

SHB 1849 - H AMD 341

By Representative Lekanoff

ADOPTED AS AMENDED 03/12/2019

1 Strike everything after the enacting clause and insert the
2 following:

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4 "Sec. 1. RCW 79.125.410 and 2005 c 155 s 527 are each amended
5 to read as follows:

6 (1) The department is authorized to lease to the abutting upland
7 owner any unplatted first-class tidelands or shorelands.

8 (2) The department shall, prior to the issuance of any lease
9 under the provisions of this section, fix the annual (~~rental~~) rent
10 for the tidelands or shorelands and prescribe the terms and
11 conditions of the lease. No lease issued under the provisions of
12 this section shall be for a longer term than (~~ten~~) fifty-five
13 years, and every lease shall be subject to termination upon ninety
14 days' notice to the lessee in the event that the department shall
15 decide that it is in the best interest of the state that the
16 tidelands or shorelands be surveyed and platted. At the expiration
17 of any lease issued under the provisions of this section, the lessee
18 or the lessee's successors or assigns shall have a preference right
19 to re-lease the lands covered by the original lease or any portion
20 of the lease, if the department deems it to be in the best interests
21 of the state to re-lease the lands, for succeeding periods not
22 exceeding fifty-five years each at the (~~rental~~) rent and upon the
23 terms and conditions as may be prescribed by the department.

24 (3) In case the abutting uplands are not improved and occupied
25 for residential purposes and the abutting upland owner has not filed
26 an application for the lease of the lands, the department may lease
27 the lands to any person for booming purposes under the terms and

1 conditions of this section. However, failure to use for booming
2 purposes any lands leased under this section for such purposes for a
3 period of (~~one year~~) three years shall work a forfeiture of the
4 lease and the land shall revert to the state without any notice to
5 the lessee upon the entry of a declaration of forfeiture in the
6 records of the department.

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9 **Sec. 2.** RCW 79.130.020 and 2005 c 155 s 602 are each amended to
10 read as follows:

11 (1) The department shall, prior to the issuance of any lease
12 under the provisions of this chapter, fix the annual (~~rental~~) rent
13 and prescribe the terms and conditions of the lease. However, in
14 fixing the (~~rental~~) rent, the department shall not take into
15 account the value of any improvements placed upon the lands by the
16 lessee.

17 (2) No lease issued under the provisions of this chapter shall
18 be for a term longer than thirty years (~~from the date thereof if in~~
19 ~~front of second class tidelands or shorelands; or a term longer than~~
20 ~~ten years if in front of unplatted first class tidelands or~~
21 ~~shorelands leased under the provisions of RCW 79.125.410, in which~~
22 ~~case the lease shall be subject to the same terms and conditions as~~
23 ~~provided for in the lease of the unplatted first class tidelands or~~
24 ~~shorelands)). Failure to use those beds leased under the provisions
25 of this chapter for booming purposes, for a period of (~~two~~) three
26 years shall work a forfeiture of the lease and the land shall revert
27 to the state without notice to the lessee upon the entry of a
28 declaration of forfeiture in the records of the department."~~

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30 Correct the title.

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EFFECT: Strikes section that amended statute governing the lease of platted first-class tidelands and shorelands. Changes the maximum length of initial leases and re-leases of first-class unplatted tidelands and shorelands to 55 years. Changes, from one year to three years, the period of nonuse for booming purposes after which a lease of certain tidelands and shorelands is forfeited. Provides that the maximum length of a lease of bedlands, regardless of the type of of tidelands or shorelands that front upon the bedlands, is 30 years. Changes, from two years to three years, the period of nonuse for booming purposes after which a lease of bedlands is forfeited.

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