

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2567

62nd Legislature
2012 Regular Session

Passed by the House March 5, 2012
Yeas 90 Nays 8

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 45 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2567** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2567

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

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) Any county legislative authority may approve by resolution
8 revenues to a conservation district by fixing rates and charges. The
9 county legislative authority may provide for this system of rates and
10 charges as an alternative to, but not in addition to, a special
11 assessment provided by RCW 89.08.400. In fixing rates and charges, the
12 county legislative authority may in its discretion consider the
13 information proposed to the county legislative authority by a
14 conservation district consistent with this section.

15 (2) A conservation district, in proposing a system of rates and
16 charges, may consider:

17 (a) Services furnished, to be furnished, or available to the
18 landowner;

1 (b) Benefits received, to be received, or available to the
2 property;

3 (c) The character and use of land;

4 (d) The nonprofit public benefit status, as defined in RCW
5 24.03.490, of the land user;

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

8 (f) Any other matters that present a reasonable difference as a
9 ground for distinction.

10 (3)(a) The system of rates and charges may include an annual per
11 acre amount, an annual per parcel amount, or an annual per parcel
12 amount plus an annual per acre amount. If included in the system of
13 rates and charges, the maximum annual per acre rate or charge shall not
14 exceed ten cents per acre. The maximum annual per parcel rate shall
15 not exceed five dollars, except that for counties with a population of
16 over one million five hundred thousand persons, the maximum annual per
17 parcel rate shall not exceed ten dollars.

18 (b) Public land, including lands owned or held by the state, shall
19 be subject to rates and charges to the same extent as privately owned
20 lands. The procedures provided in chapter 79.44 RCW shall be followed
21 if lands owned or held by the state are subject to the rates and
22 charges of a conservation district.

23 (c) Forest lands used solely for the planting, growing, or
24 harvesting of trees may be subject to rates and charges if such lands
25 are served by the activities of the conservation district. However, if
26 the system of rates and charges includes an annual per acre amount or
27 an annual per parcel amount plus an annual per acre amount, the per
28 acre rate or charge on such forest lands shall not exceed one-tenth of
29 the weighted average per acre rate or charge on all other lands within
30 the conservation district that are subject to rates and charges. The
31 calculation of the weighted average per acre shall be a ratio
32 calculated as follows: (i) The numerator shall be the total amount of
33 money estimated to be derived from the per acre special rates and
34 charges on the nonforest lands in the conservation district; and (ii)
35 the denominator shall be the total number of nonforest land acres in
36 the conservation district that are served by the activities of the
37 conservation district and that are subject to the rates or charges of
38 the conservation district. No more than ten thousand acres of such

1 forest lands that is both owned by the same person or entity and is
2 located in the same conservation district may be subject to the rates
3 and charges that are imposed for that conservation district in any
4 year. Per parcel charges shall not be imposed on forest land parcels.
5 However, in lieu of a per parcel charge, a charge of up to three
6 dollars per forest landowner may be imposed on each owner of forest
7 lands whose forest lands are subject to a per acre rate or charge.

8 (4) The consideration, development, adoption, and implementation of
9 a system of rates and charges shall follow the same public notice and
10 hearing process and be subject to the same procedure and authority of
11 RCW 89.08.400(2).

12 (5)(a) Following the adoption of a system of rates and charges, the
13 conservation district board of supervisors shall establish by
14 resolution a process providing for landowner appeals of the individual
15 rates and charges as applicable to a parcel or parcels.

16 (b) Any appeal must be filed by the landowner with the conservation
17 district no later than twenty-one days after the date property taxes
18 are due. The decision of the board of supervisors regarding any appeal
19 shall be final and conclusive.

20 (c) Any appeal of the decision of the board shall be to the
21 superior court of the county in which the district is located, and
22 served and filed within twenty-one days of the date of the board's
23 written decision.

24 (6) A conservation district shall prepare a roll that implements
25 the system of rates and charges approved by the county legislative
26 authority. The rates and charges from the roll shall be spread by the
27 county assessor as a separate item on the tax rolls and shall be
28 collected and accounted for with property taxes by the county
29 treasurer. The amount of the rates and charges shall constitute a lien
30 against the land that shall be subject to the same conditions as a tax
31 lien, and collected by the treasurer in the same manner as delinquent
32 real property taxes, and subject to the same interest and penalty as
33 for delinquent property taxes. The county treasurer shall deduct an
34 amount from the collected rates and charges, as established by the
35 county legislative authority, to cover the costs incurred by the county
36 assessor and county treasurer in spreading and collecting the rates and
37 charges, but not to exceed the actual costs of such work. All

1 remaining funds collected under this section shall be transferred to
2 the conservation district and used by the conservation district in
3 accordance with this section.

4 (7) The rates and charges for a conservation district shall not be
5 spread on the tax rolls and shall not be allocated with property tax
6 collections in the following year if, after the system of rates and
7 charges has been approved by the county legislative authority but
8 before the fifteenth day of December in that year, a petition has been
9 filed with the county legislative authority objecting to the imposition
10 of such rates and charges, which petition has been signed by at least
11 twenty percent of the owners of land that would be subject to the rate
12 or charge to be imposed for a conservation district.

13 NEW SECTION. **Sec. 2.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

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