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**SUBSTITUTE SENATE BILL 5255**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser, Barr, Talmadge, Bluechel and Haugen)

Read first time 02/10/93.

1 AN ACT Relating to escheat lands suitable for operation for park  
2 and recreation purposes; and amending RCW 79.01.612, 11.08.250, and  
3 11.08.260.

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

5 **Sec. 1.** RCW 79.01.612 and 1984 c 222 s 13 are each amended to read  
6 as follows:

7 (1) Except as provided in subsection (2) of this section, the  
8 department of natural resources shall manage and control all lands  
9 acquired by the state by escheat or under chapter 79.66 RCW and all  
10 lands acquired by the state by deed of sale or gift or by devise,  
11 except such lands which are conveyed or devised to the state to be used  
12 for a particular purpose. The department shall lease the lands in the  
13 same manner as school lands. When the department determines to sell  
14 the lands, they shall be initially offered for sale either at public  
15 auction or direct sale to public agencies as provided in this chapter.  
16 If the lands are not sold at public auction, the department may, with  
17 approval of the board of natural resources, market the lands through  
18 persons licensed under chapter 18.85 RCW or through other commercially  
19 feasible means at a price not lower than the land's appraised value and

1 pay necessary marketing costs from the sale proceeds. Necessary  
2 marketing costs includes reasonable costs associated with advertising  
3 the property and paying commissions. The proceeds of the lease or sale  
4 of all such lands shall be deposited into the appropriate fund in the  
5 state treasury in the manner prescribed by law(~~(:—PROVIDED, That))~~,  
6 except if the grantor in any such deed or the testator in case of a  
7 devise specifies that the proceeds of the sale or lease of such lands  
8 be devoted to a particular purpose such proceeds shall be so applied.  
9 The department may employ agents to rent any escheated, deeded, or  
10 devised lands, or lands acquired under chapter 79.66 RCW, for such  
11 rental and time and in such manner as the department directs, but the  
12 property shall not be rented by such agent for a longer period than one  
13 year and no tenant is entitled to compensation for any improvement  
14 which he makes on such property. The agent shall cause repairs to be  
15 made to the property as the department directs, and shall deduct the  
16 cost thereof, together with such compensation and commission as the  
17 department authorizes, from the rentals of such property and the  
18 remainder which is collected shall be transmitted monthly to the  
19 department of natural resources.

20 (2) When land is acquired by the state by escheat which because of  
21 its location or features may be suitable for park purposes, the  
22 department shall notify the state parks and recreation commission. The  
23 department and the commission shall jointly evaluate the land for its  
24 suitability for park purposes, based upon the features of the land and  
25 the need for park facilities in the vicinity. Where the department and  
26 commission determine that such land is suitable for park purposes, it  
27 shall be offered for transfer to the commission, or, in the event that  
28 the commission declines to accept the land, to the local jurisdiction  
29 providing park facilities in that area. When so offered, the payment  
30 required by the recipient agency shall not exceed the costs incurred by  
31 the department in managing and protecting the land since receipt by the  
32 state.

33 (3) The department may review lands acquired by escheat since  
34 January 1, 1983, for their suitability for park purposes, and apply the  
35 evaluation and transfer procedures authorized by subsection (2) of this  
36 section.

37 **Sec. 2.** RCW 11.08.250 and 1965 c 145 s 11.08.250 are each amended  
38 to read as follows:

1        Upon establishment of the claim to the satisfaction of the court,  
2 it shall order payment to the claimant of any escheated funds and  
3 delivery of any escheated land, or the proceeds thereof, if sold. If,  
4 however, the escheated property shall have been transferred to the  
5 state parks and recreation commission or local jurisdiction for park  
6 purposes, the court shall order payment to the claimant for the fair  
7 market value of the property at the time of transfer, excluding the  
8 value of physical improvements to the property while managed by a state  
9 agency or local jurisdiction. The value shall be established by  
10 independent appraisal obtained by the department of revenue.

11        **Sec. 3.** RCW 11.08.260 and 1975 1st ex.s. c 278 s 9 are each  
12 amended to read as follows:

13        In the event the order of the court requires the payment of  
14 escheated funds or the proceeds of the sale of escheated real property  
15 or the appraised value of escheated property transferred for park  
16 purposes, a certified copy of such order shall be served upon the  
17 department of revenue which shall thereupon take any steps necessary to  
18 effect payment to the claimant out of the general fund of the state.

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