

1 **SHB 1803 - H AMD 0244 ADOPTED 3-17-03**
2 By Representative Linville

3 On page 2, after line 25, insert the following:

4 "Sec. 3. RCW 79.01.612 and 1993 c 49 s 1 are each amended to
5 read as follows:

6 (1) Except as provided in subsections (2) and (4) of this
7 section, the department of natural resources shall manage and
8 control all lands acquired by the state by escheat or under chapter
9 79.66 RCW and all lands acquired by the state by deed of sale or
10 gift or by devise, except such lands which are conveyed or devised
11 to the state to be used for a particular purpose. The department
12 shall lease the lands in the same manner as school lands. When the
13 department determines to sell the lands, they shall be initially
14 offered for sale either at public auction or direct sale to public
15 agencies as provided in this chapter. If the lands are not sold at
16 public auction, the department may, with approval of the board of
17 natural resources, market the lands through persons licensed under
18 chapter 18.85 RCW or through other commercially feasible means at
19 a price not lower than the land's appraised value and pay necessary
20 marketing costs from the sale proceeds. Necessary marketing costs
21 includes reasonable costs associated with advertising the property
22 and paying commissions. The proceeds of the lease or sale of all
23 such lands shall be deposited into the appropriate fund in the
24 state treasury in the manner prescribed by law, except if the
25 grantor in any such deed or the testator in case of a devise
26 specifies that the proceeds of the sale or lease of such lands be
27 devoted to a particular purpose such proceeds shall be so applied.
28 The department may employ agents to rent any escheated, deeded, or
29 devised lands, or lands acquired under chapter 79.66 RCW, for such
30 rental and time and in such manner as the department directs, but
31 the property shall not be rented by such agent for a longer period
32 than one year and no tenant is entitled to compensation for any
33 improvement which he makes on such property. The agent shall cause

1 repairs to be made to the property as the department directs, and
2 shall deduct the cost thereof, together with such compensation and
3 commission as the department authorizes, from the rentals of such
4 property and the remainder which is collected shall be transmitted
5 monthly to the department of natural resources.

6 (2) When land is acquired by the state by escheat which because
7 of its location or features may be suitable for park purposes, the
8 department shall notify the state parks and recreation commission.
9 The department and the commission shall jointly evaluate the land
10 for its suitability for park purposes, based upon the features of
11 the land and the need for park facilities in the vicinity. Where
12 the department and commission determine that such land is suitable
13 for park purposes, it shall be offered for transfer to the
14 commission, or, in the event that the commission declines to accept
15 the land, to the local jurisdiction providing park facilities in
16 that area. When so offered, the payment required by the recipient
17 agency shall not exceed the costs incurred by the department in
18 managing and protecting the land since receipt by the state.

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

23 (4)(a) Any land that is acquired by the state between the
24 effective date of this act and June 30, 2004, either by gift,
25 escheat, devise, or grant, that is not conveyed for a particular
26 purpose, may be held by the department separate from any existing
27 land trusts.

28 (b) If by June 30, 2004, the legislature establishes the legacy
29 trust pursuant to sections 1 and 2 of this act, or any other land
30 trust designed to provide financial support for the management of
31 public recreational access and use on state-owned lands, then any
32 land held pursuant to this subsection shall be transferred to the
33 new land trust and managed pursuant to legislative direction.

34 (c) If by June 30, 2004, the legislature does not create a new
35 land trust, any land held pursuant to this subsection must be
36 managed in accordance with subsections 1 and 2 of this section."

1 On page 2, line 26, after "**Sec. 3.**" strike all material through
2 "2004." and insert "Sections 1 through 3 of this act expires on
3 July 1, 2004."

4 Correct the title and renumber the sections accordingly.

EFFECT: Authorizes the Department of Natural Resources to hold any gifted lands separate from any existing trusts until the Legacy Trust is created or until June 30, 2004.