
SENATE BILL 6028

State of Washington

56th Legislature

1999 Regular Session

By Senators Jacobsen, Kline, Spanel, Thibaudeau, Fraser, Fairley and Costa; by request of Commissioner of Public Lands

Read first time 02/23/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to providing funding for the acquisition of salmon
2 habitat and recreation areas; adding new sections to chapter 43.98A
3 RCW; adding a new section to chapter 43.135 RCW; creating a new
4 section; and providing for submission of this act to a vote of the
5 people.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that:

8 (1) Washington possesses an abundance of natural wealth in the form
9 of forests, mountains, wildlife, waters, and other natural resources,
10 all of which help to provide a unique natural environment and a quality
11 of life unmatched in this nation;

12 (2) As the state's population grows, the demand on these resources
13 is growing too, resulting in a significant loss of salmon habitat and
14 lands open to public use and enjoyment;

15 (3) Public acquisition and development programs have not kept pace
16 with the state's expanding population or with the increased demand for
17 recreation and public use areas;

18 (4) Public acquisition programs have not specifically targeted
19 salmon or riparian habitat;

1 (5) If current trends continue, some fisheries species and
2 opportunities for parks and open space will be lost in the state
3 forever;

4 (6) There is a need for the people of the state to reserve certain
5 areas of the state, in rural as well as urban settings, for the benefit
6 of present and future generations.

7 Therefore, it is the policy of the state to expeditiously acquire
8 the most significant lands for salmon conservation and for public use
9 and recreation to meet the needs of present and future generations.

10 NEW SECTION. **Sec. 2.** The definitions in this section apply
11 throughout sections 3 through 16 of this act unless the context clearly
12 requires otherwise.

13 (1) "Acquisition" means the purchase from a willing seller of an
14 interest in real property, including, but not limited to, fee simple,
15 conservation easement, development rights, options to purchase, and
16 rights of first refusal.

17 (2) "Critical salmon habitat" means lands and waters important for
18 the survival, protection, management, or recovery of salmonids,
19 including, but not limited to, riparian corridors, wetlands, estuaries,
20 refugia, tidelands, and shorelines.

21 (3) "Committee" means the interagency committee for outdoor
22 recreation.

23 (4) "Local agencies" means a city, county, town, tribe, special
24 purpose district, port district, or other political subdivision of the
25 state providing services to less than the entire state.

26 (5) "Public use" includes low-impact public recreation and
27 educational uses and improvements that do not adversely affect a site's
28 conservation value, are appropriate to the maintenance of the site in
29 a substantially unmodified natural setting, and do not detract from
30 long-term ecological processes.

31 (6) "Recreation areas" means lands to be acquired for recreation or
32 low-impact public use outside of urban growth areas, but within thirty
33 miles of rapidly urbanizing areas for the development of state or
34 regional parks.

35 NEW SECTION. **Sec. 3.** (1) The legacy acquisition account is
36 established in the state treasury. The committee shall administer the
37 account in accordance with RCW 43.99.110 through 43.99.130 and chapter

1 . . . , Laws of 1999 (this act), and shall hold it separate and apart
2 from all other money, funds, and accounts of the committee.

3 (2) Moneys deposited in the legacy acquisition account shall be
4 invested as authorized for other state funds, and any earnings on them
5 shall be credited to the account.

6 (3) All moneys deposited in the legacy acquisition account from
7 bonds authorized by section 11 of this act, or other sources, shall be
8 allocated under sections 4 through 10 of this act as grants to state or
9 local agencies for acquisition of critical salmon habitat or recreation
10 areas within the jurisdiction of those agencies, subject to legislative
11 appropriation. The committee may use or permit the use of any funds in
12 this account as matching funds where federal, local, or other funds are
13 made available for projects within the purposes of chapter . . . , Laws
14 of 1999 (this act).

15 NEW SECTION. **Sec. 4.** (1) The committee may adopt rules
16 establishing policies and priorities for distributions from the legacy
17 acquisition account created in section 3 of this act.

18 (2) Moneys from bonds sold under section 11 of this act may be used
19 for salmon habitat and recreation land acquisition, including costs
20 incidental to acquisition, including, but not limited to, title search,
21 surveying expenses, fencing, and signing. Moneys may not be used for
22 the operation or maintenance of land acquired.

23 NEW SECTION. **Sec. 5.** (1) In determining funding priorities with
24 respect to the legacy acquisition account created in section 3 of this
25 act, the committee shall give highest priority to the acquisition of
26 critical salmon habitat and recreation areas that best:

27 (a) Protect critical salmon habitat that is currently in good
28 condition;

29 (b) Protect critical salmon habitat most at risk of development or
30 conversion to a use incompatible with recovering salmon populations;
31 and

32 (c) Provide land suitable for low-impact recreation or public use
33 for state or regional parks in areas experiencing rapid population
34 growth.

35 (2) In addition, when determining funding priorities with respect
36 to the legacy acquisition account, the committee shall consider, at a
37 minimum:

- 1 (a) Watersheds with federally listed salmonids;
- 2 (b) Watersheds in the salmon and steelhead stock inventory report;
- 3 and
- 4 (c) Long-term viability of the site.

5 NEW SECTION. **Sec. 6.** Moneys made available under this chapter for
6 land acquisition shall not be used to acquire land through
7 condemnation.

8 NEW SECTION. **Sec. 7.** Before October 1st of each year, the
9 committee shall recommend to the governor a prioritized list of all
10 projects to be granted funds under sections 4 through 10 of this act.
11 The governor may remove projects from the list and shall submit this
12 amended list in the capital budget request to the legislature. The
13 list shall include, but not be limited to, a description of each
14 project and any particular match requirement. The legislature shall
15 appropriate funds requested by the governor in the budget from the
16 legacy acquisition account to the interagency committee for outdoor
17 recreation for allocation and disbursement.

18 NEW SECTION. **Sec. 8.** The committee shall not sign contracts or
19 otherwise financially obligate funds from the legacy acquisition
20 account created in section 3 of this act before the legislature has
21 appropriated funds for a specific list of projects. The legislature
22 may remove projects from the list recommended by the governor.

23 NEW SECTION. **Sec. 9.** On or before November 1st of each
24 odd-numbered year, the committee shall submit to the governor and the
25 standing committees of the legislature dealing with fiscal affairs,
26 fish and wildlife, and natural resources a report detailing the
27 acquisitions and development projects granted funds under chapter
28 . . ., Laws of 1999 (this act) during the immediately preceding
29 biennium.

30 NEW SECTION. **Sec. 10.** Grants, gifts, other financial assistance,
31 proceeds received from public bodies as administrative cost
32 contributions, and moneys made available to the state of Washington by
33 the federal government for conservation purposes, may be deposited into
34 the legacy acquisition account created in section 3 of this act.

1 NEW SECTION. **Sec. 11.** In order to provide funds necessary for the
2 acquisition of critical salmon habitat and recreation areas, there
3 shall be issued and sold upon the request of the committee a maximum of
4 one billion dollars of general obligation bonds of the state of
5 Washington. The acquisition of critical salmon habitat and recreation
6 areas in accordance with chapter . . . , Laws of 1999 (this act) shall
7 be a "single work or object" for the purposes of Article VIII, section
8 3 of the state Constitution.

9 NEW SECTION. **Sec. 12.** (1) Upon the request of the committee, the
10 state finance committee shall supervise and provide for the issuance,
11 sale, and retirement of the bonds authorized by section 11 of this act
12 in accordance with chapter 39.42 RCW. These bonds shall be sold in
13 such manner, at such time or times, in such amounts, and at such price
14 as the state finance committee shall determine. These bonds shall be
15 paid and discharged within thirty years of the date of issuance. No
16 such bonds may be offered for sale without prior legislative
17 appropriation of the net proceeds of the sale of the bonds.

18 (2) The state finance committee shall consider the issuance of
19 short-term obligations in lieu of long-term obligations for the
20 purposes of more favorable interest rates, lower total interest costs,
21 and increased marketability, and for the purpose of retiring the bonds
22 during the life of the project for which they were issued.

23 NEW SECTION. **Sec. 13.** The proceeds from the sale of bonds
24 authorized by section 11 of this act shall be deposited in the legacy
25 acquisition account created in section 3 of this act. The proceeds
26 shall be available only for the purposes provided for in chapter . . . ,
27 Laws of 1999 (this act), for the payment of bond anticipation notes, if
28 any, and for the payment of bond issuance costs, including the costs of
29 underwriting.

30 NEW SECTION. **Sec. 14.** Bonds issued under the authority of section
31 11 of this act shall state that they are a general obligation of the
32 state of Washington, shall pledge the full faith and credit of the
33 state to the payment of the principal thereof and the interest thereon,
34 and shall contain an unconditional promise to pay such principal and
35 interest as it becomes due.

1 NEW SECTION. **Sec. 15.** Both principal and interest on the bonds
2 issued under the authority of section 11 of this act shall be payable
3 from a special account to be created by the state finance committee.
4 The state finance committee shall, on or before June 30th of each year,
5 certify to the state treasurer the amount required for principal and
6 interest on the bonds in accordance with the bond proceedings. The
7 state treasurer shall withdraw revenues from the general fund and
8 deposit in the special account created by the state finance committee
9 such amounts and at such times as are required by the bond proceedings.

10 NEW SECTION. **Sec. 16.** Bonds issued under authority of section 11
11 of this act shall not be considered an indebtedness for the purposes of
12 RCW 39.42.060 or for calculating any other statutory debt limit.

13 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.135
14 RCW to read as follows:

15 RCW 43.135.035(4) does not apply to section 15 of this act.

16 NEW SECTION. **Sec. 18.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 19.** The secretary of state shall submit this
21 act to the people for their adoption and ratification, or rejection, at
22 the next general election to be held in this state, in accordance with
23 Article VIII, section 3 of the state Constitution and the laws adopted
24 to facilitate its operation.

25 NEW SECTION. **Sec. 20.** Sections 2 through 16 of this act are each
26 added to chapter 43.98A RCW.

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