
SUBSTITUTE SENATE BILL 6303

State of Washington

62nd Legislature

2012 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Nelson, Haugen, and Harper)

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 RCW
9 89.08.400, a conservation district may provide for revenues by fixing
10 rates and charges payable by the landowner of real estate for the
11 furnishing of service to those served or receiving benefits or to be
12 served or to receive benefits from the district. In fixing rates and
13 charges, the 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 public benefit nonprofit 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; or

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

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

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

15 (c) Forest lands used solely for the planting, growing, or
16 harvesting of trees may be subject to rates and charges if the lands
17 are served by the activities of the conservation district, but the per
18 acre rate or charge on such forest lands shall not exceed one-tenth of
19 the weighted average per acre rate or charge on all other lands within
20 the conservation district that are subject to rates and charges. The
21 calculation of the weighted average per acre shall be a ratio
22 calculated as follows: (i) The numerator shall be the total amount of
23 money estimated to be derived from the per acre special rates and
24 charges on the nonforest lands in the conservation district; and (ii)
25 the denominator shall be the total number of nonforest land acres in
26 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 such
29 forest lands that is both owned by the same person or entity and is
30 located in the same conservation district may be subject to the rates
31 and charges that are imposed for that conservation district in any
32 year. Per parcel charges shall not be imposed on forest land parcels.
33 However, in lieu of a per parcel charge, a charge of up to three
34 dollars per forest landowner may be imposed on each owner of forest
35 lands whose forest lands are subject to a per acre rate or charge.

36 (3) 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 in
2 RCW 89.08.400.

3 (4)(a) In the resolution providing for a system of rates and
4 charges, or by separate resolution, the conservation district board of
5 supervisors shall establish a process 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.

8 (b) Any appeal under this subsection (4) must be filed with the
9 conservation district no later than twenty-one days after the system of
10 rates and charges has been approved by the county legislative
11 authority. The decision of the board of supervisors regarding any such
12 appeal is final and conclusive.

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

17 (5) A schedule of rates and charges shall be prepared by each
18 conservation district. The schedule of rates and charges must
19 implement the conservation district's system of rates and charges
20 approved by the county legislative authority. The rates and charges
21 from the schedule of rates and charges must be collected and accounted
22 for by the county treasurer. The rates and charges may be collected in
23 conjunction with the collection of property taxes. The amount of rates
24 or charges constitutes a lien against the land that is subject to the
25 same conditions as a tax lien, collected by the treasurer in the same
26 manner as delinquent real property taxes, and subject to the same
27 interest rate and penalty as for delinquent property taxes. The county
28 treasurer shall deduct an amount from the collected rates and charges,
29 as established by the county legislative authority, to cover the costs
30 incurred by the county assessor and county treasurer in spreading and
31 collecting the rates and charges, but not to exceed the actual costs of
32 such work. All remaining funds collected under this section must be
33 transferred to the conservation district and used by the conservation
34 district in accordance with this section.

35 (6) The rates and charges for a conservation district shall not be
36 spread on the tax rolls and shall not be allocated with property tax
37 collections in the following year if, after the system of rates and
38 charges has been approved by the county legislative authority but

1 before the fifteenth day of December in that year, a petition has been
2 filed with the county legislative authority objecting to the imposition
3 of such rates and charges, which petition has been signed by at least
4 twenty percent of the owners of land that would be subject to the rate
5 or charge to be imposed for a conservation district.

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

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