
HOUSE BILL 1267

State of Washington

58th Legislature

2003 Regular Session

By Representatives Sump, Bush, Condotta, Pearson, Buck, Mielke and Hinkle

Read first time 01/22/2003. Referred to Committee on Appropriations.

1 AN ACT Relating to forest reserve funds; amending RCW 28A.520.020,
2 28A.150.250, and 76.12.120; and adding a new section to chapter 28A.520
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.520
6 RCW to read as follows:

7 The legislature finds that certain counties contain large tracks of
8 federally owned timber lands. Since federal lands are not subject to
9 county property taxation, the counties where federal timber land is
10 located often suffer adverse fiscal consequences. The legislature
11 further finds that the United States Congress, in enacting 16 U.S.C.
12 Sec. 500, intended to provide a financial benefit, in lieu of property
13 tax payments, to the counties where the federal government has large
14 timber land holdings. These payments are intended to benefit the
15 disadvantaged home counties of federal timber land, and not the state
16 in general.

1 **Sec. 2.** RCW 28A.520.020 and 1991 sp.s. c 13 s 113 are each amended
2 to read as follows:

3 (1) There shall be a fund known as the federal forest revolving
4 account. The state treasurer, who shall be custodian of the revolving
5 account, shall deposit into the revolving account the funds for each
6 county received by the state in accordance with Title 16, section 500,
7 United States Code. The state treasurer shall distribute these moneys
8 to the counties according to the determined proportional area. The
9 county legislative authority shall expend fifty percent of the money
10 for the benefit of the public roads and other public purposes as
11 authorized by federal statute or public schools of such county and not
12 otherwise. Disbursements by the counties of the remaining fifty
13 percent of the money shall be as authorized by the superintendent of
14 public instruction, or the superintendent's designee, and shall occur
15 in the manner provided in subsection (2) of this section.

16 (2) No later than thirty days following receipt of the funds from
17 the federal government, the superintendent of public instruction shall
18 apportion moneys distributed to counties for schools to public school
19 districts in the respective counties in proportion to the number of
20 full time equivalent students enrolled in each public school district
21 to the number of full time equivalent students enrolled in public
22 schools in the county. In apportioning these funds, the superintendent
23 of public instruction shall utilize the October enrollment count.

24 (3) ~~((If))~~ The amount received by any public school district
25 pursuant to subsection (2) of this section is ~~((less than the basic~~
26 ~~education allocation to which the district would otherwise be entitled,~~
27 ~~the superintendent of public instruction shall apportion to the~~
28 ~~district, in the manner provided by RCW 28A.510.250, an amount which~~
29 ~~shall be the difference between the amount received pursuant to~~
30 ~~subsection (2) of this section and))~~ in addition to the basic education
31 allocation to which the district would otherwise be entitled.

32 (4) All federal forest funds shall be expended in accordance with
33 the requirements of Title 16, section 500, United States Code, as now
34 existing or hereafter amended.

35 **Sec. 3.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
36 read as follows:

37 From those funds made available by the legislature for the current

1 use of the common schools, the superintendent of public instruction
2 shall distribute annually as provided in RCW 28A.510.250 to each school
3 district of the state operating a program approved by the state board
4 of education an amount which(~~(, when combined with an appropriate~~
5 ~~portion of such locally available revenues, other than receipts from~~
6 ~~federal forest revenues distributed to school districts pursuant to RCW~~
7 ~~28A.520.010 and 28A.520.020, as the superintendent of public~~
8 ~~instruction may deem appropriate for consideration in computing state~~
9 ~~equalization support, excluding excess property tax levies,)) will
10 constitute a basic education allocation in dollars for each annual
11 average full time equivalent student enrolled, based upon one full
12 school year of one hundred eighty days, except that for kindergartens
13 one full school year shall be one hundred eighty half days of
14 instruction, or the equivalent as provided in RCW 28A.150.220.~~

15 Basic education shall be considered to be fully funded by those
16 amounts of dollars appropriated by the legislature pursuant to RCW
17 28A.150.250 and 28A.150.260 to fund those program requirements
18 identified in RCW 28A.150.220 in accordance with the formula and ratios
19 provided in RCW 28A.150.260 and those amounts of dollars appropriated
20 by the legislature to fund the salary requirements of RCW 28A.150.100
21 and 28A.150.410.

22 Operation of a program approved by the state board of education,
23 for the purposes of this section, shall include a finding that the
24 ratio of students per classroom teacher in grades kindergarten through
25 three is not greater than the ratio of students per classroom teacher
26 in grades four and above for such district: PROVIDED, That for the
27 purposes of this section, "classroom teacher" shall be defined as an
28 instructional employee possessing at least a provisional certificate,
29 but not necessarily employed as a certificated employee, whose primary
30 duty is the daily educational instruction of students: PROVIDED
31 FURTHER, That the state board of education shall adopt rules and
32 regulations to insure compliance with the student/teacher ratio
33 provisions of this section, and such rules and regulations shall allow
34 for exemptions for those special programs and/or school districts which
35 may be deemed unable to practicably meet the student/teacher ratio
36 requirements of this section by virtue of a small number of students.

37 If a school district's basic education program fails to meet the
38 basic education requirements enumerated in RCW 28A.150.250,

1 28A.150.260, and 28A.150.220, the state board of education shall
2 require the superintendent of public instruction to withhold state
3 funds in whole or in part for the basic education allocation until
4 program compliance is assured: PROVIDED, That the state board of
5 education may waive this requirement in the event of substantial lack
6 of classroom space.

7 **Sec. 4.** RCW 76.12.120 and 2000 c 148 s 2 are each amended to read
8 as follows:

9 (1) Except as provided in RCW 76.12.125, all land, acquired or
10 designated by the department as state forest land, shall be forever
11 reserved from sale, but the timber and other products thereon may be
12 sold or the land may be leased in the same manner and for the same
13 purposes as is authorized for state granted land if the department
14 finds such sale or lease to be in the best interests of the state and
15 approves the terms and conditions thereof.

16 (2) Except as provided in RCW 79.12.035, all money derived from the
17 sale of timber or other products, or from lease, or from any other
18 source from the land, except where the Constitution of this state or
19 RCW 76.12.030 requires other disposition, shall be disposed of as
20 follows:

21 ~~((1))~~ (a) Fifty percent shall be placed in the forest development
22 account.

23 ~~((2))~~ (b) Fifty percent shall be prorated and distributed to the
24 state general fund, to be dedicated for the benefit of the public
25 schools in the counties where the timber was harvested, and the county
26 in which the land is located according to the relative proportions of
27 tax levies of all taxing districts in the county.

28 (i) The portion to be distributed to the state general fund shall
29 be based on the regular school levy rate under RCW 84.52.065 as now or
30 hereafter amended and the levy rate for any maintenance and operation
31 special school levies. Any moneys distributed to a county under this
32 section are in addition to the basic education allocation to which the
33 district would otherwise be entitled.

34 (ii) With regard to the portion to be distributed to the counties,
35 the department shall certify to the state treasurer the amounts to be
36 distributed within seven working days of receipt of the money. The
37 state treasurer shall distribute funds to the counties four times per

1 month, with no more than ten days between each payment date. The money
2 distributed to the county shall be paid, distributed, and prorated to
3 the various other funds in the same manner as general taxes are paid
4 and distributed during the year of payment.

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