

ESSB 5396 - H COMM AMD
By Committee on Capital Budget

ADOPTED AS AMENDED 04/14/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 79A.15.010 and 1990 1st ex.s. c 14 s 2 are each
4 amended to read as follows:

5 The definitions set forth in this section apply throughout this
6 chapter.

7 (1) "Acquisition" means the purchase on a willing seller basis of
8 fee or less than fee interests in real property. These interests
9 include, but are not limited to, options, rights of first refusal,
10 conservation easements, leases, and mineral rights.

11 (2) "Committee" means the interagency committee for outdoor
12 recreation.

13 (3) "Critical habitat" means lands important for the protection,
14 management, or public enjoyment of certain wildlife species or groups
15 of species, including, but not limited to, wintering range for deer,
16 elk, and other species, waterfowl and upland bird habitat, fish
17 habitat, and habitat for endangered, threatened, or sensitive species.

18 (4) "Farmlands" means any land defined as "farm and agricultural
19 land" in RCW 84.34.020(2).

20 (5) "Local agencies" means a city, county, town, federally
21 recognized Indian tribe, special purpose district, port district, or
22 other political subdivision of the state providing services to less
23 than the entire state.

24 (~~(5)~~) (6) "Natural areas" means areas that have, to a significant
25 degree, retained their natural character and are important in
26 preserving rare or vanishing flora, fauna, geological, natural
27 historical, or similar features of scientific or educational value.

28 (~~(6)~~) (7) "Riparian habitat" means land adjacent to water bodies,
29 as well as submerged land such as streambeds, which can provide

1 functional habitat for salmonids and other fish and wildlife species.
2 Riparian habitat includes, but is not limited to, shorelines and near-
3 shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

4 (8) "Special needs populations" means physically restricted people
5 or people of limited means.

6 ((+7)) (9) "State agencies" means the state parks and recreation
7 commission, the department of natural resources, the department of
8 general administration, and the department of fish and wildlife.

9 (10) "Trails" means public ways constructed for and open to
10 pedestrians, equestrians, or bicyclists, or any combination thereof,
11 other than a sidewalk constructed as a part of a city street or county
12 road for exclusive use of pedestrians.

13 ((+8)) (11) "Urban wildlife habitat" means lands that provide
14 habitat important to wildlife in proximity to a metropolitan area.

15 ((+9)) (12) "Water access" means boat or foot access to marine
16 waters, lakes, rivers, or streams.

17 **Sec. 2.** RCW 79A.15.030 and 2000 c 11 s 66 are each amended to read
18 as follows:

19 (1) Moneys appropriated for this chapter shall be divided ((equally
20 between the habitat conservation and outdoor recreation accounts and
21 shall be used exclusively for the purposes specified in this chapter))
22 as follows:

23 (a) Appropriations for a biennium of forty million dollars or less
24 must be allocated equally between the habitat conservation account and
25 the outdoor recreation account.

26 (b) If appropriations for a biennium total more than forty million
27 dollars, the money must be allocated as follows: (i) Twenty million
28 dollars to the habitat conservation account and twenty million dollars
29 to the outdoor recreation account; (ii) any amount over forty million
30 dollars up to fifty million dollars shall be allocated as follows: (A)
31 Ten percent to the habitat conservation account; (B) ten percent to the
32 outdoor recreation account; (C) forty percent to the riparian
33 protection account; and (D) forty percent to the farmlands preservation
34 account; and (iii) any amounts over fifty million dollars must be
35 allocated as follows: (A) Thirty percent to the habitat conservation
36 account; (B) thirty percent to the outdoor recreation account; (C)

1 thirty percent to the riparian protection account; and (D) ten percent
2 to the farmlands preservation account.

3 (2) Except as otherwise provided in this act, moneys deposited in
4 these accounts shall be invested as authorized for other state funds,
5 and any earnings on them shall be credited to the respective account.

6 (3) All moneys deposited in the habitat conservation ((and)),
7 outdoor recreation, riparian protection, and farmlands preservation
8 accounts shall be allocated as provided under RCW 79A.15.040 ((and)),
9 79A.15.050, and sections 6 and 7 of this act as grants to state or
10 local agencies for acquisition, development, and renovation within the
11 jurisdiction of those agencies, subject to legislative appropriation.
12 The committee may use or permit the use of any funds appropriated for
13 this chapter as matching funds where federal, local, or other funds are
14 made available for projects within the purposes of this chapter.
15 Moneys appropriated to these accounts that are not obligated to a
16 specific project may be used to fund projects from lists of alternate
17 projects from the same account in biennia succeeding the biennium in
18 which the moneys were originally appropriated.

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

22 (5) The committee may make grants to an eligible project from
23 ((both)) the habitat conservation ((and)), outdoor recreation, riparian
24 protection, and farmlands preservation accounts and any one or more of
25 the applicable categories under such accounts described in RCW
26 79A.15.040 ((and)), 79A.15.050, and sections 6 and 7 of this act.

27 (6) The committee may accept private donations to the habitat
28 conservation account, the outdoor recreation account, the riparian
29 protection account, and the farmlands preservation account for the
30 purposes specified in this chapter.

31 (7) The committee may apply up to three percent of the funds
32 appropriated for this chapter for the administration of the programs
33 and purposes specified in this chapter.

34 (8) Habitat and recreation land and facilities acquired or
35 developed with moneys appropriated for this chapter may not, without
36 prior approval of the committee, be converted to a use other than that
37 for which funds were originally approved. The committee shall adopt
38 rules and procedures governing the approval of such a conversion.

1 **Sec. 3.** RCW 79A.15.040 and 1999 c 379 s 917 are each amended to
2 read as follows:

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

5 (a) Not less than (~~thirty-five~~) forty percent through June 30,
6 2011, at which time the amount shall become forty-five percent, for the
7 acquisition and development of critical habitat;

8 (b) Not less than (~~twenty~~) thirty percent for the acquisition and
9 development of natural areas;

10 (c) Not less than (~~fifteen~~) twenty percent for the acquisition
11 and development of urban wildlife habitat; and

12 (d) (~~The remaining amount shall be considered unallocated and~~)
13 Not less than ten percent through June 30, 2011, at which time the
14 amount shall become five percent, shall be used by the committee to
15 fund (~~high priority acquisition and development needs for critical~~
16 ~~habitat, natural areas, and urban wildlife habitat. During the fiscal~~
17 ~~biennium ending June 30, 2001, the remaining amount reappropriated from~~
18 ~~the fiscal biennium ending June 30, 1999, may be allocated for matching~~
19 ~~grants for riparian zone habitat protection projects that implement~~
20 ~~watershed plans under the program established in section 329(6),~~
21 ~~chapter 235, Laws of 1997)) restoration and enhancement projects on
22 state lands. Only the department of natural resources and the
23 department of fish and wildlife may apply for these funds to be used on
24 existing habitat and natural area lands.~~

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

30 **(b)** If not enough project applications are submitted in a category
31 within the habitat conservation account to meet the percentages
32 described in subsection (1) of this section in any biennium, the
33 committee retains discretion to distribute any remaining funds to the
34 other categories within the account.

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

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

4 (5)(a) Any lands that have been acquired with grants under this
5 section by the department of fish and wildlife are subject to an amount
6 in lieu of real property taxes and an additional amount for control of
7 noxious weeds as determined by RCW 77.12.203.

8 (b) Any lands that have been acquired with grants under this
9 section by the department of natural resources are subject to payments
10 in the amounts required under the provisions of sections 11 and 12 of
11 this act.

12 **Sec. 4.** RCW 79A.15.050 and 2003 c 184 s 1 are each amended to read
13 as follows:

14 (1) Moneys appropriated for this chapter to the outdoor recreation
15 account shall be distributed in the following way:

16 (a) Not less than (~~twenty-five~~) thirty percent to the state parks
17 and recreation commission for the acquisition and development of state
18 parks, with at least (~~seventy-five~~) fifty percent of (~~this~~) the
19 money for acquisition costs (~~(. However, between July 27, 2003, and~~
20 ~~June 30, 2009, at least fifty percent of this money for the acquisition~~
21 ~~and development of state parks must be used for acquisition costs))~~;

22 (b) Not less than (~~twenty-five~~) thirty percent for the
23 acquisition, development, and renovation of local parks, with at least
24 fifty percent of this money for acquisition costs;

25 (c) Not less than (~~fifteen~~) twenty percent for the acquisition
26 (~~and~~), renovation, or development of trails;

27 (d) Not less than (~~ten~~) fifteen percent for the acquisition
28 (~~and~~), renovation, or development of water access sites, with at
29 least seventy-five percent of this money for acquisition costs; and

30 (e) (~~The remaining amount shall be considered unallocated and~~
31 ~~shall be distributed by the committee to state and local agencies to~~
32 ~~fund high priority acquisition and development needs for parks, trails,~~
33 ~~and water access sites)) Not less than five percent for development and
34 renovation projects on state recreation lands. Only the department of
35 natural resources and the department of fish and wildlife may apply for
36 these funds to be used on their existing recreation lands.~~

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

6 **(b) If not enough project applications are submitted in a category**
7 **within the outdoor recreation account to meet the percentages described**
8 **in subsection (1) of this section in any biennium, the committee**
9 **retains discretion to distribute any remaining funds to the other**
10 **categories within the account.**

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

14 (4) Only state and local agencies may apply for funds for trails
15 under subsection (1)(c) of this section.

16 (5) Only state and local agencies may apply for funds for water
17 access sites under subsection (1)(d) of this section.

18 **NEW SECTION. Sec. 5.** A new section is added to chapter 79A.15 RCW
19 to read as follows:

20 A state or local agency shall review the proposed project
21 application with the county or city with jurisdiction over the project
22 area prior to applying for funds for the acquisition of property under
23 this chapter. The appropriate county or city legislative authority
24 may, at its discretion, submit a letter to the committee identifying
25 the authority's position with regard to the acquisition project. The
26 committee shall make the letters received under this section available
27 to the governor and the legislature when the prioritized project list
28 is submitted under section 6 of this act, RCW 79A.15.060, and
29 79A.15.070.

30 **NEW SECTION. Sec. 6.** A new section is added to chapter 79A.15 RCW
31 to read as follows:

32 (1) The riparian protection account is established in the state
33 treasury. The committee must administer the account in accordance with
34 chapter 79A.25 RCW and this chapter, and hold it separate and apart
35 from all other money, funds, and accounts of the committee.

1 (2) Moneys appropriated for this chapter to the riparian protection
2 account must be distributed for the acquisition or enhancement or
3 restoration of riparian habitat. All enhancement or restoration
4 projects, except those qualifying under subsection (10)(a) of this
5 section, must include the acquisition of a real property interest in
6 order to be eligible.

7 (3) State and local agencies and lead entities under chapter 77.85
8 RCW may apply for acquisition and enhancement or restoration funds for
9 riparian habitat projects under subsection (1) of this section. Other
10 state agencies not defined in RCW 79A.15.010, such as the department of
11 transportation and the department of corrections, may enter into
12 interagency agreements with state agencies to apply in partnership for
13 funds under this section.

14 (4) The committee may adopt rules establishing acquisition policies
15 and priorities for distributions from the riparian protection account.

16 (5) Except as provided in RCW 79A.15.030(7), moneys appropriated
17 for this section may not be used by the committee to fund staff
18 positions or other overhead expenses, or by a state, regional, or local
19 agency to fund operation or maintenance of areas acquired under this
20 chapter.

21 (6) Moneys appropriated for this section may be used by grant
22 recipients for costs incidental to restoration and acquisition,
23 including, but not limited to, surveying expenses, fencing, and
24 signing.

25 (7) Moneys appropriated for this section may be used to fund
26 mitigation banking projects involving the restoration, creation,
27 enhancement, or preservation of riparian habitat, provided that the
28 parties seeking to use the mitigation bank meet the matching
29 requirements of subsection (8) of this section. The moneys from this
30 section may not be used to supplant an obligation of a state or local
31 agency to provide mitigation. For the purposes of this section, a
32 mitigation bank means a site or sites where riparian habitat is
33 restored, created, enhanced, or in exceptional circumstances, preserved
34 expressly for the purpose of providing compensatory mitigation in
35 advance of authorized project impacts to similar resources.

36 (8) The committee may not approve a local project where the local
37 agency share is less than the amount to be awarded from the riparian

1 protection account. In-kind contributions, including contributions of
2 a real property interest in land may be used to satisfy the local
3 agency's share.

4 (9) State agencies receiving grants for acquisition of land under
5 this section must pay an amount in lieu of real property taxes equal to
6 the amount of tax that would be due if the land were taxable as open
7 space land under chapter 84.34 RCW except taxes levied for any state
8 purpose, plus an additional amount for control of noxious weeds equal
9 to that which would be paid if such lands were privately owned. The
10 county assessor and county legislative authority shall assist in
11 determining the appropriate calculation of the amount of tax that would
12 be due.

13 (10) In determining acquisition priorities with respect to the
14 riparian protection account, the committee must consider, at a minimum,
15 the following criteria:

16 (a) Whether the project continues the conservation reserve
17 enhancement program. Applications that extend the duration of leases
18 of riparian areas that are currently enrolled in the conservation
19 reserve enhancement program shall be eligible. Such applications are
20 eligible for a conservation lease extension of at least twenty-five
21 years of duration;

22 (b) Whether the projects are identified or recommended in a
23 watershed planning process under chapter 247, Laws of 1998, salmon
24 recovery planning under chapter 77.85 RCW, or other local plans, such
25 as habitat conservation plans, and these must be highly considered in
26 the process;

27 (c) Whether there is community support for the project;

28 (d) Whether the proposal includes an ongoing stewardship program
29 that includes control of noxious weeds, detrimental invasive species,
30 and that identifies the source of the funds from which the stewardship
31 program will be funded;

32 (e) Whether there is an immediate threat to the site;

33 (f) Whether the quality of the habitat is improved or, for projects
34 including restoration or enhancement, the potential for restoring
35 quality habitat including linkage of the site to other high quality
36 habitat;

37 (g) Whether the project is consistent with a local land use plan,
38 or a regional or statewide recreational or resource plan. The projects

1 that assist in the implementation of local shoreline master plans
2 updated according to RCW 90.58.080 or local comprehensive plans updated
3 according to RCW 36.70A.130 must be highly considered in the process;

4 (h) Whether the site has educational or scientific value; and

5 (i) Whether the site has passive recreational values for walking
6 trails, wildlife viewing, or the observation of natural settings.

7 (11) Before November 1st of each even-numbered year, the committee
8 will recommend to the governor a prioritized list of projects to be
9 funded under this section. The governor may remove projects from the
10 list recommended by the committee and will submit this amended list in
11 the capital budget request to the legislature. The list must include,
12 but not be limited to, a description of each project and any particular
13 match requirement.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 79A.15 RCW
15 to read as follows:

16 (1) The farmlands preservation account is established in the state
17 treasury. The committee will administer the account in accordance with
18 chapter 79A.25 RCW and this chapter, and hold it separate and apart
19 from all other money, funds, and accounts of the committee. Moneys
20 appropriated for this chapter to the farmlands preservation account
21 must be distributed for the acquisition and preservation of farmlands
22 in order to maintain the opportunity for agricultural activity upon
23 these lands.

24 (2)(a) Moneys appropriated for this chapter to the farmlands
25 preservation account may be distributed for (i) the fee simple or less
26 than fee simple acquisition of farmlands; (ii) the enhancement or
27 restoration of ecological functions on those properties; or (iii) both.
28 In order for a farmland preservation grant to provide for an
29 environmental enhancement or restoration project, the project must
30 include the acquisition of a real property interest.

31 (b) If a city or county acquires a property through this program in
32 fee simple, the city or county shall endeavor to secure preservation of
33 the property through placing a conservation easement, or other form of
34 deed restriction, on the property which dedicates the land to
35 agricultural use and retains one or more property rights in perpetuity.
36 Once an easement or other form of deed restriction is placed on the
37 property, the city or county shall seek to sell the property, at fair

1 market value, to a person or persons who will maintain the property in
2 agricultural production. Any moneys from the sale of the property
3 shall either be used to purchase interests in additional properties
4 which meet the criteria in subsection (9) of this section, or to repay
5 the grant from the state which was originally used to purchase the
6 property.

7 (3) Cities and counties may apply for acquisition and enhancement
8 or restoration funds for farmland preservation projects within their
9 jurisdictions under subsection (1) of this section.

10 (4) The committee may adopt rules establishing acquisition and
11 enhancement or restoration policies and priorities for distributions
12 from the farmlands preservation account.

13 (5) The acquisition of a property right in a project under this
14 section by a county or city does not provide a right of access to the
15 property by the public unless explicitly provided for in a conservation
16 easement or other form of deed restriction.

17 (6) Except as provided in RCW 79A.15.030(7), moneys appropriated
18 for this section may not be used by the committee to fund staff
19 positions or other overhead expenses, or by a city or county to fund
20 operation or maintenance of areas acquired under this chapter.

21 (7) Moneys appropriated for this section may be used by grant
22 recipients for costs incidental to restoration and acquisition,
23 including, but not limited to, surveying expenses, fencing, and
24 signing.

25 (8) The committee may not approve a local project where the local
26 agency's share is less than the amount to be awarded from the farmlands
27 preservation account. In-kind contributions, including contributions
28 of a real property interest in land, may be used to satisfy the local
29 agency's share.

30 (9) In determining the acquisition priorities, the committee must
31 consider, at a minimum, the following criteria:

32 (a) Community support for the project;

33 (b) A recommendation as part of a limiting factors or critical
34 pathways analysis, a watershed plan or habitat conservation plan, or a
35 coordinated regionwide prioritization effort;

36 (c) The likelihood of the conversion of the site to nonagricultural
37 or more highly developed usage;

1 (d) Consistency with a local land use plan, or a regional or
2 statewide recreational or resource plan. The projects that assist in
3 the implementation of local shoreline master plans updated according to
4 RCW 90.58.080 or local comprehensive plans updated according to RCW
5 36.70A.130 must be highly considered in the process;

6 (e) Benefits to salmonids;

7 (f) Benefits to other fish and wildlife habitat;

8 (g) Integration with recovery efforts for endangered, threatened,
9 or sensitive species;

10 (h) The viability of the site for continued agricultural
11 production, including, but not limited to:

12 (i) Soil types;

13 (ii) On-site production and support facilities such as barns,
14 irrigation systems, crop processing and storage facilities, wells,
15 housing, livestock sheds, and other farming infrastructure;

16 (iii) Suitability for producing different types or varieties of
17 crops;

18 (iv) Farm-to-market access;

19 (v) Water availability; and

20 (i) Other community values provided by the property when used as
21 agricultural land, including, but not limited to:

22 (i) Viewshed;

23 (ii) Aquifer recharge;

24 (iii) Occasional or periodic collector for storm water runoff;

25 (iv) Agricultural sector job creation;

26 (v) Migratory bird habitat and forage area; and

27 (vi) Educational and curriculum potential.

28 (10) In allotting funds for environmental enhancement or
29 restoration projects, the committee will require the projects to meet
30 the following criteria:

31 (a) Enhancement or restoration projects must further the ecological
32 functions of the farmlands;

33 (b) The projects, such as fencing, bridging watercourses,
34 replanting native vegetation, replacing culverts, clearing of
35 waterways, etc., must be less than fifty percent of the acquisition
36 cost of the project including any in-kind contribution by any party;

37 (c) The projects should be based on accepted methods of achieving
38 beneficial enhancement or restoration results; and

1 (d) The projects should enhance the viability of the preserved
2 farmland to provide agricultural production while conforming to any
3 legal requirements for habitat protection.

4 (11) Before November 1st of each even-numbered year, the committee
5 will recommend to the governor a prioritized list of all projects to be
6 funded under this section. The governor may remove projects from the
7 list recommended by the committee and must submit this amended list in
8 the capital budget request to the legislature. The list must include,
9 but not be limited to, a description of each project and any particular
10 match requirement.

11 **Sec. 8.** RCW 79A.15.060 and 2000 c 11 s 67 are each amended to read
12 as follows:

13 (1) The committee may adopt rules establishing acquisition policies
14 and priorities for distributions from the habitat conservation account.

15 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
16 for this chapter may not be used by the committee to fund
17 ((additional)) staff positions or other overhead expenses, or by a
18 state, regional, or local agency to fund operation ((and)) or
19 maintenance of areas acquired under this chapter((, except that the
20 committee may use moneys appropriated for this chapter for the fiscal
21 biennium ending June 30, 2001, for the administrative costs of
22 implementing the pilot watershed plan implementation program
23 established in section 329(6), chapter 235, Laws of 1997, and
24 developing an inventory of publicly owned lands established in section
25 329(7), chapter 235, Laws of 1997)).

26 (3) Moneys appropriated for this chapter may be used by grant
27 recipients for costs incidental to acquisition, including, but not
28 limited to, surveying expenses, fencing, and signing.

29 (4) ~~((Except as provided in subsection (5) of this section,))~~
30 Moneys appropriated for this section may be used to fund mitigation
31 banking projects involving the restoration, creation, enhancement, or
32 preservation of critical habitat and urban wildlife habitat, provided
33 that the parties seeking to use the mitigation bank meet the matching
34 requirements of subsection (5) of this section. The moneys from this
35 section may not be used to supplant an obligation of a state or local
36 agency to provide mitigation. For the purposes of this section, a
37 mitigation bank means a site or sites where critical habitat or urban

1 wildlife habitat is restored, created, enhanced, or in exceptional
2 circumstances, preserved expressly for the purpose of providing
3 compensatory mitigation in advance of authorized project impacts to
4 similar resources.

5 (5) The committee may not approve a local project where the local
6 agency share is less than the amount to be awarded from the habitat
7 conservation account.

8 ~~((5) During the fiscal biennium ending June 30, 2001, the~~
9 ~~committee may approve a riparian zone habitat protection project~~
10 ~~established in section 329(6), chapter 235, Laws of 1997, where the~~
11 ~~local agency share is less than the amount to be awarded from the~~
12 ~~habitat conservation account.))~~

13 (6) In determining acquisition priorities with respect to the
14 habitat conservation account, the committee shall consider, at a
15 minimum, the following criteria:

16 (a) For critical habitat and natural areas proposals:

17 (i) Community support for the project;

18 (ii) The project proposal's ongoing stewardship program that
19 includes control of noxious weeds, detrimental invasive species, and
20 that identifies the source of the funds from which the stewardship
21 program will be funded;

22 (iii) Recommendations as part of a watershed plan or habitat
23 conservation plan, or a coordinated regionwide prioritization effort,
24 and for projects primarily intended to benefit salmon, limiting
25 factors, or critical pathways analysis;

26 (iv) Immediacy of threat to the site;

27 ~~((iii))~~ (v) Uniqueness of the site;

28 ~~((iv))~~ (vi) Diversity of species using the site;

29 ~~((v))~~ (vii) Quality of the habitat;

30 ~~((vi))~~ (viii) Long-term viability of the site;

31 ~~((vii))~~ (ix) Presence of endangered, threatened, or sensitive
32 species;

33 ~~((viii))~~ (x) Enhancement of existing public property;

34 ~~((ix))~~ (xi) Consistency with a local land use plan, or a regional
35 or statewide recreational or resource plan, including projects that
36 assist in the implementation of local shoreline master plans updated
37 according to RCW 90.58.080 or local comprehensive plans updated
38 according to RCW 36.70A.130; ((and

1 ~~(x)~~) (xii) Educational and scientific value of the site;
2 (xiii) Integration with recovery efforts for endangered,
3 threatened, or sensitive species;
4 (xiv) For critical habitat proposals by local agencies, the
5 statewide significance of the site.

6 (b) For urban wildlife habitat proposals, in addition to the
7 criteria of (a) of this subsection:

- 8 (i) Population of, and distance from, the nearest urban area;
9 (ii) Proximity to other wildlife habitat;
10 (iii) Potential for public use; and
11 (iv) Potential for use by special needs populations.

12 ~~(7) ((Before October 1st of each even-numbered year, the committee~~
13 ~~shall recommend to the governor a prioritized list of state agency~~
14 ~~projects to be funded under RCW 79A.15.040(1) (a), (b), and (c). The~~
15 ~~governor may remove projects from the list recommended by the committee~~
16 ~~and shall submit this amended list in the capital budget request to the~~
17 ~~legislature. The list shall include, but not be limited to, a~~
18 ~~description of each project; and shall describe for each project any~~
19 ~~anticipated restrictions upon recreational activities allowed prior to~~
20 ~~the project.~~

21 ~~(8)~~) Before ~~((October))~~ November 1st of each even-numbered year,
22 the committee shall recommend to the governor a prioritized list of all
23 state agency and local projects to be funded under RCW 79A.15.040(1)
24 (a), (b), and (c). The governor may remove projects from the list
25 recommended by the committee and shall submit this amended list in the
26 capital budget request to the legislature. The list shall include, but
27 not be limited to, a description of each project and any particular
28 match requirement, and describe for each project any anticipated
29 restrictions upon recreational activities allowed prior to the project.

30 **Sec. 9.** RCW 79A.15.070 and 2000 c 11 s 68 are each amended to read
31 as follows:

32 (1) In determining which state parks proposals and local parks
33 proposals to fund, the committee shall use existing policies and
34 priorities.

35 (2) Except as provided in RCW 79A.15.030(7), moneys appropriated
36 for this chapter may not be used by the committee to fund
37 ((additional)) staff or other overhead expenses, or by a state,

1 regional, or local agency to fund operation (~~and~~) or maintenance of
2 areas acquired under this chapter(~~(, except that the committee may use~~
3 ~~moneys appropriated for this chapter for the fiscal biennium ending~~
4 ~~June 30, 2001, for the administrative costs of implementing the pilot~~
5 ~~watershed plan implementation program established in section 329(6),~~
6 ~~chapter 235, Laws of 1997, and developing an inventory of publicly~~
7 ~~owned lands established in section 329(7), chapter 235, Laws of 1997)).~~

8 (3) Moneys appropriated for this chapter may be used by grant
9 recipients for costs incidental to acquisition and development,
10 including, but not limited to, surveying expenses, fencing, and
11 signing.

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

15 (5) The committee may adopt rules establishing acquisition policies
16 and priorities for the acquisition and development of trails and water
17 access sites to be financed from moneys in the outdoor recreation
18 account.

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

21 (a) For trails proposals:

22 (i) Community support for the project;

23 (ii) Immediacy of threat to the site;

24 (iii) Linkage between communities;

25 (iv) Linkage between trails;

26 (v) Existing or potential usage;

27 (vi) Consistency with (~~an existing~~) a local land use plan, or a
28 regional or statewide recreational or resource plan, including projects
29 that assist in the implementation of local shoreline master plans
30 updated according to RCW 90.58.080 or local comprehensive plans updated
31 according to RCW 36.70A.130;

32 (vii) Availability of water access or views;

33 (viii) Enhancement of wildlife habitat; and

34 (ix) Scenic values of the site.

35 (b) For water access proposals:

36 (i) Community support for the project;

37 (ii) Distance from similar water access opportunities;

38 (iii) Immediacy of threat to the site;

1 (iv) Diversity of possible recreational uses; ~~((and))~~
2 (v) Public demand in the area; and
3 (vi) Consistency with a local land use plan, or a regional or
4 statewide recreational or resource plan, including projects that assist
5 in the implementation of local shoreline master plans updated according
6 to RCW 90.58.080 or local comprehensive plans updated according to RCW
7 36.70A.130.

8 ~~((Before October 1st of each even-numbered year, the committee~~
9 ~~shall recommend to the governor a prioritized list of state agency~~
10 ~~projects to be funded under RCW 79A.15.050(1) (a), (c), and (d). The~~
11 ~~governor may remove projects from the list recommended by the committee~~
12 ~~and shall submit this amended list in the capital budget request to the~~
13 ~~legislature. The list shall include, but not be limited to, a~~
14 ~~description of each project; and shall describe for each project any~~
15 ~~anticipated restrictions upon recreational activities allowed prior to~~
16 ~~the project.~~

17 ~~(8))~~ Before ~~((October))~~ November 1st of each even-numbered year,
18 the committee shall recommend to the governor a prioritized list of all
19 state agency and local projects to be funded under RCW 79A.15.050(1)
20 (a), (b), (c), and (d). The governor may remove projects from the list
21 recommended by the committee and shall submit this amended list in the
22 capital budget request to the legislature. The list shall include, but
23 not be limited to, a description of each project and any particular
24 match requirement, and describe for each project any anticipated
25 restrictions upon recreational activities allowed prior to the project.

26 **Sec. 10.** RCW 79A.15.080 and 1990 1st ex.s. c 14 s 9 are each
27 amended to read as follows:

28 The committee shall not sign contracts or otherwise financially
29 obligate funds from the habitat conservation account ~~((or)),~~
30 the outdoor recreation account, the riparian protection account, or the
31 farmlands preservation account as provided in this chapter before the
32 legislature has appropriated funds for a specific list of projects.
33 The legislature may remove projects from the list recommended by the
34 governor.

35 NEW SECTION. **Sec. 11.** A new section is added to chapter 79.70 RCW
36 to read as follows:

1 The state treasurer, on behalf of the department, must distribute
2 to counties for all lands acquired for the purposes of this chapter an
3 amount in lieu of real property taxes equal to the amount of tax that
4 would be due if the land were taxable as open space land under chapter
5 84.34 RCW except taxes levied for any state purpose, plus an additional
6 amount equal to the amount of weed control assessment that would be due
7 if such lands were privately owned. The county assessor and county
8 legislative authority shall assist in determining the appropriate
9 calculation of the amount of tax that would be due. The county shall
10 distribute the amount received under this section in lieu of real
11 property taxes to all property taxing districts except the state in
12 appropriate tax code areas the same way it would distribute local
13 property taxes from private property. The county shall distribute the
14 amount received under this section for weed control to the appropriate
15 weed district.

16 NEW SECTION. **Sec. 12.** A new section is added to chapter 79.71 RCW
17 to read as follows:

18 The state treasurer, on behalf of the department, must distribute
19 to counties for all lands acquired for the purposes of this chapter an
20 amount in lieu of real property taxes equal to the amount of tax that
21 would be due if the land were taxable as open space land under chapter
22 84.34 RCW except taxes levied for any state purpose, plus an additional
23 amount equal to the amount of weed control assessment that would be due
24 if such lands were privately owned. The county assessor and county
25 legislative authority shall assist in determining the appropriate
26 calculation of the amount of tax that would be due. The county shall
27 distribute the amount received under this section in lieu of real
28 property taxes to all property taxing districts except the state in
29 appropriate tax code areas the same way it would distribute local
30 property taxes from private property. The county shall distribute the
31 amount received under this section for weed control to the appropriate
32 weed district.

33 **Sec. 13.** RCW 84.33.140 and 2003 c 170 s 5 are each amended to read
34 as follows:

35 (1) When land has been designated as forest land under RCW
36 84.33.130, a notation of the designation shall be made each year upon

1 the assessment and tax rolls. A copy of the notice of approval
 2 together with the legal description or assessor's parcel numbers for
 3 the land shall, at the expense of the applicant, be filed by the
 4 assessor in the same manner as deeds are recorded.

5 (2) In preparing the assessment roll as of January 1, 2002, for
 6 taxes payable in 2003 and each January 1st thereafter, the assessor
 7 shall list each parcel of designated forest land at a value with
 8 respect to the grade and class provided in this subsection and adjusted
 9 as provided in subsection (3) of this section. The assessor shall
 10 compute the assessed value of the land using the same assessment ratio
 11 applied generally in computing the assessed value of other property in
 12 the county. Values for the several grades of bare forest land shall be
 13 as follows:

14	LAND	OPERABILITY	VALUES
15	GRADE	CLASS	PER ACRE
16		1	\$234
17	1	2	229
18		3	217
19		4	157
20		1	198
21	2	2	190
22		3	183
23		4	132
24		1	154
25	3	2	149
26		3	148
27		4	113
28		1	117
29	4	2	114
30		3	113
31		4	86
32		1	85
33	5	2	78
34		3	77
35		4	52
36		1	43

1	6	2	39
2		3	39
3		4	37
4		1	21
5	7	2	21
6		3	20
7		4	20
8	8		1

9 (3) On or before December 31, 2001, the department shall adjust by
10 rule under chapter 34.05 RCW, the forest land values contained in
11 subsection (2) of this section in accordance with this subsection, and
12 shall certify the adjusted values to the assessor who will use these
13 values in preparing the assessment roll as of January 1, 2002. For the
14 adjustment to be made on or before December 31, 2001, for use in the
15 2002 assessment year, the department shall:

16 (a) Divide the aggregate value of all timber harvested within the
17 state between July 1, 1996, and June 30, 2001, by the aggregate harvest
18 volume for the same period, as determined from the harvester excise tax
19 returns filed with the department under RCW 84.33.074; and

20 (b) Divide the aggregate value of all timber harvested within the
21 state between July 1, 1995, and June 30, 2000, by the aggregate harvest
22 volume for the same period, as determined from the harvester excise tax
23 returns filed with the department under RCW 84.33.074; and

24 (c) Adjust the forest land values contained in subsection (2) of
25 this section by a percentage equal to one-half of the percentage change
26 in the average values of harvested timber reflected by comparing the
27 resultant values calculated under (a) and (b) of this subsection.

28 (4) For the adjustments to be made on or before December 31, 2002,
29 and each succeeding year thereafter, the same procedure described in
30 subsection (3) of this section shall be followed using harvester excise
31 tax returns filed under RCW 84.33.074. However, this adjustment shall
32 be made to the prior year's adjusted value, and the five-year periods
33 for calculating average harvested timber values shall be successively
34 one year more recent.

35 (5) Land graded, assessed, and valued as forest land shall continue
36 to be so graded, assessed, and valued until removal of designation by
37 the assessor upon the occurrence of any of the following:

38 (a) Receipt of notice from the owner to remove the designation;

1 (b) Sale or transfer to an ownership making the land exempt from ad
2 valorem taxation;

3 (c) Sale or transfer of all or a portion of the land to a new
4 owner, unless the new owner has signed a notice of forest land
5 designation continuance, except transfer to an owner who is an heir or
6 devisee of a deceased owner, shall not, by itself, result in removal of
7 designation. The signed notice of continuance shall be attached to the
8 real estate excise tax affidavit provided for in RCW 82.45.150. The
9 notice of continuance shall be on a form prepared by the department.
10 If the notice of continuance is not signed by the new owner and
11 attached to the real estate excise tax affidavit, all compensating
12 taxes calculated under subsection (11) of this section shall become due
13 and payable by the seller or transferor at time of sale. The auditor
14 shall not accept an instrument of conveyance regarding designated
15 forest land for filing or recording unless the new owner has signed the
16 notice of continuance or the compensating tax has been paid, as
17 evidenced by the real estate excise tax stamp affixed thereto by the
18 treasurer. The seller, transferor, or new owner may appeal the new
19 assessed valuation calculated under subsection (11) of this section to
20 the county board of equalization in accordance with the provisions of
21 RCW 84.40.038. Jurisdiction is hereby conferred on the county board of
22 equalization to hear these appeals;

23 (d) Determination by the assessor, after giving the owner written
24 notice and an opportunity to be heard, that:

25 (i) The land is no longer primarily devoted to and used for growing
26 and harvesting timber. However, land shall not be removed from
27 designation if a governmental agency, organization, or other recipient
28 identified in subsection (13) or (14) of this section as exempt from
29 the payment of compensating tax has manifested its intent in writing or
30 by other official action to acquire a property interest in the
31 designated forest land by means of a transaction that qualifies for an
32 exemption under subsection (13) or (14) of this section. The
33 governmental agency, organization, or recipient shall annually provide
34 the assessor of the county in which the land is located reasonable
35 evidence in writing of the intent to acquire the designated land as
36 long as the intent continues or within sixty days of a request by the
37 assessor. The assessor may not request this evidence more than once in
38 a calendar year;

1 (ii) The owner has failed to comply with a final administrative or
2 judicial order with respect to a violation of the restocking, forest
3 management, fire protection, insect and disease control, and forest
4 debris provisions of Title 76 RCW or any applicable rules under Title
5 76 RCW; or

6 (iii) Restocking has not occurred to the extent or within the time
7 specified in the application for designation of such land.

8 (6) Land shall not be removed from designation if there is a
9 governmental restriction that prohibits, in whole or in part, the owner
10 from harvesting timber from the owner's designated forest land. If
11 only a portion of the parcel is impacted by governmental restrictions
12 of this nature, the restrictions cannot be used as a basis to remove
13 the remainder of the forest land from designation under this chapter.
14 For the purposes of this section, "governmental restrictions" includes:

15 (a) Any law, regulation, rule, ordinance, program, or other action
16 adopted or taken by a federal, state, county, city, or other
17 governmental entity; or (b) the land's zoning or its presence within an
18 urban growth area designated under RCW 36.70A.110.

19 (7) The assessor shall have the option of requiring an owner of
20 forest land to file a timber management plan with the assessor upon the
21 occurrence of one of the following:

22 (a) An application for designation as forest land is submitted; or

23 (b) Designated forest land is sold or transferred and a notice of
24 continuance, described in subsection (5)(c) of this section, is signed.

25 (8) If land is removed from designation because of any of the
26 circumstances listed in subsection (5)(a) through (c) of this section,
27 the removal shall apply only to the land affected. If land is removed
28 from designation because of subsection (5)(d) of this section, the
29 removal shall apply only to the actual area of land that is no longer
30 primarily devoted to the growing and harvesting of timber, without
31 regard to any other land that may have been included in the application
32 and approved for designation, as long as the remaining designated
33 forest land meets the definition of forest land contained in RCW
34 84.33.035.

35 (9) Within thirty days after the removal of designation as forest
36 land, the assessor shall notify the owner in writing, setting forth the
37 reasons for the removal. The seller, transferor, or owner may appeal

1 the removal to the county board of equalization in accordance with the
2 provisions of RCW 84.40.038.

3 (10) Unless the removal is reversed on appeal a copy of the notice
4 of removal with a notation of the action, if any, upon appeal, together
5 with the legal description or assessor's parcel numbers for the land
6 removed from designation shall, at the expense of the applicant, be
7 filed by the assessor in the same manner as deeds are recorded and a
8 notation of removal from designation shall immediately be made upon the
9 assessment and tax rolls. The assessor shall revalue the land to be
10 removed with reference to its true and fair value as of January 1st of
11 the year of removal from designation. Both the assessed value before
12 and after the removal of designation shall be listed. Taxes based on
13 the value of the land as forest land shall be assessed and payable up
14 until the date of removal and taxes based on the true and fair value of
15 the land shall be assessed and payable from the date of removal from
16 designation.

17 (11) Except as provided in subsection (5)(c), (13), or (14) of this
18 section, a compensating tax shall be imposed on land removed from
19 designation as forest land. The compensating tax shall be due and
20 payable to the treasurer thirty days after the owner is notified of the
21 amount of this tax. As soon as possible after the land is removed from
22 designation, the assessor shall compute the amount of compensating tax
23 and mail a notice to the owner of the amount of compensating tax owed
24 and the date on which payment of this tax is due. The amount of
25 compensating tax shall be equal to the difference between the amount of
26 tax last levied on the land as designated forest land and an amount
27 equal to the new assessed value of the land multiplied by the dollar
28 rate of the last levy extended against the land, multiplied by a
29 number, in no event greater than nine, equal to the number of years for
30 which the land was designated as forest land, plus compensating taxes
31 on the land at forest land values up until the date of removal and the
32 prorated taxes on the land at true and fair value from the date of
33 removal to the end of the current tax year.

34 (12) Compensating tax, together with applicable interest thereon,
35 shall become a lien on the land which shall attach at the time the land
36 is removed from designation as forest land and shall have priority to
37 and shall be fully paid and satisfied before any recognizance,
38 mortgage, judgment, debt, obligation, or responsibility to or with

1 which the land may become charged or liable. The lien may be
2 foreclosed upon expiration of the same period after delinquency and in
3 the same manner provided by law for foreclosure of liens for delinquent
4 real property taxes as provided in RCW 84.64.050. Any compensating tax
5 unpaid on its due date shall thereupon become delinquent. From the
6 date of delinquency until paid, interest shall be charged at the same
7 rate applied by law to delinquent ad valorem property taxes.

8 (13) The compensating tax specified in subsection (11) of this
9 section shall not be imposed if the removal of designation under
10 subsection (5) of this section resulted solely from:

11 (a) Transfer to a government entity in exchange for other forest
12 land located within the state of Washington;

13 (b) A taking through the exercise of the power of eminent domain,
14 or sale or transfer to an entity having the power of eminent domain in
15 anticipation of the exercise of such power;

16 (c) A donation of fee title, development rights, or the right to
17 harvest timber, to a government agency or organization qualified under
18 RCW 84.34.210 and 64.04.130 for the purposes enumerated in those
19 sections, or the sale or transfer of fee title to a governmental entity
20 or a nonprofit nature conservancy corporation, as defined in RCW
21 64.04.130, exclusively for the protection and conservation of lands
22 recommended for state natural area preserve purposes by the natural
23 heritage council and natural heritage plan as defined in chapter 79.70
24 RCW or approved for state natural resources conservation area purposes
25 as defined in chapter 79.71 RCW. At such time as the land is not used
26 for the purposes enumerated, the compensating tax specified in
27 subsection (11) of this section shall be imposed upon the current
28 owner;

29 (d) The sale or transfer of fee title to the parks and recreation
30 commission for park and recreation purposes;

31 (e) Official action by an agency of the state of Washington or by
32 the county or city within which the land is located that disallows the
33 present use of the land;

34 (f) The creation, sale, or transfer of forestry riparian easements
35 under RCW 76.13.120;

36 (g) The creation, sale, or transfer of a fee interest or a
37 conservation easement for the riparian open space program under RCW
38 76.09.040;

1 (h) The sale or transfer of land within two years after the death
2 of the owner of at least a fifty percent interest in the land if the
3 land has been assessed and valued as classified forest land, designated
4 as forest land under this chapter, or classified under chapter 84.34
5 RCW continuously since 1993. The date of death shown on a death
6 certificate is the date used for the purposes of this subsection
7 (13)(h); or

8 (i) The sale or transfer of land after the death of the owner of at
9 least a fifty percent interest in the land if the land has been
10 assessed and valued as classified forest land, designated as forest
11 land under this chapter, or classified under chapter 84.34 RCW
12 continuously since 1993 and the sale or transfer takes place after July
13 22, 2001, and on or before July 22, 2003, and the death of the owner
14 occurred after January 1, 1991. The date of death shown on a death
15 certificate is the date used for the purposes of this subsection
16 (13)(i).

17 (14) In a county with a population of more than one million
18 inhabitants, the compensating tax specified in subsection (11) of this
19 section shall not be imposed if the removal of designation as forest
20 land under subsection (5) of this section resulted solely from:

21 (a) An action described in subsection (13) of this section; or

22 (b) A transfer of a property interest to a government entity, or to
23 a nonprofit historic preservation corporation or nonprofit nature
24 conservancy corporation, as defined in RCW 64.04.130, to protect or
25 enhance public resources, or to preserve, maintain, improve, restore,
26 limit the future use of, or otherwise to conserve for public use or
27 enjoyment, the property interest being transferred. At such time as
28 the property interest is not used for the purposes enumerated, the
29 compensating tax shall be imposed upon the current owner.

30 **Sec. 14.** RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each
31 amended to read as follows:

32 (1) Notwithstanding RCW 84.36.010 or other statutes to the
33 contrary, the director shall pay by April 30th of each year on game
34 lands in each county, if requested by an election under RCW 77.12.201,
35 an amount in lieu of real property taxes equal to that amount paid on
36 similar parcels of open space land taxable under chapter 84.34 RCW or
37 the greater of seventy cents per acre per year or the amount paid in

1 1984 plus an additional amount for control of noxious weeds equal to
2 that which would be paid if such lands were privately owned. This
3 amount shall not be assessed or paid on department buildings,
4 structures, facilities, game farms, fish hatcheries, tidelands, or
5 public fishing areas of less than one hundred acres.

6 (2) "Game lands," as used in this section and RCW 77.12.201, means
7 those tracts one hundred acres or larger owned in fee by the department
8 and used for wildlife habitat and public recreational purposes. All
9 lands purchased for wildlife habitat, public access or recreation
10 purposes with federal funds in the Snake River drainage basin shall be
11 considered game lands regardless of acreage.

12 (3) This section shall not apply to lands transferred after April
13 23, 1990, to the department from other state agencies.

14 (4) The county shall distribute the amount received under this
15 section in lieu of real property taxes to all property taxing districts
16 except the state in appropriate tax code areas the same way it would
17 distribute local property taxes from private property. The county
18 shall distribute the amount received under this section for weed
19 control to the appropriate weed district.

20 NEW SECTION. Sec. 15. (1) The interagency committee for outdoor
21 recreation may apply up to three percent of the funds appropriated for
22 chapter 79A.15 RCW for the administration of the programs and purposes
23 specified in chapter 79A.15 RCW.

24 (2) Habitat and recreation land and facilities acquired or
25 developed with moneys appropriated for chapter 79A.15 RCW may not,
26 without prior approval of the interagency committee for outdoor
27 recreation, be converted to a use other than that for which funds were
28 originally approved. The interagency committee for outdoor recreation
29 shall adopt rules and procedures governing the approval of such a
30 conversion.

31 (3) This section expires July 1, 2007.

32 NEW SECTION. Sec. 16. (1) The interagency committee for outdoor
33 recreation, the department of fish and wildlife, the department of
34 natural resources, and counties shall work together to obtain necessary
35 information to complete a report on the fiscal impact of payments in
36 lieu of taxes provided for in this act.

1 (2) The report shall include a financial analysis determining the
2 difference by county, for those counties having less than thirty
3 percent of their total land in private ownership, of assessing property
4 taxes on lands acquired under chapter 79A.15 RCW by state agencies
5 based on one hundred percent of a property's true and fair value
6 compared to assessing property as open space under chapter 84.34 RCW.
7 The analysis shall also compare the fiscal impacts of using these
8 different property tax rates by those counties for existing game lands
9 held by the department of fish and wildlife and natural areas managed
10 by the department of natural resources.

11 (3) The interagency committee for outdoor recreation shall provide
12 the report to the appropriate committees of the legislature by December
13 1, 2005.

14 NEW SECTION. **Sec. 17.** Sections 1 through 14 of this act take
15 effect July 1, 2007.

16 NEW SECTION. **Sec. 18.** Section 15 of this act is necessary for the
17 immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and takes effect July 1, 2005."

ESSB 5396 - H COMM AMD
By Committee on Capital Budget

ADOPTED AS AMENDED 04/14/2005

20 On page 1, line 2 of the title, after "programs;" strike the
21 remainder of the title and insert "amending RCW 79A.15.010, 79A.15.030,
22 79A.15.040, 79A.15.050, 79A.15.060, 79A.15.070, 79A.15.080, 84.33.140,
23 and 77.12.203; adding new sections to chapter 79A.15 RCW; adding a new
24 section to chapter 79.70 RCW; adding a new section to chapter 79.71
25 RCW; creating new sections; providing effective dates; providing an
26 expiration date; and declaring an emergency."

EFFECT: Authorizes the Interagency Committee for Outdoor

Recreation to provide funding for alternate projects from the same account in the next biennium if the funds are not obligated to a specific project. Removes a restriction that at least 50 percent of the Riparian Protection Account and Farmland Preservation Account must be used for the acquisition of nonperpetual real property interests not exceeding 50 years in duration. Requires that moneys from the Riparian Protection Account and the Farmland Preservation Account to fund mitigation banking projects must meet the 50 percent matching requirement. Removes requirements for cities and counties to determine the reduction in land suitable for development and replace those lands when acquiring property with funds from the Riparian Protection Account. Removes provisions that the Director of the Department of Fish and Wildlife pay an amount in lieu of real property taxes based on 100 percent of true and fair value on lands in counties having less than 30 percent of land in private ownership.

--- END ---