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SENATE BILL 6556

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Hargrove and Snyder

Read first time 01/27/94. Referred to Committee on Natural Resources.

1 AN ACT Relating to the rental of public lands; and amending RCW  
2 79.01.242.

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

4 **Sec. 1.** RCW 79.01.242 and 1984 c 222 s 12 are each amended to read  
5 as follows:

6 (1) Subject to other provisions of this chapter and subject to  
7 rules adopted by the board of natural resources, the department may  
8 lease state lands for purposes it deems advisable, including, but not  
9 limited to, commercial, industrial, residential, agricultural, and  
10 recreational purposes in order to obtain a fair market rental return to  
11 the state or the appropriate constitutional or statutory trust. Every  
12 lease issued by the department, shall contain: (a) The specific use or  
13 uses to which the land is to be employed; (b) the improvements  
14 required: PROVIDED, That a minimum reasonable time is allowed for the  
15 completion of the improvements; (c) the rent is payable in advance in  
16 quarterly, semiannual, or annual payments, as determined by the  
17 department or as agreed upon by the lessee and the department of  
18 natural resources; (d) other terms and conditions as the department  
19 deems advisable, subject to review by the board of natural resources,

1 to more nearly effectuate the purposes of the state Constitution and of  
2 this chapter.

3 (2) The department may authorize the use of state land by lease at  
4 state auction for initial leases or by negotiation for existing leases.  
5 Notice of intent to lease by negotiation shall be published in at least  
6 two newspapers of general circulation in the area in which the land  
7 which is to be the subject of negotiation is located within the ninety  
8 days immediately preceding commencement of negotiations.

9 (3) Leases which authorize commercial, industrial, or residential  
10 uses on state lands may be entered into by negotiation. Negotiations  
11 shall be subject to rules of the board of natural resources. At the  
12 option of the department, these leases may be placed for bid at public  
13 auction.

14 (4) Any person, firm or corporation desiring to lease any state  
15 lands for any purpose not prohibited by law, may make application to  
16 the department, describing the lands sought to be leased on forms to be  
17 provided by the department.

18 (5) Notwithstanding any provision in this chapter to the contrary,  
19 in leases for residential purposes, the board of natural resources may  
20 waive or modify any conditions of the lease if the waiver or  
21 modification is necessary to enable any federal agency or lending  
22 institution authorized to do business in this state or elsewhere in the  
23 United States to participate in any loan secured by a security interest  
24 in a leasehold interest.

25 (6) Upon expiration of the lease term, if the leased land is not  
26 otherwise utilized, the department may allow the lessee to continue to  
27 hold the land for a period not exceeding one year upon such rent,  
28 terms, and conditions as the department may prescribe. Upon the  
29 expiration of the one year extension, if the department has not yet  
30 determined the disposition of the land for other purposes, the  
31 department may issue a temporary permit to the lessee upon terms and  
32 conditions it prescribes. The temporary permit may not extend beyond  
33 a five year period.

34 (7) Notwithstanding subsection (1) of this section, a nonprofit  
35 television reception improvement district that leases space from the  
36 department of natural resources for the purpose of supplying a  
37 television signal to homes, businesses, or other entities in an area  
38 that would otherwise be unable to receive United States television

- 1 station reception is exempt from the requirement to pay fair market
- 2 rental value for the property or space.

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