

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6211

Chapter 258, Laws of 2018

65th Legislature
2018 Regular Session

GOOD NEIGHBOR AGREEMENTS--FEDERAL LANDS REVOLVING ACCOUNTS

EFFECTIVE DATE: March 23, 2018

Passed by the Senate March 6, 2018
Yeas 49 Nays 0

CYRUS HABIB

President of the Senate

Passed by the House March 2, 2018
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 23, 2018 9:30 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6211** as passed by Senate and the House of Representatives on the dates hereon set forth.

BRAD HENDRICKSON

Secretary

FILED

March 26, 2018

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6211

AS AMENDED BY THE HOUSE

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2018 Regular Session**

By Senators Hawkins, Rolfes, Van De Wege, and Takko; by request of
Department of Natural Resources

1 AN ACT Relating to the federal lands revolving account; amending
2 RCW 43.79A.040; reenacting and amending RCW 79.02.010; adding a new
3 section to chapter 77.12 RCW; adding a new section to chapter 79.64
4 RCW; and declaring an emergency.

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

6 **Sec. 1.** RCW 79.02.010 and 2012 c 166 s 2 are each reenacted and
7 amended to read as follows:

8 The definitions in this section apply throughout this title
9 unless the context clearly requires otherwise.

10 (1) "Aquatic lands" means all state-owned tidelands, shorelands,
11 harbor areas, and the beds of navigable waters as defined in RCW
12 79.105.060 that are administered by the department.

13 (2) "Board" means the board of natural resources.

14 (3) "Commissioner" means the commissioner of public lands.

15 (4) "Community and technical college forest reserve lands" means
16 lands managed under RCW 79.02.420.

17 (5) "Community forest trust lands" means those lands acquired and
18 managed under the provisions of chapter 79.155 RCW.

19 (6) "Department" means the department of natural resources.

20 (7)(a) "Forest biomass" means the by-products of: Current forest
21 management activities; current forest protection treatments

1 prescribed or permitted under chapter 76.04 RCW; or the by-products
2 of forest health treatment prescribed or permitted under chapter
3 76.06 RCW.

4 (b) "Forest biomass" does not include wood pieces that have been
5 treated with chemical preservatives such as: Creosote,
6 pentachlorophenol, or copper-chrome-arsenic; wood from existing old
7 growth forests; wood required to be left on-site under chapter 76.09
8 RCW, the state forest practices act; and implementing rules, and
9 other legal and contractual requirements; or municipal solid waste.

10 (8) "Good neighbor agreement" means an agreement entered into
11 between the state and the United States forest service or United
12 States bureau of land management to conduct forestland, watershed,
13 and rangeland restoration activities on federal lands, as originally
14 authorized by the 2014 farm bill (P.L. 113-79).

15 (9) "Improvements" means anything considered a fixture in law
16 placed upon or attached to lands administered by the department that
17 has changed the value of the lands or any changes in the previous
18 condition of the fixtures that changes the value of the lands.

19 ((+9)) (10) "Land bank lands" means lands acquired under RCW
20 79.19.020.

21 ((+10)) (11) "Person" means an individual, partnership,
22 corporation, association, organization, cooperative, public or
23 municipal corporation, or agency of a federal, state, or local
24 governmental unit, however designated.

25 ((+11)) (12) "Public lands" means lands of the state of
26 Washington administered by the department including but not limited
27 to state lands, state forestlands, lands included in a state
28 forestland pool, and aquatic lands.

29 ((+12)) (13) "State forestland pool" or "land pool" means state
30 forestlands acquired and managed under RCW 79.22.140.

31 ((+13)) (14) "State forestlands" means lands acquired under RCW
32 79.22.010, 79.22.040, and 79.22.020.

33 ((+14)) (15) "State lands" includes:

34 (a) School lands, that is, lands held in trust for the support of
35 the common schools;

36 (b) University lands, that is, lands held in trust for university
37 purposes;

38 (c) Agricultural college lands, that is, lands held in trust for
39 the use and support of agricultural colleges;

1 (d) Scientific school lands, that is, lands held in trust for the
2 establishment and maintenance of a scientific school;

3 (e) Normal school lands, that is, lands held in trust for state
4 normal schools;

5 (f) Capitol building lands, that is, lands held in trust for the
6 purpose of erecting public buildings at the state capital for
7 legislative, executive, and judicial purposes;

8 (g) Institutional lands, that is, lands held in trust for state
9 charitable, educational, penal, and reformatory institutions; and

10 (h) Land bank, escheat, donations, and all other lands, except
11 aquatic lands, administered by the department that are not devoted to
12 or reserved for a particular use by law.

13 (~~(15)~~) (16) "Valuable materials" means any product or material
14 on the lands, such as forest products, forage or agricultural crops,
15 stone, gravel, sand, peat, and all other materials of value except:

16 (a) Mineral, coal, petroleum, and gas as provided for under chapter
17 79.14 RCW; and (b) forest biomass as provided for under chapter
18 79.150 RCW.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12
20 RCW to read as follows:

21 The fish and wildlife federal lands revolving account is created
22 in the custody of the state treasurer. All receipts from the proceeds
23 of good neighbor agreements as defined in RCW 79.02.010 and
24 implemented by the department of fish and wildlife and all
25 legislative transfers, gifts, grants, and federal funds designated
26 for use in conjunction with a good neighbor agreement implemented by
27 the department of fish and wildlife must be deposited into the
28 account. Expenditures from the account are subject to the limitations
29 of the agreements under which proceeds were generated and may be used
30 only for the planning and implementation of good neighbor agreements,
31 including management or administrative costs and relevant goods and
32 services. Only the director or the director's designee may authorize
33 expenditures from the account. The account is subject to allotment
34 procedures under chapter 43.88 RCW, but an appropriation is not
35 required for expenditures. The fish and wildlife federal lands
36 revolving account is an interest-bearing account and the interest
37 must be credited to the account.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 79.64
2 RCW to read as follows:

3 The natural resources federal lands revolving account is created
4 in the custody of the state treasurer. All receipts from the proceeds
5 of good neighbor agreements as defined in RCW 79.02.010 and
6 implemented by the department of natural resources and all
7 legislative transfers, gifts, grants, and federal funds designated
8 for use in conjunction with a good neighbor agreement implemented by
9 the department of natural resources must be deposited into the
10 account. Expenditures from the account are subject to the limitations
11 of the agreements under which proceeds were generated and may be used
12 only for the planning and implementation of good neighbor agreements,
13 including management or administrative costs and relevant goods and
14 services. Only the commissioner or the commissioner's designee may
15 authorize expenditures from the account. The account is subject to
16 allotment procedures under chapter 43.88 RCW, but an appropriation is
17 not required for expenditures. The natural resources federal lands
18 revolving account is an interest-bearing account and the interest
19 must be credited to the account.

20 **Sec. 4.** RCW 43.79A.040 and 2017 3rd sp.s. c 5 s 89 are each
21 amended to read as follows:

22 (1) Money in the treasurer's trust fund may be deposited,
23 invested, and reinvested by the state treasurer in accordance with
24 RCW 43.84.080 in the same manner and to the same extent as if the
25 money were in the state treasury, and may be commingled with moneys
26 in the state treasury for cash management and cash balance purposes.

27 (2) All income received from investment of the treasurer's trust
28 fund must be set aside in an account in the treasury trust fund to be
29 known as the investment income account.

30 (3) The investment income account may be utilized for the payment
31 of purchased banking services on behalf of treasurer's trust funds
32 including, but not limited to, depository, safekeeping, and
33 disbursement functions for the state treasurer or affected state
34 agencies. The investment income account is subject in all respects to
35 chapter 43.88 RCW, but no appropriation is required for payments to
36 financial institutions. Payments must occur prior to distribution of
37 earnings set forth in subsection (4) of this section.

1 (4)(a) Monthly, the state treasurer must distribute the earnings
2 credited to the investment income account to the state general fund
3 except under (b), (c), and (d) of this subsection.

4 (b) The following accounts and funds must receive their
5 proportionate share of earnings based upon each account's or fund's
6 average daily balance for the period: The 24/7 sobriety account, the
7 Washington promise scholarship account, the Gina Grant Bull memorial
8 legislative page scholarship account, the Washington advanced college
9 tuition payment program account, the Washington college savings
10 program account, the accessible communities account, the Washington
11 achieving a better life experience program account, the community and
12 technical college innovation account, the agricultural local fund,
13 the American Indian scholarship endowment fund, the foster care
14 scholarship endowment fund, the foster care endowed scholarship trust
15 fund, the contract harvesting revolving account, the Washington state
16 combined fund drive account, the commemorative works account, the
17 county enhanced 911 excise tax account, the toll collection account,
18 the developmental disabilities endowment trust fund, the energy
19 account, the fair fund, the family and medical leave insurance
20 account, the fish and wildlife federal lands revolving account, the
21 natural resources federal lands revolving account, the food animal
22 veterinarian conditional scholarship account, the forest health
23 revolving account, the fruit and vegetable inspection account, the
24 future teachers conditional scholarship account, the game farm
25 alternative account, the GET ready for math and science scholarship
26 account, the Washington global health technologies and product
27 development account, the grain inspection revolving fund, the
28 industrial insurance rainy day fund, the juvenile accountability
29 incentive account, the law enforcement officers' and firefighters'
30 plan 2 expense fund, the local tourism promotion account, the low-
31 income home rehabilitation revolving loan program account, the
32 multiagency permitting team account, the northeast Washington wolf-
33 livestock management account, the pilotage account, the produce
34 railcar pool account, the regional transportation investment district
35 account, the rural rehabilitation account, the Washington sexual
36 assault kit account, the stadium and exhibition center account, the
37 youth athletic facility account, the self-insurance revolving fund,
38 the children's trust fund, the Washington horse racing commission
39 Washington bred owners' bonus fund and breeder awards account, the
40 Washington horse racing commission class C purse fund account, the

1 individual development account program account, the Washington horse
2 racing commission operating account, the life sciences discovery
3 fund, the Washington state heritage center account, the reduced
4 cigarette ignition propensity account, the center for childhood
5 deafness and hearing loss account, the school for the blind account,
6 the Millersylvania park trust fund, the public employees' and
7 retirees' insurance reserve fund, and the radiation perpetual
8 maintenance fund.

9 (c) The following accounts and funds must receive eighty percent
10 of their proportionate share of earnings based upon each account's or
11 fund's average daily balance for the period: The advanced right-of-
12 way revolving fund, the advanced environmental mitigation revolving
13 account, the federal narcotics asset forfeitures account, the high
14 occupancy vehicle account, the local rail service assistance account,
15 and the miscellaneous transportation programs account.

16 (d) Any state agency that has independent authority over accounts
17 or funds not statutorily required to be held in the custody of the
18 state treasurer that deposits funds into a fund or account in the
19 custody of the state treasurer pursuant to an agreement with the
20 office of the state treasurer shall receive its proportionate share
21 of earnings based upon each account's or fund's average daily balance
22 for the period.

23 (5) In conformance with Article II, section 37 of the state
24 Constitution, no trust accounts or funds shall be allocated earnings
25 without the specific affirmative directive of this section.

26 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of
28 the state government and its existing public institutions, and takes
29 effect immediately.

Passed by the Senate March 6, 2018.
Passed by the House March 2, 2018.
Approved by the Governor March 23, 2018.
Filed in Office of Secretary of State March 26, 2018.

--- END ---