

ESHB 2567 - S COMM AMD

By Committee on Agriculture, Water & Rural Economic Development

ADOPTED AND ENGROSSED 2/29/12

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 89.08 RCW  
4 to read as follows:

5 (1) Any county legislative authority may approve by resolution  
6 revenues to a conservation district by fixing rates and charges. The  
7 county legislative authority may provide for this system of rates and  
8 charges as an alternative to, but not in addition to, a special  
9 assessment provided by RCW 89.08.400. In fixing rates and charges, the  
10 county legislative authority may in its discretion consider the  
11 information proposed to the county legislative authority by a  
12 conservation district consistent with this section.

13 (2) A conservation district, in proposing a system of rates and  
14 charges, may consider:

15 (a) Services furnished, to be furnished, or available to the  
16 landowner;

17 (b) Benefits received, to be received, or available to the  
18 property;

19 (c) The character and use of land;

20 (d) The nonprofit public benefit status, as defined in RCW  
21 24.03.490, of the land user;

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

24 (f) Any other matters that present a reasonable difference as a  
25 ground for distinction.

26 (3)(a) The system of rates and charges may include an annual per  
27 acre amount, an annual per parcel amount, or an annual per parcel  
28 amount plus an annual per acre amount. If included in the system of  
29 rates and charges, the maximum annual per acre rate or charge shall not  
30 exceed ten cents per acre. The maximum annual per parcel rate shall

1 not exceed five dollars, except that for counties with a population of  
2 over one million five hundred thousand persons, the maximum annual per  
3 parcel rate shall not exceed ten dollars.

4 (b) Public land, including lands owned or held by the state, shall  
5 be subject to rates and charges to the same extent as privately owned  
6 lands. The procedures provided in chapter 79.44 RCW shall be followed  
7 if lands owned or held by the state are subject to the rates and  
8 charges of a conservation district.

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

32 (4) The consideration, development, adoption, and implementation of  
33 a system of rates and charges shall follow the same public notice and  
34 hearing process and be subject to the same procedure and authority of  
35 RCW 89.08.400(2).

36 (5)(a) Following the adoption of a system of rates and charges, the  
37 conservation district board of supervisors shall establish by

1 resolution a process providing for landowner appeals of the individual  
2 rates and charges as applicable to a parcel or parcels.

3 (b) Any appeal must be filed by the landowner with the conservation  
4 district no later than twenty-one days after the date property taxes  
5 are due. The decision of the board of supervisors regarding any appeal  
6 shall be final and conclusive.

7 (c) Any appeal of the decision of the board shall be to the  
8 superior court of the county in which the district is located, and  
9 served and filed within twenty-one days of the date of the board's  
10 written decision.

11 (6) A conservation district shall prepare a roll that implements  
12 the system of rates and charges approved by the county legislative  
13 authority. The rates and charges from the roll shall be spread by the  
14 county assessor as a separate item on the tax rolls and shall be  
15 collected and accounted for with property taxes by the county  
16 treasurer. The amount of the rates and charges shall constitute a lien  
17 against the land that shall be subject to the same conditions as a tax  
18 lien, and collected by the treasurer in the same manner as delinquent  
19 real property taxes, and subject to the same interest and penalty as  
20 for delinquent property taxes. The county treasurer shall deduct an  
21 amount from the collected rates and charges, as established by the  
22 county legislative authority, to cover the costs incurred by the county  
23 assessor and county treasurer in spreading and collecting the rates and  
24 charges, but not to exceed the actual costs of such work. All  
25 remaining funds collected under this section shall be transferred to  
26 the conservation district and used by the conservation district in  
27 accordance with this section.

28 (7) The rates and charges for a conservation district shall not be  
29 spread on the tax rolls and shall not be allocated with property tax  
30 collections in the following year if, after the system of rates and  
31 charges has been approved by the county legislative authority but  
32 before the fifteenth day of December in that year, a petition has been  
33 filed with the county legislative authority objecting to the imposition  
34 of such rates and charges, which petition has been signed by at least  
35 twenty percent of the owners of land that would be subject to the rate  
36 or charge to be imposed for a conservation district.

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

5        NEW SECTION.    **Sec. 3.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 immediately."

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9        On page 1, line 2 of the title, after "districts;" strike the  
10 remainder of the title and insert "adding a new section to chapter  
11 89.08 RCW; and declaring an emergency."

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