
HOUSE BILL 1103

State of Washington

65th Legislature

2017 Regular Session

By Representatives Taylor, Shea, McCaslin, Volz, Condotta, Short, and Buys

Read first time 01/11/17. Referred to Committee on Judiciary.

1 AN ACT Relating to the transfer of federal land to the state;
2 amending RCW 28A.515.300; adding a new chapter to Title 79 RCW;
3 providing an expiration date; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that federal
6 funding and the resulting capacity for responsible management of
7 federal public lands are in serious jeopardy while critical threats
8 such as beetle kills, invasive species, watershed degradation, access
9 restrictions, and catastrophic wildfires continue to escalate.

10 (2) The legislature further finds that the enabling act creating
11 the state of Washington includes specific provisions for the disposal
12 of public lands and guarantees admittance into the union on equal
13 footing with all other states. Washington, like other western states,
14 has not received the full benefit of the provisions of the enabling
15 act, related to the disposal of lands from the federal
16 government. More specifically, section 13 of the enabling act
17 requires "five per centum of the proceeds of the sales of public
18 lands lying within said States ... shall be paid to the said
19 States ... support of common schools within said States."

20 (3) It is the intent of the legislature to enact legislation
21 creating a joint task force to analyze the various public lands in

1 Washington and make recommendations to the legislature regarding the
2 disposal of these properties, including transfer of title.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Governmental entity" means any federal, state, local, or
7 other governmental unit, subdivision, agency, department, or
8 instrumentality thereof.

9 (2) "Net proceeds" means the proceeds from the sale of public
10 lands, after subtracting expenses incident to the sale of the public
11 lands.

12 (3) "Public lands" means lands within the exterior boundaries of
13 Washington, except:

14 (a) Lands to which title is held by a person who is not a
15 governmental entity;

16 (b) Lands owned or held in trust by the state, a political
17 subdivision of the state, or an independent entity;

18 (c) Lands reserved for use by the state system of public
19 education or a state institution of higher education;

20 (d) School and institutional trust lands;

21 (e) The following lands that are managed by the national parks
22 system as of January 1, 2016:

23 (i) Ebey's Landing national historical reserve;

24 (ii) Fort Vancouver national historic site;

25 (iii) Klondike gold rush national historical park;

26 (iv) Lake Chelan national recreation area;

27 (v) Lake Roosevelt national recreation area;

28 (vi) Lewis and Clark national historical park;

29 (vii) Mount Rainier national park;

30 (viii) North Cascades national park;

31 (ix) Olympic national park;

32 (x) Ross Lake national recreation area;

33 (xi) San Juan Island national historical park;

34 (xii) Whitman mission national historic site; and

35 (xiii) Portions of the Nez Perce national historical park located
36 in Washington;

37 (f) Lands within the exterior boundaries of Washington as of
38 January 1, 2016, that are managed by the United States forest service
39 as a national volcanic monument;

1 (g) Lands within the exterior boundaries of Washington that, as
2 of January 1, 2016, are designated as part of the national wilderness
3 preservation system under the wilderness act of 1964 (16 U.S.C. Sec.
4 1131 et seq.);

5 (h) Real property or tangible personal property owned by the
6 United States if the property is within the boundaries of a
7 municipality;

8 (i) Any lands managed or owned by any branch of the United States
9 military or the United States department of energy; or

10 (j) Lands, including water rights, belonging to an Indian or
11 Indian tribe, band, or community that is held in trust by the United
12 States or is subject to a restriction against alienation imposed by
13 the United States.

14 NEW SECTION. **Sec. 3.** (1) On or before December 31, 2017, the
15 United States shall:

16 (a) Extinguish title to all public lands; and

17 (b) Transfer title to public lands to the state of Washington.

18 (2) If the state subsequently transfers title to any public lands
19 received under subsection (1) of this section, the state shall:

20 (a) Retain five percent of the net proceeds the state receives
21 from the transfer of title; and

22 (b) Transfer ninety-five percent of the net proceeds the state
23 receives from the transfer of title to the United States.

24 (3) In accordance with the Washington state Constitution, the
25 amount the state retains in accordance with subsection (2)(a) of this
26 section must be deposited into the permanent common school fund
27 created in RCW 28A.515.300.

28 NEW SECTION. **Sec. 4.** (1)(a) The joint select committee on the
29 transfer of public lands is established, with members as provided as
30 follows:

31 (i) The speaker of the house of representatives shall appoint two
32 members from each of the two largest caucuses of the house of
33 representatives; and

34 (ii) The president of the senate shall appoint two members from
35 each of the two largest caucuses of the senate.

36 (b) The committee shall choose its chair or cochairs from among
37 its membership.

1 (2) The committee shall, with guidance from other interested
2 parties and stakeholders, prepare proposed legislation:

3 (a) Creating a public lands commission assigned with:

4 (i) Administering the transfer of title of public lands to the
5 state under section 3 of this act; and

6 (ii) Addressing the management of public lands and the management
7 of multiple uses of public lands, including addressing managing open
8 space, access to public lands, local planning, and the sustainable
9 yield of natural resources on public lands;

10 (b) Establishing actions that must be taken to secure, preserve,
11 and protect the state's rights and benefits related to the United
12 States' duty to have extinguished title to public lands under section
13 3 of this act, in the event that the United States does not meet the
14 requirements of section 3 of this act;

15 (c) Making any necessary modifications to the definition of
16 "public lands" provided in section 2 of this act;

17 (d) Making a determination of, or creating a process for
18 determining, interests, rights, or uses related to:

19 (i) Easements;

20 (ii) Geothermal resources;

21 (iii) Grazing;

22 (iv) Mining;

23 (v) Natural gas;

24 (vi) Oil and other fossil fuels;

25 (vii) Recreation;

26 (viii) Rights of entry;

27 (ix) Special uses;

28 (x) Timber;

29 (xi) Water; or

30 (xii) Other natural resources or other resources; and

31 (e) Determining what constitutes "expenses incident to the sale
32 of public lands" as provided in the definition of "net proceeds"
33 under section 2 of this act.

34 (3) The joint select committee on the transfer of public lands
35 shall also study and determine whether to prepare proposed
36 legislation related to:

37 (a) An administrative process for:

38 (i) The United States to extinguish title to public lands;

39 (ii) The state to receive title to public lands from the United
40 States; or

1 (iii) The state to transfer title to any public lands the state
2 receives in accordance with section 2 of this act;

3 (b) Establishing a prioritized list of management actions for the
4 state and the political subdivisions of the state to perform on
5 public lands:

6 (i) Before and after the United States extinguishes title to
7 public lands under section 3 of this act; and

8 (ii) To preserve and promote the state's interest in:

9 (A) Protecting public health and safety;

10 (B) Preventing catastrophic wild fire and forest insect
11 infestation;

12 (C) Preserving watersheds;

13 (D) Preserving and enhancing energy and the production of
14 minerals;

15 (E) Preserving and improving range conditions; and

16 (F) Increasing plant diversity and reducing invasive weeds on
17 range and woodland portions of the public lands;

18 (c) Establishing procedures and requirements for subjecting
19 public lands to property taxation;

20 (d) Establishing other requirements related to national forests,
21 national recreation areas, or other public lands administered by the
22 United States; and

23 (e) Addressing the indemnification of a political subdivision of
24 the state for actions taken in furtherance of section 3 of this act.

25 (4) The joint select committee on the transfer of public lands
26 also may study any other issue related to public lands as determined
27 by the commissioner and the attorney general.

28 (5) The joint select committee on the transfer of public lands
29 shall:

30 (a) Make preliminary reports on the study and preparation of
31 proposed legislation required under this section to the legislature,
32 consistent with RCW 43.01.036:

33 (i) By June 30, 2017; and

34 (ii) By October 31, 2017; and

35 (b) Deliver a final report containing findings, recommendations,
36 and proposed legislation to the legislature, consistent with RCW
37 43.01.036, by January 2, 2018.

38 (6) Staff support for the joint select committee on the transfer
39 of public lands must be provided by the house of representatives
40 office of program research and senate committee services.

1 (7) Legislative members of the joint select committee on the
2 transfer of public lands must be reimbursed for travel expenses in
3 accordance with RCW 44.04.120.

4 (8) The expenses of the joint select committee on the transfer of
5 public lands must be paid jointly by the senate and the house of
6 representatives. Committee expenditures are subject to approval by
7 the senate facilities and operations committee and the house of
8 representatives executive rules committee, or their successor
9 committees.

10 (9) This section expires June 30, 2018.

11 NEW SECTION. **Sec. 5.** This act may be known and cited as the
12 transfer of public lands act.

13 **Sec. 6.** RCW 28A.515.300 and 2007 c 505 s 2 are each amended to
14 read as follows:

15 (1) The principal of the common school fund as the same existed
16 on June 30, 1965, shall remain permanent and irreducible. The said
17 fund shall consist of the principal amount thereof existing on June
18 30, 1965, and such additions thereto as may be derived after June 30,
19 1965, from the following named sources, to wit: Appropriations and
20 donations by the state to this fund; donations and bequests by
21 individuals to the state or public for common schools; the proceeds
22 of lands and other property which revert to the state by escheat
23 (~~and~~), forfeiture, or transfer from the United States under section
24 3 of this act; the proceeds of all property granted to the state,
25 when the purpose of the grant is not specified, or is uncertain;
26 funds accumulated in the treasury of the state for the disbursement
27 of which provision has not been made by law; the proceeds of the sale
28 of stone, minerals or property other than timber and other crops from
29 school and state lands, other than those granted for specific
30 purposes; all moneys received from persons appropriating stone,
31 minerals or property other than timber and other crops from school
32 and state lands other than those granted for specific purposes, and
33 all moneys other than rental, recovered from persons trespassing on
34 said lands; five percent of the proceeds of the sale of public lands
35 lying within the state, which shall be sold by the United States
36 subsequent to the admission of the state into the Union as approved
37 by section 13 of the act of congress enabling the admission of the
38 state into the Union; the principal of all funds arising from the

1 sale of lands and other property which have been, and hereafter may
2 be, granted to the state for the support of common schools and such
3 other funds as may be provided by legislative enactment.

4 (2) Consistent with Article XVI, section 5 and Article IX,
5 sections 3 and 5 of the state Constitution, the state investment
6 board may invest the fund as authorized in RCW 28A.515.330.

7 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act
8 constitute a new chapter in Title 79 RCW.

9 NEW SECTION. **Sec. 8.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of
15 the state government and its existing public institutions, and takes
16 effect immediately.

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