
HOUSE BILL 1196

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Taylor, Blake, Chandler, Takko, and Armstrong

Read first time 01/14/11. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to directing state agencies to consider economic
2 development opportunities when making land management decisions;
3 amending RCW 77.12.210 and 79A.05.175; and adding a new section to
4 chapter 79.02 RCW.

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

6 **Sec. 1.** RCW 77.12.210 and 2009 c 333 s 33 are each amended to read
7 as follows:

8 (1) The director shall maintain and manage real or personal
9 property 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 (2) The commission may authorize the director to sell, lease,
14 convey, or grant concessions upon real or personal property under the
15 control of the department. This includes the authority to sell timber,
16 gravel, sand, and other materials or products from real property held
17 by the department, and to sell or lease the department's real or
18 personal property or grant concessions or rights-of-way for roads or
19 utilities in the property. Oil and gas resources owned by the state

1 which lie below lands owned, leased, or held by the department shall be
2 offered for lease by the commissioner of public lands pursuant to
3 chapter 79.14 RCW with the proceeds being deposited in the state
4 wildlife account created in RCW 77.12.170(~~(+—PROVIDED, That)~~).
5 However, the commissioner of public lands shall condition such leases
6 at the request of the department to protect wildlife and its habitat.

7 (3) The department must give consideration to economic development
8 opportunities for any real property under its control that provide
9 benefits to the department, the state, or for the local community where
10 the property is situated when deciding how to most advantageously use
11 the property.

12 (4) If the commission determines that real or personal property
13 held by the department cannot be used advantageously by the department
14 or in the furtherance of local, regional, or statewide economic
15 development, the director may dispose of that property if it is in the
16 public interest and if disposal is consistent with the provisions of an
17 economic development plan developed by the department for the parcel.

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

26 (6) Proceeds from the sales shall be deposited in the state
27 wildlife account created in RCW 77.12.170.

28 **Sec. 2.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to read
29 as follows:

30 (1) The commission must give consideration to economic development
31 opportunities for any real property under its control that provide
32 benefits to the commission, the state, or for the local community where
33 the property is situated when deciding how to most advantageously use
34 the property.

35 (2) Whenever the commission finds that any land under its control
36 cannot advantageously be used for park purposes or in the furtherance
37 of local, regional, or statewide economic development, it is authorized

1 to dispose of such land by the method provided in this section or by
2 the method provided in RCW 79A.05.170 if disposal is consistent with
3 the provisions of an economic development plan developed by the
4 department for the parcel.

5 (3) If ((~~such~~)) lands identified for disposal are school or other
6 grant lands, control ((~~thereof~~)) of the lands shall be relinquished by
7 resolution of the commission to the proper state officials. If
8 ((~~such~~)) lands identified for disposal were acquired under restrictive
9 conveyances by which the state may hold them only so long as they are
10 used for park purposes, they may be returned to the donor or grantors
11 by the commission. All other ((~~such~~)) lands identified for disposal
12 may be either sold by the commission to the highest bidder or exchanged
13 for other lands of equal value by the commission, and all conveyance
14 documents shall be executed by the governor.

15 (4) All ((~~such~~)) exchanges shall be accompanied by a transfer fee,
16 to be set by the commission and paid by the other party to the
17 transfer((~~if such~~)). The fee shall be paid into the parkland
18 acquisition account established under RCW 79A.05.170.

19 (5) The commission may accept sealed bids, electronic bids, or oral
20 bids at auction. Bids on all sales shall be solicited at least twenty
21 days in advance of the sale date by an advertisement appearing at least
22 once a week for two consecutive weeks in a newspaper of general
23 circulation in the county in which the land to be sold is located. If
24 the commission feels that no bid received adequately reflects the fair
25 value of the land to be sold, it may reject all bids, and may call for
26 new bids. All proceeds derived from the sale of ((~~such~~)) park property
27 shall be paid into the park land acquisition account.

28 (6) All land considered for exchange shall be evaluated by the
29 commission to determine its adaptability to park usage and for economic
30 development uses. The equal value of all lands exchanged shall first
31 be determined by the appraisals to the satisfaction of the commission.
32 No sale or exchange of state park lands shall be made without the
33 unanimous consent of the commission.

34 NEW SECTION. Sec. 3. A new section is added to chapter 79.02 RCW
35 under the subchapter heading "PART 1 GENERAL PROVISIONS" to read as
36 follows:

37 The board must, when not in conflict with its fiduciary duties,

1 give consideration to economic development opportunities for any public
2 lands under its control that provide benefits to the state land trust
3 beneficiaries, the department, the state, or for the local community
4 where the property is situated when deciding how to most advantageously
5 manage property.

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