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**SUBSTITUTE HOUSE BILL 1433**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Capital Budget (originally sponsored by Representatives Sump, McMorris, Ballasiotes, DeBolt, Sheahan, Talcott, Quall, D. Sommers, Honeyford, Chandler, Schoesler, Crouse, Mastin and Mielke)

Read first time 02/25/97.

1 AN ACT Relating to leases with consortiums of counties formed to  
2 acquire correctional facilities; amending RCW 43.17.360; and declaring  
3 an emergency.

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

5 **Sec. 1.** RCW 43.17.360 and 1996 c 261 s 2 are each amended to read  
6 as follows:

7 (1) The department of social and health services and other state  
8 agencies may lease real property and improvements thereon to a  
9 consortium of three or more counties in order for the counties to  
10 construct or otherwise acquire correctional facilities for juveniles or  
11 adults.

12 (2) A lease governed by subsection (1) of this section shall not  
13 charge more than one dollar per year for the land value and facilities  
14 value, during the initial term of the lease, but the lease may include  
15 provisions for payment of any reasonable operation and maintenance  
16 expenses incurred by the state.

17 The initial term of a lease governed by subsection (1) of this  
18 section shall not exceed ~~((twenty))~~ fifty years. ~~((A lease renewed))~~  
19 The consortium of counties may renew the lease under subsection (1) of

1 this section after the initial term (~~(shall charge the fair rental~~  
2 ~~value for the land and facilities, and)~~) under the same terms and  
3 conditions as provided in the original lease, but the renewed lease may  
4 include provisions for payment of any reasonable operation and  
5 maintenance expenses incurred by the state. (~~(For the purposes of this~~  
6 ~~subsection, fair rental value shall be determined by the commissioner~~  
7 ~~of public lands in consultation with the department.)~~)

8 (3) The net proceeds generated from any lease entered or renewed  
9 under subsection (1) of this section involving land and facilities on  
10 the grounds of eastern state hospital shall be used solely for the  
11 benefit of eastern state hospital programs for the long-term care needs  
12 of patients with mental disorders. These proceeds shall not supplant  
13 or replace funding from traditional sources for the normal operations  
14 and maintenance or capital budget projects. It is the intent of this  
15 subsection to ensure that eastern state hospital receives the full  
16 benefit intended by this section, and that such effect will not be  
17 diminished by budget adjustments inconsistent with this intent.

18 (4) Section 1(2), chapter . . . (this act), Laws of 1997 applies  
19 retroactively to any lease the department of social and health services  
20 entered into with the consortium of counties after January 1, 1996.  
21 The department shall modify the terms of such a lease according to  
22 subsection (2) of this section. The department and the consortium of  
23 counties may not renegotiate any other terms of the lease except as  
24 provided in subsection (2) of this section unless both parties agree to  
25 renegotiate.

26 NEW SECTION. Sec. 2. If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the act or the application of the provision to other  
29 persons or circumstances is not affected.

30 NEW SECTION. Sec. 3. This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 immediately.

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