

SENATE BILL REPORT

SB 5959

As of February 18, 2005

Title: An act relating to use of state-owned aquatic lands by a governmental entity.

Brief Description: Concerning the use of state-owned aquatic lands by a governmental entity.

Sponsors: Senator Jacobsen.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/23/05.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Vic Moon (786-7469)

Background: The Department of Natural Resources (department) manages 2.4 million acres of aquatic lands and these lands may be leased to both private and governmental entities. The management includes requirements for public access, environmental protection, commerce, and many other factors which the department puts into leases as requirements that the lessee must abide by. In addition there are legislative mandates on the priority uses for these lands with public use being the most important use.

Summary of Bill: A use by a governmental entity for a public benefit, including, but not limited to public parks, uses for public recreation purposes, water-related public safety uses, and governmentally owned public utility lines must have top priority.

The use of state-owned aquatic lands must be granted without charge when the primary use is for water-related public safety operations including fire boats and harbor patrols.

The use of state-owned aquatic lands must be granted without charge if the primary use is for a public park or public recreation purposes and the state-owned aquatic lands and improvements are available to the general public on a first-come, first-served basis and are not managed to produce a profit for the governmental operator. The use must be granted without charge whether or not a concessionaire, lessee, or contractor to the governmental operator makes a profit, and whether or not the public is charged a fee.

The department is authorized to lease state-owned tidelands that are in front of state parks only with the approval of the state parks and recreation commission. The department may lease bedlands in front of state parks only after the department has consulted with the state parks and recreation commission.

When a use is granted to a governmental entity, the department must not place conditions on the use that address the same subject as a permit or other authorization issued by a state agency, including permits for hydraulic projects, discharge permits, and authorizations for sediment caps. The governmental entity that is granted use of state-owned aquatic lands is not

required to indemnify the department except for damages resulting from the governmental entity's own fault.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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