
HOUSE BILL 1370

State of Washington

52nd Legislature

1991 Regular Session

By Representatives H. Sommers, R. King, Haugen, Prince, Rasmussen, Spanel, Morris, Winsley, Betrozoff, Phillips and Jacobsen; by request of Department of Wildlife.

Read first time January 28, 1991. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to open space lands used for wildlife conservation
2 and recreational purposes; amending RCW 77.12.201, 77.12.203, and
3 84.34.020; and creating a new section.

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

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

6 (1) Consistent with the provisions of RCW 4.24.200, it is the
7 policy of this state to encourage land owners to make land and water
8 areas available to the public for recreation purposes;

9 (2) Washington possesses a natural wealth in the form of forests,
10 mountains, waters, open space lands, and other natural resources that
11 provide a diversity of wildlife conservation and outdoor recreation
12 opportunities;

1 (3) Consistent with the intent of the legislature in passing the
2 open space act, it is the policy of this state to encourage the
3 preservation of open space lands; and

4 (4) Any penalty that attaches to open space lands used for wildlife
5 conservation and recreation purposes is contrary to the public policy
6 of this state.

7 **Sec. 2.** RCW 77.12.201 and 1987 c 506 s 29 are each amended to read
8 as follows:

9 The legislative authority of a county may elect, by giving written
10 notice to the director and the treasurer prior to January 1st of any
11 year, to obtain for the following year an amount in lieu of real
12 property taxes on ~~((game))~~ wildlife lands as provided in RCW 77.12.203.
13 Upon the election, the county shall keep a record of all fines,
14 forfeitures, reimbursements, and costs assessed and collected, in whole
15 or in part, under this title for violations of law or rules adopted
16 pursuant to this title and shall monthly remit an amount equal to the
17 amount collected to the state treasurer for deposit in the public
18 safety and education account established under RCW 43.08.250. The
19 election shall continue until the department is notified differently
20 prior to January 1st of any year.

21 **Sec. 3.** RCW 77.12.203 and 1990 1st ex.s. c 15 s 11 are each
22 amended to read as follows:

23 (1) Notwithstanding RCW 84.36.010 or other statutes to the
24 contrary, the director shall pay by April 30th of each year on ~~((game))~~
25 wildlife lands in each county, if requested by an election under RCW
26 77.12.201, an amount in lieu of real property taxes equal to that
27 amount paid on similar parcels of open space land taxable under chapter
28 84.34 RCW ~~((or the greater of seventy cents per acre per year or the~~

1 amount)) paid in 1984 plus an additional amount for control of noxious
2 weeds equal to that which would be paid if such lands were privately
3 owned. This amount shall not be assessed or paid on department
4 buildings, structures, facilities, game farms, fish hatcheries,
5 tidelands, or public fishing areas of less than one hundred acres.

6 (2) "~~((Game))~~ Wildlife lands," as used in this section and RCW
7 77.12.201, means those tracts one hundred acres or larger owned in fee
8 by the department and used for wildlife habitat and public recreational
9 purposes. All lands purchased for wildlife habitat, public access or
10 recreation purposes with federal funds in the Snake River drainage
11 basin shall be considered ~~((game))~~ wildlife lands regardless of
12 acreage.

13 (3) This section shall not apply to lands transferred after April
14 23, 1990, to the department from other state agencies.

15 **Sec. 4.** RCW 84.34.020 and 1988 c 253 s 3 are each amended to read
16 as follows:

17 As used in this chapter, unless a different meaning is required by
18 the context:

19 (1) "Open space land" means (a) any land area so designated by an
20 official comprehensive land use plan adopted by any city or county and
21 zoned accordingly ~~((or))~~, (b) any land area, the preservation of which
22 in its present use would (i) conserve and enhance natural or scenic
23 resources, or (ii) protect streams or water supply, (iii) promote
24 conservation of soils, wetlands, beaches or tidal marshes, or (iv)
25 enhance the value to the public of abutting or neighboring parks,
26 forests, wildlife preserves, nature reservations or sanctuaries or
27 other open space, or (v) enhance recreation opportunities, or (vi)
28 preserve historic sites, or (vii) retain in its natural state tracts of
29 land not less than five acres situated in an urban area and open to

1 public use on such conditions as may be reasonably required by the
2 legislative body granting the open space classification, or (c) all
3 lands owned by the department of wildlife and used for wildlife
4 conservation, public access, or recreational purposes.

5 (2) "Farm and agricultural land" means either (a) land in any
6 contiguous ownership of twenty or more acres (i) devoted primarily to
7 the production of livestock or agricultural commodities for commercial
8 purposes, or (ii) enrolled in the federal conservation reserve program
9 or its successor administered by the United States department of
10 agriculture; (b) any parcel of land five acres or more but less than
11 twenty acres devoted primarily to agricultural uses, which has produced
12 a gross income from agricultural uses equivalent to one hundred dollars
13 or more per acre per year for three of the five calendar years
14 preceding the date of application for classification under this
15 chapter; or (c) any parcel of land of less than five acres devoted
16 primarily to agricultural uses which has produced a gross income of one
17 thousand dollars or more per year for three of the five calendar years
18 preceding the date of application for classification under this
19 chapter. Agricultural lands shall also include farm woodlots of less
20 than twenty and more than five acres and the land on which
21 appurtenances necessary to the production, preparation or sale of the
22 agricultural products exist in conjunction with the lands producing
23 such products. Agricultural lands shall also include any parcel of
24 land of one to five acres, which is not contiguous, but which otherwise
25 constitutes an integral part of farming operations being conducted on
26 land qualifying under this section as "farm and agricultural lands".

27 (3) "Timber land" means land in any contiguous ownership of five or
28 more acres which is devoted primarily to the growth and harvest of
29 forest crops and which is not classified as reforestation land pursuant
30 to chapter 84.28 RCW. Timber land means the land only.

1 (4) "Current" or "currently" means as of the date on which property
2 is to be listed and valued by the county assessor.

3 (5) "Owner" means the party or parties having the fee interest in
4 land, except that where land is subject to real estate contract "owner"
5 shall mean the contract vendee.

6 (6) "Contiguous" means land adjoining and touching other property
7 held by the same ownership. Land divided by a public road, but
8 otherwise an integral part of a farming operation, shall be considered
9 contiguous.