
SECOND SUBSTITUTE SENATE BILL 5973

State of Washington

63rd Legislature

2014 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rolfes, Pearson, Honeyford, Cleveland, Hargrove, Hewitt, Fraser, Litzow, Parlette, Kline, and McAuliffe; by request of Commissioner of Public Lands)

READ FIRST TIME 02/03/14.

1 AN ACT Relating to the community forest trust account; amending RCW
2 43.30.385, 79.64.020, 79.64.040, and 79.155.090; reenacting and
3 amending RCW 43.84.092 and 43.84.092; adding a new section to chapter
4 79.155 RCW; providing a contingent effective date; and providing a
5 contingent expiration date.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 79.155 RCW
8 to read as follows:

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

1 account may be spent only after appropriation. Expenditures from the
2 account may be used by the commissioner to reimburse management costs
3 incurred by the department on community forest trust lands, for the
4 acquisition of interests in land or other real property to be managed
5 as community forest trust lands, for technical assistance grants
6 pursuant to RCW 79.155.120, and for all other purposes consistent with
7 this chapter. However, the board may authorize any expenditures made
8 to: (1) Reimburse state and local governmental entities' eligible
9 financial contributions for the acquisition of community forest trust
10 lands under RCW 79.155.090; or (2) acquire real property for the
11 community forest trust under RCW 79.155.040(3).

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

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

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

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

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

3 **Sec. 5.** RCW 79.155.090 and 2011 c 216 s 9 are each amended to read
4 as follows:

5 (1) Any revenue produced on community forest trust lands must be(~~(~~
6 ~~consistent with RCW 79.64.040,~~) allocated as follows:

7 (a) All costs incurred by the department in managing the parcel
8 must be fully reimbursed; and

9 (b) After the department's management costs are reimbursed, any
10 remaining revenue must then be prioritized to fulfill the management
11 objectives for the specific parcel as identified in the postacquisition
12 management plan developed under RCW 79.155.080 consistent with the
13 management principles outlined in RCW 79.155.030.

14 (2)(a) If, by the determination of the board, there is revenue
15 remaining in any given biennium after fulfilling the requirements of
16 subsection (1) of this section, then the board has the discretion to
17 reimburse any local entities' eligible financial contributions for
18 acquisition of the parcel under RCW 79.155.070(2) and any state
19 contribution to the acquisition of the parcel up to an amount that
20 represents fifty percent of the difference between the parcel's
21 original appraised fair market value and the parcel's timber and forest
22 land value. However, any funds used as part of the local contribution
23 may not be reimbursed if the funds were originally provided through a
24 state or federal grant, provided through a fully compensated transfer
25 of development rights at fair market value, or provided by a donation
26 of funds or property.

27 (b) If the board decides to reimburse the state and local
28 contribution, then it must allocate the reimbursement so that fifty
29 percent is provided to the state general fund and fifty percent is
30 provided to any eligible partnering local entities.

31 (c) Nothing in this section creates an expectation, requirement, or
32 fiduciary duty for the board or the associated community forest trust
33 lands to generate revenue in excess of amounts as provided in
34 subsection (1)(a) of this section.

35 **Sec. 6.** RCW 43.84.092 and 2013 2nd sp.s. c 23 s 24 and 2013 2nd
36 sp.s. c 11 s 15 are each reenacted and amended to read as follows:

1 (1) All earnings of investments of surplus balances in the state
2 treasury shall be deposited to the treasury income account, which
3 account is hereby established in the state treasury.

4 (2) The treasury income account shall be utilized to pay or receive
5 funds associated with federal programs as required by the federal cash
6 management improvement act of 1990. The treasury income account is
7 subject in all respects to chapter 43.88 RCW, but no appropriation is
8 required for refunds or allocations of interest earnings required by
9 the cash management improvement act. Refunds of interest to the
10 federal treasury required under the cash management improvement act
11 fall under RCW 43.88.180 and shall not require appropriation. The
12 office of financial management shall determine the amounts due to or
13 from the federal government pursuant to the cash management improvement
14 act. The office of financial management may direct transfers of funds
15 between accounts as deemed necessary to implement the provisions of the
16 cash management improvement act, and this subsection. Refunds or
17 allocations shall occur prior to the distributions of earnings set
18 forth in subsection (4) of this section.

19 (3) Except for the provisions of RCW 43.84.160, the treasury income
20 account may be utilized for the payment of purchased banking services
21 on behalf of treasury funds including, but not limited to, depository,
22 safekeeping, and disbursement functions for the state treasury and
23 affected state agencies. The treasury income account is subject in all
24 respects to chapter 43.88 RCW, but no appropriation is required for
25 payments to financial institutions. Payments shall occur prior to
26 distribution of earnings set forth in subsection (4) of this section.

27 (4) Monthly, the state treasurer shall distribute the earnings
28 credited to the treasury income account. The state treasurer shall
29 credit the general fund with all the earnings credited to the treasury
30 income account except:

31 (a) The following accounts and funds shall receive their
32 proportionate share of earnings based upon each account's and fund's
33 average daily balance for the period: The aeronautics account, the
34 aircraft search and rescue account, the Alaskan Way viaduct replacement
35 project account, the brownfield redevelopment trust fund account, the
36 budget stabilization account, the capital vessel replacement account,
37 the capitol building construction account, the Cedar River channel
38 construction and operation account, the Central Washington University

1 capital projects account, the charitable, educational, penal and
2 reformatory institutions account, the cleanup settlement account, the
3 Columbia river basin water supply development account, the Columbia
4 river basin taxable bond water supply development account, the Columbia
5 river basin water supply revenue recovery account, the common school
6 construction fund, the community forest trust account, the county
7 arterial preservation account, the county criminal justice assistance
8 account, the deferred compensation administrative account, the deferred
9 compensation principal account, the department of licensing services
10 account, the department of retirement systems expense account, the
11 developmental disabilities community trust account, the drinking water
12 assistance account, the drinking water assistance administrative
13 account, the drinking water assistance repayment account, the Eastern
14 Washington University capital projects account, the Interstate 405
15 express toll lanes operations account, the education construction fund,
16 the education legacy trust account, the election account, the energy
17 freedom account, the energy recovery act account, the essential rail
18 assistance account, The Evergreen State College capital projects
19 account, the federal forest revolving account, the ferry bond
20 retirement fund, the freight mobility investment account, the freight
21 mobility multimodal account, the grade crossing protective fund, the
22 public health services account, the high capacity transportation
23 account, the state higher education construction account, the higher
24 education construction account, the highway bond retirement fund, the
25 highway infrastructure account, the highway safety fund, the high
26 occupancy toll lanes operations account, the hospital safety net
27 assessment fund, the industrial insurance premium refund account, the
28 judges' retirement account, the judicial retirement administrative
29 account, the judicial retirement principal account, the local leasehold
30 excise tax account, the local real estate excise tax account, the local
31 sales and use tax account, the marine resources stewardship trust
32 account, the medical aid account, the mobile home park relocation fund,
33 the motor vehicle fund, the motorcycle safety education account, the
34 multimodal transportation account, the multiuse roadway safety account,
35 the municipal criminal justice assistance account, the natural
36 resources deposit account, the oyster reserve land account, the pension
37 funding stabilization account, the perpetual surveillance and
38 maintenance account, the public employees' retirement system plan 1

1 account, the public employees' retirement system combined plan 2 and
2 plan 3 account, the public facilities construction loan revolving
3 account beginning July 1, 2004, the public health supplemental account,
4 the public works assistance account, the Puget Sound capital
5 construction account, the Puget Sound ferry operations account, the
6 real estate appraiser commission account, the recreational vehicle
7 account, the regional mobility grant program account, the resource
8 management cost account, the rural arterial trust account, the rural
9 mobility grant program account, the rural Washington loan fund, the
10 site closure account, the skilled nursing facility safety net trust
11 fund, the small city pavement and sidewalk account, the special
12 category C account, the special wildlife account, the state employees'
13 insurance account, the state employees' insurance reserve account, the
14 state investment board expense account, the state investment board
15 commingled trust fund accounts, the state patrol highway account, the
16 state route number 520 civil penalties account, the state route number
17 520 corridor account, the state wildlife account, the supplemental
18 pension account, the Tacoma Narrows toll bridge account, the teachers'
19 retirement system plan 1 account, the teachers' retirement system
20 combined plan 2 and plan 3 account, the tobacco prevention and control
21 account, the tobacco settlement account, the toll facility bond
22 retirement account, the transportation 2003 account (nickel account),
23 the transportation equipment fund, the transportation fund, the
24 transportation improvement account, the transportation improvement
25 board bond retirement account, the transportation infrastructure
26 account, the transportation partnership account, the traumatic brain
27 injury account, the tuition recovery trust fund, the University of
28 Washington bond retirement fund, the University of Washington building
29 account, the volunteer firefighters' and reserve officers' relief and
30 pension principal fund, the volunteer firefighters' and reserve
31 officers' administrative fund, the Washington judicial retirement
32 system account, the Washington law enforcement officers' and
33 firefighters' system plan 1 retirement account, the Washington law
34 enforcement officers' and firefighters' system plan 2 retirement
35 account, the Washington public safety employees' plan 2 retirement
36 account, the Washington school employees' retirement system combined
37 plan 2 and 3 account, the Washington state economic development
38 commission account, the Washington state health insurance pool account,

1 the Washington state patrol retirement account, the Washington State
2 University building account, the Washington State University bond
3 retirement fund, the water pollution control revolving administration
4 account, the water pollution control revolving fund, the Western
5 Washington University capital projects account, the Yakima integrated
6 plan implementation account, the Yakima integrated plan implementation
7 revenue recovery account, and the Yakima integrated plan implementation
8 taxable bond account. Earnings derived from investing balances of the
9 agricultural permanent fund, the normal school permanent fund, the
10 permanent common school fund, the scientific permanent fund, the state
11 university permanent fund, and the state reclamation revolving account
12 shall be allocated to their respective beneficiary accounts.

13 (b) Any state agency that has independent authority over accounts
14 or funds not statutorily required to be held in the state treasury that
15 deposits funds into a fund or account in the state treasury pursuant to
16 an agreement with the office of the state treasurer shall receive its
17 proportionate share of earnings based upon each account's or fund's
18 average daily balance for the period.

19 (5) In conformance with Article II, section 37 of the state
20 Constitution, no treasury accounts or funds shall be allocated earnings
21 without the specific affirmative directive of this section.

22 **Sec. 7.** RCW 43.84.092 and 2013 2nd sp.s. c 23 s 25 and 2013 2nd
23 sp.s. c 11 s 16 are each reenacted and amended to read as follows:

24 (1) All earnings of investments of surplus balances in the state
25 treasury shall be deposited to the treasury income account, which
26 account is hereby established in the state treasury.

27 (2) The treasury income account shall be utilized to pay or receive
28 funds associated with federal programs as required by the federal cash
29 management improvement act of 1990. The treasury income account is
30 subject in all respects to chapter 43.88 RCW, but no appropriation is
31 required for refunds or allocations of interest earnings required by
32 the cash management improvement act. Refunds of interest to the
33 federal treasury required under the cash management improvement act
34 fall under RCW 43.88.180 and shall not require appropriation. The
35 office of financial management shall determine the amounts due to or
36 from the federal government pursuant to the cash management improvement
37 act. The office of financial management may direct transfers of funds

1 between accounts as deemed necessary to implement the provisions of the
2 cash management improvement act, and this subsection. Refunds or
3 allocations shall occur prior to the distributions of earnings set
4 forth in subsection (4) of this section.

5 (3) Except for the provisions of RCW 43.84.160, the treasury income
6 account may be utilized for the payment of purchased banking services
7 on behalf of treasury funds including, but not limited to, depository,
8 safekeeping, and disbursement functions for the state treasury and
9 affected state agencies. The treasury income account is subject in all
10 respects to chapter 43.88 RCW, but no appropriation is required for
11 payments to financial institutions. Payments shall occur prior to
12 distribution of earnings set forth in subsection (4) of this section.

13 (4) Monthly, the state treasurer shall distribute the earnings
14 credited to the treasury income account. The state treasurer shall
15 credit the general fund with all the earnings credited to the treasury
16 income account except:

17 (a) The following accounts and funds shall receive their
18 proportionate share of earnings based upon each account's and fund's
19 average daily balance for the period: The aeronautics account, the
20 aircraft search and rescue account, the Alaskan Way viaduct replacement
21 project account, the brownfield redevelopment trust fund account, the
22 budget stabilization account, the capital vessel replacement account,
23 the capitol building construction account, the Cedar River channel
24 construction and operation account, the Central Washington University
25 capital projects account, the charitable, educational, penal and
26 reformatory institutions account, the cleanup settlement account, the
27 Columbia river basin water supply development account, the Columbia
28 river basin taxable bond water supply development account, the Columbia
29 river basin water supply revenue recovery account, the Columbia river
30 crossing project account, the common school construction fund, the
31 community forest trust account, the county arterial preservation
32 account, the county criminal justice assistance account, the deferred
33 compensation administrative account, the deferred compensation
34 principal account, the department of licensing services account, the
35 department of retirement systems expense account, the developmental
36 disabilities community trust account, the drinking water assistance
37 account, the drinking water assistance administrative account, the
38 drinking water assistance repayment account, the Eastern Washington

1 University capital projects account, the Interstate 405 express toll
2 lanes operations account, the education construction fund, the
3 education legacy trust account, the election account, the energy
4 freedom account, the energy recovery act account, the essential rail
5 assistance account, The Evergreen State College capital projects
6 account, the federal forest revolving account, the ferry bond
7 retirement fund, the freight mobility investment account, the freight
8 mobility multimodal account, the grade crossing protective fund, the
9 public health services account, the high capacity transportation
10 account, the state higher education construction account, the higher
11 education construction account, the highway bond retirement fund, the
12 highway infrastructure account, the highway safety fund, the high
13 occupancy toll lanes operations account, the hospital safety net
14 assessment fund, the industrial insurance premium refund account, the
15 judges' retirement account, the judicial retirement administrative
16 account, the judicial retirement principal account, the local leasehold
17 excise tax account, the local real estate excise tax account, the local
18 sales and use tax account, the marine resources stewardship trust
19 account, the medical aid account, the mobile home park relocation fund,
20 the motor vehicle fund, the motorcycle safety education account, the
21 multimodal transportation account, the multiuse roadway safety account,
22 the municipal criminal justice assistance account, the natural
23 resources deposit account, the oyster reserve land account, the pension
24 funding stabilization account, the perpetual surveillance and
25 maintenance account, the public employees' retirement system plan 1
26 account, the public employees' retirement system combined plan 2 and
27 plan 3 account, the public facilities construction loan revolving
28 account beginning July 1, 2004, the public health supplemental account,
29 the public works assistance account, the Puget Sound capital
30 construction account, the Puget Sound ferry operations account, the
31 real estate appraiser commission account, the recreational vehicle
32 account, the regional mobility grant program account, the resource
33 management cost account, the rural arterial trust account, the rural
34 mobility grant program account, the rural Washington loan fund, the
35 site closure account, the skilled nursing facility safety net trust
36 fund, the small city pavement and sidewalk account, the special
37 category C account, the special wildlife account, the state employees'
38 insurance account, the state employees' insurance reserve account, the

1 state investment board expense account, the state investment board
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3 state route number 520 civil penalties account, the state route number
4 520 corridor account, the state wildlife account, the supplemental
5 pension account, the Tacoma Narrows toll bridge account, the teachers'
6 retirement system plan 1 account, the teachers' retirement system
7 combined plan 2 and plan 3 account, the tobacco prevention and control
8 account, the tobacco settlement account, the toll facility bond
9 retirement account, the transportation 2003 account (nickel account),
10 the transportation equipment fund, the transportation fund, the
11 transportation improvement account, the transportation improvement
12 board bond retirement account, the transportation infrastructure
13 account, the transportation partnership account, the traumatic brain
14 injury account, the tuition recovery trust fund, the University of
15 Washington bond retirement fund, the University of Washington building
16 account, the volunteer firefighters' and reserve officers' relief and
17 pension principal fund, the volunteer firefighters' and reserve
18 officers' administrative fund, the Washington judicial retirement
19 system account, the Washington law enforcement officers' and
20 firefighters' system plan 1 retirement account, the Washington law
21 enforcement officers' and firefighters' system plan 2 retirement
22 account, the Washington public safety employees' plan 2 retirement
23 account, the Washington school employees' retirement system combined
24 plan 2 and 3 account, the Washington state economic development
25 commission account, the Washington state health insurance pool account,
26 the Washington state patrol retirement account, the Washington State
27 University building account, the Washington State University bond
28 retirement fund, the water pollution control revolving administration
29 account, the water pollution control revolving fund, the Western
30 Washington University capital projects account, the Yakima integrated
31 plan implementation account, the Yakima integrated plan implementation
32 revenue recovery account, and the Yakima integrated plan implementation
33 taxable bond account. Earnings derived from investing balances of the
34 agricultural permanent fund, the normal school permanent fund, the
35 permanent common school fund, the scientific permanent fund, the state
36 university permanent fund, and the state reclamation revolving account
37 shall be allocated to their respective beneficiary accounts.

1 (b) Any state agency that has independent authority over accounts
2 or funds not statutorily required to be held in the state treasury that
3 deposits funds into a fund or account in the state treasury pursuant to
4 an agreement with the office of the state treasurer shall receive its
5 proportionate share of earnings based upon each account's or fund's
6 average daily balance for the period.

7 (5) In conformance with Article II, section 37 of the state
8 Constitution, no treasury accounts or funds shall be allocated earnings
9 without the specific affirmative directive of this section.

10 NEW SECTION. **Sec. 8.** Section 6 of this act expires on the date
11 the requirements set out in section 7, chapter 36, Laws of 2012 are
12 met.

13 NEW SECTION. **Sec. 9.** Section 7 of this act takes effect on the
14 date the requirements set out in section 7, chapter 36, Laws of 2012
15 are met.

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