

HB 1430 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

NOT CONSIDERED 04/26/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 79.13.060 and 2016 c 109 s 3 are each amended to
4 read as follows:

5 (1) State lands may be leased not to exceed ten years with the
6 following exceptions:

7 (a) The lands may be leased for agricultural purposes not to
8 exceed twenty-five years, except:

9 (i) Leases that authorize tree fruit or grape production may be
10 for up to fifty-five years;

11 (ii) Share crop leases may not exceed ten years;

12 (b) The lands may be leased for commercial, industrial, business,
13 or recreational purposes not to exceed fifty-five years, except:

14 (i) Leases for commercial, industrial, or business purposes may
15 extend to 99 years;

16 (ii) All leases for commercial, industrial, or business purposes
17 that extend beyond 55 years must provide for periodic rental
18 reevaluation and adjustment, except leases with rentals based on a
19 percentage of income;

20 (iii) All leases for commercial, industrial, or business purposes
21 that extend terms beyond 55 years must be reported to the office of
22 financial management and the appropriate committees of the
23 legislature within 30 days of the date of execution of the lease. The
24 report must include a financial analysis that justifies the financial
25 benefit for the added term and the schedule for periodic rental
26 adjustments;

27 (c) The lands may be leased for public school, college, or
28 university purposes not to exceed seventy-five years;

29 (d) The lands may be leased for residential purposes not to
30 exceed ninety-nine years; and

31 (e) The lands and development rights on state lands held for the
32 benefit of the common schools may be leased to public agencies, as

1 defined in RCW 79.17.200, not to exceed ninety-nine years. The leases
2 may include provisions for renewal of lease terms.

3 (2) No lessee of state lands may remain in possession of the land
4 after the termination or expiration of the lease without the written
5 consent of the department.

6 (a) The department may authorize a lease extension for a specific
7 period beyond the term of the lease for cropping improvements for the
8 purpose of crop rotation. These improvements shall be deemed
9 authorized improvements under RCW 79.13.030.

10 (b) Upon expiration of the lease term, the department may allow
11 the lessee to continue to hold the land for a period not exceeding
12 one year upon such rent, terms, and conditions as the department may
13 prescribe, if the leased land is not otherwise utilized.

14 (c) Upon expiration of the one-year lease extension, the
15 department may issue a temporary permit to the lessee upon terms and
16 conditions it prescribes if the department has not yet determined the
17 disposition of the land for other purposes.

18 (d) The temporary permit shall not extend beyond a five-year
19 period.

20 (3) If during the term of the lease of any state lands for
21 agricultural, grazing, commercial, residential, business, or
22 recreational purposes, in the opinion of the department it is in the
23 best interest of the state so to do, the department may, on the
24 application of the lessee and in agreement with the lessee, alter and
25 amend the terms and conditions of the lease. The sum total of the
26 original lease term and any extension thereof shall not exceed the
27 limits provided in this section.

28 (4) The department must include in the text of any grazing leases
29 language that explains the right of access, and associated assumption
30 of liability, created in RCW 76.04.021."

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31 On page 1, line 2 of the title, after "resources;" strike the
32 remainder of the title and insert "and amending RCW 79.13.060."

EFFECT: Provides that all commercial, industrial, or business
purpose leases that extend beyond 55 years must provide for periodic
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rental reevaluation and adjustment, except leases with rentals based on a percentage of income. Requires commercial, industrial, or business purpose leases that extend beyond 55 years be reported to the Office of Financial Management and the appropriate committees of the Legislature within 30 days of the date of execution of the lease. Requires the report to include a financial analysis that justifies the financial benefit for the added term and the schedule for periodic rental adjustments.

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