

---

SENATE BILL 6186

---

State of Washington

58th Legislature

2004 Regular Session

By Senators Esser, Oke, T. Sheldon, Swecker, Hale, Roach, Haugen and Murray; by request of Commissioner of Public Lands

Read first time 01/14/2004. Referred to Committee on Parks, Fish & Wildlife.

1 AN ACT Relating to the creation of the legacy trust for recreation  
2 and conservation; amending RCW 43.30.385 and 79.19.070; and adding a  
3 new chapter to Title 79 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the state of  
6 Washington is endowed with a richness of federally granted state trust  
7 lands given to our state at its creation. This endowment provides a  
8 perpetual source of revenue set aside in trust to support education and  
9 public facilities. These state trust lands, as well as state forest  
10 lands, may also provide for other public benefits. These may include  
11 economic, environmental, or social benefits, including public  
12 recreation, that arise coincidentally with ownership of a large public  
13 land base. Further, the legislature has established that it is the  
14 policy of the state to secure for present and future generations the  
15 benefits of a system of natural areas and conservation areas providing  
16 for a variety of public purposes including scientific research,  
17 ecological protection, outstanding scenery, and low-impact public  
18 recreation.

1 The legislature further finds that use and enjoyment of these lands  
2 for recreation and conservation purposes is extensive and growing; that  
3 the quality of recreational experience, safety of the public,  
4 maintenance of the trails and facilities, and protection of the lands  
5 from environmental damage may be in jeopardy; and that funding to  
6 support these recreation and natural area purposes has been steadily  
7 declining in both real and per user terms.

8 The legislature further finds that the land endowment concept is  
9 relevant today; that substantial revenue can be perpetually earned from  
10 sustainable management of these lands and resources; and that the  
11 creation of a new land trust, modeled on this durable concept and  
12 managed for the public to produce revenue, is a viable and prudent  
13 approach for generating financial support for maintenance of natural  
14 areas and for managing recreation use on all state lands, state forest  
15 lands, and other uplands managed by the department.

16 Therefore, it is the intent of this act to establish the legacy  
17 trust for recreation and conservation, for the sole purpose of  
18 generating a stable, long-term revenue source to support recreational  
19 access and use on state lands and state forest lands, and maintenance  
20 and protection of designated natural areas and conservation areas, and,  
21 where consistent with this purpose, to help retain working commercial  
22 forest land in the legacy trust as a vital component of Washington  
23 state's landscape.

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

26 (1) "Conservation areas" has the same meaning as "natural resources  
27 conservation area" as defined in RCW 79.71.030.

28 (2) "Department" means the department of natural resources.

29 (3) "Legacy trust" means the legacy trust for recreation and  
30 conservation created in section 3 of this act.

31 (4) "Natural areas" has the same meaning as defined in RCW  
32 79.70.020.

33 (5) "State lands" and "state forest lands" have the same meaning as  
34 elsewhere in this title, as provided in RCW 79.02.010.

35 NEW SECTION. **Sec. 3.** The legacy trust for recreation and  
36 conservation is created as a trust. The legacy trust is composed of

1 lands, and improvements thereon, suitable for sustainable commercial  
2 natural resource management or other commercial management. The legacy  
3 trust must be managed in trust to provide financial support for the  
4 management of public recreational access and use on state lands, state  
5 forest lands, and other uplands managed by the department, as well as  
6 management and protection of areas created under chapters 79.70 and  
7 79.71 RCW and managed by the department.

8 NEW SECTION. **Sec. 4.** (1) The department is authorized to acquire,  
9 by purchase, gift, donation, grant, transfer, or other means, except  
10 eminent domain, fee interest or partial interest in lands or other real  
11 property suitable for management as part of the legacy trust, or lands  
12 or other real property whose acquisition can benefit the legacy trust;  
13 however, no private lands primarily suitable for commercial agriculture  
14 may be purchased for the legacy trust.

15 (2) The department is authorized to receive funds for purposes of  
16 establishing the legacy trust from grants, gifts, bequests, or loans,  
17 whether public or private, as well as from legislative appropriation.  
18 All of the funds must be placed in the legacy and park land trust  
19 revolving fund created in RCW 43.30.385.

20 (3) All acquisitions of real property for the legacy trust must be  
21 approved by the board of natural resources. Prior to approving  
22 acquisitions involving urban property, the board shall seek advice from  
23 the land bank technical advisory committee established in RCW  
24 79.19.070.

25 **Sec. 5.** RCW 43.30.385 and 2003 c 334 s 106 are each amended to  
26 read as follows:

27 The legacy and park land trust revolving fund is to be utilized by  
28 the department for the exclusive purpose of acquiring real property,  
29 including all reasonable costs associated with these acquisitions, in  
30 order to assemble the land base for the legacy trust for recreation and  
31 conservation created in section 3 of this act, or as a replacement for  
32 the property transferred to the state parks and recreation commission,  
33 as directed by the legislature in order to maintain the land base of  
34 the affected trusts or under RCW 79.22.060. Proceeds received under  
35 section 4 of this act, or from transfers of real property to the state  
36 parks and recreation commission, or other proceeds identified from

1 transfers of real property as directed by the legislature shall be  
2 deposited in this fund. Disbursement from the legacy and park land  
3 trust revolving fund to acquire (~~replacement~~) real property shall be  
4 on the authorization of the department. In order to maintain an  
5 effective expenditure and revenue control, the legacy and park land  
6 trust revolving fund is subject in all respects to chapter 43.88 RCW,  
7 but no appropriation is required to permit expenditures and payment of  
8 obligations from the fund.

9 **Sec. 6.** RCW 79.19.070 and 1984 c 222 s 7 are each amended to read  
10 as follows:

11 (1) There is created a land bank technical advisory committee,  
12 consisting of three members. Membership shall consist of: One member  
13 qualified by experience and training in matters pertaining to land use  
14 planning and real estate appointed by the commissioner of public lands,  
15 one member qualified by experience and training in public trust matters  
16 appointed by the superintendent of public instruction, and one member  
17 qualified by experience and training in financial matters appointed by  
18 the state treasurer.

19 (2) The technical advisory committee shall provide professional  
20 advice and counsel to the board of natural resources regarding land  
21 bank sales, purchases, (~~and~~) exchanges involving urban property, and  
22 regarding acquisitions involving urban property for the legacy trust  
23 for recreation and conservation created in section 3 of this act.

24 (3) Members of the technical advisory committee shall be appointed  
25 for five-year terms and shall serve until a successor is appointed. In  
26 the case of a vacancy the vacancy shall be filled by the appointing  
27 authority. The initial term of the appointee of the commissioner shall  
28 expire in three years. The initial term of the appointee of the  
29 superintendent shall expire in four years. The initial term of the  
30 appointee of the treasurer shall expire in five years. All terms  
31 expire December 31<sup>st</sup>.

32 (4) Members of the technical advisory committee shall be reimbursed  
33 for travel expenses incurred in the performance of their duties under  
34 RCW 43.03.050 and 43.03.060.

35 NEW SECTION. **Sec. 7.** The state attorney general, as  
36 representative of the public and particularly those individuals who may

1 be benefited from the legacy trust, has the exclusive authority to  
2 enforce the rights of the public to secure the proper administration of  
3 the legacy trust.

4 NEW SECTION. **Sec. 8.** (1) The department shall manage the legacy  
5 trust in the same manner as state lands. The valuable materials  
6 thereon may be sold or the land may be leased in the same manner and  
7 for the same purposes as is authorized for state lands, if the  
8 department finds such sale or lease to be in the best interests of the  
9 legacy trust and approves the terms and conditions thereof.

10 (2) The department may exchange or directly transfer real property  
11 held in the legacy trust in the same manner and for the same purposes  
12 as state lands under chapter 79.02 RCW or RCW 79.17.010(1). Legacy  
13 trust lands, once acquired, may be sold for any lawful purpose and in  
14 any parcel size with the approval of the board of natural resources.  
15 Sales must be at public auction, and no land may be sold for less than  
16 its appraised value. Any funds received as part of such an exchange,  
17 transfer, or sale, after deduction for reasonable costs associated with  
18 these transactions, must be placed in the legacy and park land trust  
19 revolving fund created in RCW 43.30.385 and used to acquire replacement  
20 real property for the legacy trust.

21 (3) Nothing in this section prevents the department from acquiring  
22 real property subject to encumbrances, if the board of natural  
23 resources finds that this is in the best interests of the legacy trust.  
24 Nothing in this section prevents the department from placing or  
25 accepting restrictions on the deeds of lands acquired for the legacy  
26 trust, when consistent with the purpose of the legacy trust, so as to  
27 perpetuate sustainable commercial forest management on lands  
28 susceptible to conversion to nonforestry uses, or to conform to the  
29 terms of a donation of lands or funds.

30 NEW SECTION. **Sec. 9.** The legacy trust land management account is  
31 created in the state treasury. All receipts from up to twenty-five  
32 percent of the revenue derived from management of real property held in  
33 the legacy trust, as determined by the board of natural resources, must  
34 be deposited into the account. Moneys in the account may be spent only  
35 after appropriation. Expenditures from the account may be used only  
36 for the purposes of carrying out the management activities of the

1 department on legacy trust lands, and for reimbursement, along with  
2 interest, of any expenditures made from the resource management cost  
3 account or the forest development account, for purposes of the legacy  
4 trust.

5 NEW SECTION. **Sec. 10.** The legacy recreation and conservation  
6 trust account is created in the state treasury. All moneys received  
7 from the management of real property held in the legacy trust, less the  
8 money deposited in the legacy trust land management account created in  
9 section 9 of this act, must be deposited into the account. Moneys in  
10 the account may be spent only after appropriation. Expenditures from  
11 the account may be used only for the support and management of  
12 recreation on state lands, state forest lands, and other uplands  
13 managed by the department, under chapter 79.10 RCW, management of  
14 natural areas, and conservation areas under chapters 79.70 and 79.71  
15 RCW, consistent with the plans developed under section 11 of this act.

16 NEW SECTION. **Sec. 11.** Prior to a legislative session in which the  
17 department first requests an appropriation from the legacy recreation  
18 and conservation trust account created in section 10 of this act, the  
19 department shall develop a six-year expenditure strategy to guide  
20 requested appropriations from the account. The expenditure strategy  
21 must be developed so as to achieve the purpose of this chapter. The  
22 expenditure strategy must identify and prioritize expenditures  
23 including, but not limited to: (1) Operation and maintenance and  
24 capital upgrade, repair, replacement, restoration, and new construction  
25 of facilities, trails, and access for dispersed recreation activities;  
26 (2) maintenance and stewardship of natural areas and conservation areas  
27 including, but not limited to, environmental restoration, weed control,  
28 facilities upgrade, repair, replacement, and new construction; and (3)  
29 public education, volunteer support, and law enforcement. Expenditures  
30 from the legacy recreation and conservation trust account may not be  
31 used to offset expenditures necessary to cover the costs of road system  
32 management attributable solely to the generation of revenue from state  
33 lands. However, expenditures may be made for road improvements  
34 necessary for public safety or for continuation of public access to  
35 state lands for recreational purposes. The department shall update the

1 expenditure strategy at least every two years. The department may  
2 establish ad hoc review committees to assist in the development of the  
3 expenditure strategy.

4 NEW SECTION. **Sec. 12.** No later than September 1st of any  
5 even-numbered year, the department shall submit to the appropriate  
6 committees of the house of representatives and senate and to the office  
7 of financial management the current six-year expenditure strategy  
8 prepared under section 11 of this act in support of its biennial  
9 appropriation request from the legacy recreation and conservation trust  
10 account created in section 10 of this act.

11 NEW SECTION. **Sec. 13.** Sections 1 through 4, 7 through 12, and 14  
12 of this act constitute a new chapter in Title 79 RCW.

13 NEW SECTION. **Sec. 14.** If any provision of this act or its  
14 application to any person or circumstance is held invalid, the  
15 remainder of the act or the application of the provision to other  
16 persons or circumstances is not affected.

--- END ---