

SENATE BILL REPORT

SHB 2321

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 25, 2004

Title: An act relating to the clarification of certain definitions in Title 79 RCW and related public land statutes.

Brief Description: Clarifying the definitions of certain natural resources terms.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Schoesler, Sump, Grant and Pearson; by request of Commissioner of Public Lands).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/20/04, 2/25/04 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Fraser, Hale, Hargrove, Honeyford, Oke and Regala.

Staff: Vic Moon (786-7469)

Background: In 2003, the Legislature passed a major recodification of Title 79, which is the public lands statute. This is the statute that gives authority to the Department of Natural Resources (DNR) to manage over 5 million acres of state-owned land. This includes both uplands and aquatic lands.

It became clear in the recodification process that different types of law apply to different categories of lands and that a clear definition of what is meant by public land, state land, aquatic land, state forest land and other types of lands is necessary.

There have been numerous attempts over the last 50 years to come up with uniform definitions for state and public lands. This is a task which has to be addressed title by title, and the revisions that have been worked on by the Department of Natural Resources in 2003 on Title 79 relate only to the definition of state land and public land in that title and not to any other statute.

The scope and effect of the Title 79 statutory directions depend on the term used to describe state land. The terms "state lands," "public lands," "state forest lands," and "aquatic lands" are among the terms that can be used to describe state-owned land, and they all have different meanings.

The term "public lands" is described as any lands of the state of Washington, and includes state trust lands that are not reserved for a specific use, aquatic lands, and those lands falling under the definition of "state lands." The term "state lands" includes lands held in trust for

common schools or universities, capitol building lands, institutional lands, and all public lands except for aquatic lands. Not included in either definitions are state forest lands and some lands held for a specific purpose, such as natural area preserves, land bank lands, and natural resource conservation areas.

Fixtures attached to "state lands" that change the value of the land are defined as "improvements." This definition only applies to those lands falling under the definition of "state lands" and does not include fixtures on other public lands.

Summary of Amended Bill: Certain definitions in the Public Lands Act are modified. The definition of "public lands" is expanded to include all lands administered by DNR. This definition includes aquatic lands, state forest lands, and state lands. By not excluding any lands held for a specific purpose, this definition also encompasses holdings such as natural area preserves, land bank lands, and natural resource conservation areas. The definition of "state lands" is expanded to include land banks and escheat donations. The definition of "improvements" is expanded to cover all DNR-administered lands, and not just "state lands." There is no effect on DNR management or public rights.

Amended Bill Compared to Substitute Bill: The bill is amended to make it clear that DNR management is not changed and no public rights are granted. The definition provisions are the same.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is needed to make all of the types of public, trust and other state lands clear in law. No changes are made to the Department of Natural Resources' authority or management policy.

Testimony Against: None.

Testified: PRO: Representative Linville, prime sponsor; Doug Sutherland, Commissioner of Public Lands.