

HOUSE BILL REPORT

SHB 1632

As Amended by Senate

Title: An act relating to exchanging tidelands, shorelands, and beds of navigable waters.

Brief Description: Exchanging certain public lands.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Horn, Basich and Fuhrman).

Brief History:

Committee Activity:

Natural Resources: 2/14/95, 2/17/95 [DPS].

Floor Activity:

Passed House: 3/9/95, 95-0.

Senate Amended.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Linda Byers (786-7129).

Background: The Department of Natural Resources manages over 2 million acres of state-owned aquatic lands. These aquatic lands were granted to the state at statehood and include tidelands, shorelands, and bedlands. Approximately 39 percent of the state's original endowment of tidelands, 70 percent of the original shorelands, and all of the state's bedlands remain in public ownership. Current law prevents any further sale of shorelands and tidelands except to public entities.

The department has specific authority to exchange uplands for certain purposes. The department has specific authority to exchange state-owned tidelands and shorelands under certain conditions for municipal park and playground purposes. Beyond this, there is no other express authority in statute allowing the department to exchange tidelands and shorelands.

Summary of Bill: The Department of Natural Resources may exchange state-owned tidelands and shorelands with private and other public landowners if the exchange is in the public interest and will actively contribute to the public benefits identified in the statutory guidelines for management of aquatic lands. The department may not exchange state-owned harbor areas, waterways, or other bedlands.

EFFECT OF SENATE AMENDMENT(S):

The amendment is technical in nature, to avoid a conflict with a provision in current law regarding the exchange of beds where a water course has changed and the beds have taken on the characteristics of uplands.

Appropriation: None.

Fiscal Note: Requested on February 9, 1995.

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

Testimony For: This is enabling legislation to give the department the ability to exchange tidelands, shorelands, and bedlands with private parties. The ability to exchange lands is a management tool. This will facilitate the exchange of property if it is in the public interest. Support the bill for the good of the marine trade industry and for the public good. We support the department's amendments. The Attorney General's Office has come up with different interpretations over the years over what authority the department has in this area; it would be good to clarify it.

Testimony Against: There is concern about the definition of "public interest." The department would prefer to add more specificity to the decision-making authority by having the Board of Natural Resources rather than the department define the public interest and actually have it in the Washington Administrative Code. There are conflicts with the state Constitution if harbor areas aren't excluded. Bedlands should be excluded.

Testified: Representative Jim Horn, prime sponsor; John Woodring and Jack Swanberg, Northwest Marine Trade Association; (all in favor); Ed Owens, Coalition of Washington Fishermen (in favor, with minor concerns); and Stan Biles, Department of Natural Resources (in favor, with amendments).

Votes on Final Passage:

Yeas 95; Excused 3

Excused: Blanton, Brumsickle, Ebersole