

SENATE BILL REPORT

SB 5075

As Passed Senate, March 11, 2003

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: Natural Resources, Energy & Water: 1/22/03, 1/24/03 [DP].

Passed Senate: 3/11/03, 47-0.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: Do pass.

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

Staff: Genevieve Pisarski (786-7488)

Background: Under the equal footing doctrine, the state of Washington, at the time of statehood, became the owner of the beds and shores of navigable waters within its boundaries, commonly known as state-owned aquatic lands. Most of these lands were transferred to private ownership. In 1971 the Legislature restricted any further transfers and left remaining state-owned aquatic lands under the management of the Department of Natural Resources. From time to time, private owners of aquatic lands desire to gift such lands back to the state. The department's statutory authority to manage public lands and aquatic lands does not, however, include express authority to accept such lands, to establish conditions for accepting them, or to manage them as state-owned aquatic lands, rather than for purposes of the common school trust.

Summary of Bill: The Department of Natural Resources is authorized to accept gifts of aquatic lands within the state, which become part of the base of state-owned aquatic lands. This authorization is retroactive. Consistent with statutory management guidelines, the department must adopt procedures and criteria for accepting gifts of aquatic lands, including obtaining an appraisal, conducting an environmental site assessment, obtaining a title report approved by the Attorney General, and submitting these to the Board of Natural Resources prior to accepting the gift.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Reasons for donations of aquatic lands to the state include tax benefits, implementation of mitigation plans, and various personal reasons. Adding to the state's aquatic land base can benefit public use and access. Parcels donated to date have had a small tax value in terms of their effect on the local tax base.

Testimony Against: None

Testified: Fran McNair, DNR (pro).