
SENATE BILL 5750

State of Washington

58th Legislature

2003 Regular Session

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

Read first time 02/10/2003. 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 43.30.115, 79.66.070, and 82.29A.040;
3 reenacting and amending RCW 84.33.140 and 84.34.108; adding a new
4 chapter to Title 79 RCW; repealing RCW 84.33.120; and declaring an
5 emergency.

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

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

1 ecological protection, outstanding scenery, and low impact public
2 recreation.

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

10 The legislature further finds that the land endowment concept is as
11 relevant today as it was at statehood; that substantial revenue can be
12 perpetually earned from sustainable management of the resources on
13 these lands; and that the creation of a new trust modeled on a durable
14 concept and managed for the public to produce revenue is a viable and
15 logical approach to funding support for recreation and natural areas.

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-owned lands, and maintenance of designated
20 natural areas and conservation areas, and where consistent with this
21 purpose, to help retain working commercial forest land in the legacy
22 trust as a vital component of Washington state's landscape.

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

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

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

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

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

32 (5) "State-owned lands" include all lands belonging to or held in
33 trust by the state that are managed by the department.

34 NEW SECTION. **Sec. 3.** The legacy trust for recreation and
35 conservation is created as a trust. The legacy trust is composed of
36 lands, and improvements thereon, suitable for sustainable commercial

1 forest management, commercial agriculture, or other commercial or
2 industrial purposes. The legacy trust must be managed in trust to
3 provide financial support for the management of public recreational
4 access and use on state-owned lands, as well as management and
5 protection of areas created under chapters 79.70 and 79.71 RCW and
6 managed by the department.

7 NEW SECTION. **Sec. 4.** (1) The department is authorized to acquire,
8 by purchase, gift, donation, grant, transfer, or other means, except
9 eminent domain, fee interest or partial interest in lands or other real
10 property suitable for management as part of the legacy trust, or lands
11 or other real property whose acquisition can benefit the legacy trust.

12 (2) The department is authorized to receive funds for purposes of
13 establishing the legacy trust from grants, gifts, bequests, or loans,
14 whether public or private, as well as from legislative appropriation.
15 All of the funds must be placed in the legacy and park land trust
16 revolving fund created in RCW 43.30.115.

17 (3) All acquisitions of real property for the legacy trust must be
18 approved by the board of natural resources. Prior to approving
19 acquisitions involving urban property, the board shall seek advice from
20 the land bank technical advisory committee established in RCW
21 79.66.070.

22 **Sec. 5.** RCW 43.30.115 and 2000 c 148 s 4 are each amended to read
23 as follows:

24 The legacy and park land trust revolving fund is to be utilized by
25 the department of natural resources for the exclusive purpose of
26 acquiring real property, including all reasonable costs associated with
27 these acquisitions, in order to assemble the land base for the legacy
28 trust for recreation and conservation created in section 3 of this act,
29 or as a replacement for the property transferred to the state parks and
30 recreation commission, as directed by the legislature in order to
31 maintain the land base of the affected trusts or under RCW 76.12.125.
32 Proceeds received under section 4 of this act, or from transfers of
33 real property to the state parks and recreation commission, or other
34 proceeds identified from transfers of real property as directed by the
35 legislature shall be deposited in this fund. Disbursement from the
36 legacy and park land trust revolving fund to acquire (~~replacement~~)

1 real property shall be on the authorization of the department of
2 natural resources. In order to maintain an effective expenditure and
3 revenue control, the legacy and park land trust revolving fund is
4 subject in all respects to chapter 43.88 RCW, but no appropriation is
5 required to permit expenditures and payment of obligations from the
6 fund.

7 **Sec. 6.** RCW 79.66.070 and 1984 c 222 s 7 are each amended to read
8 as follows:

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

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

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

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

33 NEW SECTION. **Sec. 7.** The state attorney general, as
34 representative of the public and particularly those individuals who may
35 be benefited from the legacy trust, has the exclusive authority to

1 enforce the rights of the public to secure the proper administration of
2 the legacy trust.

3 NEW SECTION. **Sec. 8.** (1) The department shall manage the legacy
4 trust in the same manner as state lands, as the term "state lands" is
5 defined in RCW 79.01.004. The valuable materials thereon may be sold
6 or the land may be leased in the same manner and for the same purposes
7 as is authorized for state lands, if the department finds such sale or
8 lease to be in the best interests of the legacy trust and approves the
9 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 79.01 RCW or RCW 79.08.180 (1) through
13 (6). Legacy trust lands, once acquired, may be sold for any lawful
14 purpose and in any parcel size with the approval of the board of
15 natural resources. Sales must be either at public auction or by sealed
16 bid, and no land may be sold for less than its appraised value. Any
17 funds received as part of such an exchange, transfer, or sale, after
18 deduction for reasonable costs associated with these transactions, must
19 be placed in the legacy and park land trust revolving fund created in
20 RCW 43.30.115 and used to acquire replacement real property for the
21 legacy trust.

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

30 NEW SECTION. **Sec. 9.** Notwithstanding RCW 84.36.010 or other
31 statutes to the contrary, the department shall pay from the legacy
32 recreation and conservation trust account, created in section 14 of
33 this act, by April 30th of each year, on legacy trust lands acquired
34 from private landowners in each county, an amount in lieu of real
35 property taxes equal to that amount paid on similar parcels of land
36 taxable under Title 84 RCW.

1 **Sec. 10.** RCW 82.29A.040 and 1975-'76 2nd ex.s. c 61 s 4 are each
2 amended to read as follows:

3 The legislative body of any county or city is hereby authorized to
4 levy and collect a leasehold excise tax on the act or privilege of
5 occupying or using publicly owned real or personal property through a
6 leasehold interest in publicly owned property within the territorial
7 limits of such county or city. The tax levied by a county under
8 authority of this section shall not exceed six percent and the tax
9 levied by a city shall not exceed four percent of taxable rent:
10 PROVIDED, That any county ordinance levying such tax shall contain a
11 provision allowing a credit against the county tax for the full amount
12 of any city tax imposed upon the same taxable event. Further, no tax
13 may be levied under this section on property acquired as part of the
14 legacy trust for recreation and conservation under chapter 79.-- RCW
15 (sections 1 through 4, 7 through 9, 13 through 17, and 20 of this act)
16 for which payments in lieu of property taxes are made.

17 The department of revenue shall perform the collection of such
18 taxes on behalf of such county or city.

19 **Sec. 11.** RCW 84.33.140 and 2001 c 305 s 2, 2001 c 249 s 3, and
20 2001 c 185 s 5 are each reenacted and amended to read as follows:

21 (1) When land has been designated as forest land under RCW
22 84.33.130, a notation of the designation shall be made each year upon
23 the assessment and tax rolls. A copy of the notice of approval
24 together with the legal description or assessor's parcel numbers for
25 the land shall, at the expense of the applicant, be filed by the
26 assessor in the same manner as deeds are recorded.

27 (2) In preparing the assessment roll as of January 1, 2002, for
28 taxes payable in 2003 and each January 1st thereafter, the assessor
29 shall list each parcel of designated forest land at a value with
30 respect to the grade and class provided in this subsection and adjusted
31 as provided in subsection (3) of this section. The assessor shall
32 compute the assessed value of the land using the same assessment ratio
33 applied generally in computing the assessed value of other property in
34 the county. Values for the several grades of bare forest land shall be
35 as follows:

	LAND	OPERABILITY	VALUES
	GRADE	CLASS	PER ACRE
1		1	\$234
2		2	229
3		3	217
4	1	4	157
5		1	198
6		2	190
7	2	3	183
8		4	132
9		1	154
10		2	149
11	3	3	148
12		4	113
13		1	117
14		2	114
15	4	3	113
16		4	86
17		1	85
18		2	78
19	5	3	77
20		4	52
21		1	43
22		2	39
23	6	3	39
24		4	37
25		1	21
26		2	21
27	7	3	20
28		4	20
29			
30	8		1
31			

32 (3) On or before December 31, 2001, the department shall adjust by
 33 rule under chapter 34.05 RCW, the forest land values contained in
 34 subsection (2) of this section in accordance with this subsection, and
 35 shall certify the adjusted values to the assessor who will use these
 36 values in preparing the assessment roll as of January 1, 2002. For the
 37 adjustment to be made on or before December 31, 2001, for use in the
 38 2002 assessment year, the department shall:

1 (a) Divide the aggregate value of all timber harvested within the
2 state between July 1, 1996, and June 30, 2001, by the aggregate harvest
3 volume for the same period, as determined from the harvester excise tax
4 returns filed with the department under RCW 84.33.074; and

5 (b) Divide the aggregate value of all timber harvested within the
6 state between July 1, 1995, and June 30, 2000, by the aggregate harvest
7 volume for the same period, as determined from the harvester excise tax
8 returns filed with the department under RCW 84.33.074; and

9 (c) Adjust the forest land values contained in subsection (2) of
10 this section by a percentage equal to one-half of the percentage change
11 in the average values of harvested timber reflected by comparing the
12 resultant values calculated under (a) and (b) of this subsection.

13 (4) For the adjustments to be made on or before December 31, 2002,
14 and each succeeding year thereafter, the same procedure described in
15 subsection (3) of this section shall be followed using harvester excise
16 tax returns filed under RCW 84.33.074. However, this adjustment shall
17 be made to the prior year's adjusted value, and the five-year periods
18 for calculating average harvested timber values shall be successively
19 one year more recent.

20 (5) Land graded, assessed, and valued as forest land shall continue
21 to be so graded, assessed, and valued until removal of designation by
22 the assessor upon the occurrence of any of the following:

23 (a) Receipt of notice from the owner to remove the designation;

24 (b) Sale or transfer to an ownership making the land exempt from ad
25 valorem taxation;

26 (c) Sale or transfer of all or a portion of the land to a new
27 owner, unless the new owner has signed a notice of forest land
28 designation continuance, except transfer to an owner who is an heir or
29 devisee of a deceased owner, shall not, by itself, result in removal of
30 designation. The signed notice of continuance shall be attached to the
31 real estate excise tax affidavit provided for in RCW 82.45.150. The
32 notice of continuance shall be on a form prepared by the department.
33 If the notice of continuance is not signed by the new owner and
34 attached to the real estate excise tax affidavit, all compensating
35 taxes calculated under subsection (11) of this section shall become due
36 and payable by the seller or transferor at time of sale. The auditor
37 shall not accept an instrument of conveyance of designated forest land
38 for filing or recording unless the new owner has signed the notice of

1 continuance or the compensating tax has been paid, as evidenced by the
2 real estate excise tax stamp affixed thereto by the treasurer. The
3 seller, transferor, or new owner may appeal the new assessed valuation
4 calculated under subsection (11) of this section to the county board of
5 equalization in accordance with the provisions of RCW 84.40.038.
6 Jurisdiction is hereby conferred on the county board of equalization to
7 hear these appeals;

8 (d) Determination by the assessor, after giving the owner written
9 notice and an opportunity to be heard, that:

10 (i) The land is no longer primarily devoted to and used for growing
11 and harvesting timber. However, land shall not be removed from
12 designation if a governmental agency, organization, or other recipient
13 identified in subsection (13) or (14) of this section as exempt from
14 the payment of compensating tax has manifested its intent in writing or
15 by other official action to acquire a property interest in the
16 designated forest land by means of a transaction that qualifies for an
17 exemption under subsection (13) or (14) of this section. The
18 governmental agency, organization, or recipient shall annually provide
19 the assessor of the county in which the land is located reasonable
20 evidence in writing of the intent to acquire the designated land as
21 long as the intent continues or within sixty days of a request by the
22 assessor. The assessor may not request this evidence more than once in
23 a calendar year;

24 (ii) The owner has failed to comply with a final administrative or
25 judicial order with respect to a violation of the restocking, forest
26 management, fire protection, insect and disease control, and forest
27 debris provisions of Title 76 RCW or any applicable rules; or

28 (iii) Restocking has not occurred to the extent or within the time
29 specified in the application for designation of such land.

30 (6) Land shall not be removed from designation if there is a
31 governmental restriction that prohibits, in whole or in part, the
32 harvesting of timber from the owner's designated forest land. If only
33 a portion of the parcel is impacted by governmental restrictions of
34 this nature, the restrictions cannot be used as a basis to remove the
35 remainder of the forest land from designation under this chapter. For
36 the purposes of this section, "governmental restrictions" includes:

37 (a) Any law, regulation, rule, ordinance, program, or other action

1 adopted or taken by a federal, state, county, city, or other
2 governmental entity; or (b) the land's zoning or its presence within an
3 urban growth area designated under RCW 36.70A.110.

4 (7) The assessor shall have the option of requiring an owner of
5 forest land to file a timber management plan with the assessor upon the
6 occurrence of one of the following:

7 (a) An application for designation as forest land is submitted; or

8 (b) Designated forest land is sold or transferred and a notice of
9 continuance, described in subsection (5)(c) of this section, is signed.

10 (8) If land is removed from designation because of any of the
11 circumstances listed in subsection (5)(a) through (c) of this section,
12 the removal shall apply only to the land affected. If land is removed
13 from designation because of subsection (5)(d) of this section, the
14 removal shall apply only to the actual area of land that is no longer
15 primarily devoted to the growing and harvesting of timber, without
16 regard to any other land that may have been included in the application
17 and approved for designation, as long as the remaining designated
18 forest land meets the definition of forest land contained in RCW
19 84.33.035.

20 (9) Within thirty days after the removal of designation as forest
21 land, the assessor shall notify the owner in writing, setting forth the
22 reasons for the removal. The seller, transferor, or owner may appeal
23 the removal to the county board of equalization in accordance with the
24 provisions of RCW 84.40.038.

25 (10) Unless the removal is reversed on appeal a copy of the notice
26 of removal with a notation of the action, if any, upon appeal, together
27 with the legal description or assessor's parcel numbers for the land
28 removed from designation shall, at the expense of the applicant, be
29 filed by the assessor in the same manner as deeds are recorded and a
30 notation of removal from designation shall immediately be made upon the
31 assessment and tax rolls. The assessor shall revalue the land to be
32 removed with reference to its true and fair value as of January 1st of
33 the year of removal from designation. Both the assessed value before
34 and after the removal of designation shall be listed. Taxes based on
35 the value of the land as forest land shall be assessed and payable up
36 until the date of removal and taxes based on the true and fair value of
37 the land shall be assessed and payable from the date of removal from
38 designation.

1 (11) Except as provided in subsection (5)(c), (13), or (14) of this
2 section, a compensating tax shall be imposed on land removed from
3 designation as forest land. The compensating tax shall be due and
4 payable to the treasurer thirty days after the owner is notified of the
5 amount of this tax. As soon as possible after the land is removed from
6 designation, the assessor shall compute the amount of compensating tax
7 and mail a notice to the owner of the amount of compensating tax owed
8 and the date on which payment of this tax is due. The amount of
9 compensating tax shall be equal to the difference between the amount of
10 tax last levied on the land as designated forest land and an amount
11 equal to the new assessed value of the land multiplied by the dollar
12 rate of the last levy extended against the land, multiplied by a
13 number, in no event greater than nine, equal to the number of years for
14 which the land was designated as forest land, plus compensating taxes
15 on the land at forest land values up until the date of removal and the
16 prorated taxes on the land at true and fair value from the date of
17 removal to the end of the current tax year.

18 (12) Compensating tax, together with applicable interest thereon,
19 shall become a lien on the land which shall attach at the time the land
20 is removed from designation as forest land and shall have priority to
21 and shall be fully paid and satisfied before any recognizance,
22 mortgage, judgment, debt, obligation, or responsibility to or with
23 which the land may become charged or liable. The lien may be
24 foreclosed upon expiration of the same period after delinquency and in
25 the same manner provided by law for foreclosure of liens for delinquent
26 real property taxes as provided in RCW 84.64.050. Any compensating tax
27 unpaid on its due date shall thereupon become delinquent. From the
28 date of delinquency until paid, interest shall be charged at the same
29 rate applied by law to delinquent ad valorem property taxes.

30 (13) The compensating tax specified in subsection (11) of this
31 section shall not be imposed if the removal of designation under
32 subsection (5) of this section resulted solely from:

33 (a) Transfer to a government entity in exchange for other forest
34 land located within the state of Washington;

35 (b) A taking through the exercise of the power of eminent domain,
36 or sale or transfer to an entity having the power of eminent domain in
37 anticipation of the exercise of such power;

1 (c) A donation of fee title, development rights, or the right to
2 harvest timber, to a government agency or organization qualified under
3 RCW 84.34.210 and 64.04.130 for the purposes enumerated in those
4 sections, or the sale or transfer of fee title to a governmental entity
5 or a nonprofit nature conservancy corporation, as defined in RCW
6 64.04.130, exclusively for the protection and conservation of lands
7 recommended for state natural area preserve purposes by the natural
8 heritage council and natural heritage plan as defined in chapter 79.70
9 RCW. At such time as the land is not used for the purposes enumerated,
10 the compensating tax specified in subsection (11) of this section shall
11 be imposed upon the current owner;

12 (d) The sale or transfer of fee title to the department of natural
13 resources for the legacy trust for recreation and conservation under
14 chapter 79.-- RCW (sections 1 through 4, 7 through 9, 13 through 17,
15 and 20 of this act);

16 (e) The sale or transfer of fee title to the parks and recreation
17 commission for park and recreation purposes;

18 ((+e)) (f) Official action by an agency of the state of Washington
19 or by the county or city within which the land is located that
20 disallows the present use of the land;

21 ((+f)) (g) The creation, sale, or transfer of forestry riparian
22 easements under RCW 76.13.120;

23 ((+g)) (h) The creation, sale, or transfer of a fee interest or a
24 conservation easement for the riparian open space program under RCW
25 76.09.040;

26 ((+h)) (i) The sale or transfer of land within two years after the
27 death of the owner of at least a fifty percent interest in the land if
28 the land has been assessed and valued as classified forest land,
29 designated as forest land under this chapter, or classified under
30 chapter 84.34 RCW continuously since 1993;

31 ((+i)) (j) The sale or transfer of land after the death of the
32 owner of at least a fifty percent interest in the land if the land has
33 been assessed and valued as classified forest land, designated as
34 forest land under this chapter, or classified under chapter 84.34 RCW
35 continuously since 1993 and the sale or transfer takes place within two
36 years after July 22, 2001, and the death of the owner occurred after
37 January 1, 1991; or

1 (~~(j)~~) (k) The date of death shown on a death certificate is the
2 date used for the purpose of this subsection (13).

3 (14) In a county with a population of more than one million
4 inhabitants, the compensating tax specified in subsection (11) of this
5 section shall not be imposed if the removal of designation as forest
6 land under subsection (5) of this section resulted solely from:

7 (a) An action described in subsection (13) of this section; or

8 (b) A transfer of a property interest to a government entity, or to
9 a nonprofit historic preservation corporation or nonprofit nature
10 conservancy corporation, as defined in RCW 64.04.130, to protect or
11 enhance public resources, or to preserve, maintain, improve, restore,
12 limit the future use of, or otherwise to conserve for public use or
13 enjoyment, the property interest being transferred. At such time as
14 the property interest is not used for the purposes enumerated, the
15 compensating tax shall be imposed upon the current owner.

16 **Sec. 12.** RCW 84.34.108 and 2001 c 305 s 3, 2001 c 249 s 14, and
17 2001 c 185 s 7 are each reenacted and amended to read as follows:

18 (1) When land has once been classified under this chapter, a
19 notation of the classification shall be made each year upon the
20 assessment and tax rolls and the land shall be valued pursuant to RCW
21 84.34.060 or 84.34.065 until removal of all or a portion of the
22 classification by the assessor upon occurrence of any of the following:

23 (a) Receipt of notice from the owner to remove all or a portion of
24 the classification;

25 (b) Sale or transfer to an ownership, except a transfer that
26 resulted from a default in loan payments made to or secured by a
27 governmental agency that intends to or is required by law or regulation
28 to resell the property for the same use as before, making all or a
29 portion of the land exempt from ad valorem taxation;

30 (c) Sale or transfer of all or a portion of the land to a new
31 owner, unless the new owner has signed a notice of classification
32 continuance, except transfer to an owner who is an heir or devisee of
33 a deceased owner shall not, by itself, result in removal of
34 classification. The notice of continuance shall be on a form prepared
35 by the department. If the notice of continuance is not signed by the
36 new owner and attached to the real estate excise tax affidavit, all
37 additional taxes calculated pursuant to subsection (4) of this section

1 shall become due and payable by the seller or transferor at time of
2 sale. The auditor shall not accept an instrument of conveyance of
3 classified land for filing or recording unless the new owner has signed
4 the notice of continuance or the additional tax has been paid, as
5 evidenced by the real estate excise tax stamp affixed thereto by the
6 treasurer. The seller, transferor, or new owner may appeal the new
7 assessed valuation calculated under subsection (4) of this section to
8 the county board of equalization in accordance with the provisions of
9 RCW 84.40.038. Jurisdiction is hereby conferred on the county board of
10 equalization to hear these appeals;

11 (d) Determination by the assessor, after giving the owner written
12 notice and an opportunity to be heard, that all or a portion of the
13 land no longer meets the criteria for classification under this
14 chapter. The criteria for classification pursuant to this chapter
15 continue to apply after classification has been granted.

16 The granting authority, upon request of an assessor, shall provide
17 reasonable assistance to the assessor in making a determination whether
18 the land continues to meet the qualifications of RCW 84.34.020 (1) or
19 (3). The assistance shall be provided within thirty days of receipt of
20 the request.

21 (2) Land may not be removed from classification because of:

22 (a) The creation, sale, or transfer of forestry riparian easements
23 under RCW 76.13.120; or

24 (b) The creation, sale, or transfer of a fee interest or a
25 conservation easement for the riparian open space program under RCW
26 76.09.040.

27 (3) Within thirty days after such removal of all or a portion of
28 the land from current use classification, the assessor shall notify the
29 owner in writing, setting forth the reasons for the removal. The
30 seller, transferor, or owner may appeal the removal to the county board
31 of equalization in accordance with the provisions of RCW 84.40.038.

32 (4) Unless the removal is reversed on appeal, the assessor shall
33 revalue the affected land with reference to its true and fair value on
34 January 1st of the year of removal from classification. Both the
35 assessed valuation before and after the removal of classification shall
36 be listed and taxes shall be allocated according to that part of the
37 year to which each assessed valuation applies. Except as provided in
38 subsection (6) of this section, an additional tax, applicable interest,

1 and penalty shall be imposed which shall be due and payable to the
2 treasurer thirty days after the owner is notified of the amount of the
3 additional tax. As soon as possible, the assessor shall compute the
4 amount of additional tax, applicable interest, and penalty and the
5 treasurer shall mail notice to the owner of the amount thereof and the
6 date on which payment is due. The amount of the additional tax,
7 applicable interest, and penalty shall be determined as follows:

8 (a) The amount of additional tax shall be equal to the difference
9 between the property tax paid as "open space land", "farm and
10 agricultural land", or "timber land" and the amount of property tax
11 otherwise due and payable for the seven years last past had the land
12 not been so classified;

13 (b) The amount of applicable interest shall be equal to the
14 interest upon the amounts of the additional tax paid at the same
15 statutory rate charged on delinquent property taxes from the dates on
16 which the additional tax could have been paid without penalty if the
17 land had been assessed at a value without regard to this chapter;

18 (c) The amount of the penalty shall be as provided in RCW
19 84.34.080. The penalty shall not be imposed if the removal satisfies
20 the conditions of RCW 84.34.070.

21 (5) Additional tax, applicable interest, and penalty, shall become
22 a lien on the land which shall attach at the time the land is removed
23 from classification under this chapter and shall have priority to and
24 shall be fully paid and satisfied before any recognizance, mortgage,
25 judgment, debt, obligation or responsibility to or with which the land
26 may become charged or liable. This lien may be foreclosed upon
27 expiration of the same period after delinquency and in the same manner
28 provided by law for foreclosure of liens for delinquent real property
29 taxes as provided in RCW 84.64.050 now or as hereafter amended. Any
30 additional tax unpaid on its due date shall thereupon become
31 delinquent. From the date of delinquency until paid, interest shall be
32 charged at the same rate applied by law to delinquent ad valorem
33 property taxes.

34 (6) The additional tax, applicable interest, and penalty specified
35 in subsection (4) of this section shall not be imposed if the removal
36 of classification pursuant to subsection (1) of this section resulted
37 solely from:

1 (a) Transfer to a government entity in exchange for other land
2 located within the state of Washington;

3 (b)(i) A taking through the exercise of the power of eminent
4 domain, or (ii) sale or transfer to an entity having the power of
5 eminent domain in anticipation of the exercise of such power, said
6 entity having manifested its intent in writing or by other official
7 action;

8 (c) A natural disaster such as a flood, windstorm, earthquake, or
9 other such calamity rather than by virtue of the act of the landowner
10 changing the use of the property;

11 (d) Official action by an agency of the state of Washington or by
12 the county or city within which the land is located which disallows the
13 present use of the land;

14 (e) Transfer of land to a church when the land would qualify for
15 exemption pursuant to RCW 84.36.020;

16 (f) Acquisition of property interests by state agencies or agencies
17 or organizations qualified under RCW 84.34.210 and 64.04.130 for the
18 purposes enumerated in those sections. At such time as these property
19 interests are not used for the purposes enumerated in RCW 84.34.210 and
20 64.04.130 the additional tax specified in subsection (4) of this
21 section shall be imposed;

22 (g) Removal of land classified as farm and agricultural land under
23 RCW 84.34.020(2)(e);

24 (h) Removal of land from classification after enactment of a
25 statutory exemption that qualifies the land for exemption and receipt
26 of notice from the owner to remove the land from classification;

27 (i) The creation, sale, or transfer of forestry riparian easements
28 under RCW 76.13.120;

29 (j) The creation, sale, or transfer of a fee interest or a
30 conservation easement for the riparian open space program under RCW
31 76.09.040;

32 (k) The sale or transfer of a fee interest to the department of
33 natural resources for the legacy trust for recreation and conservation
34 under chapter 79.-- RCW (sections 1 through 4, 7 through 9, 13 through
35 17, and 20 of this act);

36 (l) The sale or transfer of land within two years after the death
37 of the owner of at least a fifty percent interest in the land if the

1 land has been assessed and valued as classified forest land, designated
2 as forest land under chapter 84.33 RCW, or classified under this
3 chapter continuously since 1993;

4 ~~((1))~~ (m) The sale or transfer of land after the death of the
5 owner of at least a fifty percent interest in the land if the land has
6 been assessed and valued as classified forest land, designated as
7 forest land under chapter 84.33 RCW, or classified under this chapter
8 continuously since 1993 and the sale or transfer takes place within two
9 years after July 22, 2001, and the death of the owner occurred after
10 January 1, 1991; or

11 ~~((m))~~ (n) The date of death shown on a death certificate is the
12 date used for the purpose of this subsection (6).

13 NEW SECTION. **Sec. 13.** The legacy trust land management account is
14 created in the state treasury. All receipts from up to thirty percent
15 of the revenue derived from management of real property held in the
16 legacy trust, as determined by the board of natural resources, must be
17 deposited into the account. Moneys in the account may be spent only
18 after appropriation. Expenditures from the account may be used only
19 for the purposes of carrying on the management activities of the
20 department on legacy trust lands, and for reimbursement, along with
21 interest, of expenditures that have been made or may be made from the
22 resource management cost account or the forest development account.

23 NEW SECTION. **Sec. 14.** The legacy recreation and conservation
24 trust account is created in the state treasury. All receipts from
25 moneys received for the management of real property held in the legacy
26 trust, less the money deposited in the legacy trust land management
27 account created in section 13 of this act, must be deposited into the
28 account. Moneys in the account may be spent only after appropriation.
29 Expenditures from the account may be used only for the support and
30 management of recreation, natural areas, and conservation areas on
31 state-owned lands under chapters 79.68, 79.70, and 79.71 RCW,
32 consistent with the plans developed under section 15 of this act.

33 NEW SECTION. **Sec. 15.** Prior to a legislative session in which the
34 department first requests an appropriation from the legacy recreation
35 and conservation trust account created in section 14 of this act, the

1 department shall develop a six-year expenditure strategy to guide
2 requested appropriations from the account. The expenditure strategy
3 must be developed so as to achieve the purpose of this chapter. The
4 expenditure strategy must identify and prioritize expenditures
5 including, but not limited to: (1) Operation and maintenance and
6 capital upgrade, repair, replacement, restoration, and new construction
7 of facilities, trails, and access for dispersed recreation activities;
8 (2) maintenance and stewardship of natural areas and conservation areas
9 including, but not limited to, environmental restoration, weed control,
10 facilities upgrade, repair, replacement, and new construction; and (3)
11 public education, volunteer support, and law enforcement. Expenditures
12 from the legacy recreation and conservation trust account may not be
13 used to offset expenditures necessary to cover the costs of road system
14 management attributable solely to the generation of revenue from
15 state-owned lands. However, expenditures may be made for road
16 improvements necessary for public safety or for continuation of public
17 access to state lands for recreational purposes. The department shall
18 update the expenditure strategy at least every two years. The
19 department may establish ad hoc review committees to assist in the
20 development of the expenditure strategy.

21 NEW SECTION. **Sec. 16.** No later than September 1st of any
22 even-numbered year, the department shall submit to the appropriate
23 committees of the house of representatives and senate and to the office
24 of financial management the current six-year expenditure strategy
25 prepared under section 15 of this act in support of its biennial
26 appropriation request from the legacy recreation and conservation trust
27 account created in section 14 of this act.

28 NEW SECTION. **Sec. 17.** Funds in the legacy recreation and
29 conservation trust account, created in section 14 of this act, that are
30 in excess of amounts needed in any biennium to carry out the activities
31 identified in the six-year expenditure strategy developed under section
32 15 of this act, may be appropriated by the legislature for purposes
33 similar to and consistent with the purpose of the legacy trust.

34 NEW SECTION. **Sec. 18.** Sections 1 through 4, 7 through 9, 13

1 through 17, and 20 of this act constitute a new chapter in Title 79
2 RCW.

3 NEW SECTION. **Sec. 19.** RCW 84.33.120 (Forest land valuation--
4 Assessor to list forest land at grade and class values--Computation of
5 assessed value--Adjustment of values--Certification--Use--Notice of
6 continuance--Appeals--Removal of classification--Compensating tax) and
7 2001 c 305 s 1, 2001 c 185 s 3, 1999 sp.s. c 4 s 702, 1999 c 233 s 20,
8 1997 c 299 s 1, 1995 c 330 s 1, 1992 c 69 s 1, 1986 c 238 s 1, 1984 c
9 204 s 23, 1981 c 148 s 7, 1980 c 134 s 2, 1974 ex.s. c 187 s 5, 1972
10 ex.s. c 148 s 5, & 1971 ex.s. c 294 s 12 are each repealed.

11 NEW SECTION. **Sec. 20.** If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 remainder of the act or the application of the provision to other
14 persons or circumstances is not affected.

15 NEW SECTION. **Sec. 21.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and takes effect
18 immediately.

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