
HOUSE BILL 2126

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Lytton, Warnick, Tharinger, Chandler, Blake, Van De Wege, MacEwen, Pettigrew, Dunshee, Stanford, Fitzgibbon, Haler, Ross, Buys, Morrell, Roberts, and Ryu; by request of Commissioner of Public Lands

Prefiled 12/17/13. Read first time 01/13/14. Referred to Committee on Agriculture & Natural Resources.

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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