

HOUSE BILL REPORT

SB 5075

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to authorization to accept gifts of aquatic land.

Brief Description: Authorizing the department of natural resources to accept gifts of aquatic land.

Sponsors: Senators Morton, Fraser, Oke and Doumit; by request of Commissioner of Public Lands.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 3/26/03, 4/1/03 [DP].

Brief Summary of Bill

- Authorizes the Department of Natural Resources to accept gifts of aquatic lands.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, McDermott, Orcutt, Quall and Sump.

Minority Report: Do not pass. Signed by 1 member: Representative Hunt.

Staff: Jason Callahan (786-7117).

Background:

The Legislature has delegated to the Department of Natural Resources (DNR) the responsibility for managing the state's aquatic lands for the benefit of the public. The management of aquatic lands must support a balance of goals, including the encouragement of public access, the fostering of water-dependent uses, the utilization of renewable resources, and the generation of revenue. Revenues generated from the state's

aquatic lands are generally directed to be used for public benefits, such as shoreline access, environmental protection, and recreational opportunities. Under current law, the DNR may lease aquatic lands, and exchange state-owned aquatic lands for privately owned lands.

The DNR is expressly authorized to accept several types of lands as gifts or bequests. These include gifts of land used for mining, and gifts of land that promote reforestation. The DNR also has a general authority to accept land on behalf of the state. Land accepted under this provision is subject to approval by the Attorney General, and any revenue generated from these lands is added to the DNR's trust holdings.

Summary of Bill:

The DNR is authorized to accept gifts of aquatic lands. All gifts received will become part of the state's aquatic land base.

The DNR is required to develop procedures and criteria that state the manner in which aquatic land gifts may occur. No individual aquatic parcel may be accepted by the DNR until four events occur:

1. An appraisal of the land's value has been prepared;
2. an environmental site assessment has been prepared;
3. the Attorney General has examined and approved the property's title report; and
4. the appraisal, site assessment, and title report are submitted to the Board of Natural Resources.

The authority to accept aquatic lands retroactively applies to lands accepted prior to the effective date of this act.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The DNR does not have the clear authority to accept gifts of aquatic lands, so the unspecified aquatic lands gifts must be managed by the upland trusts, which causes costs to incur to those trusts. Currently the state has to quickly claim titles to gifted land, and this can cause legal problems. Aquatic lands that are part of the aquatic land base of the DNR can be managed to provide balanced public benefits. This bill would preserve the DNR's ability to not accept gifts of lands that are contaminated.

Testimony Against: None.

Testified: Loren Stern, Department of Natural Resources.