
ENGROSSED SUBSTITUTE HOUSE BILL 1803

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Linville, Rockefeller, Anderson, Delvin, McDermott, McIntire, Woods and Simpson; by request of Commissioner of Public Lands)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to the creation of the legacy trust for recreation
2 and conservation; amending RCW 79.01.612; creating new sections; and
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that during the
6 2003 legislative session, the commissioner of public lands brought
7 forward the idea of the creation of a legacy trust in the form of House
8 Bill No. 1803 and Senate Bill No. 5750. The legacy trust was proposed
9 to serve as a new land trust, managed by the department of natural
10 resources, the revenue from which would be dedicated to supporting
11 recreational access and use on state-owned lands.

12 (2) The legislature concurs with the commissioner of public lands
13 that the demand for the use and enjoyment of public lands is extensive
14 and growing and that the quality of recreational experiences, safety to
15 the public, upkeep of trails and facilities, and protection of land
16 from ecological impacts may be in jeopardy.

17 (3) The legislature further finds that the ideas brought forward by
18 the commissioner of public lands, as well as other ideas for achieving

1 similar goals, deserves the attention of select legislators in the
2 interim between the 2003 and 2004 legislative sessions.

3 NEW SECTION. **Sec. 2.** (1) A joint select committee on the legacy
4 trust proposal is established to consider, study, and review the legacy
5 trust proposal brought forward by the commissioner of public lands for
6 establishing a stable, long-term revenue source to support recreational
7 access and use on state-owned lands, and to consider any alternate
8 methods to achieve the same goals. One alternative for the committee
9 to research is any options available for obtaining federal forest land
10 located in Washington to be used as part of the legacy trust's land
11 base.

12 (2) The membership of the joint select committee consists of:

13 (a) One member from each caucus of the house of representatives,
14 selected by the speaker of the house or representatives, from the
15 membership of the agriculture and natural resources committee;

16 (b) One member from each caucus of the house of representatives,
17 selected by the speaker of the house of representatives, from the
18 membership of the capital budget committee;

19 (c) One member from each caucus of the senate, selected by the
20 president of the senate, from the membership of the parks, fish, and
21 wildlife committee;

22 (d) One member from each caucus of the senate, selected by the
23 president of the senate, from the membership of the ways and means
24 committee.

25 (3) The staff for the committee will be provided by the office of
26 program research and senate committee services.

27 (4) The committee will report to the legislature by December 31,
28 2003, with its recommendations in the form of draft legislation.

29 **Sec. 3.** RCW 79.01.612 and 1993 c 49 s 1 are each amended to read
30 as follows:

31 (1) Except as provided in subsections (2) and (4) of this section,
32 the department of natural resources shall manage and control all lands
33 acquired by the state by escheat or under chapter 79.66 RCW and all
34 lands acquired by the state by deed of sale or gift or by devise,
35 except such lands which are conveyed or devised to the state to be used
36 for a particular purpose. The department shall lease the lands in the

1 same manner as school lands. When the department determines to sell
2 the lands, they shall be initially offered for sale either at public
3 auction or direct sale to public agencies as provided in this chapter.
4 If the lands are not sold at public auction, the department may, with
5 approval of the board of natural resources, market the lands through
6 persons licensed under chapter 18.85 RCW or through other commercially
7 feasible means at a price not lower than the land's appraised value and
8 pay necessary marketing costs from the sale proceeds. Necessary
9 marketing costs includes reasonable costs associated with advertising
10 the property and paying commissions. The proceeds of the lease or sale
11 of all such lands shall be deposited into the appropriate fund in the
12 state treasury in the manner prescribed by law, except if the grantor
13 in any such deed or the testator in case of a devise specifies that the
14 proceeds of the sale or lease of such lands be devoted to a particular
15 purpose such proceeds shall be so applied. The department may employ
16 agents to rent any escheated, deeded, or devised lands, or lands
17 acquired under chapter 79.66 RCW, for such rental and time and in such
18 manner as the department directs, but the property shall not be rented
19 by such agent for a longer period than one year and no tenant is
20 entitled to compensation for any improvement which he makes on such
21 property. The agent shall cause repairs to be made to the property as
22 the department directs, and shall deduct the cost thereof, together
23 with such compensation and commission as the department authorizes,
24 from the rentals of such property and the remainder which is collected
25 shall be transmitted monthly to the department of natural resources.

26 (2) When land is acquired by the state by escheat which because of
27 its location or features may be suitable for park purposes, the
28 department shall notify the state parks and recreation commission. The
29 department and the commission shall jointly evaluate the land for its
30 suitability for park purposes, based upon the features of the land and
31 the need for park facilities in the vicinity. Where the department and
32 commission determine that such land is suitable for park purposes, it
33 shall be offered for transfer to the commission, or, in the event that
34 the commission declines to accept the land, to the local jurisdiction
35 providing park facilities in that area. When so offered, the payment
36 required by the recipient agency shall not exceed the costs incurred by
37 the department in managing and protecting the land since receipt by the
38 state.

1 (3) The department may review lands acquired by escheat since
2 January 1, 1983, for their suitability for park purposes, and apply the
3 evaluation and transfer procedures authorized by subsection (2) of this
4 section.

5 (4)(a) Any land that is acquired by the state between the effective
6 date of this act and June 30, 2004, either by gift, escheat, devise, or
7 grant, that is not conveyed for a particular purpose, may be held by
8 the department separate from any existing land trusts.

9 (b) If by June 30, 2004, the legislature establishes the legacy
10 trust pursuant to sections 1 and 2 of this act, or any other land trust
11 designed to provide financial support for the management of public
12 recreational access and use on state-owned lands, then any land held
13 pursuant to this subsection shall be transferred to the new land trust
14 and managed pursuant to legislative direction.

15 (c) If by June 30, 2004, the legislature does not create a new land
16 trust, any land held pursuant to this subsection must be managed in
17 accordance with subsections (1) and (2) of this section.

18 NEW SECTION. Sec. 4. Sections 1 through 3 of this act expire July
19 1, 2004.

--- END ---