
HOUSE BILL 1692

State of Washington

59th Legislature

2005 Regular Session

By Representatives Orcutt, Blake, Kretz, DeBolt, Schindler, Condotta, Buck and Takko

Read first time 02/02/2005. Referred to Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to the role of counties in the management of forest
2 land; amending RCW 79.22.100; reenacting and amending RCW 79.22.040;
3 and adding a new chapter to Title 36 RCW.

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

5 **Sec. 1.** RCW 79.22.040 and 2003 c 334 s 206 and 2003 c 313 s 6 are
6 each reenacted and amended to read as follows:

7 (1) Except as provided in section 7 of this act, if any land
8 acquired by a county through foreclosure of tax liens, or otherwise,
9 comes within the classification of land described in RCW 79.22.010 and
10 can be used as state forest land and if the department deems such land
11 necessary for the purposes of this chapter, the county shall, upon
12 demand by the department, deed such land to the department and the land
13 shall become a part of the state forest lands.

14 ~~((Such))~~ (2) Land acquired by the department under this section
15 shall be held in trust and administered and protected by the department
16 in the same manner as other state forest lands.

17 (3) Land acquired by the department under this section must be
18 deeded back to the original county by the department when requested to
19 do so by the legislative authority of the county under section 3 of

1 this act. A legislative authority may only request a deed to be
2 transferred during time periods established by the department through
3 the rule-making process. The department must, at a minimum, allow
4 county legislative authorities to request a deed transfer for at least
5 thirty consecutive days each biennium.

6 (4) Land deeded back to the county under this section is no longer
7 part of the state forest lands, and includes all valuable materials,
8 oils, gases, coals, minerals, or fossils associated with the land.

9 (5) In the event that the department sells logs using the contract
10 harvesting process described in RCW 79.15.500 through 79.15.530, the
11 moneys derived subject to this section are the net proceeds from the
12 contract harvesting sale.

13 **Sec. 2.** RCW 79.22.100 and 2003 c 334 s 208 are each amended to
14 read as follows:

15 ~~((Whenever))~~ (1) For any forest land ~~((which shall have))~~ that has
16 been acquired by any county through the foreclosure of tax liens, or
17 ~~((otherwise))~~ other means, and which ~~((shall have))~~ has been acquired
18 by the federal government either from ~~((said))~~ the county or from the
19 state holding ~~((said))~~ the lands in trust, and ~~((shall be))~~ is
20 available for reacquisition, the board and the ~~((board of))~~ legislative
21 authority of the appropriate county ~~((commissioners of any such~~
22 county)) are authorized to enter into an agreement for the
23 reacquisition of ~~((such))~~ the lands as state forest lands in trust for
24 ~~((such))~~ the county. ((Such))

25 (2) Any agreement authorized by this section shall provide for the
26 price and manner of ~~((such))~~ the reacquisition. The board is
27 authorized to provide in ~~((such))~~ the agreement for the advance of
28 funds available to it for such purpose from the forest development
29 account ~~((,))~~ . The advance of funds may represent all or any part of
30 the price for ~~((such))~~ the reacquisition so agreed upon ~~((, which))~~ .
31 Any advance shall be repaid at such time and in such manner as provided
32 in the agreement, and any distributions must be made solely from any
33 distribution to be made to ~~((said))~~ the county under the provisions of
34 RCW 79.22.040 ~~((; that))~~ .

35 (3) The title to ~~((said))~~ the lands acquired by this section shall
36 be retained by the state free from any trust until the state ~~((shall~~
37 have)) has been fully reimbursed for all funds advanced in connection

1 with (~~such~~) the reacquisition(~~(; and that)~~). In the event of the
2 failure of the county to repay (~~such~~) the advance in the manner
3 provided, the (~~said~~) forest lands shall be retained by the state to
4 be administered and/or disposed of in the same manner as other state
5 forest lands free and clear of any trust interest therein by (~~said~~)
6 the county. (~~Such~~)

7 (4) The county shall make provisions for the reimbursement of the
8 various funds from any moneys derived from (~~such~~) the lands (~~so~~)
9 acquired under this section, or any other county trust forest board
10 lands which are distributable in a like manner, for any sums withheld
11 from funds for other areas which would have been distributed (~~thereto~~
12 ~~from time to time but for such~~) if not for the agreement authorized by
13 this section.

14 (5) Land acquired by the state under this section must be deeded
15 back to the original county by the department when requested to do so
16 by the legislative authority of the county under section 3 of this act
17 during the time periods established by the department under RCW
18 79.22.040. Land deeded back to the county is no longer part of the
19 state forest lands, and includes all valuable materials, oils, gases,
20 coals, minerals, or fossils associated with the land.

21 NEW SECTION. Sec. 3. (1) The legislative authority of any county
22 that has deeded land to the department of natural resources under RCW
23 79.22.040 or 79.22.100 may request the department of natural resources
24 to deed that land back to the county during the time periods
25 established for such requests by the department under RCW 79.22.040.
26 If the original land deeded to the department of natural resources has
27 been transferred for other land within the same county, then the county
28 may request the deed of the acquired property to be transferred to the
29 county.

30 (2) The county assumes full legal and equitable title to all lands
31 deeded to the county under this section. The lands must be managed for
32 maximum sustained profit as a working forest and be forever reserved
33 from sale.

34 NEW SECTION. Sec. 4. (1) Counties opting to request ownership of
35 land under this chapter assume all administrative and management

1 responsibilities for the land, consistent with section 3 of this act,
2 including, but not limited to, deciding on how, when, and if the timber
3 on the land will be harvested.

4 (2) When managing land acquired under this chapter, the legislative
5 authority of the county shall choose the management process that is
6 deemed most effective by the county. This may include, but is not
7 limited to:

- 8 (a) Using county employees to manage the land;
- 9 (b) Contracting with private foresters to manage the land;
- 10 (c) Contracting with the department of natural resources to manage
11 the land;
- 12 (d) Deeding the land to the department of natural resources to hold
13 in trust for the county; or
- 14 (e) Partnering with other counties to jointly manage the land.

15 NEW SECTION. **Sec. 5.** Any moneys derived from the lease of lands
16 obtained under this chapter, or from the sale of oils, gases, coal,
17 minerals, fossils, or other valuable materials, as that term is defined
18 in RCW 79.02.010, shall be paid, distributed, and prorated to the
19 various funds in the same manner as general taxes are paid and
20 distributed, except that no distribution may be made to the state
21 general fund. Revenues that would otherwise be dedicated to the state
22 general fund must be redistributed proportionally among the other funds
23 receiving general tax revenue.

24 NEW SECTION. **Sec. 6.** Counties opting to request ownership of land
25 under this chapter may, if the legislative authority of the county
26 determines it to be in the best interest of the county, enter into
27 agreements with the department of natural resources to include the land
28 in any habitat conservation plans or other plans for satisfying state
29 or federal requirements.

30 NEW SECTION. **Sec. 7.** Once a county has had land deeded back to it
31 from the department of natural resources under this chapter, that
32 county may deny any requests made by the department of natural
33 resources under RCW 79.22.040 to have any qualifying lands deeded to
34 the department of natural resources.

1 NEW SECTION. **Sec. 8.** Sections 3 through 7 of this act constitute
2 a new chapter in Title 36 RCW.

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