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SENATE BILL 5955

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State of Washington                      59th Legislature                      2005 Regular Session

By Senators Honeyford, Zarelli, Morton, Mulliken and Schoesler

Read first time 02/16/2005.                      Referred to Committee on Natural Resources, Ocean & Recreation.

1            AN ACT Relating to requiring legislative approval for disposal,  
2 conveyance, or transfer of property to instrumentalities of the United  
3 States for less than full market value; and amending RCW 77.12.210 and  
4 77.12.220.

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

6            **Sec. 1.** RCW 77.12.210 and 2000 c 107 s 218 are each amended to  
7 read as follows:

8            The director shall maintain and manage real or personal property  
9 owned, leased, or held by the department and shall control the  
10 construction of buildings, structures, and improvements in or on the  
11 property. The director may adopt rules for the operation and  
12 maintenance of the property.

13            The commission may authorize the director to sell, lease, convey,  
14 or grant concessions upon real or personal property under the control  
15 of the department. This includes the authority to sell timber, gravel,  
16 sand, and other materials or products from real property held by the  
17 department, and to sell or lease the department's real or personal  
18 property or grant concessions or rights of way for roads or utilities  
19 in the property. Oil and gas resources owned by the state which lie

1 below lands owned, leased, or held by the department shall be offered  
2 for lease by the commissioner of public lands pursuant to chapter 79.14  
3 RCW with the proceeds being deposited in the state wildlife fund:  
4 PROVIDED, That the commissioner of public lands shall condition such  
5 leases at the request of the department to protect wildlife and its  
6 habitat.

7 If the commission determines that real or personal property held by  
8 the department cannot be used advantageously by the department, the  
9 director may dispose of that property if it is in the public interest.  
10 Disposal of property held by the department to instrumentalities of the  
11 United States for less than full market value is subject to legislative  
12 approval.

13 If the state acquired real property with use limited to specific  
14 purposes, the director may negotiate terms for the return of the  
15 property to the donor or grantor. Other real property shall be sold to  
16 the highest bidder at public auction. After appraisal, notice of the  
17 auction shall be published at least once a week for two successive  
18 weeks in a newspaper of general circulation within the county where the  
19 property is located at least twenty days prior to sale.

20 Proceeds from the sales shall be deposited in the state wildlife  
21 fund.

22 **Sec. 2.** RCW 77.12.220 and 2000 c 107 s 219 are each amended to  
23 read as follows:

24 For purposes of this title, the commission may make agreements to  
25 obtain real or personal property or to transfer or convey property held  
26 by the state to the United States or its agencies or instrumentalities,  
27 units of local government of this state, public service companies, or  
28 other persons, if in the judgment of the commission and the attorney  
29 general the transfer and conveyance is consistent with public interest.  
30 For purposes of this section, transfer or conveyance of property held  
31 by the state to instrumentalities of the United States for less than  
32 full market value is subject to legislative approval. For purposes of  
33 this section, "local government" means any city, town, county, special  
34 district, municipal corporation, or quasi-municipal corporation.

35 If the commission agrees to a transfer or conveyance under this  
36 section or to a sale or return of real property under RCW 77.12.210,  
37 the director shall certify, with the attorney general, to the governor

1 that the agreement has been made. The certification shall describe the  
2 real property. The governor then may execute and the secretary of  
3 state attest and deliver to the appropriate entity or person the  
4 instrument necessary to fulfill the agreement.

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