

SENATE BILL REPORT

ESSB 6052

As Passed Senate, February 18, 2014

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

Brief Description: Concerning habitat and recreation land acquisitions.

Sponsors: Senate Committee on Ways & Means (originally sponsored by 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].

Passed Senate: 2/18/14, 41-6.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass and be referred to Committee on Ways & Means.
Signed by Senators Pearson, Chair; Dangel, 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.
Signed by Senators Conway, Fraser and Hasegawa.

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.

Minority Report: That it be referred without recommendation.

Signed by Senators Billig and Frockt.

Staff: Sherry McNamara (786-7402)

Background: Habitat and Recreation Lands Coordinating Group (Lands Group). In 2007 the Legislature established the lands group consisting of representatives from specified natural resources agencies, as well as representatives of local government and stakeholder organizations invited to participate by the director of the Recreation and Conservation Office.

The statutory duties of the Lands Group include producing a biennial forecast of land acquisition and disposal plans; convening an annual forum for agencies to coordinate near-term acquisition and disposal plans; and developing an approach for monitoring the success of acquisitions. The lands group is set to expire July 31, 2017.

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 that total approximately 37,000 acres and 31 Natural Resource Conservation Areas that total approximately 110,000 acres. Most recently, in 2011, the Legislature authorized establishment of a class of lands known as Community Forest Trusts 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 Engrossed Substitute Bill: Biennial Acquisition Forecast Reporting. The biennial acquisition forecast report is specified as a report due to the Office of Financial Management (OFM) and appropriate legislative committees by November 1 of each even-numbered year. Elements of the report must include the following:

- the anticipated purchase cost and number of acres to be acquired;
- the purpose of the acquisition and intended use of the property;
- detailed and measurable goals for the acquisition;
- a plan to track whether the purchase is meeting the identified goals; and

- anticipated operation and maintenance costs, payment in lieu of tax (PILT) costs, and anticipated funding sources.

Post-Acquisition Monitoring. In carrying out its role monitoring the success of acquisitions, the lands group must provide a biennial monitoring report to OFM and the appropriate legislative committees by July 1 of each odd-numbered year. Elements of the report must include the following:

- the purchase cost and sources of funding;
- the number of acres acquired;
- actual operation and maintenance and PILT costs;
- the results of post-acquisition monitoring; and
- the actual use of the property and the results of post-acquisition monitoring.

Every ten years, the lands group must summarize the previous decade of post-acquisition monitoring. This summary must identify whether properties are meeting the detailed and measurable goals established by the agency. If not, the lands group must identify any progress made toward the goals, the reasons the goals have not been achieved, and the estimated timeframe for meeting the goals.

The appropriate legislative committees are provided specific authority to review the post-acquisition monitoring reports and make recommendations to the appropriate body. The Legislature may direct land disposals by legislative enactment.

Integration of PILT Costs into Capital Requests. In addition to operation and maintenance costs, the agencies must include information on anticipated biennial PILT costs when making capital habitat and recreation acquisition requests. The agencies must also identify a proposed PILT fund source.

Local Government Notification. In addition to the current local government consultation requirements that apply for Washington Wildlife and Recreation Program projects, DNR, DFW, and SPRC must review any habitat and recreation land acquisition or development proposals with the local government with jurisdiction.

Makes the Lands Group Permanent. The current July 31, 2017, expiration date for the lands group's authorization is deleted. Accordingly, the lands group is made permanent.

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.