

SENATE BILL REPORT

SB 6052

As Reported by Senate Committee On:
Natural Resources & Parks, February 4, 2014
Ways & Means, February 11, 2014

Title: An act relating to habitat and recreation land acquisitions.

Brief Description: Concerning habitat and recreation land acquisitions.

Sponsors: Senators Honeyford, Hargrove, Schoesler, Sheldon, Brown, Rivers, Pearson and Angel.

Brief History:

Committee Activity: Natural Resources & Parks: 1/23/14, 2/04/14 [DP-WM, DNP, w/oRec].

Ways & Means: 2/10/14, 2/11/14 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

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

Minority Report: Do not pass.
Signed by Senator Liias, Ranking Member.

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

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6052 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Honeyford, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; 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 Conway, Fraser and Hasegawa.

Minority Report: That it be referred without recommendation.

Signed by Senators Billig and Frockt.

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 3 million acres of federally granted lands and state forest lands, which DNR manages to support common schools, counties, and other public institutions.

The agency also manages over 50 natural area preserves (NAPs) that total approximately 37,000 acres and 31 Natural Resource Conservation Areas (NRCAs) that total approximately 110,000 acres. Most recently, in 2011, the Legislature authorized establishment of a class of lands known as Community Forest Trusts (CFTs) to be actively managed with local partners to support land management and sustain working forest conservation objectives.

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 and Recreation Commission (SPRC). The state parks system includes 117 developed parks stretching across approximately 120,000 acres throughout the state.

Capital Requests for Habitat or Recreation Purposes. Under current law, an agency making a capital request to acquire or improve land for habitat or recreation purposes must identify projected future operation and maintenance costs, as well as the proposed fund source for those costs.

Summary of Bill (Recommended Substitute): Notice and Information Requirements. DNR, DFW, and SPRC (the agencies) must provide notification and specified information to the Legislature, Office of Financial Management, and Recreation and Conservation Office prior to acquiring habitat or recreation lands. The required information includes the following:

- the purpose of the acquisition and intended use of the property;
- detailed and measurable goals for the acquisition;
- a monitoring plan to track whether the purchase is meeting the identified goals;
- the monitoring plan must include a date, which may be no more than ten years from the date of acquisition, by which the property must meet the identified goals; and
- anticipated operation and maintenance and, where applicable, payment in lieu of tax (PILT) costs.

The habitat and recreation lands to which the requirement applies include wildlife areas, water access sites, and other habitat or recreation acquisitions by DFW; NAP, NRCA, and CFT acquisitions by DNR; and any property acquisition by SPRC.

Post-Acquisition Monitoring and Reporting. The agencies must produce a biennial report that provides information on each acquisition that is subject to the notice and information requirements. The post-acquisition report must include a summary of:

- the actual use of the acquisition;
- the results of post-acquisition monitoring; and
- actual operation and maintenance costs.

Acquisition Disposal Requirement. An agency must, as expediently as is reasonably practicable, dispose of an acquisition that is subject to the notice and information requirements if the preacquisition or postacquisition reporting requirement has not been met within six months of the due date, or the postacquisition monitoring indicates that the detailed and measurable goals for the real property have not been met by the date identified as required under subsection (1)(a) of this section.

Integration of PILT Costs into Capital Requests. In addition to operation and maintenance costs, the agencies must include information on anticipated PILT costs when making capital habitat and recreation acquisition requests. In addition, the agencies must identify a proposed PILT fund source other than the state general fund, the projected availability of funds from that source, and agency efficiencies to cover those costs if other funds are not provided or available.

Local Government Notification. In addition to the current local government consultation requirements that apply for Washington Wildlife and Recreation Program projects, the act more broadly directs the agencies to review habitat and recreation land acquisition or development proposals with local governments.

Joint Legislative Audit and Review Committee (JLARC) Study. A JLARC study, due in December 2018, on agency compliance in implementing the new requirements including the reporting requirements, development of measurable goals, and post-acquisition monitoring is established.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute):

- Provides that the monitoring plan for an acquisition must specify a date by which property must meet established detailed and measurable goals, not to exceed ten years from the date of acquisition.
- Provides a six-month grace period for applicable reporting deadlines.
- Requires agencies to review proposed habitat and recreation land acquisition or development projects with the local jurisdiction.

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 on Original Bill (Natural Resources & Parks):

PRO: This bill addresses concerns about the purchases of lands throughout the state. Many of the lands that have been purchased do not seem to have any measurable goal or reason for the purchase. The bill requires agencies to have PILT costs in mind when considering any purchase rather than relying on the general fund for more money. This bill would also increase transparency and accountability within agencies.

CON: The concerns surrounding this bill stem from the automatic kickback or disposal of acquisition if agency reporting is delayed.

OTHER: There is a proposed alternative approach that would bring all the information through the Recreation and Conservation Office. A detailed forecast is already provided yearly. Every odd-numbered year a monitoring report is produced. By having all the information funneled into one place, the alternative approach would increase efficiency. There is already an existing mechanism that would be a good forum for providing the information to meet the intent of the bill. The disposal mechanism and its triggering are problematic.

Persons Testifying (Natural Resources & Parks): PRO: Senator Honeyford, prime sponsor.

CON: Bill Clarke, Trust for Public Land.

OTHER: Kaleen Cottingham, Recreation and Conservation Office; Clay Sprague, DFW; Majken Ryherd, WA Wildlife and Recreation Coalition; Bill Robinson, The Nature Conservancy; Ed Bowen, citizen.

Staff Summary of Public Testimony on Original Bill (Ways & Means): OTHER: The information that this bill requires agencies to provide should be available; there should be full disclosure and transparency. The concern is with the missed reporting requirement which then requires the disposal of the property within one year. Oftentimes there are a lot of strings attached to disposing of real property in a short timeframe. The Recreation and Conservation Office collects most of this information.

Persons Testifying (Ways & Means): OTHER: Jim Richards, WA Wildlife & Recreation Coalition; Bill Robinson, The Nature Conservancy; Greg Schirato, DFW.