section, with the disposal occurring within one year of the due
11 date of that third consecutive postacquisition report.

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; and

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

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

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

19 (3) The commission shall dispose of any piece of real property
20 subject to the notification requirement of subsection (1) of this
21 section if: (a) The preacquisition or postacquisition reporting
22 requirements of this section are not met for the real property, with
23 the disposal occurring within one year of the date of acquisition or
24 missed reporting deadline under this section, whichever is later; or
25 (b) the postacquisition monitoring indicates that the detailed and
26 measurable goals for the real property have not been met for three
27 consecutive postacquisition reporting periods under subsection (2) of
28 this section, with the disposal occurring within one year of the due
29 date of that third consecutive postacquisition report.

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

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

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

33 The budget document or documents shall also contain:

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

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

1 (c) Such additional information dealing with expenditures,
2 revenues, workload, performance, and personnel as the legislature may
3 direct by law or concurrent resolution;

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

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

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

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

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

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

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

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

29 (c) Other statutory expenditures;

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

31 (e) Revenues derived from agency operations;

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (f) Verification that a project is consistent with the provisions
38 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 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
36 provide the final study to the appropriate committees of the senate and

- 1 house of representatives by December 1, 2018.
- 2 (2) This section expires December 31, 2019.

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