

HB 2351 - H AMD 782

By Representative Hinkle

NOT CONSIDERED 04/26/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 79A.15.020 and 2007 c 241 s 27 are each amended to
4 read as follows:

5 The habitat conservation account is established in the state
6 treasury. The board shall administer the account in accordance with
7 chapter 79A.25 RCW and this chapter, and shall hold it separate and
8 apart from all other money, funds, and accounts of the board. By
9 January 1, 2010, the state treasurer shall transfer from the habitat
10 conservation account to the enhanced 911 account created in RCW
11 38.52.540, seven million five hundred thousand dollars.

12 **Sec. 2.** RCW 79A.15.120 and 2009 c 16 s 2 are each amended to read
13 as follows:

14 (1) The riparian protection account is established in the state
15 treasury. The board must administer the account in accordance with
16 chapter 79A.25 RCW and this chapter, and hold it separate and apart
17 from all other money, funds, and accounts of the board.

18 (2) Moneys appropriated for this chapter to the riparian protection
19 account must be distributed for the acquisition or enhancement or
20 restoration of riparian habitat. All enhancement or restoration
21 projects, except those qualifying under subsection (9)(a) of this
22 section, must include the acquisition of a real property interest in
23 order to be eligible.

24 (3) State and local agencies and lead entities under chapter 77.85
25 RCW may apply for acquisition and enhancement or restoration funds for
26 riparian habitat projects under subsection (1) of this section. Other
27 state agencies not defined in RCW 79A.15.010, such as the department of
28 transportation and the department of corrections, may enter into

1 interagency agreements with state agencies to apply in partnership for
2 funds under this section.

3 (4) The board may adopt rules establishing acquisition policies and
4 priorities for distributions from the riparian protection account.

5 (5) Except as provided in RCW 79A.15.030(7), moneys appropriated
6 for this section may not be used by the board to fund staff positions
7 or other overhead expenses, or by a state, regional, or local agency to
8 fund operation or maintenance of areas acquired under this chapter.

9 (6) Moneys appropriated for this section may be used by grant
10 recipients for costs incidental to restoration and acquisition,
11 including, but not limited to, surveying expenses, fencing, and
12 signing.

13 (7) The board may not approve a local project where the local
14 agency share is less than the amount to be awarded from the riparian
15 protection account. In-kind contributions, including contributions of
16 a real property interest in land may be used to satisfy the local
17 agency's share.

18 (8) State agencies receiving grants for acquisition of land under
19 this section must pay an amount in lieu of real property taxes equal to
20 the amount of tax that would be due if the land were taxable as open
21 space land under chapter 84.34 RCW except taxes levied for any state
22 purpose, plus an additional amount for control of noxious weeds equal
23 to that which would be paid if such lands were privately owned. The
24 county assessor and county legislative authority shall assist in
25 determining the appropriate calculation of the amount of tax that would
26 be due.

27 (9) In determining acquisition priorities with respect to the
28 riparian protection account, the board must consider, at a minimum, the
29 following criteria:

30 (a) Whether the project continues the conservation reserve
31 enhancement program. Applications that extend the duration of leases
32 of riparian areas that are currently enrolled in the conservation
33 reserve enhancement program shall be eligible. Such applications are
34 eligible for a conservation lease extension of at least twenty-five
35 years of duration;

36 (b) Whether the projects are identified or recommended in a
37 watershed planning process under chapter 247, Laws of 1998, salmon

1 recovery planning under chapter 77.85 RCW, or other local plans, such
2 as habitat conservation plans, and these must be highly considered in
3 the process;

4 (c) Whether there is community support for the project;

5 (d) Whether the proposal includes an ongoing stewardship program
6 that includes control of noxious weeds, detrimental invasive species,
7 and that identifies the source of the funds from which the stewardship
8 program will be funded;

9 (e) Whether there is an immediate threat to the site;

10 (f) Whether the quality of the habitat is improved or, for projects
11 including restoration or enhancement, the potential for restoring
12 quality habitat including linkage of the site to other high quality
13 habitat;

14 (g) Whether the project is consistent with a local land use plan,
15 or a regional or statewide recreational or resource plan. The projects
16 that assist in the implementation of local shoreline master plans
17 updated according to RCW 90.58.080 or local comprehensive plans updated
18 according to RCW 36.70A.130 must be highly considered in the process;

19 (h) Whether the site has educational or scientific value; and

20 (i) Whether the site has passive recreational values for walking
21 trails, wildlife viewing, or the observation of natural settings.

22 (10) Before November 1st of each even-numbered year, the board will
23 recommend to the governor a prioritized list of projects to be funded
24 under this section. The governor may remove projects from the list
25 recommended by the board and will submit this amended list in the
26 capital budget request to the legislature. The list must include, but
27 not be limited to, a description of each project and any particular
28 match requirement.

29 (11) By January 1, 2010, the state treasurer shall transfer from
30 the riparian protection account to the enhanced 911 account created in
31 RCW 38.52.540, seven million five hundred thousand dollars.

32 **Sec. 3.** RCW 79A.15.130 and 2007 c 241 s 38 are each amended to
33 read as follows:

34 (1) The farmlands preservation account is established in the state
35 treasury. The board will administer the account in accordance with
36 chapter 79A.25 RCW and this chapter, and hold it separate and apart
37 from all other money, funds, and accounts of the board. Moneys

1 appropriated for this chapter to the farmlands preservation account
2 must be distributed for the acquisition and preservation of farmlands
3 in order to maintain the opportunity for agricultural activity upon
4 these lands.

5 (2)(a) Moneys appropriated for this chapter to the farmlands
6 preservation account may be distributed for (i) the fee simple or less
7 than fee simple acquisition of farmlands; (ii) the enhancement or
8 restoration of ecological functions on those properties; or (iii) both.
9 In order for a farmland preservation grant to provide for an
10 environmental enhancement or restoration project, the project must
11 include the acquisition of a real property interest.

12 (b) If a city or county acquires a property through this program in
13 fee simple, the city or county shall endeavor to secure preservation of
14 the property through placing a conservation easement, or other form of
15 deed restriction, on the property which dedicates the land to
16 agricultural use and retains one or more property rights in perpetuity.
17 Once an easement or other form of deed restriction is placed on the
18 property, the city or county shall seek to sell the property, at fair
19 market value, to a person or persons who will maintain the property in
20 agricultural production. Any moneys from the sale of the property
21 shall either be used to purchase interests in additional properties
22 which meet the criteria in subsection (9) of this section, or to repay
23 the grant from the state which was originally used to purchase the
24 property.

25 (3) Cities and counties may apply for acquisition and enhancement
26 or restoration funds for farmland preservation projects within their
27 jurisdictions under subsection (1) of this section.

28 (4) The board may adopt rules establishing acquisition and
29 enhancement or restoration policies and priorities for distributions
30 from the farmlands preservation account.

31 (5) The acquisition of a property right in a project under this
32 section by a county or city does not provide a right of access to the
33 property by the public unless explicitly provided for in a conservation
34 easement or other form of deed restriction.

35 (6) Except as provided in RCW 79A.15.030(7), moneys appropriated
36 for this section may not be used by the board to fund staff positions
37 or other overhead expenses, or by a city or county to fund operation or
38 maintenance of areas acquired under this chapter.

1 (7) Moneys appropriated for this section may be used by grant
2 recipients for costs incidental to restoration and acquisition,
3 including, but not limited to, surveying expenses, fencing, and
4 signing.

5 (8) The board may not approve a local project where the local
6 agency's share is less than the amount to be awarded from the farmlands
7 preservation account. In-kind contributions, including contributions
8 of a real property interest in land, may be used to satisfy the local
9 agency's share.

10 (9) In determining the acquisition priorities, the board must
11 consider, at a minimum, the following criteria:

12 (a) Community support for the project;

13 (b) A recommendation as part of a limiting factors or critical
14 pathways analysis, a watershed plan or habitat conservation plan, or a
15 coordinated regionwide prioritization effort;

16 (c) The likelihood of the conversion of the site to nonagricultural
17 or more highly developed usage;

18 (d) Consistency with a local land use plan, or a regional or
19 statewide recreational or resource plan. The projects that assist in
20 the implementation of local shoreline master plans updated according to
21 RCW 90.58.080 or local comprehensive plans updated according to RCW
22 36.70A.130 must be highly considered in the process;

23 (e) Benefits to salmonids;

24 (f) Benefits to other fish and wildlife habitat;

25 (g) Integration with recovery efforts for endangered, threatened,
26 or sensitive species;

27 (h) The viability of the site for continued agricultural
28 production, including, but not limited to:

29 (i) Soil types;

30 (ii) On-site production and support facilities such as barns,
31 irrigation systems, crop processing and storage facilities, wells,
32 housing, livestock sheds, and other farming infrastructure;

33 (iii) Suitability for producing different types or varieties of
34 crops;

35 (iv) Farm-to-market access;

36 (v) Water availability; and

37 (i) Other community values provided by the property when used as
38 agricultural land, including, but not limited to:

- 1 (i) Viewshed;
2 (ii) Aquifer recharge;
3 (iii) Occasional or periodic collector for storm water runoff;
4 (iv) Agricultural sector job creation;
5 (v) Migratory bird habitat and forage area; and
6 (vi) Educational and curriculum potential.

7 (10) In allotting funds for environmental enhancement or
8 restoration projects, the board will require the projects to meet the
9 following criteria:

10 (a) Enhancement or restoration projects must further the ecological
11 functions of the farmlands;

12 (b) The projects, such as fencing, bridging watercourses,
13 replanting native vegetation, replacing culverts, clearing of
14 waterways, etc., must be less than fifty percent of the acquisition
15 cost of the project including any in-kind contribution by any party;

16 (c) The projects should be based on accepted methods of achieving
17 beneficial enhancement or restoration results; and

18 (d) The projects should enhance the viability of the preserved
19 farmland to provide agricultural production while conforming to any
20 legal requirements for habitat protection.

21 (11) Before November 1st of each even-numbered year, the board will
22 recommend to the governor a prioritized list of all projects to be
23 funded under this section. The governor may remove projects from the
24 list recommended by the board and must submit this amended list in the
25 capital budget request to the legislature. The list must include, but
26 not be limited to, a description of each project and any particular
27 match requirement.

28 (12) By January 1, 2010, the state treasurer shall transfer from
29 the farmlands preservation account to the enhanced 911 account created
30 in RCW 38.52.540, seven million five hundred thousand dollars.

31 **Sec. 4.** RCW 79A.25.060 and 2007 c 241 s 43 are each amended to
32 read as follows:

33 The outdoor recreation account is created in the state treasury.
34 Moneys in the account are subject to legislative appropriation. The
35 board shall administer the account in accordance with chapter 79A.15
36 RCW and this chapter, and shall hold it separate and apart from all
37 other money, funds, and accounts of the board.

1 Grants, gifts, or other financial assistance, proceeds received
2 from public bodies as administrative cost contributions, and moneys
3 made available to the state of Washington by the federal government for
4 outdoor recreation, may be deposited into the account.

5 By January 1, 2010, the state treasurer shall transfer from the
6 outdoor recreation account to the enhanced 911 account created in RCW
7 38.52.540, two million five hundred thousand dollars.

8 **Sec. 5.** RCW 38.52.540 and 2002 c 371 s 905 and 2002 c 341 s 4 are
9 each reenacted and amended to read as follows:

10 (1) The enhanced 911 account is created in the state treasury. All
11 receipts from the state enhanced 911 excise taxes imposed by RCW
12 82.14B.030 shall be deposited into the account. Moneys in the account
13 shall be used only to support the statewide coordination and management
14 of the enhanced 911 system, for the implementation of wireless enhanced
15 911 statewide, and to help supplement, within available funds, the
16 operational costs of the system, including adequate funding of counties
17 to enable implementation of wireless enhanced 911 service and
18 reimbursement of radio communications service companies for costs
19 incurred in providing wireless enhanced 911 service pursuant to
20 negotiated contracts between the counties or their agents and the radio
21 communications service companies.

22 (2) Funds generated by the enhanced 911 excise tax imposed by RCW
23 82.14B.030(3) shall not be distributed to any county that has not
24 imposed the maximum county enhanced 911 tax allowed under RCW
25 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed
26 by RCW 82.14B.030(4) shall not be distributed to any county that has
27 not imposed the maximum county enhanced 911 tax allowed under RCW
28 82.14B.030(2).

29 (3) The state enhanced 911 coordinator, with the advice and
30 assistance of the enhanced 911 advisory committee, is authorized to
31 enter into statewide agreements to improve the efficiency of enhanced
32 911 services for all counties and shall specify by rule the additional
33 purposes for which moneys, if available, may be expended from this
34 account.

35 (~~(During the 2001-2003 fiscal biennium, the legislature may~~
36 ~~transfer from the enhanced 911 account to the state general fund such~~
37 ~~amounts as reflect the excess fund balance of the account.)) All~~

1 transfers into the enhanced 911 account from the riparian protection
2 account, the habitat conservation account, the outdoor recreation
3 account, and the farmlands preservation account must be used for the
4 modernization of enhanced 911 communications systems statewide."

5 Correct the title.

EFFECT: Transfers a total of \$25 million from the Washington wildlife and recreation accounts into the state enhanced 911 account. Requires the transferred money to be used exclusively for the modernization of enhanced 911 communications systems statewide.

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