
HOUSE BILL 2284

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Pruitt and Valle

Read first time 01/12/94. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the exchange, sale, and purchase of state forest
2 lands and the reconveyance of state forest lands to counties for
3 purposes other than forestry management and timber production; amending
4 RCW 76.12.015, 76.12.050, 76.12.072, 76.12.073, 76.12.074, 76.12.080,
5 and 43.30.265; reenacting and amending RCW 76.12.120; and adding new
6 sections to chapter 76.12 RCW.

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

8 **Sec. 1.** RCW 76.12.015 and 1988 c 128 s 22 are each amended to read
9 as follows:

10 As used in this chapter((~~7~~)):

11 (1) "Department" means the department of natural resources.

12 (2) "State forest lands" means real property acquired and managed
13 under this chapter.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.12 RCW
15 to read as follows:

16 Certain state forest lands were transferred from counties to the
17 state and are currently managed to perpetuate productive forest
18 resources and generate income for county and state beneficiaries.

1 These lands have also contributed to the recreational opportunities of
2 the state.

3 A growing state population and the effects of urbanization have
4 increased the need for open space, wildlife habitat, watershed and
5 recreational lands, and essential public facilities. State forest
6 lands transferred to the state from counties can provide counties with
7 a resource to meet some of these challenges of growth management
8 planning. It is in the public interest to broaden the purposes for
9 which these state forest lands may be managed, acquired, or disposed.
10 Therefore, it is the policy of the state to maintain and promote
11 reforestation and development of forest resources, but also to
12 encourage multiple uses of these state forest lands under limited
13 circumstances where growth management planning by a county necessitates
14 a more diverse use.

15 **Sec. 3.** RCW 76.12.050 and 1973 1st ex.s. c 50 s 1 are each amended
16 to read as follows:

17 ~~((The board of county commissioners))~~ (1) The legislative authority
18 of any county ((and/or the mayor and)), city ((council or city
19 commission of any city)), or town ((and/)) or the department, with the
20 approval of the board of natural resources, shall have authority to
21 exchange, each with the other, or with ((the federal forest service,))
22 the federal government or any proper agency thereof ((and/)) or with any
23 private landowner((, county land of any character, land owned by
24 municipalities of any character, and land owned by the state under the
25 jurisdiction of the department of natural resources,)) real property or
26 timber for real property or timber of equal value for the purpose of:
27 (a) Repositioning, consolidating ((and)), or blocking up the
28 ((respective land holdings)) real property of any county, municipality,
29 the federal government, or the state of Washington ((or for the purpose
30 of)); (b) obtaining lands having ((commercial)) recreational
31 ((leasing)) potential; (c) protecting state forest land resources; or
32 (d) acquiring real property for public purposes when an exchange is in
33 the best interest of the state.

34 (2) Prior to the approval of an exchange of land under the
35 jurisdiction of the board of natural resources, the board in its sole
36 discretion shall determine for each exchange that: (a) The exchange is
37 in the best interest of the county and the state; (b) notice and a
38 hearing consistent with RCW 79.08.015 have been provided; and (c) the

1 department's reasonable administrative exchange costs will be
2 satisfied. Where cash is necessary to achieve an equal value exchange,
3 cash compensation may be paid or accepted under guidelines approved by
4 the board of natural resources.

5 **Sec. 4.** RCW 76.12.072 and 1983 c 3 s 195 are each amended to read
6 as follows:

7 (1) Whenever ~~((the board of county commissioners of))~~ any county
8 legislative authority shall determine that ((forest lands, that were
9 acquired from such county by the state pursuant to)) real property
10 administered and held under RCW 76.12.030 ((and that are under the
11 administration of)) by the department of natural resources, ((are)) is
12 needed by the county for the purposes of: (a) Public park use in
13 accordance with ((the)) adopted county plans and the state outdoor
14 recreation plan((s)) ; (b) open space or wildlife habitat purposes that
15 are in accordance with state statutes, plans, or directives and an
16 adopted comprehensive county plan; or (c) essential public facilities,
17 as defined in RCW 36.70A.200, to be owned by the county, under an
18 adopted comprehensive county plan, the ((board of)) county
19 ((commissioners)) may file an application with the ((board of natural
20 resources)) department for the ((transfer)) reconveyance of ((such
21 forest lands)) the real property to the county. The board of natural
22 resources shall establish guidelines or policies to ensure the
23 transfers are in the interest of the trust. The application shall
24 certify that the potential reconveyance is in the best interest of the
25 county and the state and will not have a serious adverse effect on the
26 future management of state forest lands in the applying county. The
27 application shall be denied if the department or the board of natural
28 resources finds that the proposed use is not in accordance with this
29 section or the guidelines established by the board of natural
30 resources.

31 (2) Upon the filing of an application by the ~~((board of))~~ county
32 ~~((commissioners)), the ((department of natural resources))~~ county shall
33 ~~((cause))~~ give notice ~~((of))~~ and hold a public hearing regarding the
34 impending transfer ~~((to be given))~~ in the manner ~~((provided by RCW~~
35 ~~42.30.060.—If))~~ consistent with applicable county regulations and
36 ordinances regarding real property transactions. This hearing can be
37 in conjunction with any other public hearing held by the county
38 regarding the proposed use for the property subject to the

1 reconveyance. The department ((of natural resources determines that
2 the proposed use is in accordance with the state outdoor recreation
3 plan, it)), with the approval of the board of natural resources, shall
4 reconvey ((said forest lands)) real property to the requesting county
5 to have and to hold ((for so long as)) provided the ((forest lands are
6 developed, maintained, and)) real property is used for the ((proposed
7 public park purpose. This)) purposes authorized under this section and
8 in accordance with guidelines established by the board. A reconveyance
9 may contain conditions, including but not limited to ((allow)) allowing
10 the department ((of natural resources)) to coordinate the management of
11 any adjacent state-owned lands with the proposed ((park)) county
12 activity to encourage maximum multiple use management and may reserve
13 rights of way needed to manage other state-owned lands in the area.
14 ((The application shall be denied if the department of natural
15 resources finds that the proposed use is not in accord with the state
16 outdoor recreation plan)) The applying county must pay the
17 department's reasonable administrative costs associated with the
18 reconveyance. If the ((land)) real property is not, or ceases to be,
19 used for ((public park purposes)) the approved purposes, the ((land))
20 real property shall be conveyed back to the department ((of natural
21 resources)) upon request of the department. The county shall reconvey
22 the property in substantially the same condition as when originally
23 reconveyed by the state to the county. In the alternative, the county
24 shall reconvey the property back to the state in a condition acceptable
25 to the state and shall be responsible for any liability and expense
26 that might accrue to the state as a result of the county's use and
27 management of the property.

28 **Sec. 5.** RCW 76.12.073 and 1969 ex.s. c 47 s 2 are each amended to
29 read as follows:

30 The ((timber)) resources on any ((such state forest land)) real
31 property transferred to the counties under RCW 76.12.072 shall be
32 managed by the department ((of natural resources)) to the extent that
33 this is consistent with ((park purposes)) the use proposed by the
34 requesting county and approved by the board of natural resources and
35 meets with the approval of the ((board of)) department and the county
36 ((commissioners)) legislative authority. Whenever the department ((of
37 natural resources)) does manage the ((timber)) resources of such

1 (~~lands~~) property, it will do so in accordance with the general
2 statutes relative to the management of all other state forest lands.

3 **Sec. 6.** RCW 76.12.074 and 1969 ex.s. c 47 s 3 are each amended to
4 read as follows:

5 (~~Under provisions mutually agreeable to the board of county~~
6 ~~commissioners and the board of natural resources, lands~~) Real property
7 approved for transfer to a county (~~for public park purposes~~) under
8 the provisions of RCW 76.12.072 shall be transferred (~~to the county~~)
9 or returned by deed.

10 **Sec. 7.** RCW 76.12.080 and 1988 c 128 s 28 are each amended to read
11 as follows:

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

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

34 (~~All land, acquired or designated by the department as state~~
35 ~~forest land, shall be forever reserved from sale, but the~~) Timber and
36 other products (~~thereon~~) removed from state forest land may be sold

1 or the ((land)) real property may be leased in the same manner and for
2 the same purposes as is authorized for state granted land if the
3 department finds such sale or lease to be in the best interests of the
4 state and approves the terms and conditions thereof.

5 Except as provided in RCW 79.12.035, all money derived from the
6 sale of timber or other products, or from lease, or from any other
7 source from the land, except where the Constitution of this state or
8 RCW 76.12.030 requires other disposition, shall be disposed of as
9 follows:

10 (1) Fifty percent shall be placed in the forest development
11 account.

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

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 76.12 RCW
23 to read as follows:

24 The department may, with the approval of the board of natural
25 resources, dispose of real property held and managed under this chapter
26 by sale or transfer if the department finds the sale or transfer to be
27 in the best interests of the state upon terms and conditions approved
28 by the board.

29 The proceeds received from this disposition of real property or
30 received as part of an exchange shall be deposited in the natural
31 resources real property replacement account under RCW 43.30.265. If
32 the property disposed was acquired or administered under this chapter,
33 then replacement property shall be located within the same county as
34 the property that was sold, exchanged, or transferred. All real
35 property acquired as replacement property for that sold, exchanged, or
36 transferred property shall be held and administered as state forest
37 land.

1 **Sec. 10.** RCW 43.30.265 and 1992 c 167 s 1 are each amended to read
2 as follows:

3 (1) The legislature finds that the department of natural resources
4 has a need to maintain the real property asset base it manages and
5 needs an accounting mechanism to complete transactions without reducing
6 the real property asset base.

7 (2) The natural resources real property replacement account is
8 created in the state treasury. This account shall consist of funds
9 transferred or paid for the disposal or transfer of real property by
10 the department of natural resources (~~(under RCW 79.01.009)~~) when those
11 funds are to be used by the department to acquire replacement property.
12 The funds in this account shall be used solely for the acquisition of
13 replacement real property and may be spent only when, and as,
14 authorized by legislative appropriation.

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