

SSB 6011 - H AMD TO H AMD (H-3423.1/07) **826**
By Representative Sump

1 On page 6, after line 37 of the amendment, insert the
2 following:

3 "Sec. 4. RCW 79.105.240 and 2005 c 155 s 147 are each amended
4 to read as follows:

5 Except as otherwise provided by this chapter, annual rent rates
6 for the lease of state-owned aquatic lands for water-dependent
7 uses, including any barging facility used by an operation
8 extracting minerals from the uplands adjacent to aquatic lands,
9 shall be determined as follows:

10 (1)(a) The assessed land value, exclusive of improvements, as
11 determined by the county assessor, of the upland tax parcel used in
12 conjunction with the leased area or, if there are no such uplands,
13 of the nearest upland tax parcel used for water-dependent purposes
14 divided by the parcel area equals the upland value.

15 (b) The upland value times the area of leased aquatic lands
16 times thirty percent equals the aquatic land value.

17 (2) As of July 1, 1989, and each July 1st thereafter, the
18 department shall determine the real capitalization rate to be
19 applied to water-dependent aquatic land leases commencing or being
20 adjusted under subsection (3)(a) of this section in that fiscal
21 year. The real capitalization rate shall be the real rate of
22 return, except that until June 30, 1989, the real capitalization
23 rate shall be five percent and thereafter it shall not change by
24 more than one percentage point in any one year or be more than
25 seven percent or less than three percent.

26 (3) The annual rent shall be:

27 (a) Determined initially, and redetermined every four years or
28 as otherwise provided in the lease, by multiplying the aquatic land
29 value times the real capitalization rate; and

30 (b) Adjusted by the inflation rate each year in which the rent
31 is not determined under (a) of this subsection.

1 (4) If the upland parcel used in conjunction with the leased
2 area is not assessed or has an assessed value inconsistent with the
3 purposes of the lease, the nearest comparable upland parcel used
4 for similar purposes shall be substituted and the lease payment
5 determined in the same manner as provided in this section.

6 (5) For the purposes of this section, "upland tax parcel" is a
7 tax parcel, some portion of which has upland characteristics.
8 Filled tidelands or shorelands with upland characteristics which
9 abut state-owned aquatic land shall be considered as uplands in
10 determining aquatic land values.

11 (6) The annual rent for filled state-owned aquatic lands that
12 have the characteristics of uplands shall be determined in
13 accordance with RCW 79.105.270 in those cases in which the state
14 owns the fill and has a right to charge for the fill.

15 (7) For all new leases for other water-dependent uses, issued
16 after December 31, 1997, the initial annual water-dependent rent
17 shall be determined by the methods in subsections (1) through (6)
18 of this section, except for the rent charged to any barging
19 facility located within the Maury Island aquatic reserve. If the
20 commissioner, pursuant to the provisions in section 1 of this act,
21 allows for industrial uses within the Maury Island aquatic reserve,
22 than any barging facilities will be permitted to use state-owned
23 aquatic lands free of charge."

24
25 Renumber the sections consecutively and correct any internal
26 references accordingly.

EFFECT: Allows barging facilities located within the Maury
Island Aquatic Reserve to use state-owned aquatic lands free of
rent.