

SENATE BILL REPORT

SB 5750

As Reported By Senate Committee On:
Parks, Fish & Wildlife, March 4, 2003

Title: An act relating to the creation of the legacy trust for recreation and conservation.

Brief Description: Creating the legacy trust for recreation and conservation.

Sponsors: Senators Esser, Oke, T. Sheldon, Hale and Swecker; by request of Commissioner of Public Lands.

Brief History:

Committee Activity: Parks, Fish & Wildlife: 2/24/03, 3/4/03 [DPS-WM, DNP].
Ways & Means: 3/7/03.

SENATE COMMITTEE ON PARKS, FISH & WILDLIFE

Majority Report: That Substitute Senate Bill No. 5750 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Oke, Chair; Sheahan, Vice Chair; Doumit, Esser, Spanel and Swecker.

Minority Report: Do not pass.

Signed by Senator Jacobsen.

Staff: Kari Guy (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Richard Ramsey (786-7412)

Background: The Department of Natural Resources manages 2.1 million acres of forest lands to produce revenue for certain beneficiaries, including schools and universities. The public also uses these lands for outdoor recreation at the department's campgrounds and trails. A portion of the lands have been set aside as natural areas or natural resource conservation areas to conserve areas with ecological or scenic value.

Revenue from management of state lands is dedicated to specific beneficiaries and may not be used to support recreation and conservation programs. Currently, the department's recreational access and stewardship programs are funded with state general funds.

Public use of state lands has been increasing, and state general fund support for management recreation areas and natural areas has decreased.

Summary of Substitute Bill: The legacy trust for recreation and conservation is created. The trust may include commercial, agricultural, and forested lands. Revenues from management of these trust lands must be used to support public recreation and conservation of Department of Natural Resources lands. The State Attorney General is charged with ensuring proper administration of the trust.

The department is authorized to receive funds for the purpose of establishing the trust from grants, gifts, loans, or legislative appropriation. The Board of Natural Resources must approve all acquisitions of real property for the trust. In counties with a population of less than 200,000, the department may only purchase private lands if no suitable public land is available. Purchase of private land may not result in a net loss of land in private ownership within such county.

The department may enter into agreements with the State Parks and Recreation Commission or Washington Department of Fish and Wildlife to manage their lands under the legacy trust. A portion of revenue from those lands is returned to the agency owning the land.

Legacy trust lands must be managed by the department in the same manner as other state trust lands. The department must pay property taxes on all parcels acquired for the legacy trust in an amount equal to the amount paid on similar privately-owned parcels of land. The owner of designated private forest land that is sold to the department for the legacy trust is not required to pay a conservation tax.

Up to 30 percent of revenue from legacy trust lands may be used by the department, after appropriation, for management activities on legacy trust lands. The remaining funds may be spent, after appropriation, for the support and management of Department of Natural Resources recreation areas, natural areas, and natural resource conservation areas. The department must develop a six-year expenditure strategy for use of legacy trust revenues, and must provide a report to the Legislature each biennium. Any funds generated from legacy trust lands that are in excess of amounts needed to carry out activities in the six-year plan may be appropriated by the Legislature for similar purposes.

Substitute Bill Compared to Original Bill: In counties with a population of less than 200,000, the department may only purchase private lands if no suitable public land is available. Purchase of private land may not result in a net decrease in private land within such counties. The department may enter into agreements with the Department of Fish and Wildlife and State Parks and Recreation Commission to manage undeveloped land for the purposes of the legacy trust.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Revenue from existing state trust lands cannot be used to manage recreation and conservation on department land. The legacy trust is an expansion of an existing department purpose, and would allow the department to generate revenue just as is done for the other state trusts. The department needs to respond to recreationists who volunteer

extensive hours to maintain state lands. If the state does not generate new funds, a valuable recreational resource will be lost. The state should use this vehicle to buy out UW and WSU trust lands.

Testimony Against: The state should not continue to buy up private lands. The issue is much broader than the issue of local tax base. The department creates a monopoly with its landholdings in certain industries and damages the competitive market. This would require a large investment of state funds, and it is unclear why the state wouldn't invest in a more flexible investment tool. The state should not bring more lands into the existing land management system; rather than timber production state lands should be managed for environmental and educational values.

Testified: Senator Parlette; Walter Olsen, NACMO (pro); Steven Kitjelde, Tacoma Trail Cruisers (pro); Doug Sutherland, Vicki Christiansen, DNR (pro); Jim Kay, Citizens For Parks and Recreation (pro); Hertha Lund, Washington Farm Bureau (con); Mike Ryherd, NWECA Systems Alliance (concerns); Clifford Snyder, volunteer (pro).