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ENGROSSED SUBSTITUTE HOUSE BILL 2567

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State of Washington

62nd Legislature

2012 Regular Session

By House Local Government (originally sponsored by Representative Fitzgibbon)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to authorizing an optional system of rates and  
2 charges for conservation districts; and adding a new section to chapter  
3 89.08 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 89.08 RCW  
6 to read as follows:

7 (1) In order to implement the authority granted under this chapter,  
8 and as an alternative, but not in addition to the system provided by  
9 RCW 89.08.400, a conservation district may provide for revenues by  
10 fixing rates and charges payable by the landowner for the furnishing of  
11 service to those served or receiving benefits, or to be served or to  
12 receive benefits, from the district. In fixing rates and charges, the  
13 conservation district may, in its discretion, consider:

14 (a) Services furnished or to be furnished;

15 (b) Benefits received or to be received;

16 (c) The character and use of land or its water runoff  
17 characteristics;

18 (d) The nonprofit public benefit status, as defined in RCW  
19 24.03.490, of the land user;

1 (e) The income level of persons served or provided benefits under  
2 this chapter, including senior citizens and disabled persons; and

3 (f) Any other matters which present a reasonable difference as a  
4 ground for distinction.

5 (2) The maximum annual per acre rate or charge shall not exceed ten  
6 cents per acre. The maximum annual per parcel rate may not exceed five  
7 dollars, except that for counties with a population of more than one  
8 million five hundred thousand persons, the maximum annual per parcel  
9 rate may not exceed ten dollars.

10 (3) Public land, including lands owned or held by the state, shall  
11 be subject to rates and charges to the same extent as privately owned  
12 lands. The procedures provided in chapter 79.44 RCW shall be followed  
13 if lands owned or held by the state are subject to the rates and  
14 charges of a conservation district.

15 (4) Forest lands used solely for the planting, growing, or  
16 harvesting of trees may be subject to rates and charges if such lands  
17 are served by the activities of the conservation district. The per  
18 acre rate or charge on these forest lands, however, may not exceed  
19 one-tenth of the weighted average per acre rate or charge on all other  
20 lands within the conservation district that are subject to rates and  
21 charges. The calculation of the weighted average per acre shall be a  
22 ratio calculated as follows: (a) The numerator shall be the total  
23 amount of money estimated to be derived from the per acre special rates  
24 and charges on the nonforest lands in the conservation district; and  
25 (b) the denominator shall be the total number of nonforest land acres  
26 in the conservation district that are served by the activities of the  
27 conservation district and that are subject to the rates or charges of  
28 the conservation district. No more than ten thousand acres of forest  
29 lands that are both owned by the same person or entity and are located  
30 in the same conservation district may be subject to the rates and  
31 charges that are imposed for that conservation district in any year.  
32 Per parcel charges may not be imposed on forest land parcels. However,  
33 in lieu of a per parcel charge, a charge of up to three dollars per  
34 forest landowner may be imposed on each owner of forest lands whose  
35 forest lands are subject to a per acre rate or charge.

36 (5) The consideration, adoption, implementation, and collection of  
37 a system of rates and charges shall follow the same public notice and

1 hearing process and be subject to the same procedure and authority of  
2 RCW 89.08.400.

3 (6) In the resolution providing for a system of rates and charges,  
4 or by separate resolution, the conservation district board of  
5 supervisors shall establish rules providing for appeals and the board's  
6 hearing of appeals regarding the application of the adopted system of  
7 rates and charges to a parcel or parcels. Any appeal must be filed  
8 with the conservation district no later than twenty-one days after the  
9 system of rates and charges has been approved by the county legislative  
10 authority. The decision of the board of supervisors regarding any  
11 appeal shall be final and conclusive. Any appeal of the decision of  
12 the board shall be to the superior court of the county in which the  
13 district is located, and served and filed within twenty-one days of the  
14 date of the board's written decision.

15 (7) A conservation district shall prepare a roll that implements  
16 the system of rates and charges approved by the county legislative  
17 authority. The rates and charges from the roll shall be spread by the  
18 county assessor as a separate item on the tax rolls and shall be  
19 collected and accounted for with property taxes by the county  
20 treasurer. The amount of the rates and charges shall constitute a lien  
21 against the land that shall be subject to the same conditions as a tax  
22 lien, and collected by the treasurer in the same manner as delinquent  
23 real property taxes. The interest rate on the amount of the rates and  
24 charges shall be the lesser of an average of the federal short-term  
25 rate as defined in 26 U.S.C. Sec. 1274(d) as it existed on the  
26 effective date of this section, plus two percentage points or eight  
27 percent. The rate set for each new year shall be computed by taking an  
28 arithmetical average to the nearest percentage point of the federal  
29 short-term rate, compounded annually. That average shall be calculated  
30 using the rates from four months: January, April, and July of the  
31 calendar year immediately preceding the new year, and October of the  
32 previous preceding year. The county treasurer shall deduct an amount  
33 from the collected rates and charges, as established by the county  
34 legislative authority, to cover the costs incurred by the county  
35 assessor and county treasurer in spreading and collecting the rates and  
36 charges, but not to exceed the actual costs of the work. All remaining  
37 funds collected under this section shall be transferred to the

1 conservation district and used by the conservation district in  
2 accordance with this section.

3 NEW\_SECTION. **Sec. 2.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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