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**SUBSTITUTE HOUSE BILL 1397**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Cairnes, Thompson, Boldt, Sheldon, Stevens and McMorris)

Read first time 03/01/95.

1 AN ACT Relating to transfer of state forest lands back to counties;  
2 amending RCW 76.12.030; and adding new sections to chapter 76.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 76.12.030 and 1991 c 363 s 151 are each amended to  
5 read as follows:

6 If any land acquired by a county through foreclosure of tax liens,  
7 or otherwise, comes within the classification of land described in RCW  
8 76.12.020 and can be used as state forest land and if the department  
9 deems such land necessary for the purposes of this chapter, the county  
10 (~~shall~~) may, upon (~~demand~~) request by the department, deed such  
11 land to the department and the land shall become a part of the state  
12 forest lands.

13 Such land shall be held in trust and administered and protected by  
14 the department as other state forest lands. Any moneys derived from  
15 the lease of such land or from the sale of forest products, oils,  
16 gases, coal, minerals, or fossils therefrom, shall be distributed as  
17 follows:

18 (1) The expense incurred by the state for administration,  
19 reforestation, and protection, not to exceed twenty-five percent, which

1 rate of percentage shall be determined by the board of natural  
2 resources, shall be returned to the forest development account in the  
3 state general fund.

4 (2) Any balance remaining shall be paid to the county in which the  
5 land is located to be paid, distributed, and prorated, except as  
6 hereinafter provided, to the various funds in the same manner as  
7 general taxes are paid and distributed during the year of payment:  
8 PROVIDED, That any such balance remaining paid to a county with a  
9 population of less than nine thousand shall first be applied to the  
10 reduction of any indebtedness existing in the current expense fund of  
11 such county during the year of payment.

12 NEW SECTION. **Sec. 2.** The legislative authority of a county shall  
13 have the option of reacquiring total control of all of its state forest  
14 board transfer lands, within the county, that are currently being  
15 administered by the department of natural resources. In the event of  
16 a transfer to a county, these lands shall be retained in trust and  
17 administered and protected as other state forest lands. Sixty days  
18 after notification is given to the department of natural resources, the  
19 county will regain administrative control of these lands. By the end  
20 of this sixty-day period, the department of natural resources shall  
21 return all records pertaining to these lands to the respective  
22 counties. These records shall include, but not be limited to, legal  
23 descriptions, stand inventories, listings of all expenditures on these  
24 lands, and other pertinent records.

25 Upon the filing of an application by the county legislative  
26 authority, the department of natural resources shall cause notice of  
27 the impending transfer to be given in a manner provided by RCW  
28 42.30.060. The department shall reconvey the forest lands to the  
29 requesting county for as long as the forest lands or traded lands are  
30 kept in commercial forest status.

31 NEW SECTION. **Sec. 3.** Revenue from the sale of timber and other  
32 forest products from the lands transferred to the counties shall be  
33 distributed according to the general tax distribution of the county.  
34 Counties may deduct a fee of up to twenty-five percent of such revenues  
35 to cover the management of the county forest lands.

1        NEW SECTION.    **Sec. 4.** Any state or federal restrictions on log  
2 export will apply to the county forest lands. State forest practice  
3 law shall apply to the management of the county forest lands.

4        NEW SECTION.    **Sec. 5.** The counties shall manage county forest  
5 lands using state of the art silviculture practices. Management may be  
6 contracted to private professional foresters. Counties may jointly  
7 manage lands with written agreement by the respective legislative  
8 authorities.

9        NEW SECTION.    **Sec. 6.** County forest lands may be traded to other  
10 public or private parties on a value-for-value basis as long as all  
11 lands are kept in commercial forest status. The county shall allow  
12 public access when consistent with forest practice requirements. The  
13 county shall allow access to other public or private lands by agreement  
14 when such access is needed for forest management purposes, or other  
15 purposes specified by the agreement.

16        NEW SECTION.    **Sec. 7.** Sections 2 through 6 of this act are each  
17 added to chapter 76.12 RCW.

18        NEW SECTION.    **Sec. 8.** If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

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