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HOUSE BILL 2126

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State of Washington

63rd Legislature

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By Representatives Lytton, Warnick, Tharinger, Chandler, Blake, Van De Wege, MacEwen, Pettigrew, Dunshee, and Stanford; by request of Commissioner of Public Lands

Prefiled 12/17/13.

1 AN ACT Relating to the community forest trust account; amending RCW  
2 43.30.385, 79.64.020, and 79.64.040; and adding a new section to  
3 chapter 79.155 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 79.155 RCW  
6 to read as follows:

7 The community forest trust account is created in the state  
8 treasury. All moneys received for the acquisition, sale, management,  
9 and administration of the department's duties under this chapter for  
10 community forest trust lands including, but not limited to, proceeds  
11 from the sale of valuable materials from community forest trust lands,  
12 interest earned on investments in the account, and all other revenue  
13 related to community forest trust lands created or acquired pursuant to  
14 this chapter must be deposited into the account. The account is  
15 authorized to receive fund transfers and appropriations from the  
16 general fund, as well as gifts, grants, and endowments from public or  
17 private sources as may be made from time to time. Expenditures from  
18 the account may be used to reimburse management costs incurred by the  
19 department on community forest trust lands, the acquisition of

1 interests in land or other real property to be managed as community  
2 forest trust lands, technical assistance grants pursuant to RCW  
3 79.155.120, and all other purposes consistent with this chapter. Only  
4 the commissioner or the commissioner's designee may authorize  
5 expenditures from the account, provided that any expenditures made to:  
6 (1) Reimburse state and local governmental entities' eligible financial  
7 contributions for the acquisition of community forest trust lands that  
8 are consistent with RCW 79.155.090; or (2) acquire real property for  
9 the community forest trust pursuant to RCW 79.155.040(3) must be  
10 approved by the board. The account is subject to allotment procedures  
11 under chapter 43.88 RCW, but an appropriation is not required for  
12 expenditures.

13 **Sec. 2.** RCW 43.30.385 and 2012 c 166 s 8 are each amended to read  
14 as follows:

15 (1) The park land trust revolving fund is to be utilized by the  
16 department for the purpose of acquiring real property, including all  
17 reasonable costs associated with these acquisitions, as a replacement  
18 for the property transferred to the state parks and recreation  
19 commission, as directed by the legislature in order to maintain the  
20 land base of the affected trusts or under RCW 79.22.060 and to receive  
21 voluntary contributions for the purpose of operating and maintaining  
22 public use and recreation facilities, including trails, managed by the  
23 department.

24 ~~(2) ((In addition to the other purposes identified in this section,~~  
25 ~~the park land trust revolving fund may be utilized by the department to~~  
26 ~~hold funding for future acquisition of lands for the community forest~~  
27 ~~trust program from willing sellers under RCW 79.155.040.~~

28 ~~(3))~~(a) Proceeds from transfers of real property to the state  
29 parks and recreation commission or other proceeds identified from  
30 transfers of real property as directed by the legislature shall be  
31 deposited in the park land trust revolving fund.

32 (b) Except as otherwise provided in this subsection, the proceeds  
33 from real property transferred or disposed under RCW 79.22.060 must be  
34 used solely to purchase replacement forest land, that must be actively  
35 managed as a working forest, within the same county as the property  
36 transferred or disposed. If the real property was transferred under  
37 RCW 79.22.060 (1)(c) and (2)(c) from within a county participating in

1 the state forest land pool created under RCW 79.22.140, replacement  
2 forest land may be located within any county participating in the land  
3 pool.

4 (c) Disbursement from the park land trust revolving fund to acquire  
5 replacement property and for operating and maintaining public use and  
6 recreation facilities shall be on the authorization of the department.

7 (d) The proceeds from the recreation access pass account created in  
8 RCW 79A.80.090 must be solely used for the purpose of operating and  
9 maintaining public use and recreation facilities, including trails,  
10 managed by the department.

11 ~~((+4))~~ (3) In order to maintain an effective expenditure and  
12 revenue control, the park land trust revolving fund is subject in all  
13 respects to chapter 43.88 RCW, but no appropriation is required to  
14 permit expenditures and payment of obligations from the fund.

15 ~~((+5))~~ (4) The department is authorized to solicit and receive  
16 voluntary contributions for the purpose of operating and maintaining  
17 public use and recreation facilities, including trails, managed by the  
18 department. The department may seek voluntary contributions from  
19 individuals and organizations for this purpose. Voluntary  
20 contributions will be deposited into the park land trust revolving fund  
21 and used solely for the purpose of public use and recreation facilities  
22 operations and maintenance. Voluntary contributions are not considered  
23 a fee for use of these facilities.

24 **Sec. 3.** RCW 79.64.020 and 2013 2nd sp.s. c 4 s 1000 are each  
25 amended to read as follows:

26 A resource management cost account in the state treasury is created  
27 to be used solely for the purpose of defraying the costs and expenses  
28 necessarily incurred by the department in managing and administering  
29 state lands, ~~((community forest trust lands, and))~~ aquatic lands, and  
30 the making and administering of leases, sales, contracts, licenses,  
31 permits, easements, and rights-of-way as authorized under the  
32 provisions of this title. Appropriations from the resource management  
33 cost account to the department shall be expended for no other purposes.  
34 Funds in the resource management cost account may be appropriated or  
35 transferred by the legislature for the benefit of all of the trusts  
36 from which the funds were derived. During the 2013-2015 fiscal

1 biennium, the legislature may transfer from the aquatics revenues in  
2 the resources management cost account to the marine resources  
3 stewardship trust account for the purposes of chapter 43.372 RCW.

4 **Sec. 4.** RCW 79.64.040 and 2013 2nd sp.s. c 4 s 1001 are each  
5 amended to read as follows:

6 (1) The board shall determine the amount deemed necessary in order  
7 to achieve the purposes of this chapter and shall provide by rule for  
8 the deduction of this amount from the moneys received from all leases,  
9 sales, contracts, licenses, permits, easements, and rights-of-way  
10 issued by the department and affecting state lands(~~(, community forest~~  
11 ~~trust lands,)~~) and aquatic lands, provided that no deduction shall be  
12 made from the proceeds from agricultural college lands.

13 (2) Moneys received as deposits from successful bidders, advance  
14 payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150  
15 prior to December 1, 1981, which have not been subjected to deduction  
16 under this section are not subject to deduction under this section.

17 (3) Except as otherwise provided in subsection(~~(s (4) and (6))~~) (5)  
18 of this section, the deductions authorized under this section shall not  
19 exceed twenty-five percent of the moneys received by the department in  
20 connection with any one transaction pertaining to state lands and  
21 aquatic lands other than second-class tide and shore lands and the beds  
22 of navigable waters, and fifty percent of the moneys received by the  
23 department pertaining to second-class tide and shore lands and the beds  
24 of navigable waters.

25 ~~(4) ((Deductions authorized under this section for transactions~~  
26 ~~pertaining to community forest trust lands must be established at a~~  
27 ~~level sufficient to defray over time the management costs for~~  
28 ~~activities prescribed in a parcel's management plan adopted pursuant to~~  
29 ~~RCW 79.155.080, and, if deemed appropriate by the board consistent with~~  
30 ~~RCW 79.155.090, to reimburse the state and any local entities' eligible~~  
31 ~~financial contributions for acquisition of the parcel.~~

32 ~~(5))~~ In the event that the department sells logs using the  
33 contract harvesting process described in RCW 79.15.500 through  
34 79.15.530, the moneys received subject to this section are the net  
35 proceeds from the contract harvesting sale.

36 ~~((6))~~ (5) During the 2011-2013 and 2013-2015 fiscal biennia, the

1 twenty-five percent limitation on deductions set in subsection (3) of  
2 this section may be increased up to thirty percent by the board.

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