
SENATE BILL 6774

State of Washington

54th Legislature

1996 Regular Session

By Senators Drew, Hargrove, Oke, Snyder, Rinehart, Loveland, McDonald, Spanel and Fraser

Read first time 02/16/96. Referred to Committee on Natural Resources.

1 AN ACT Relating to the trust land transfer program; adding a new
2 chapter to Title 79 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
5 establish a public process and clear guidelines for the trust land
6 transfer program. Since 1989, the trust land transfer program has
7 provided an innovative way to infuse money into the public school
8 construction fund, protect properties with significant natural, park,
9 or recreational attributes, eliminate lands that cannot be harvested,
10 and acquire replacement trust properties better suited to produce
11 revenue for the trusts. The program:

12 (1) Provides revenue for the construction of public schools by
13 depositing the timber value of the transfer properties into the common
14 school construction account, while not actually harvesting the timber;

15 (2) Deposits into the trust land replacement account the proceeds
16 associated with the land value that are then used to purchase
17 replacement properties that have better income potential for common
18 school trust beneficiaries; and

1 (3) Transfers to more appropriate ownership common school trust
2 lands with very significant natural, park, or recreational attributes,
3 that are difficult to manage for income production.

4 NEW SECTION. **Sec. 2.** The board of natural resources shall develop
5 criteria to remove lands from trust status and to implement this
6 chapter. The criteria shall be submitted to the appropriate standing
7 committees of the legislature for their review by August 15, 1996.

8 Following legislative review, the board of natural resources shall
9 hold public hearings throughout the state on the criteria. The
10 criteria shall be adopted by the board of natural resources by rule by
11 December 31, 1996.

12 There are two major categories of lands that may be removed from
13 trust:

14 (1) Lands that cannot be harvested:

15 (a) That timber on lands to be transferred shall be impossible to
16 harvest due to economic considerations; and

17 (b) Lands constrained by environmental mandates under state or
18 federal law.

19 (2) Lands that may not be harvested because of other values:

20 (a) Where public use, such as recreation, is more important than
21 management for timber income; and

22 (b) Where environmental and fish and wildlife use is not mandated
23 but is deemed important.

24 NEW SECTION. **Sec. 3.** (1) There must be a clear identification of
25 the reason the property is being considered for transfer.

26 (2) The department of natural resources must establish a list of
27 properties that would be eligible under the two considerations for
28 removing lands from trust under section 2 (1) and (2) of this act, and
29 the department of natural resources must set up a property selection
30 process. The department of natural resources must develop a
31 prioritized list of properties that the receiving agencies may choose
32 from. The receiving agencies may choose potential transfer properties
33 from this list.

34 (3) A second list developed by the receiving agencies must identify
35 properties of significance on recreational, environmental, wildlife, or
36 other considerations.

1 NEW SECTION. **Sec. 4.** The department of natural resources shall
2 attempt to maintain a minimum aggregate ratio of approximately eighty-
3 five to fifteen timber-to-land value in the transactions authorized by
4 this chapter. If the aggregate value of timber-to-land varies by more
5 than plus or minus five percent of that ratio, individual land
6 acquisitions may be dropped in order to maintain the approximate ratio.
7 Intergrant exchanges between common school and other trust lands of
8 equal value may occur if the exchange is in the interest of each trust,
9 as determined by the board of natural resources.

10 NEW SECTION. **Sec. 5.** There must be a determination as to which
11 public entity receives the transfer property. Possible entities
12 include state parks, the department of fish and wildlife, the
13 department of natural resources, and may also include federal and local
14 agencies. A process for including nonstate entities should be
15 developed and encouraged as a means to maximize public recreation and
16 conservation and to include other entities that may have better means
17 of addressing the ongoing maintenance and operation needs of the
18 property once it is removed from trust status.

19 The receiving entity should demonstrate the ability to manage the
20 property according to state and local weed, fire, and safety criteria.

21 NEW SECTION. **Sec. 6.** (1) The land and timber covered by this
22 chapter shall be appraised and purchased at full market value.

23 (2) The proceeds of the sales of timber shall be deposited by the
24 department of natural resources in the same manner as timber revenues
25 from other common school trust lands except that no deductions shall be
26 made for the resource management cost account under RCW 79.64.040.

27 (3) The proceeds of the sales of land authorized by this chapter
28 shall be used by the department of natural resources to acquire
29 replacement timberland of equal value to be managed as common school
30 trust land and to maintain a sustainable yield.

31 (4) The department of natural resources shall develop standards to
32 implement section 5 of this act.

33 NEW SECTION. **Sec. 7.** (1) The lands and timber purchased under
34 this section shall be managed under either chapter 79.68, 79.70, or
35 79.71 RCW, as determined by the board of natural resources.

1 (2) The board of natural resources shall report to the appropriate
2 standing committees of the legislature on the management direction each
3 biennium.

4 NEW SECTION. **Sec. 8.** The department of natural resources shall
5 appoint an advisory committee within thirty days of the effective date
6 of this chapter. The department of natural resources shall work
7 regularly with the advisory committee on the trust land transfer
8 program. The advisory committee shall include representatives of each
9 of the following:

10 (1) The common school trust land trust beneficiary;

11 (2) The county governments of timber counties located in eastern
12 Washington;

13 (3) The county governments of timber counties located in western
14 Washington;

15 (4) The environmental community;

16 (5) The private timber industry;

17 (6) The parks and recreation commission; and

18 (7) The department of fish and wildlife.

19 NEW SECTION. **Sec. 9.** The criteria required under this chapter
20 shall be used for the evaluation of lands and resources. The
21 department of natural resources, after approval by the board of natural
22 resources, shall submit a list of requests by November 1st of each year
23 so that the legislature may consider the requests in the capital
24 budget.

25 NEW SECTION. **Sec. 10.** The department of natural resources must
26 hold a public hearing in an area impacted by the land transfer. Prior
27 notice must be given by the department of natural resources to abutting
28 landowners or lessees concerning all transfers covered by this chapter.

29 NEW SECTION. **Sec. 11.** (1) Each county commissioner of a county
30 with public land or timber that is affected by a proposed change in
31 status of land or timber must be notified.

32 (2) Prior notice of a proposed land or timber transfer covered by
33 this chapter must be given to the local fire protection districts and
34 school districts that are affected.

1 (3) Public land or timber transfers covered by this chapter must be
2 carried out in cooperation with other interested state and federal
3 agencies.

4 NEW SECTION. **Sec. 12.** Sections 1 through 11 of this act shall
5 constitute a new chapter in Title 79 RCW.

6 NEW SECTION. **Sec. 13.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and shall take
9 effect immediately.

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