
SENATE BILL 6734

State of Washington

54th Legislature

1996 Regular Session

By Senators Strannigan, Fraser, Swecker, Spanel, Winsley, Long and Haugen

Read first time 01/29/96. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to gifts of land for public recreation and
2 conservation uses; and amending RCW 43.98A.005, 43.98A.040, 43.98A.050,
3 43.98A.070, and 43.98A.080.

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

5 **Sec. 1.** RCW 43.98A.005 and 1990 1st ex.s. c 14 s 1 are each
6 amended to read as follows:

7 The legislature finds:

8 (1) That Washington possesses an abundance of natural wealth in the
9 form of forests, mountains, wildlife, waters, and other natural
10 resources, all of which help to provide an unparalleled diversity of
11 outdoor recreation opportunities and a quality of life unmatched in
12 this nation;

13 (2) That as the state's population grows, the demand on these
14 resources is growing too, placing greater stress on today's already
15 overcrowded public recreational lands and facilities, and resulting in
16 a significant loss of wildlife habitat and lands of unique natural
17 value;

18 (3) That public acquisition and development programs have not kept
19 pace with the state's expanding population;

1 (4) That private investment and employment opportunities in general
2 and the tourist industry in particular are dependent upon the continued
3 availability of recreational opportunities and our state's unique
4 natural environment;

5 (5) That if current trends continue, some wildlife species and rare
6 ecosystems will be lost in the state forever and public recreational
7 lands will not be adequate to meet public demands;

8 (6) That there is accordingly a need for the people of the state to
9 reserve certain areas of the state, in rural as well as urban settings,
10 for the benefit of present and future generations;

11 (7) That there is a lack of inducement for citizens to provide
12 gifts of habitat and recreation lands for public enjoyment and the
13 preservation of natural resources.

14 It is therefore the policy of the state to acquire as soon as
15 possible the most significant lands for wildlife conservation and
16 outdoor recreation purposes before they are converted to other uses,
17 and to develop existing public recreational land and facilities to meet
18 the needs of present and future generations.

19 **Sec. 2.** RCW 43.98A.040 and 1990 1st ex.s. c 14 s 5 are each
20 amended to read as follows:

21 (1) Moneys appropriated for this chapter to the habitat
22 conservation account shall be distributed in the following way:

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

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

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

29 (d) The remaining amount shall be considered unallocated and shall
30 be used by the committee to fund high priority acquisition and
31 development needs for critical habitat, natural areas, and urban
32 wildlife habitat. High priority acquisition needs may include payment
33 of transfer costs, including legal fees, compensating taxes, and
34 property tax payments due for gifts of lands to state or local
35 entities.

36 (2) In distributing these funds, the committee retains discretion
37 to meet the most pressing needs for critical habitat, natural areas,

1 and urban wildlife habitat, and is not required to meet the percentages
2 described in subsection (1) of this section in any one biennium.

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

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

9 **Sec. 3.** RCW 43.98A.050 and 1990 1st ex.s. c 14 s 6 are each
10 amended to read as follows:

11 (1) Moneys appropriated for this chapter to the outdoor recreation
12 account shall 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. High priority acquisition needs may include
29 payment of transfer costs, including legal fees, compensating taxes,
30 and property tax payments due for gifts of lands to state and local
31 entities.

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

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

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

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

5 **Sec. 4.** RCW 43.98A.070 and 1990 1st ex.s. c 14 s 8 are each
6 amended to read as follows:

7 (1) In determining which state parks proposals and local parks
8 proposals to fund, the committee shall use existing policies and
9 priorities.

10 (2) Moneys appropriated for this chapter may not be used by the
11 committee to fund additional staff or other overhead expenses, or by a
12 state, regional, or local agency to fund operation and maintenance of
13 areas acquired under this chapter.

14 (3) Moneys appropriated for this chapter may be used for costs
15 incidental to acquisition, including, but not limited to, surveying
16 expenses, fencing, and signing, and legal fees, compensating taxes, and
17 property tax payments due for gifts of lands to state or local
18 entities.

19 (4) The committee may not approve a project of a local agency where
20 the share contributed by the local agency is less than the amount to be
21 awarded from the outdoor recreation account.

22 (5) The committee may adopt rules establishing acquisition policies
23 and priorities for the acquisition and development of trails and water
24 access sites to be financed from moneys in the outdoor recreation
25 account.

26 (6) In determining the acquisition and development priorities, the
27 committee shall consider, at a minimum, the following criteria:

28 (a) For trails proposals:

29 (i) Community support;

30 (ii) Immediacy of threat to the site;

31 (iii) Linkage between communities;

32 (iv) Linkage between trails;

33 (v) Existing or potential usage;

34 (vi) Consistency with an existing local land use plan or a regional
35 or state-wide recreational or resource plan;

36 (vii) Availability of water access or views;

37 (viii) Enhancement of wildlife habitat; and

38 (ix) Scenic values of the site.

- 1 (b) For water access proposals:
2 (i) Community support;
3 (ii) Distance from similar water access opportunities;
4 (iii) Immediacy of threat to the site;
5 (iv) Diversity of possible recreational uses; and
6 (v) Public demand in the area.

7 (7) Before October 1st of each even-numbered year, the committee
8 shall recommend to the governor a prioritized list of state agency
9 projects to be funded under RCW 43.98A.050(1) (a), (c), and (d). The
10 governor may remove projects from the list recommended by the committee
11 and shall submit this amended list in the capital budget request to the
12 legislature. The list shall include, but not be limited to, a
13 description of each project; and shall describe for each project any
14 anticipated restrictions upon recreational activities allowed prior to
15 the project.

16 (8) Before October 1st of each year, the committee shall recommend
17 to the governor a prioritized list of all local projects to be funded
18 under RCW 43.98A.050(1) (b), (c), and (d) of this act. The governor
19 may remove projects from the list recommended by the committee and
20 shall submit this amended list in the capital budget request to the
21 legislature. The list shall include, but not be limited to, a
22 description of each project and any particular match requirement, and
23 describe for each project any anticipated restrictions upon
24 recreational activities allowed prior to the project.

25 (9) The committee shall give priority consideration to gifts of
26 lands that meet the general criteria for acquisition.

27 (10) Each fiscal year, not less than one hundred thousand dollars
28 designated for each of the unallocated categories under RCW
29 43.98A.040(1)(d) and 43.98A.050(1)(e) shall remain in reserve for
30 payment of legal fees, compensating taxes, and property tax payments
31 due for gifts of lands to state or local entities.

32 **Sec. 5.** RCW 43.98A.080 and 1990 1st ex.s. c 14 s 9 are each
33 amended to read as follows:

34 The committee shall not sign contracts or otherwise financially
35 obligate funds from the habitat conservation account or the outdoor
36 recreation account as provided in this chapter before the legislature
37 has appropriated funds for a specific list of projects, except that the
38 committee may obligate funds for high priority needs, which include

1 payment of legal fees, compensating taxes, and property tax payments
2 due for gifts of lands to state or local entities for projects not
3 included in lists authorized by the legislature if such gifts of lands
4 meet the general acquisition priorities of the program. The
5 legislature may remove projects from the list recommended by the
6 governor.

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