
SENATE BILL 6211

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; and adding a
3 new section to chapter 79.64 RCW.

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

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

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

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

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

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

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

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

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

19 (7)(a) "Forest biomass" means the by-products of: Current forest
20 management activities; current forest protection treatments
21 prescribed or permitted under chapter 76.04 RCW; or the by-products

1 of forest health treatment prescribed or permitted under chapter
2 76.06 RCW.

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

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

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

18 ((+9)) (10) "Land bank lands" means lands acquired under RCW
19 79.19.020.

20 ((+10)) (11) "Person" means an individual, partnership,
21 corporation, association, organization, cooperative, public or
22 municipal corporation, or agency of a federal, state, or local
23 governmental unit, however designated.

24 ((+11)) (12) "Public lands" means lands of the state of
25 Washington administered by the department including but not limited
26 to state lands, state forestlands, lands included in a state
27 forestland pool, and aquatic lands.

28 ((+12)) (13) "State forestland pool" or "land pool" means state
29 forestlands acquired and managed under RCW 79.22.140.

30 ((+13)) (14) "State forestlands" means lands acquired under RCW
31 79.22.010, 79.22.040, and 79.22.020.

32 ((+14)) (15) "State lands" includes:

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

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

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

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

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

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

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

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

11 (~~(15)~~) (16) "Valuable materials" means any product or material
12 on the lands, such as forest products, forage or agricultural crops,
13 stone, gravel, sand, peat, and all other materials of value except:

14 (a) Mineral, coal, petroleum, and gas as provided for under chapter
15 79.14 RCW; and (b) forest biomass as provided for under chapter
16 79.150 RCW.

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

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

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

36 (1) Money in the treasurer's trust fund may be deposited,
37 invested, and reinvested by the state treasurer in accordance with
38 RCW 43.84.080 in the same manner and to the same extent as if the

1 money were in the state treasury, and may be commingled with moneys
2 in the state treasury for cash management and cash balance purposes.

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

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

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

17 (b) The following accounts and funds must receive their
18 proportionate share of earnings based upon each account's or fund's
19 average daily balance for the period: The 24/7 sobriety account, the
20 Washington promise scholarship account, the Gina Grant Bull memorial
21 legislative page scholarship account, the Washington advanced college
22 tuition payment program account, the Washington college savings
23 program account, the accessible communities account, the Washington
24 achieving a better life experience program account, the community and
25 technical college innovation account, the agricultural local fund,
26 the American Indian scholarship endowment fund, the foster care
27 scholarship endowment fund, the foster care endowed scholarship trust
28 fund, the contract harvesting revolving account, the Washington state
29 combined fund drive account, the commemorative works account, the
30 county enhanced 911 excise tax account, the toll collection account,
31 the developmental disabilities endowment trust fund, the energy
32 account, the fair fund, the family and medical leave insurance
33 account, the federal lands revolving account, the food animal
34 veterinarian conditional scholarship account, the forest health
35 revolving account, the fruit and vegetable inspection account, the
36 future teachers conditional scholarship account, the game farm
37 alternative account, the GET ready for math and science scholarship
38 account, the Washington global health technologies and product
39 development account, the grain inspection revolving fund, the
40 industrial insurance rainy day fund, the juvenile accountability

1 incentive account, the law enforcement officers' and firefighters'
2 plan 2 expense fund, the local tourism promotion account, the low-
3 income home rehabilitation revolving loan program account, the
4 multiagency permitting team account, the northeast Washington wolf-
5 livestock management account, the pilotage account, the produce
6 railcar pool account, the regional transportation investment district
7 account, the rural rehabilitation account, the Washington sexual
8 assault kit account, the stadium and exhibition center account, the
9 youth athletic facility account, the self-insurance revolving fund,
10 the children's trust fund, the Washington horse racing commission
11 Washington bred owners' bonus fund and breeder awards account, the
12 Washington horse racing commission class C purse fund account, the
13 individual development account program account, the Washington horse
14 racing commission operating account, the life sciences discovery
15 fund, the Washington state heritage center account, the reduced
16 cigarette ignition propensity account, the center for childhood
17 deafness and hearing loss account, the school for the blind account,
18 the Millersylvania park trust fund, the public employees' and
19 retirees' insurance reserve fund, and the radiation perpetual
20 maintenance fund.

21 (c) The following accounts and funds must receive eighty percent
22 of their proportionate share of earnings based upon each account's or
23 fund's average daily balance for the period: The advanced right-of-
24 way revolving fund, the advanced environmental mitigation revolving
25 account, the federal narcotics asset forfeitures account, the high
26 occupancy vehicle account, the local rail service assistance account,
27 and the miscellaneous transportation programs account.

28 (d) Any state agency that has independent authority over accounts
29 or funds not statutorily required to be held in the custody of the
30 state treasurer that deposits funds into a fund or account in the
31 custody of the state treasurer pursuant to an agreement with the
32 office of the state treasurer shall receive its proportionate share
33 of earnings based upon each account's or fund's average daily balance
34 for the period.

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

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