
SENATE BILL 5210

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen and M. Rasmussen

Read first time 01/18/93. Referred to Committee on Government Operations.

1 AN ACT Relating to acquiring and maintaining conservation areas;
2 amending RCW 82.46.070; adding a new section to chapter 43.99 RCW;
3 adding a new section to chapter 82.45 RCW; recodifying RCW 82.46.070;
4 and providing for submission of this act to a vote of the people.

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

6 **Sec. 1.** RCW 82.46.070 and 1990 1st ex.s. c 5 s 3 are each amended
7 to read as follows:

8 ~~((Subject to subsection (2) of this section, the legislative~~
9 ~~authority of any county may impose))~~ An additional excise tax is
10 imposed beginning January 1, 1994, on each sale of real property in the
11 ((county)) state at a rate ((not to exceed)) of one-half of one percent
12 of the selling price. The proceeds of the tax shall be used
13 exclusively for the acquisition of a fee simple or lesser interest in
14 conservation areas and maintenance of conservation areas.

15 ~~((The taxes imposed under this subsection shall be imposed in the~~
16 ~~same manner and on the same occurrences, and are subject to the same~~
17 ~~conditions, as the taxes under chapter 82.45 RCW, except:~~

18 ~~(a) The tax shall be the obligation of the purchaser; and~~

1 ~~(b))~~ The tax must be imposed and collected in the same manner and
2 under the same conditions as the tax under RCW 82.45.060 is imposed and
3 collected, except that the additional tax does not apply to the
4 acquisition of conservation areas by the state or a county, city, town,
5 or park district.

6 ~~((The county may enforce the obligation through an action of debt~~
7 ~~against the purchaser or may foreclose the lien on the property in the~~
8 ~~same manner prescribed for the foreclosure of mortgages.~~

9 ~~The tax shall take effect thirty days after the election at which~~
10 ~~the taxes are authorized.~~

11 ~~(2) No tax may be imposed under subsection (1) of this section~~
12 ~~unless approved by a majority of the voters of the county voting~~
13 ~~thereon for a specified period and maximum rate after:~~

14 ~~(a) The adoption of a resolution by the county legislative~~
15 ~~authority of the county proposing this action; or~~

16 ~~(b) The filing of a petition proposing this action with the county~~
17 ~~auditor, which petition is signed by county voters at least equal in~~
18 ~~number to ten percent of the total number of voters in the county who~~
19 ~~voted at the last preceding general election.~~

20 ~~The ballot proposition shall be submitted to the voters of the~~
21 ~~county at the next general election occurring at least sixty days after~~
22 ~~a petition is filed, or at any special election prior to this general~~
23 ~~election that has been called for such purpose by the county~~
24 ~~legislative authority.~~

25 ~~(3))~~ (2) The treasurer of a county shall place fifty percent of
26 the receipts from the additional tax imposed under this section into an
27 account established for the county to acquire and maintain conservation
28 areas.

29 A plan for the expenditure of the county's portion of the excise
30 tax proceeds shall be prepared by the county legislative authority ((at
31 least sixty days before the election if the proposal is initiated by
32 resolution of the county legislative authority, or within six months
33 after the tax has been authorized by the voters if the proposal is
34 initiated by petition)) and periodically updated. Prior to the
35 adoption or alteration of this plan, the elected officials of cities
36 and towns located within the county shall be consulted and a public
37 hearing shall be held to obtain public input. The first priority for
38 these plans must be to acquire significant and critical wetland areas
39 or development rights on the wetland areas that are threatened by

1 incompatible land uses, development activities, or being drained and
2 filled. The proceeds of this excise tax that are retained by a county
3 must be expended in conformance with this plan.

4 (3) The treasurer of each county shall distribute the remaining
5 fifty percent of the receipts from the additional tax imposed under
6 this section to the state treasurer who shall place the moneys into the
7 conservation lands account created under section 2 of this act.

8 (4) As used in this section, "conservation area" has the meaning
9 given under RCW 36.32.570.

10 NEW SECTION. Sec. 2. A new section is added to chapter 43.99 RCW
11 to read as follows:

12 The conservation lands account is created in the state treasury.
13 Moneys received by the state treasurer from collections of the
14 additional excise tax on real estate sales, authorized under RCW
15 82.46.070 (as recodified by this act), shall be deposited into the
16 conservation lands account and may be spent only after appropriation.
17 Expenditures from the account may be used only by: (1) The interagency
18 committee on outdoor recreation for grants to state agencies to acquire
19 conservation areas, as defined in RCW 36.32.570; and (2) other state
20 agencies to maintain the conservation areas that are acquired with
21 these moneys.

22 The interagency committee on outdoor recreation shall adopt a plan
23 identifying conservation areas to be acquired and maintained, and shall
24 make grants for the acquisition of these identified conservation areas
25 to appropriate state agencies, including, but not limited to, the
26 department of wildlife, department of fisheries, department of natural
27 resources, and the state parks and recreation commission. The first
28 priority for these expenditures shall be to acquire significant and
29 critical wetland areas or development rights on such wetland areas that
30 are threatened by incompatible land uses, development activities, or
31 being drained and filled.

32 The interagency committee on outdoor recreation shall coordinate
33 its efforts with counties acquiring and maintaining conservation areas
34 under RCW 82.46.070 (as recodified by this act).

35 NEW SECTION. Sec. 3. RCW 82.46.070 as amended by this act is
36 recodified as a new section in chapter 82.45 RCW.

1 NEW SECTION. **Sec. 4.** This act shall be submitted to the people
2 for their adoption and ratification, or rejection, at the next
3 succeeding general election to be held in the state, in accordance with
4 Article II, section 1 of the state Constitution, as amended, and the
5 laws enacted to facilitate the operation thereof.

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