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SENATE BILL 6203

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State of Washington

54th Legislature

1996 Regular Session

By Senators Haugen, Winsley and Fraser

Read first time 01/09/96. Referred to Committee on Government Operations.

1 AN ACT Relating to acquiring and maintaining conservation areas;  
2 amending RCW 82.46.070; adding a new section to chapter 82.45 RCW;  
3 adding a new section to chapter 43.99 RCW; and providing for submission  
4 of this act to a vote of the people.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.45 RCW  
7 to read as follows:

8 (1) An additional excise tax is imposed beginning January 1, 1997,  
9 on each sale of real property in the state at a rate of one-half of one  
10 percent of the selling price. The proceeds of the tax shall be used  
11 exclusively for the acquisition of a less than fee simple interest in  
12 conservation areas and maintenance of conservation areas by state  
13 agencies or counties.

14 The tax must be imposed and collected in the same manner and under  
15 the same conditions as the tax under RCW 82.45.060 is imposed and  
16 collected, except that the additional tax does not apply to the  
17 acquisition of an interest in conservation areas by the state or a  
18 county, city, town, or park district.

1 (2) The treasurer of each county shall distribute the receipts from  
2 the additional tax imposed under this section to the state treasurer  
3 who shall place the moneys into the conservation lands account created  
4 under section 2 of this act.

5 (3) As used in this section, "conservation area" has the meaning  
6 given under RCW 36.32.570.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.99 RCW  
8 to read as follows:

9 The conservation lands account is created in the state treasury.  
10 Moneys received by the state treasurer from collections of the  
11 additional excise tax on real estate sales, authorized under section 1  
12 of this act, shall be deposited into the conservation lands account and  
13 may be spent only after appropriation. Expenditures from the account  
14 may be used by the interagency committee for outdoor recreation only  
15 for preparing a conservation areas plan and administering and awarding  
16 grants to state agencies or counties to acquire less than fee simple  
17 interests in conservation areas, as defined in RCW 36.32.570, except  
18 that not more than one percent of amounts administered by the committee  
19 may be used for planning and program administration. If sufficient  
20 eligible applications are received from counties, at least fifty  
21 percent of the funds shall be expended as grants to counties.

22 In cooperation with other state agencies, the interagency committee  
23 for outdoor recreation shall adopt and periodically update a plan  
24 identifying conservation areas in which the state is to acquire  
25 interests, and shall award grants for the acquisition of interests in  
26 these identified conservation areas to state agencies, including, but  
27 not limited to, the department of fish and wildlife, the department of  
28 natural resources, and the state parks and recreation commission. The  
29 first priority for these expenditures shall be to acquire interests in  
30 conservation areas that are wetlands or agricultural lands.

31 In addition, the interagency committee for outdoor recreation shall  
32 adopt and periodically update criteria for the awarding of grants to  
33 counties. To be eligible for a grant, the county legislative authority  
34 must have imposed and be collecting to the maximum extent under law the  
35 conservation tax under RCW 84.34.230 and must have adopted a plan for  
36 the expenditure of the grant proceeds. The plan shall be periodically  
37 updated. Prior to the adoption or alteration of this plan, the elected  
38 officials of cities and towns located within the county shall be

1 consulted and a public hearing shall be held to obtain public input.  
2 The first priority for these plans must be the acquisition of interests  
3 in conservation areas that are wetlands or agricultural lands. The  
4 proceeds of the grant must be expended in conformance with this plan.

5 Before November 1 of each year, the committee shall develop and  
6 submit to the chairs of the ways and means committees of the senate and  
7 house of representatives a description of the grants made under this  
8 section during the preceding fiscal year and a prioritized list of  
9 acquisitions that are recommended for funding by the legislature,  
10 including one copy to the staff of each of the committees. The list  
11 shall include, but not be limited to, a description of each  
12 acquisition, the terms and conditions of the grant, the state agency or  
13 local government jurisdiction, demonstration of the agency's or local  
14 jurisdiction's need for the acquisition and documentation of local  
15 conservation taxes being used to finance the acquisition. The  
16 legislature may remove acquisitions from the list recommended by the  
17 committee. The legislature shall not change the order of the  
18 priorities recommended for funding by the committee.

19 The interagency committee for outdoor recreation shall coordinate  
20 its efforts with counties that are acquiring and maintaining  
21 conservation areas under this section.

22 **Sec. 3.** RCW 82.46.070 and 1990 1st ex.s. c 5 s 3 are each amended  
23 to read as follows:

24 (1) Subject to subsection (2) of this section, the legislative  
25 authority of any county may impose an additional excise tax on each  
26 sale of real property in the county at a rate not to exceed one percent  
27 of the selling price. The proceeds of the tax shall be used  
28 exclusively for the acquisition and maintenance of conservation areas.

29 The taxes imposed under this subsection shall be imposed in the  
30 same manner and on the same occurrences, and are subject to the same  
31 conditions, as the taxes under chapter 82.45 RCW, except((÷

32 ~~(a) The tax shall be the obligation of the purchaser; and~~  
33 ~~(b))~~) the tax does not apply to the acquisition of conservation  
34 areas by the county.

35 The county may enforce the obligation through an action of debt  
36 against the purchaser or may foreclose the lien on the property in the  
37 same manner prescribed for the foreclosure of mortgages.

1 The tax shall take effect thirty days after the election at which  
2 the taxes are authorized.

3 (2) No tax may be imposed under subsection (1) of this section  
4 unless approved by a majority of the voters of the county voting  
5 thereon for a specified period and maximum rate after:

6 (a) The adoption of a resolution by the county legislative  
7 authority of the county proposing this action; or

8 (b) The filing of a petition proposing this action with the county  
9 auditor, which petition is signed by county voters at least equal in  
10 number to ten percent of the total number of voters in the county who  
11 voted at the last preceding general election.

12 The ballot proposition shall be submitted to the voters of the  
13 county at the next general election occurring at least sixty days after  
14 a petition is filed, or at any special election prior to this general  
15 election that has been called for such purpose by the county  
16 legislative authority.

17 (3) A plan for the expenditure of the excise tax proceeds shall be  
18 prepared by the county legislative authority at least sixty days before  
19 the election if the proposal is initiated by resolution of the county  
20 legislative authority, or within six months after the tax has been  
21 authorized by the voters if the proposal is initiated by petition.  
22 Prior to the adoption of this plan, the elected officials of cities  
23 located within the county shall be consulted and a public hearing shall  
24 be held to obtain public input. The proceeds of this excise tax must  
25 be expended in conformance with this plan.

26 (4) As used in this section, "conservation area" has the meaning  
27 given under RCW 36.32.570.

28 (5) This section shall apply only to counties that have imposed the  
29 tax authorized by this section before January 1, 1996.

30 NEW SECTION. **Sec. 4.** This act shall be submitted to the people  
31 for their adoption and ratification, or rejection, at the next  
32 succeeding general election to be held in the state, in accordance with  
33 Article II, section 1 of the state Constitution, as amended, and the  
34 laws enacted to facilitate the operation thereof.

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