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**SENATE BILL 5862**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Morton, A. Anderson, Prince, Moyer, Hochstatter, Strannigan, McCaslin, Schow, Deccio and Palmer

Read first time 02/10/95. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to the acquisition of habitat conservation and  
2 outdoor recreation lands; amending RCW 43.98A.030, 43.98A.040, and  
3 43.98A.050; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** It is the purpose of this act to establish  
6 a moratorium on the acquisition of lands by state and local agencies  
7 through the Washington wildlife and recreation program.

8 **Sec. 2.** RCW 43.98A.030 and 1990 1st ex.s. c 14 s 4 are each  
9 amended to read as follows:

10 (1) Moneys appropriated for this chapter shall be divided equally  
11 between the habitat conservation and outdoor recreation accounts and  
12 shall be used exclusively for the purposes specified in this chapter.

13 (2) Moneys deposited in these accounts shall be invested as  
14 authorized for other state funds, and any earnings on them shall be  
15 credited to the respective account.

16 (3) All moneys deposited in the habitat conservation and outdoor  
17 recreation accounts shall be allocated under RCW 43.98A.040 and  
18 43.98A.050 as grants to state or local agencies for acquisition,

1 development, and renovation within the jurisdiction of those agencies,  
2 subject to legislative appropriation: PROVIDED, That prior to July 1,  
3 1997, no moneys may be spent to acquire land unless a specific purchase  
4 contract with the landowner has been signed and is in effect on the  
5 effective date of this act. The committee may use or permit the use of  
6 any funds appropriated for this chapter as matching funds where  
7 federal, local, or other funds are made available for projects within  
8 the purposes of this chapter.

9 (4) Projects receiving grants under this chapter that are developed  
10 or otherwise accessible for public recreational uses shall be available  
11 to the public on a nondiscriminatory basis.

12 (5) The committee may make grants to an eligible project from both  
13 the habitat conservation and outdoor recreation accounts and any one or  
14 more of the applicable categories under such accounts described in RCW  
15 43.98A.040 and 43.98A.050.

16 **Sec. 3.** RCW 43.98A.040 and 1990 1st ex.s. c 14 s 5 are each  
17 amended to read as follows:

18 (1) Except as provided in subsection (5) of this section, moneys  
19 appropriated for this chapter to the habitat conservation account shall  
20 be distributed in the following way:

21 (a) Not less than thirty-five percent for the acquisition and  
22 development of critical habitat;

23 (b) Not less than twenty percent for the acquisition and  
24 development of natural areas;

25 (c) Not less than fifteen percent for the acquisition and  
26 development of urban wildlife habitat; and

27 (d) The remaining amount shall be considered unallocated and shall  
28 be used by the committee to fund high priority acquisition and  
29 development needs for critical habitat, natural areas, and urban  
30 wildlife habitat.

31 (2) In distributing these funds, the committee retains discretion  
32 to meet the most pressing needs for critical habitat, natural areas,  
33 and urban wildlife habitat, and is not required to meet the percentages  
34 described in subsection (1) of this section in any one biennium.

35 (3) Only state agencies may apply for acquisition and development  
36 funds for critical habitat and natural areas projects under subsection  
37 (1) (a), (b), and (d) of this section.

1 (4) State and local agencies may apply for acquisition and  
2 development funds for urban wildlife habitat projects under subsection  
3 (1) (c) and (d) of this section.

4 (5) Until July 1, 1997, no moneys appropriated for this chapter to  
5 the habitat conservation account may be used to acquire land unless a  
6 specific purchase contract with the landowner has been signed and is in  
7 effect on the effective date of this act.

8 **Sec. 4.** RCW 43.98A.050 and 1990 1st ex.s. c 14 s 6 are each  
9 amended to read as follows:

10 (1) Except as provided under subsection (6) of this section, moneys  
11 appropriated for this chapter to the outdoor recreation account shall  
12 be distributed in the following way:

13 (a) Not less than twenty-five percent to the state parks and  
14 recreation commission for the acquisition and development of state  
15 parks, with at least seventy-five percent of this money for acquisition  
16 costs;

17 (b) Not less than twenty-five percent for the acquisition,  
18 development, and renovation of local parks, with at least fifty percent  
19 of this money for acquisition costs;

20 (c) Not less than fifteen percent for the acquisition and  
21 development of trails;

22 (d) Not less than ten percent for the acquisition and development  
23 of water access sites, with at least seventy-five percent of this money  
24 for acquisition costs; and

25 (e) The remaining amount shall be considered unallocated and shall  
26 be distributed by the committee to state and local agencies to fund  
27 high priority acquisition and development needs for parks, trails, and  
28 water access sites.

29 (2) In distributing these funds, the committee retains discretion  
30 to meet the most pressing needs for state and local parks, trails, and  
31 water access sites, and is not required to meet the percentages  
32 described in subsection (1) of this section in any one biennium.

33 (3) Only local agencies may apply for acquisition, development, or  
34 renovation funds for local parks under subsection (1)(b) of this  
35 section.

36 (4) State and local agencies may apply for funds for trails under  
37 subsection (1)(c) of this section.

1 (5) State and local agencies may apply for funds for water access  
2 sites under subsection (1)(d) of this section.

3 (6) Until July 1, 1997, no moneys appropriated for this chapter to  
4 the outdoor recreation account may be used to acquire land unless a  
5 specific purchase contract with the landowner has been signed and is in  
6 effect on the effective date of this act.

7 NEW SECTION. **Sec. 5.** 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 shall take  
10 effect immediately.

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