

HOUSE BILL REPORT

HB 2470

As Passed House:

February 18, 2008

Title: An act relating to clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned aquatic lands.

Brief Description: Clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned aquatic lands.

Sponsors: By Representatives Upthegrove, Dickerson, Hinkle, VanDeWege, Kenney, Kretz, Chase and Warnick; by request of Department of Natural Resources.

Brief History:

Committee Activity:

Ecology & Parks: 1/15/08, 1/22/08 [DP].

Floor Activity:

Passed House: 2/18/08, 95-0.

Brief Summary of Bill

- Authorizes the Department of Natural Resources to issue aquatic land use authorizations less than a full lease, such as easements, licenses, permits, and rights-of-entry.

HOUSE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass. Signed by 9 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Sump, Ranking Minority Member; Dickerson, Dunshee, Eickmeyer, Kristiansen, O'Brien and Pearson.

Staff: Jaclyn Ford (786-7339).

Background:

The Department of Natural Resources (DNR) is authorized to manage and lease aquatic lands. Leases must be in conformity with all applicable laws and the state Constitution.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A July 2006 court decision (*Northlake v. DNR*, 134 Wash.App 272) found that the DNR's leasing authority did not explicitly include lesser use authorizations, such as easements, licenses, permits, and rights-of-entry. Some of the DNR authorization statutes include lease language while others include language for lesser agreement types. The court decided this separation meant that since the lesser agreement types were not included in the section on leasing aquatic lands, they were not authorized. However, the court did state that the DNR has been granted authority to manage state aquatic lands and has authority to issue use permits.

Summary of Bill:

The DNR is given express authority to issue lesser contractual agreements, such as easements, licenses, permits, and rights-of-entry on leased state-owned aquatic lands.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill helps clarify and update statutes. It does not change the DNR's leasing authority. It authorizes the DNR to use a variety of real estate tools, and gives no additional authority to the DNR.

(Opposed) None.

Persons Testifying: Representative Upthegrove, prime sponsor; and Joe Panesko and Fran McNair, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.