

SENATE BILL REPORT

SB 5054

As Passed Senate, March 8, 2013

Title: An act relating to establishing a process for the acquisition of habitat and recreation lands by the state.

Brief Description: Establishing a process for the acquisition of habitat and recreation lands by the state.

Sponsors: Senators Honeyford, Smith, Schoesler, Benton, Pearson, Ericksen and Hewitt.

Brief History:

Committee Activity: Natural Resources & Parks: 1/22/13, 2/07/13 [DP-WM, w/oRec, DNP].

Ways & Means: 2/20/13, 2/28/13 [DPS, DNP, w/oRec].

Passed Senate: 3/08/13, 28-21.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Pearson, Chair; Smith, Vice Chair; Hargrove and Hewitt.

Minority Report: That it be referred without recommendation.
Signed by Senator Parlette.

Minority Report: Do not pass.
Signed by Senators Kline and Rolfes, Ranking Member.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5054 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Bailey, Becker, Braun, Dammeier, Hatfield, Hewitt, Padden, Parlette, Rivers, Schoesler and Tom.

Minority Report: Do not pass.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Signed by Senators Nelson, Assistant Ranking Member; Conway, Fraser, Hasegawa, Kohl-Welles, Murray and Ranker.

Minority Report: That it be referred without recommendation.

Signed by Senator Keiser.

Staff: Sherry McNamara (786-7402)

Background: Department of Natural Resources (DNR) Lands. DNR manages a number of different categories of land, each for a specific purpose and under different management requirements. These include approximately three million acres of federally granted lands and state forest lands, which DNR manages to support common schools, counties, and other public institutions. The agency manages over 50 natural area preserves (NAPs) that total approximately 37,000 acres. NAPs are managed to protect lands that have retained their natural character or are important in preserving rare or vanishing plants, animals, or other natural land features. Additionally, DNR manages 31 Natural Resource Conservation Areas (NRCAs) that total approximately 110,000 acres. NRCAs include lands identified as having high priority for conservation, natural systems, wildlife, and low-impact public use values.

Department of Fish and Wildlife (DFW) Lands. DFW manages approximately 900,000 acres of conservation and recreation lands which are divided into more than 30 wildlife areas. Additionally, the agency manages approximately 700 water access sites, which are usually one-to-five acres in size.

Washington State Parks (State Parks). The State Parks system includes almost 120 developed parks stretching across approximately 120,000 acres throughout the state.

Summary of Bill: Generally. DFW, DNR, and State Parks must provide a request to, and receive approval from, the Legislature prior to acquiring certain types of real property. Proposed acquisitions triggering the requirements include real property acquired for purposes of DFW wildlife areas and water access sites; DNR NAPs and NRCAs; and State Park lands generally.

Request for Real Property Acquisition. The agencies must submit a request for real property acquisition to the Legislature and Office of Financial Management. Major elements of the request include the following:

- *An operations and maintenance plan.* The request must include a plan for operations and maintenance of the real property including necessary ongoing and one-time actions, the range of anticipated potential operating and capital costs, and the anticipated fund source and availability of funding from each source.
- *Specified information on payments in lieu of taxes (PILT).* As part of the request, DFW and DNR must also identify anticipated PILT costs from the acquisition and the anticipated fund source and availability of funding for PILT payments.

Legislative Authorization for the Acquisition. The agencies must receive specific authorization from the Legislature prior to acquiring the real property prior to acquiring the real property, unless the agencies show that the operations, maintenance, and PILT payments can be paid within existing appropriations.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Natural Resources & Parks): PRO: Much of eastern Washington is in public land ownership. There are concerns that agencies often have not planned well for purchases, including ensuring preparations to control weeds and pay PILT. This will also provide additional legislative oversight of the land acquisition process.

CON: The land acquisition process must take advantage of market opportunities, and this bill would impair that ability. The bill sets up a cumbersome process, and it will be difficult for the Legislature to process each individual transaction.

OTHER: State agencies hope to be a part of the discussion on this issue, and recommend using the Habitat and Recreation Lands Group as a forum to address these concerns. Much of the information desired here is already available through the budget process.

Persons Testifying (Natural Resources & Parks): PRO: Senator Honeyford, prime sponsor; Josh Weiss, WA Assn. of Counties; Tom Davis, WA Farm Bureau.

CON: Bill Clarke, Trust for Public Lands.

OTHER: Dave Brittell, DFW; Craig Partridge, DNR; Steve Hahn, State Parks; Bill Robinson, The Nature Conservancy.

Staff Summary of Public Testimony (Ways & Means): PRO: There is concern about the amount of state land purchased and the effect of this amount on local economies. Skamania County is comprised of approximately 90 percent public land and Yakima County is approximately 75 percent. Acquisition of state lands must have transparency, accountability, and oversight.

CON: This bill is duplicative to have the agencies come back to the Legislature for approval. The ongoing costs should be part of the regular capital costs.

OTHER: There should be communication about the costs relating to land acquisition. This bill raises concerns that the information is redundant. The capital budget process should be a review of the acquisition.

Persons Testifying (Ways & Means): PRO: Senator Honeyford, prime sponsor.

CON: Bill Robinson, The Nature Conservancy.

OTHER: Craig Partridge, DNR.