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SENATE BILL 6309

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State of Washington

56th Legislature

2000 Regular Session

By Senators Morton, Rasmussen, Rossi and Sellar

Read first time . Referred to Committee on .

1 AN ACT Relating to grazing leases; and amending RCW 79.01.242,  
2 79.28.040, and 79.28.050.

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

4 **Sec. 1.** RCW 79.01.242 and 1984 c 222 s 12 are each amended to read  
5 as follows:

6 (1) Subject to other provisions of this chapter and subject to  
7 rules adopted by the board of natural resources, the department may  
8 lease state lands for purposes it deems advisable, including, but not  
9 limited to, commercial, industrial, residential, agricultural, and  
10 recreational purposes in order to obtain a fair market rental return to  
11 the state or the appropriate constitutional or statutory trust. Every  
12 lease issued by the department, shall contain: (a) The specific use or  
13 uses to which the land is to be employed; (b) the improvements  
14 required: PROVIDED, That a minimum reasonable time is allowed for the  
15 completion of the improvements; (c) the rent is payable in advance in  
16 quarterly, semiannual, or annual payments, as determined by the  
17 department or as agreed upon by the lessee and the department of  
18 natural resources; (d) other terms and conditions as the department  
19 deems advisable, subject to review by the board of natural resources,

1 to more nearly effectuate the purposes of the state Constitution and of  
2 this chapter.

3 (2) The department may authorize the use of state land by lease at  
4 state auction for initial leases or by negotiation for existing leases.  
5 Notice of intent to lease by negotiation shall be published in at least  
6 two newspapers of general circulation in the area in which the land  
7 which is to be the subject of negotiation is located within the ninety  
8 days immediately preceding commencement of negotiations.

9 (3) Leases which authorize commercial, industrial, or residential  
10 uses on state lands may be entered into by negotiation. Negotiations  
11 shall be subject to rules of the board of natural resources. At the  
12 option of the department, these leases may be placed for bid at public  
13 auction.

14 (4) Any person, firm or corporation desiring to lease any state  
15 lands for any purpose not prohibited by law, may make application to  
16 the department, describing the lands sought to be leased on forms to be  
17 provided by the department.

18 (5) Notwithstanding any provision in this chapter to the contrary,  
19 in leases for residential purposes, the board of natural resources may  
20 waive or modify any conditions of the lease if the waiver or  
21 modification is necessary to enable any federal agency or lending  
22 institution authorized to do business in this state or elsewhere in the  
23 United States to participate in any loan secured by a security interest  
24 in a leasehold interest.

25 (6) Upon expiration of the lease term, if the leased land is not  
26 otherwise utilized, the department may allow the lessee to continue to  
27 hold the land for a period not exceeding one year upon such rent,  
28 terms, and conditions as the department may prescribe. Upon the  
29 expiration of the one year extension, if the department has not yet  
30 determined the disposition of the land for other purposes, the  
31 department may issue a temporary permit to the lessee upon terms and  
32 conditions it prescribes. The temporary permit may not extend beyond  
33 a five year period.

34 (7) Any lease or permit for grazing shall require that the lessee  
35 or permittee actually carry out a bona fide commercial grazing  
36 operation. Unexcused failure to actually carry out a bona fide  
37 commercial grazing operation during each year of the lease or permit  
38 shall result in the cancellation of the lease or permit, without  
39 compensation to the lessee or permittee, and placement for bid at

1 public auction to another lessee or permittee who will actually carry  
2 out a bona fide commercial grazing operation. Failure to actually  
3 carry out a bona fide commercial grazing operation may be excused by  
4 the department if the lessee or permittee has attempted to actually  
5 carry out a bona fide commercial grazing operation, but has been unable  
6 to do so for a valid reason.

7 **Sec. 2.** RCW 79.28.040 and 1923 c 85 s 1 are each amended to read  
8 as follows:

9 The commissioner of public lands shall have the power, and it shall  
10 be ~~((his))~~ the commissioner's duty, to adopt ~~((and promulgate))~~, from  
11 time to time, reasonable rules ~~((and regulations))~~ for the grazing of  
12 livestock on such tracts and areas of the indemnity or lieu public  
13 lands of the state contiguous to national forests and suitable for  
14 grazing purposes, as have been, or shall be, obtained from the United  
15 States under the provisions of RCW 79.28.010.

16 Any lease or permit for grazing shall require that the lessee or  
17 permittee actually carry out a bona fide commercial grazing operation.  
18 Unexcused failure to actually carry out a bona fide commercial grazing  
19 operation during each year of the lease or permit shall result in  
20 cancellation of the lease or permit, without compensation to the lessee  
21 or permittee, and placement for bid at public auction to another lessee  
22 or permittee who will actually carry out a bona fide commercial grazing  
23 operation. Failure to actually carry out a bona fide commercial  
24 grazing operation may be excused by the department if the lessee or  
25 permittee has attempted to actually carry out a bona fide commercial  
26 grazing operation, but has been unable to do so for a valid reason.

27 **Sec. 3.** RCW 79.28.050 and 1983 c 3 s 202 are each amended to read  
28 as follows:

29 The commissioner of public lands shall have the power to issue  
30 permits for the grazing of livestock on the lands described in RCW  
31 79.28.040 in such manner and upon such terms, as near as may be, as  
32 permits are, or shall be, issued by the United States for the grazing  
33 of livestock on national forest reserve lands and for such fees as he  
34 or she shall deem adequate and advisable, and shall have the power to  
35 enter into such arrangements as may be deemed advisable and to  
36 cooperate with the officers of the United States having charge of the  
37 grazing of livestock on forest reserve lands for the protection and

1 preservation of the grazing areas on the state lands contiguous to  
2 national forests and for the administration of the provisions of RCW  
3 79.28.040 and 79.28.050.

4 Any lease or permit for grazing shall require that the lessee or  
5 permittee actually carry out a bona fide commercial grazing operation.  
6 Unexcused failure to actually carry out a bona fide commercial grazing  
7 operation during each year of the lease or permit shall result in  
8 cancellation of the lease or permit, without compensation to the lessee  
9 or permittee, and placement for bid at public auction to another lessee  
10 or permittee who will actually carry out a bona fide commercial grazing  
11 operation. Failure to actually carry out a bona fide commercial  
12 grazing operation may be excused by the department if the lessee or  
13 permittee has attempted to actually carry out a bona fide commercial  
14 grazing operation, but has been unable to do so for a valid reason.

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