

HOUSE BILL REPORT

SSB 5255

As Passed House
April 8, 1993

Title: An act relating to escheat lands suitable for operation for park and recreation purposes.

Brief Description: Providing for evaluation and transfer to the parks and recreation commission of land acquired by the state by escheat.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr, Talmadge, Bluechel and Haugen).

Brief History:

Reported by House Committee on:
Natural Resources & Parks, March 24, 1993, DP;
Passed House, April 8, 1993, 97-0.

HOUSE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass. Signed by 11 members:
Representatives Pruitt, Chair; R. Johnson, Vice Chair;
Morton, Ranking Minority Member; Stevens, Assistant Ranking
Minority Member; Dunshee; Linville; Schoesler; Sheldon;
Thomas; Valle; and Wolfe.

Staff: Linda Byers (786-7129).

Background: When a property owner dies without disposing of the property in a will and when the deceased has no known legal heirs, the property is turned over to the state. These are known as "escheat properties." The Department of Natural Resources manages and controls these escheat lands. The department may lease or sell state lands acquired through escheat.

The actual transfer to the department of the responsibility for escheat lands is done by court decree. The decree is not made until there have been opportunities for creditors and any heirs to establish claims to the property. A claimant may also attempt to make a case before the court regarding a claim to the land after the property has been transferred to the state, if the claimant makes this case within seven years of the transfer.

Summary of Bill: When land acquired by the state by escheat may be suitable for parks purposes, the Department of Natural Resources is to notify the State Parks and Recreation Commission. The department and the commission shall jointly evaluate the property for its suitability for park purposes, based upon the features of the land and the need for park facilities in the vicinity. If the land is determined to be suitable for park purposes, it is to be offered for transfer to the commission. If the commission declines that offer, the department is to offer the land to the local jurisdiction that provides park facilities in the area. The cost for the transfer is not to exceed the costs incurred by the department in managing and protecting the property since its acquisition by the state.

The department is directed to review lands acquired by escheat since 1983 for their suitability for transfer to park purposes.

If a claimant to escheat property satisfies the court regarding the validity of a claim, and the property has already been transferred to the commission or a local jurisdiction for parks purposes, the claimant is to receive payment based on the fair market value of the property at the time of transfer. The market value is to be determined by an independent appraisal obtained by the Department of Revenue.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This will give the State Parks and Recreation Commission one more tool to use to acquire park lands. It is unlikely that there will be very many escheated properties made available for park purposes through this avenue, but, if a parcel did turn up that could be used for a park, this bill would allow the transfer to occur.

Testimony Against: None.

Witnesses: Bob Wilder, State Parks and Recreation Commission; and Stan Biles, Department of Natural Resources (both in favor).