
HOUSE BILL 1452

State of Washington

64th Legislature

2015 Regular Session

By Representative Pike

Read first time 01/21/15. Referred to Committee on Gen Govt & Info Tech.

1 AN ACT Relating to creating cost savings through the formation of
2 a centralized administrative office to manage many of the state's
3 significant real estate assets; amending RCW 77.12.037, 77.12.220,
4 77.12.210, 77.12.203, 79.71.040, 79.70.030, 79.155.040, 47.01.260,
5 and 43.17.400; reenacting and amending RCW 79A.05.030; adding a new
6 chapter to Title 79 RCW; creating new sections; and providing
7 expiration dates.

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

9 NEW SECTION. **Sec. 1.** The definitions in this section apply
10 throughout this chapter unless the context clearly requires
11 otherwise.

12 (1) "Agency" or "agencies" means the state parks and recreation
13 commission and the departments of natural resources, transportation,
14 and fish and wildlife.

15 (2) "Asset management office" means the state real estate asset
16 management office created in section 2 of this act.

17 (3) "Commissioner" means the commissioner of public lands.

18 (4) "Consolidated state land" means land owned by the state in
19 the name of the state or in the name of one of the agencies subject
20 to section 4 of this act that does not satisfy the definition of
21 "state lands" or "state forest lands" as provided in RCW 79.02.010.

1 (5) "Department" means the department of natural resources.

2 (6) "Director" means the director of the state real estate asset
3 management office created in section 2 of this act.

4 (7) "Interagency agreement" means a written agreement among two
5 or more agencies involving the management of consolidated state lands
6 owned or managed by a signatory agency.

7 NEW SECTION. **Sec. 2.** (1) There is created within the department
8 the state real estate asset management office to assume the powers
9 and fulfill the duties as provided in this chapter.

10 (2) The primary role of the asset management office is to manage
11 the real estate portfolios of consolidated state lands consistent
12 with this chapter.

13 (3) The commissioner must appoint a director of the asset
14 management office. The director is an employee of the department and
15 reports directly to the commissioner.

16 (4) The department may, when appropriate, enter into an
17 interagency agreement with the asset management office as though the
18 asset management office was not administratively housed in the
19 department.

20 NEW SECTION. **Sec. 3.** (1) The asset management office is
21 responsible for managing the real estate portfolio for all
22 consolidated state lands consistent with this chapter. This
23 responsibility includes the management of any purchase, sale, or
24 interagency transfer process as well as determining the appropriate
25 use of the consolidated state land.

26 (2)(a) For all consolidated state lands, the director determines
27 which agency has the primary management responsibility for a specific
28 parcel or set of parcels of consolidated state land based on the best
29 interest of the state and considering the type of land in question
30 and any legal limitations existing on the use of the land.

31 (b) The agency with primary management responsibility must manage
32 the consolidated state land as directed by the agency's authorizing
33 statutes. All consolidated state lands retain the statutory status
34 provided to them in the authorizing statutes of the agency with
35 primary management responsibility.

36 (3) The director must, when determining which agency has the
37 primary management responsibility for a parcel or parcels of
38 consolidated state land, default to the agency responsible for

1 transferring the land or referring the land for purchase under
2 section 4 of this act unless an interagency agreement determines
3 otherwise.

4 NEW SECTION. **Sec. 4.** (1) For real estate acquired before the
5 effective date of this section, each agency must, if the title lists
6 the name of the individual agency as the owner of the land, process a
7 change in the title so that it is titled to the state of Washington.
8 After the change in title, or if no change in title is needed, the
9 document must be immediately transferred to the department for
10 management by the asset management office.

11 (2)(a) All real estate acquisition proceedings initiated after
12 the effective date of this section with the intent of the primary
13 management responsibility to belong to one of the agencies must be
14 completed by the asset management office and have the state of
15 Washington listed as the owner on the title and not the name of the
16 individual agency.

17 (b) Any agency intending to acquire real estate must identify the
18 intended parcel to the asset management office and transmit the
19 necessary funds to the asset management office. The asset management
20 office is responsible for processing the acquisition.

21 (c) After acquisition, the title to the newly acquired land must
22 remain with the asset management office and the director must
23 determine, consistent with section 3 of this act, which agency has
24 the initial primary management authority for the land.

25 (3) If a deed restriction or other legal limitation prohibits an
26 agency from transferring or acquiring ownership of a parcel in the
27 name of the state of Washington, then the agency must enter into an
28 interagency agreement with the asset management office that maintains
29 the title in the name of the agency but surrenders real estate
30 management decisions to the asset management office.

31 (4) The title to any property acquired by an agency through gift
32 or other mechanism not processed by the asset management office must
33 be transferred to the asset management office by the acquiring agency
34 by no later than December 31st of the year the property was acquired.

35 NEW SECTION. **Sec. 5.** (1) If an agency decides it is in the best
36 interest of the state to divest a parcel or parcels of consolidated
37 state land under the primary management responsibility of the agency,

1 then the agency must make a recommendation for divestiture to the
2 asset management office.

3 (2) Upon a recommendation of divestiture by an agency, the
4 director must decide if divesting the proposed parcel or parcels is
5 in the best interest of the state. If so, the office may sell a
6 parcel or parcels of consolidated state land and either purchase new
7 land to be initially managed by the recommending agency or transfer
8 any proceeds to the agency of last primary management authority.

9 NEW SECTION. **Sec. 6.** (1) As provided in section 3 of this act,
10 the director is responsible for determining the appropriate agency to
11 lead the day-to-day management for a parcel or parcels of
12 consolidated state land.

13 (2) If one agency determines that a parcel or parcels of
14 consolidated state land better serves the state as a whole in a
15 different management capacity, then that agency may petition the
16 director for a change in the primary management responsibility to the
17 petitioning agency.

18 (3) The decision to change the primary management responsibility
19 of a parcel or parcels of consolidated state land belongs solely to
20 the director. In making that decision, the director must consider the
21 proposed new use of the consolidated state land, the existing use of
22 the consolidated state land, and any management restrictions on the
23 use of the consolidated state land in question.

24 (4) The director must provide a process to petition for a change
25 in primary management responsibility and to settle any disputes among
26 the various agencies as to the best use for the overall state as a
27 whole for a parcel or parcels of consolidated state land.

28 NEW SECTION. **Sec. 7.** (1) If the director determines under
29 section 6 of this act to change the primary management responsibility
30 for a parcel or parcels of consolidated state land, then the affected
31 agencies must enter into an interagency agreement giving force to the
32 director's decision. The director must approve all interagency
33 agreements entered into under this section.

34 (2) The agencies that are a party to an interagency agreement
35 entered into under this section may consider terms related to the
36 transfer in primary management responsibility. The terms may include
37 the transfer of management responsibility of other consolidated state
38 lands and limitations and directions on the use of the consolidated

1 state land in question. However, the agencies may not exchange
2 monetary payments as part of the interagency agreement.

3 (3) The title and real estate management responsibilities of a
4 parcel or parcels of consolidated state land subject to a change in
5 primary management responsibility remains with the asset management
6 office during and after the execution of an interagency agreement
7 under this section.

8 NEW SECTION. **Sec. 8.** (1) All initial changes in title or
9 finalizations of interagency agreements required under section 4 of
10 this act must be completed by December 31, 2015.

11 (2) This section expires June 30, 2016.

12 NEW SECTION. **Sec. 9.** (1) It is the intent of the legislature
13 for the implementation of this act to result in long-term cost
14 savings to the state through the reduction or elimination of real
15 estate management staff made redundant through the creation of a
16 centralized state real estate asset management office.

17 (2) By December 31, 2015, the state parks and recreation
18 commission and the departments of transportation and fish and
19 wildlife must evaluate the level of staffing dedicated to real estate
20 management in light of the transfer of management responsibilities to
21 the state real estate asset management office as provided in this act
22 and implement a process by which the total number of agency employees
23 is reduced to match the reduced real estate management needs that
24 result from the consolidation of state effort.

25 (3) This section expires June 30, 2016.

26 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act
27 constitute a new chapter in Title 79 RCW.

28 **Sec. 11.** RCW 77.12.037 and 2000 c 107 s 4 are each amended to
29 read as follows:

30 (1) The commission may acquire, consistent with chapter 79.---
31 RCW (the new chapter created in section 10 of this act), by gift,
32 easement, purchase, lease, or condemnation lands, buildings, water
33 rights, rights-of-way, or other necessary property, and construct and
34 maintain necessary facilities for purposes consistent with this
35 title. Consistent with chapter 79.--- RCW (the new chapter created in
36 section 10 of this act), the commission may authorize the director to

1 acquire property under this section, but the power of condemnation
2 may only be exercised by the director when an appropriation has been
3 made by the legislature for the acquisition of a specific property,
4 except to clear title and acquire access rights-of-way.

5 (2) The commission may sell, lease, convey, or grant concessions
6 upon real or personal property under the control of the department.

7 **Sec. 12.** RCW 77.12.220 and 2000 c 107 s 219 are each amended to
8 read as follows:

9 (1) For purposes of this title and consistent with chapter 79.---
10 RCW (the new chapter created in section 10 of this act), the
11 commission may make agreements to obtain real or personal property or
12 to transfer or convey property held by the state to the United States
13 or its agencies or instrumentalities, units of local government of
14 this state, public service companies, or other persons, if in the
15 judgment of the commission and the attorney general the transfer and
16 conveyance is consistent with public interest. For purposes of this
17 section, "local government" means any city, town, county, special
18 district, municipal corporation, or quasi-municipal corporation.

19 (2) If the commission agrees to a transfer or conveyance under
20 this section or to a sale or return of real property under RCW
21 77.12.210, the director shall certify, with the attorney general, to
22 the governor that the agreement has been made. The certification
23 shall describe the real property. The governor then may execute and
24 the secretary of state attest and deliver to the appropriate entity
25 or person the instrument necessary to fulfill the agreement.

26 **Sec. 13.** RCW 77.12.210 and 2009 c 333 s 33 are each amended to
27 read as follows:

28 (1) The director shall, consistent with and except as otherwise
29 provided in chapter 79.--- RCW (the new chapter created in section 10
30 of this act), maintain and manage real or personal property owned,
31 leased, or held by the department and shall control the construction
32 of buildings, structures, and improvements in or on the property. The
33 director may adopt rules for the operation and maintenance of the
34 property.

35 (2) The commission may, consistent with and except as otherwise
36 provided in chapter 79.--- RCW (the new chapter created in section 10
37 of this act), authorize the director to sell, lease, convey, or grant
38 concessions upon real or personal property under the control of the

1 department. This includes the authority to sell timber, gravel, sand,
2 and other materials or products from real property held by the
3 department, and to sell or lease the department's real or personal
4 property or grant concessions or rights-of-way for roads or utilities
5 in the property. Oil and gas resources owned by the state which lie
6 below lands owned, leased, or held by the department shall be offered
7 for lease by the commissioner of public lands pursuant to chapter
8 79.14 RCW with the proceeds being deposited in the state wildlife
9 account created in RCW 77.12.170: PROVIDED, That the commissioner of
10 public lands shall condition such leases at the request of the
11 department to protect wildlife and its habitat.

12 (3) If the commission determines that real or personal property
13 held by the department cannot be used advantageously by the
14 department, the director may (~~dispose~~) initiate disposal of that
15 property consistent with chapter 79.--- RCW (the new chapter created
16 in section 10 of this act), if it is in the public interest.

17 (4) If the state acquired real property with use limited to
18 specific purposes, the director may negotiate terms for the return of
19 the property to the donor or grantor. Other real property shall be
20 sold (~~to the highest bidder at public auction. After appraisal,~~
21 ~~notice of the auction shall be published at least once a week for two~~
22 ~~successive weeks in a newspaper of general circulation within the~~
23 ~~county where the property is located at least twenty days prior to~~
24 ~~sale)~~) as provided in chapter 79.--- RCW (the new chapter created in
25 section 10 of this act).

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

28 **Sec. 14.** RCW 77.12.203 and 2014 c 55 s 1 are each amended to
29 read as follows:

30 (1) Except as provided in subsection (5) of this section and
31 notwithstanding RCW 84.36.010 or other statutes to the contrary, the
32 director must pay by April 30th of each year on game lands,
33 regardless of acreage, in each county, if requested by an election
34 under RCW 77.12.201, an amount in lieu of real property taxes equal
35 to that amount paid on similar parcels of open space land taxable
36 under chapter 84.34 RCW or the greater of seventy cents per acre per
37 year or the amount paid in 1984 plus an additional amount for control
38 of noxious weeds equal to that which would be paid if such lands were
39 privately owned. This amount may not be assessed or paid on

1 department buildings, structures, facilities, game farms, fish
2 hatcheries, water access sites, tidelands, or public fishing areas.

3 (2) "Game lands," as used in this section and RCW 77.12.201,
4 means those tracts, regardless of acreage, owned in fee by the
5 (~~department~~) state and (~~used for~~) directed by the state real
6 estate asset management office created in section 2 of this act to be
7 under the primary management responsibility of the department for use
8 as wildlife habitat and public recreational purposes. All lands
9 purchased for wildlife habitat, public access, or recreation purposes
10 with federal funds in the Snake River drainage basin are considered
11 game lands regardless of acreage.

12 (3) This section does not apply to lands transferred after April
13 23, 1990, to the department from other state agencies.

14 (4) The county must distribute the amount received under this
15 section in lieu of real property taxes to all property taxing
16 districts except the state in appropriate tax code areas the same way
17 it would distribute local property taxes from private property. The
18 county must distribute the amount received under this section for
19 weed control to the appropriate weed district.

20 (5) For the 2011-2013 and 2013-2015 fiscal biennia, the director
21 must pay by April 30th of each year on game lands in each county, if
22 requested by an election under RCW 77.12.201, an amount in lieu of
23 real property taxes and must be distributed as follows:

24 **County**

25

26	Adams.....	1,909
27	Asotin.....	36,123
28	Chelan.....	24,757
29	Columbia.....	7,795
30	Ferry.....	6,781
31	Garfield.....	4,840
32	Grant.....	37,443
33	Kittitas.....	143,974
34	Klickitat.....	21,906
35	Lincoln.....	13,535
36	Okanogan.....	151,402

1 Pend Oreille..... 3,309

2 Yakima..... 126,225

3 These amounts may not be assessed or paid on department buildings,
4 structures, facilities, game farms, fish hatcheries, water access
5 sites, tidelands, or public fishing areas.

6 **Sec. 15.** RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5
7 are each reenacted and amended to read as follows:

8 The commission shall:

9 (1) Have the care, charge, control, and supervision of all parks
10 and parkways acquired or set aside by the state for park or parkway
11 purposes.

12 (2) Adopt policies, and adopt, issue, and enforce rules
13 pertaining to the use, care, and administration of state parks and
14 parkways. The commission shall cause a copy of the rules to be kept
15 posted in a conspicuous place in every state park to which they are
16 applicable, but failure to post or keep any rule posted shall be no
17 defense to any prosecution for the violation thereof.

18 (3) Permit the use of state parks and parkways by the public
19 under such rules as shall be adopted.

20 (4) Clear, drain, grade, seed, and otherwise improve or beautify
21 parks and parkways, and erect structures, buildings, fireplaces, and
22 comfort stations and build and maintain paths, trails, and roadways
23 through or on parks and parkways.

24 (5) Grant concessions or leases in state parks and parkways, upon
25 such rentals, fees, or percentage of income or profits and for such
26 terms, in no event longer than fifty years, and upon such conditions
27 as shall be approved by the commission: PROVIDED, That leases
28 exceeding a twenty-year term shall require a unanimous vote of the
29 commission: PROVIDED FURTHER, That if, during the term of any
30 concession or lease, it is the opinion of the commission that it
31 would be in the best interest of the state, the commission may, with
32 the consent of the concessionaire or lessee, alter and amend the
33 terms and conditions of such concession or lease: PROVIDED FURTHER,
34 That television station leases shall be subject to the provisions of
35 RCW 79A.05.085, only: PROVIDED FURTHER, That the rates of such
36 concessions or leases shall be renegotiated at five-year intervals.
37 No concession shall be granted which will prevent the public from
38 having free access to the scenic attractions of any park or parkway.

1 (6) Employ such assistance as it deems necessary. Commission
2 expenses relating to its use of volunteer assistance shall be limited
3 to premiums or assessments for the insurance of volunteers by the
4 department of labor and industries, compensation of staff who assist
5 volunteers, materials and equipment used in authorized volunteer
6 projects, training, reimbursement of volunteer travel as provided in
7 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating
8 to volunteer recognition. The commission, at its discretion, may
9 waive commission fees otherwise applicable to volunteers. The
10 commission shall not use volunteers to replace or supplant classified
11 positions. The use of volunteers may not lead to the elimination of
12 any employees or permanent positions in the bargaining unit.

13 (7) By majority vote of its authorized membership, and consistent
14 with and except as otherwise provided in chapter 79.--- RCW (the new
15 chapter created in section 10 of this act), select and purchase or
16 obtain options upon, lease, or otherwise acquire for and in the name
17 of the state such tracts of land, including shore and tide lands, for
18 park and parkway purposes as it deems proper. If the commission
19 cannot acquire any tract at a price it deems reasonable, it may, by
20 majority vote of its authorized membership, obtain title thereto, or
21 any part thereof, by condemnation proceedings conducted by the
22 attorney general as provided for the condemnation of rights-of-way
23 for state highways. Option agreements executed under authority of
24 this subsection shall be valid only if:

25 (a) The cost of the option agreement does not exceed one dollar;
26 and

27 (b) Moneys used for the purchase of the option agreement are from
28 (i) funds appropriated therefor, or (ii) funds appropriated for
29 undesignated land acquisitions, or (iii) funds deemed by the
30 commission to be in excess of the amount necessary for the purposes
31 for which they were appropriated; and

32 (c) The maximum amount payable for the property upon exercise of
33 the option does not exceed the appraised value of the property.

34 (8) Cooperate with the United States, or any county or city of
35 this state, in any matter pertaining to the acquisition, development,
36 redevelopment, renovation, care, control, or supervision of any park
37 or parkway, and enter into contracts in writing to that end. All
38 parks or parkways, to which the state contributed or in whose care,
39 control, or supervision the state participated pursuant to the

1 provisions of this section, shall be governed by the provisions
2 hereof.

3 (9) Within allowable resources, maintain policies that increase
4 the number of people who have access to free or low-cost recreational
5 opportunities for physical activity, including noncompetitive
6 physical activity.

7 (10) Adopt rules establishing the requirements for a criminal
8 history record information search for the following: Job applicants,
9 volunteers, and independent contractors who have unsupervised access
10 to children or vulnerable adults, or who will be responsible for
11 collecting or disbursing cash or processing credit/debit card
12 transactions. These background checks will be done through the
13 Washington state patrol criminal identification section and may
14 include a national check from the federal bureau of investigation,
15 which shall be through the submission of fingerprints. A permanent
16 employee of the commission, employed as of July 24, 2005, is exempt
17 from the provisions of this subsection.

18 **Sec. 16.** RCW 79.71.040 and 1987 c 472 s 4 are each amended to
19 read as follows:

20 The department is authorized to, consistent with and except as
21 otherwise provided in chapter 79.--- RCW (the new chapter created in
22 section 10 of this act), acquire property or less than fee interests
23 in property, as defined by RCW 64.04.130, by all means, except
24 eminent domain, for creating natural resources conservation areas,
25 where acquisition is the best way to achieve the purposes of this
26 chapter. Areas acquired or assembled by the department for
27 conservation purposes will be designated as "Washington natural
28 resources conservation areas."

29 **Sec. 17.** RCW 79.70.030 and 2003 c 334 s 549 are each amended to
30 read as follows:

31 In order to set aside, preserve, and protect natural areas within
32 the state, the department is authorized, in addition to any other
33 powers, to:

34 (1) Establish the criteria for selection, acquisition,
35 management, protection, and use of such natural areas, including:

36 (a) Limiting public access to natural area preserves consistent
37 with the purposes of this chapter. Where appropriate, and on a case-

1 by-case basis, a buffer zone with an increased low level of public
2 access may be created around the environmentally sensitive areas;

3 (b) Developing a management plan for each designated natural area
4 preserve. The plan must identify the significant resources to be
5 conserved consistent with the purposes of this chapter and identify
6 the areas with potential for low-impact public and environmental
7 educational uses. The plan must specify the types of management
8 activities and public uses that are permitted, consistent with the
9 purposes of this chapter. The department must make the plans
10 available for review and comment by the public, and state, tribal,
11 and local agencies, prior to final approval;

12 (2) Cooperate or contract with any federal, state, or local
13 governmental agency, private organizations, or individuals in
14 carrying out the purpose of this chapter;

15 (3) Consistent with the plan and consistent with and except as
16 otherwise provided in chapter 79.--- RCW (the new chapter created in
17 section 10 of this act), acquire by gift, devise, purchase, grant,
18 dedication, or means other than eminent domain, the fee or any lesser
19 right or interest in real property which shall be held and managed as
20 a natural area;

21 (4) Acquire by gift, devise, grant, or donation any personal
22 property to be used in the acquisition and/or management of natural
23 areas;

24 (5) Inventory existing public, state, and private lands in
25 cooperation with the council to assess possible natural areas to be
26 preserved within the state;

27 (6) Maintain a natural heritage program to provide assistance in
28 the selection and nomination of areas containing natural heritage
29 resources for registration or dedication. The program shall maintain
30 a classification of natural heritage resources, an inventory of their
31 locations, and a data bank for such information. The department shall
32 cooperate with the department of fish and wildlife in the selection
33 and nomination of areas from the data bank that relate to critical
34 wildlife habitats. Information from the data bank shall be made
35 available to public and private agencies and individuals for
36 environmental assessment and proprietary land management purposes.
37 Usage of the classification, inventory, or data bank of natural
38 heritage resources for any purpose inconsistent with the natural
39 heritage program is not authorized;

1 (7) Prepare a natural heritage plan which shall govern the
2 natural heritage program in the conduct of activities to create and
3 manage a system of natural areas that includes natural resources
4 conservation areas, and may include areas designated under the
5 research natural area program on federal lands in the state;

6 (a) The plan shall list the natural heritage resources to be
7 considered for registration and shall provide criteria for the
8 selection and approval of natural areas under this chapter;

9 (b) The department shall provide opportunities for input,
10 comment, and review to the public, other public agencies, and private
11 groups with special interests in natural heritage resources during
12 preparation of the plan;

13 (c) Upon approval by the council and adoption by the department,
14 the plan shall be updated and submitted biennially to the appropriate
15 committees of the legislature for their information and review. The
16 plan shall take effect ninety days after the adjournment of the
17 legislative session in which it is submitted unless the reviewing
18 committees suggest changes or reject the plan; and

19 (8) Maintain a state register of natural areas containing
20 significant natural heritage resources to be called the Washington
21 register of natural area preserves. Selection of natural areas for
22 registration shall be in accordance with criteria listed in the
23 natural heritage plan and accomplished through voluntary agreement
24 between the owner of the natural area and the department. No
25 privately owned lands may be proposed to the council for registration
26 without prior notice to the owner or registered without voluntary
27 consent of the owner. No state or local governmental agency may
28 require such consent as a condition of any permit or approval of or
29 settlement of any civil or criminal proceeding or to penalize any
30 landowner in any way for failure to give, or for withdrawal of, such
31 consent.

32 (a) The department shall adopt rules as authorized by RCW
33 43.12.065 and 79.70.030(1) and chapter 34.05 RCW relating to
34 voluntary natural area registration.

35 (b) After approval by the council, the department may place sites
36 onto the register or remove sites from the register.

37 (c) The responsibility for management of registered natural area
38 preserves shall be with the preserve owner. A voluntary management
39 agreement may be developed between the department and the owners of
40 the sites on the register.

1 (d) Any public agency may register lands under provisions of this
2 chapter.

3 **Sec. 18.** RCW 79.155.040 and 2011 c 216 s 4 are each amended to
4 read as follows:

5 (1)(a) Except as limited by RCW 79.155.070, the department is
6 authorized to acquire, consistent with and except as otherwise
7 provided in chapter 79.--- RCW (the new chapter created in section 10
8 of this act), by purchase, gift, donation, grant, transfer, or other
9 means other than eminent domain fee interest or a partial interest,
10 including conservation easements, in lands or other real property
11 suitable for management as part of the community forest trust and
12 that are appropriate to further the goals of the community forest
13 trust.

14 (b) The fair market value of any real property, and the
15 associated valuable materials, of any land transferred into the
16 community forest trust from state lands must be provided to the
17 beneficiaries of the ((~~transferee~~—[~~transferor~~])) transferor trust or
18 used for the furtherance of the ((~~transferee~~—[~~transferor~~]))
19 transferor trust.

20 (2) The department is authorized to receive funds for purposes of
21 establishing the community forest trust from grants, gifts, bequests,
22 or loans, whether public or private, as well as from legislative
23 appropriation.

24 (3) All acquisitions of real property for the community forest
25 trust must be approved by the board.

26 **Sec. 19.** RCW 47.01.260 and 2006 c 368 s 2 are each amended to
27 read as follows:

28 (1) The department of transportation shall exercise all the
29 powers and perform all the duties necessary, convenient, or
30 incidental to the planning, locating, designing, constructing,
31 improving, repairing, operating, and maintaining state highways,
32 including bridges and other structures, culverts, and drainage
33 facilities and channel changes necessary for the protection of state
34 highways, and shall examine and allow or disallow bills, subject to
35 the provisions of RCW 85.07.170, for any work or services performed
36 or materials, equipment, or supplies furnished.

37 (2) Subject to the limitations of RCW 4.24.115, the department,
38 in the exercise of any of its powers, may include in any authorized

1 contract a provision for indemnifying the other contracting party
2 against specific loss or damages arising out of the performance of
3 the contract.

4 (3) The department is authorized to, consistent with and except
5 as otherwise provided in chapter 79.--- RCW (the new chapter created
6 in section 10 of this act), acquire property as provided by law and
7 to construct and maintain thereon any buildings or structures
8 necessary or convenient for the planning, design, construction,
9 operation, maintenance, and administration of the state highway
10 system and to acquire property and to construct and maintain any
11 buildings, structures, appurtenances, and facilities necessary or
12 convenient to the health and safety and for the accommodation of
13 persons traveling upon state highways.

14 (4) The department is authorized to engage in planning surveys
15 and may collect, compile, and analyze statistics and other data
16 relative to existing and future highways and highway needs throughout
17 the state, and shall conduct research, investigations, and testing as
18 it deems necessary to improve the methods of construction and
19 maintenance of highways and bridges.

20 **Sec. 20.** RCW 43.17.400 and 2007 c 62 s 2 are each amended to
21 read as follows:

22 (1) The definitions in this subsection apply throughout this
23 section unless the context clearly requires otherwise.

24 (a) "Disposition" means sales, exchanges, or other actions
25 resulting in a transfer of land ownership.

26 (b) "State agencies" includes:

27 (i) The department of natural resources established in chapter
28 43.30 RCW;

29 (ii) The department of fish and wildlife established in chapter
30 43.300 RCW;

31 (iii) The department of transportation established in chapter
32 47.01 RCW;

33 (iv) The parks and recreation commission established in chapter
34 79A.05 RCW; and

35 (v) The department of (~~general administration~~) enterprise
36 services established in this chapter.

37 (2) State agencies proposing disposition of state-owned land,
38 whether directly or to the state real estate asset management office
39 as provided in section 5 of this act, must provide written notice of

1 the proposed disposition to the legislative authorities of the
2 counties, cities, and towns in which the land is located at least
3 sixty days before entering into the disposition agreement.

4 (3) The requirements of this section are in addition and
5 supplemental to other requirements of the laws of this state.

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