

2SHB 1484 - S AMD TO NROR COMM AMD (S-2587.1/09) **421**  
By Senator Hatfield

ADOPTED 04/17/2009

1 On page 18, after line 3 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 5.** (1) The legislature finds that the revenue  
3 generated from state forest lands is a vital component of the operating  
4 budget in many rural counties. The dependence on a natural resource-  
5 based economy is especially underscored in counties with lower  
6 population levels and large holdings of public land. The high cost of  
7 compliance with the federal endangered species act on state forest  
8 lands within these smaller counties is disproportionately burdensome  
9 when compared to their total county budgets.

10 (2) The intent of this act is to provide sustainable revenue to  
11 smaller counties that are heavily dependent on state forest land  
12 revenues while promoting long-term protection, conservation, and  
13 recovery of marbled murrelets and northern spotted owls. This act  
14 provides the necessary tools for the state to maintain long-term  
15 working forests by replacing state forest lands with endangered  
16 species-based harvest encumbrances with productive, working forest  
17 lands.

18 **Sec. 6.** RCW 79.22.060 and 2003 c 334 s 221 are each amended to  
19 read as follows:

20 (1) With the approval of the board, the department may directly  
21 transfer or dispose of state forest lands without public auction, if  
22 ~~((such))~~ the lands:

23 (a) Consist of ten contiguous acres or less~~((, or))~~;

24 (b) Have a value of twenty-five thousand dollars or less; or

25 (c) Are located in a county with a population of twenty-five  
26 thousand or less and are encumbered with timber harvest deferrals,  
27 associated with wildlife species listed under the federal endangered  
28 species act, greater than thirty years in length. ~~((Such))~~

1        (2) Disposal under this section may only occur in the following  
2 circumstances:

3        (a) Transfers in lieu of condemnation; ~~((and))~~

4        (b) Transfers to resolve trespass and property ownership disputes;  
5 or

6        (c) In counties with a population of twenty-five thousand or less,  
7 transfers to public agencies.

8        ~~((+2))~~ (3) Real property to be transferred or disposed of under  
9 this section shall be transferred or disposed of only after appraisal  
10 and for at least fair market value, and only if ~~((such))~~ the  
11 transaction is in the best interest of the state or affected trust.  
12 Valuable materials attached to lands transferred to public agencies  
13 under subsection (2)(c) of this section must be appraised at the fair  
14 market value without consideration of management or regulatory  
15 encumbrances associated with wildlife species listed under the federal  
16 endangered species act.

17        ~~((+3))~~ (4) The proceeds from real property transferred or disposed  
18 of under this section shall be deposited into the park land trust  
19 revolving fund and be solely used to buy replacement land within the  
20 same county as the property transferred or disposed. In counties with  
21 a population of twenty-five thousand or less, the portion of the  
22 proceeds associated with valuable materials on the transferred land  
23 must be distributed as provided in RCW 79.64.110.

24        **Sec. 7.** RCW 79.64.110 and 2007 c 503 s 1 are each amended to read  
25 as follows:

26        Any moneys derived from the lease of state forest lands or from the  
27 sale of valuable materials, oils, gases, coal, minerals, or fossils  
28 from those lands, or the appraised value of these resources when  
29 transferred to a public agency under RCW 79.22.060, must be distributed  
30 as follows:

31        (1) State forest lands acquired through RCW 79.22.040 or by  
32 exchange for lands acquired through RCW 79.22.040:

33        (a) The expense incurred by the state for administration,  
34 reforestation, and protection, not to exceed twenty-five percent, which  
35 rate of percentage shall be determined by the board, must be returned  
36 to the forest development account in the state general fund.

1 (b) Any balance remaining must be paid to the county in which the  
2 land is located to be paid, distributed, and prorated, except as  
3 otherwise provided in this section, to the various funds in the same  
4 manner as general taxes are paid and distributed during the year of  
5 payment.

6 (c) Any balance remaining, paid to a county with a population of  
7 less than sixteen thousand, must first be applied to the reduction of  
8 any indebtedness existing in the current expense fund of the county  
9 during the year of payment.

10 (d) With regard to moneys remaining under this subsection (1),  
11 within seven working days of receipt of these moneys, the department  
12 shall certify to the state treasurer the amounts to be distributed to  
13 the counties. The state treasurer shall distribute funds to the  
14 counties four times per month, with no more than ten days between each  
15 payment date.

16 (2) State forest lands acquired through RCW 79.22.010 or by  
17 exchange for lands acquired through RCW 79.22.010, except as provided  
18 in RCW 79.64.120:

19 (a) Fifty percent shall be placed in the forest development  
20 account.

21 (b) Fifty percent shall be prorated and distributed to the state  
22 general fund, to be dedicated for the benefit of the public schools,  
23 and the county in which the land is located according to the relative  
24 proportions of tax levies of all taxing districts in the county. The  
25 portion to be distributed to the state general fund shall be based on  
26 the regular school levy rate under RCW 84.52.065 and the levy rate for  
27 any maintenance and operation special school levies. With regard to  
28 the portion to be distributed to the counties, the department shall  
29 certify to the state treasurer the amounts to be distributed within  
30 seven working days of receipt of the money. The state treasurer shall  
31 distribute funds to the counties four times per month, with no more  
32 than ten days between each payment date. The money distributed to the  
33 county must be paid, distributed, and prorated to the various other  
34 funds in the same manner as general taxes are paid and distributed  
35 during the year of payment.

36 (3) A school district may transfer amounts deposited in its debt  
37 service fund pursuant to this section into its capital projects fund as  
38 authorized in RCW 28A.320.330.

1       **Sec. 8.** RCW 43.30.385 and 2004 c 103 s 1 are each amended to read  
2 as follows:

3       (1) The park land trust revolving fund is to be utilized by the  
4 department for the purpose of acquiring real property, including all  
5 reasonable costs associated with these acquisitions, as a replacement  
6 for the property transferred to the state parks and recreation  
7 commission, as directed by the legislature in order to maintain the  
8 land base of the affected trusts or under RCW 79.22.060 and to receive  
9 voluntary contributions for the purpose of operating and maintaining  
10 public use and recreation facilities, including trails, managed by the  
11 department. Proceeds from transfers of real property to the state  
12 parks and recreation commission or other proceeds identified from  
13 transfers of real property as directed by the legislature shall be  
14 deposited in this fund. Disbursement from the park land trust  
15 revolving fund to acquire replacement property and for operating and  
16 maintaining public use and recreation facilities shall be on the  
17 authorization of the department. The proceeds from real property  
18 transferred or disposed under RCW 79.22.060 must be solely used to  
19 purchase replacement forest land, that must be actively managed as a  
20 working forest, within the same county as the property transferred or  
21 disposed. In order to maintain an effective expenditure and revenue  
22 control, the park land trust revolving fund is subject in all respects  
23 to chapter 43.88 RCW, but no appropriation is required to permit  
24 expenditures and payment of obligations from the fund.

25       (2) The department is authorized to solicit and receive voluntary  
26 contributions for the purpose of operating and maintaining public use  
27 and recreation facilities, including trails, managed by the department.  
28 The department may seek voluntary contributions from individuals and  
29 organizations for this purpose. Voluntary contributions will be  
30 deposited into the park land trust revolving fund and used solely for  
31 the purpose of public use and recreation facilities operations and  
32 maintenance. Voluntary contributions are not considered a fee for use  
33 of these facilities.

34       NEW SECTION. **Sec. 9.** (1) By October 31, 2010, the department of  
35 natural resources shall prepare a report to the appropriate committees  
36 of the legislature detailing the procedure and timeline, and estimating  
37 the costs, of full implementation of the intent of this act.

1 (2) The report required by this section must include a recommended  
2 process to transfer state forest lands encumbered by long-term  
3 endangered species-based harvest deferrals, associated with wildlife  
4 species listed under the federal endangered species act, through the  
5 trust land transfer program into a natural resource conservation area  
6 status. This element of the report must assume the following:

7 (a) Encumbered property would be transferred at a specified  
8 biennial rate designed to provide sustainable revenue to the impacted  
9 counties;

10 (b) The value of the land and timber would be bifurcated, with the  
11 timber value being distributed to the county as timber revenue, and the  
12 land value being utilized to purchase replacement working forest land  
13 within the affected county and placed in the appropriate trust  
14 designation; and

15 (c) The land and timber value of the parcels identified for  
16 transfer will be appraised at full market value, without consideration  
17 of the devaluing effect of harvest encumbrances associated with  
18 wildlife species listed under the federal endangered species act.

19 (3) This section expires June 30, 2011."

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20 On page 18, line 6 of the title amendment, after "84.34.108,"  
21 strike "and 76.09.020" and insert "76.09.020, 79.22.060, 79.64.110, and  
22 43.30.385; creating new sections; and providing an expiration date."

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