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SENATE BILL 5445

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State of Washington

52nd Legislature

1991 Regular Session

By Senators McDonald, Bluechel, McMullen, Vognild, Bailey and Conner;  
by request of Commissioner of Public Lands.

Read first time January 31, 1991. Referred to Committee on Environment  
& Natural Resources.

1 AN ACT Relating to purchase of state forest lands; amending RCW  
2 76.12.080; reenacting and amending RCW 76.12.120; adding a new section  
3 to chapter 84.28 RCW; adding a new section to chapter 84.33 RCW; adding  
4 a new section to chapter 84.34 RCW; adding new sections to chapter  
5 76.12 RCW; repealing RCW 76.12.100; and making an appropriation.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that there is  
8 increasing pressure in areas of the state subject to population growth  
9 for conversion of forest lands to urban uses. Loss of forest land in  
10 these areas reduces the land base for sustainable long-term production  
11 of forest products and reduces the available supply of open space,  
12 watershed protection, habitat, and recreational opportunities  
13 increasingly needed in areas of population growth.

14 The intent of section 2 of this act is to increase the publicly  
15 owned forest land base to be managed in perpetuity as state forest

1 lands for sustainable commercial forestry, to help achieve the purposes  
2 of chapter 36.70A RCW, and to provide a dedicated source of revenue for  
3 the long-term capital construction needs of the state community college  
4 system.

5 NEW SECTION. **Sec. 2.** (1) The department may acquire forest  
6 land that: Is suitable for sustainable commercial forestry; may  
7 provide benefits of watershed protection, wildlife habitat, open space,  
8 and recreation; and is in danger of being parceled or converted to  
9 nonforest uses. In selecting lands to be acquired, consideration shall  
10 be given to consolidating and blocking up publicly owned forest lands  
11 and retaining highly productive forest land in forest uses, in areas in  
12 danger of being parceled or converted to nonforest uses, where state  
13 acquisition is the most prudent means of retaining such lands in forest  
14 uses. The management of the forest lands shall provide for multiple  
15 use of the lands, consistent with RCW 79.68.050. Lands acquired under  
16 this section shall not thereafter be eligible for transfer,  
17 acquisition, or management under chapter 79.70, 79.71, or 43.51 RCW, or  
18 otherwise formally reserved for uses incompatible with timber  
19 production.

20 (2) The department shall maintain a separate accounting of all  
21 moneys appropriated to the department under this section for the  
22 express purpose of purchasing forest lands and the amounts expended  
23 from these funds.

24 NEW SECTION. **Sec. 3.** (1) All revenue derived from the  
25 management of lands acquired under section 2 of this act shall be  
26 distributed as follows:

27 (a) The expense incurred by the state for administration,  
28 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 deposited in the forest development account in the  
3 state general fund.

4 (b) The remainder of the revenue shall be distributed to the  
5 community college forest reserve account.

6 (2) The community college forest reserve account, hereby created in  
7 the state treasury, may be appropriated by the legislature solely for  
8 the capital construction needs of the state community college system.

9 **Sec. 4.** RCW 76.12.080 and 1988 c 128 s 28 are each amended to read  
10 as follows:

11 The department shall take such steps as it deems advisable for  
12 locating and acquiring lands suitable for state forests and  
13 reforestation. No sum in excess of (~~two dollars per acre~~) fair  
14 market value shall ever be paid or allowed either in cash, bonds or  
15 otherwise, for any lands suitable for forest growth, but devoid of  
16 such; nor shall any sum in excess of (~~six dollars per acre~~) fair  
17 market value be paid or allowed either in cash, bonds or otherwise, for  
18 any lands adequately restocked with young growth or left in a  
19 satisfactory natural condition for natural reforestation and continuous  
20 forest production; nor shall any lands ever be acquired by the  
21 department except upon the approval of the title by the attorney  
22 general and on a conveyance being made to the state of Washington by  
23 good and sufficient deed. No forest lands shall be designated,  
24 purchased, or acquired by the department unless the area so designated  
25 or the area to be acquired shall, in the judgment of the department, be  
26 of sufficient acreage and so located that it can be economically  
27 administered for forest development purposes. Whenever the department  
28 acquires or designates an area as forest lands it shall designate such

1 area by a distinctive name or number, e.g., "State forest No. ....",  
2 or, "Cascade State Forest".

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 84.28 RCW  
4 to read as follows:

5 The transfer to the state of Washington of timberland pursuant to  
6 section 2 of this act shall not result in any compensating tax due  
7 under this chapter.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 84.33 RCW  
9 to read as follows:

10 The transfer to the state of Washington of timberland pursuant to  
11 section 2 of this act shall not result in any compensating tax due  
12 under this chapter.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 84.34 RCW  
14 to read as follows:

15 The transfer to the state of Washington of timberland pursuant to  
16 section 2 of this act shall not result in any compensating tax due  
17 under this chapter.

18 **Sec. 8.** RCW 76.12.120 and 1988 c 128 s 32 and 1988 c 70 s 1 are  
19 each reenacted and amended to read as follows:

20 (1) All land, acquired or designated by the department as state  
21 forest land, shall be forever reserved from sale, but the timber and  
22 other products thereon may be sold or, except for land acquired under  
23 section 2 of this act, the land may be leased in the same manner and  
24 for the same purposes as is authorized for state granted land if the  
25 department finds such sale or lease to be in the best interests of the  
26 state and approves the terms and conditions thereof.

1       (~~Except as provided in RCW 79.12.035,~~) (2) All money derived from  
2 the sale of timber or other products, or from lease, or from any other  
3 source from the land, except where the Constitution of this state or  
4 RCW 76.12.030 requires other disposition, shall be disposed of as  
5 follows:

6       (~~(1)~~) (a) Fifty percent shall be placed in the forest development  
7 account.

8       (~~(2)~~) (b) Fifty percent shall be prorated and distributed to the  
9 state general fund, to be dedicated for the benefit of the public  
10 schools, and the county in which the land is located according to the  
11 relative proportions of tax levies of all taxing districts in the  
12 county. The portion to be distributed to the state general fund shall  
13 be based on the regular school levy rate under RCW 84.52.065 (~~as now~~  
14 ~~or hereafter amended~~) and the levy rate for any maintenance and  
15 operation special school levies. The money distributed to the county  
16 shall be paid, distributed, and prorated to the various other funds in  
17 the same manner as general taxes are paid and distributed during the  
18 year of payment.

19       (3) Subsection (2) of this section does not apply to lands acquired  
20 under section 2 of this act.

21       NEW SECTION. Sec. 9.       The land exchange powers provided in RCW  
22 76.12.050 may be used by the department to prevent suitable commercial  
23 forest land from being parceled or converted to nonforest uses,  
24 consistent with section 2 of this act.

25       NEW SECTION. Sec. 10.       Sections 1 through 3 and 9 of this act  
26 are each added to chapter 76.12 RCW.

1        NEW SECTION.    **Sec. 11.**        RCW 76.12.100 and 1988 c 128 s 30, 1949  
2 c 80 s 1, 1947 c 66 s 1, 1945 c 13 s 1, 1943 c 123 s 1, 1941 c 43 s 1,  
3 1939 c 106 s 1, 1937 c 104 s 2, 1935 c 126 s 2, & 1933 c 117 s 1 are  
4 each repealed.

5        NEW SECTION.    **Sec. 12.**        There is appropriated from the general  
6 fund, to the department of natural resources for the biennium ending  
7 June 30, 1993, the sum of twenty million dollars, or as much thereof as  
8 may be necessary, for the purposes of section 2 of this act.