

HOUSE BILL REPORT

EHB 1252

As Passed Legislature

Title: An act relating to the recodification of Title 79 RCW and related public land statutes.

Brief Description: Making technical, nonsubstantive, corrections to and recodifying various department of natural resources' public land statutes.

Sponsors: By Representatives Linville, Schoesler, Rockefeller, Sump and Upthegrove; by request of Commissioner of Public Lands.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/11/03 [DP].

Floor Activity:

Passed House: 2/24/03, 96-0.

Passed Senate: 4/15/03, 49-0.

Passed Legislature.

Brief Summary of Engrossed Bill

- Consolidates and updates the statutory language that governs the Department of Natural Resources' upland proprietary responsibilities without making substantive changes.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

Staff: Jason Callahan (786-7117).

Background:

The Legislature created the Department of Natural Resources (DNR) in 1957, and assigned to it the responsibility to manage the state's upland properties for the benefit of the designated trust beneficiaries. The DNR carries out these proprietary functions

separate from their regulatory and aquatic land management responsibilities.

The proprietary duties of the DNR cover most aspects of land ownership. The Legislature has enacted statutes guiding the DNR's land management that include policies on sales procedures, sustainable harvest requirements, land platting, leasing procedures, oil and gas development, prospecting and mining, coal mining, land sales and exchanges, land acquisition, easements, and geothermal resources.

Much of the statutory law governing DNR's land management duties was originally enacted in the Public Lands Act of 1927. Statutes governing DNR's land management and other duties are primarily codified in three titles of the Revised Code of Washington: Title 43 (State Government-Executive), Title 76 (Forests and Forest Products), and Title 79 (Public Lands).

The Commissioner of Public Lands has the duty to report to the Legislature any recommendations for statutory change relating to the handling of public lands.

Summary of Engrossed Bill:

Statutes governing the DNR management of state uplands are reorganized without substantive change. Nonsubstantive revisions eliminate outdated terms and regroups like subjects.

Specifically, the legislation:

- Consolidates, in Title 79, all provisions concerning management of uplands belonging to or held in trust by the state and administered by the DNR.
- Creates individual chapters limited to one major subject.
- Groups provisions concerning certain discrete subjects into subchapters within chapters.
- Consolidates provisions relating to overall responsibilities of the Commissioner of Public Lands and the DNR in Title 43.
- Consolidates provisions concerning trust funds and other funds.
- Moves provisions concerning marine plastic debris to join other provisions concerning aquatic lands.
- Rewrites provisions in gender-neutral terms and groups commonly used definitions.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.

Testimony For: The bill makes the law easier to find, understand, and use. It reorders chapters and sections so that they only address one issue and are grouped logically. The bill makes no policy changes and has been reviewed by many stakeholders to be sure that there were no unintended changes.

Testimony Against: None

Testified: Doug Sutherland, Commissioner of Public Lands; and Terry Kirkpatrick, Washington State Department of Natural Resources.