
SUBSTITUTE SENATE BILL 5438

State of Washington

62nd Legislature

2011 Regular Session

By Senate Natural Resources & Marine Waters (originally sponsored by Senators Morton, Schoesler, Swecker, Hewitt, Becker, Stevens, Honeyford, and Roach)

READ FIRST TIME 02/15/11.

1 AN ACT Relating to the sale of timber from lands managed by the
2 department of fish and wildlife; and amending RCW 77.12.210.

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

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

6 (1) The director shall maintain and manage real or personal
7 property owned, leased, or held by the department and shall control the
8 construction of buildings, structures, and improvements in or on the
9 property. The director may adopt rules for the operation and
10 maintenance of the property.

11 (2) The commission may authorize the director to sell, lease,
12 convey, or grant concessions upon real or personal property under the
13 control of the department. This includes the authority to sell timber,
14 gravel, sand, and other materials or products from real property held
15 by the department, and to sell or lease the department's real or
16 personal property or grant concessions or rights-of-way for roads or
17 utilities in the property. Oil and gas resources owned by the state
18 which lie below lands owned, leased, or held by the department shall be
19 offered for lease by the commissioner of public lands pursuant to

1 chapter 79.14 RCW with the proceeds being deposited in the state
2 wildlife account created in RCW 77.12.170(~~(:—PROVIDED, That)~~).
3 However, the commissioner of public lands shall condition such leases
4 at the request of the department to protect wildlife and its habitat.

5 (3) In order to facilitate subsection (2) of this section as it
6 relates to timber sales, the department must evaluate opportunities for
7 and provide recommendations to the commission on timber sales from
8 department-managed land that would generate revenue while sustaining or
9 enhancing the suitability of the landscape for fish and wildlife
10 habitat. The evaluations and recommendations must be conducted within
11 existing resources, and be presented to the commission by December 1,
12 2012, and at least every five years thereafter.

13 (4) If the commission determines that real or personal property
14 held by the department cannot be used advantageously by the department,
15 the director may dispose of that property if it is in the public
16 interest.

17 (5) 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, notice
21 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.

25 (6) Proceeds from the sales shall be deposited in the state
26 wildlife account created in RCW 77.12.170. Proceeds from the sale of
27 timber must be deposited in the state wildlife account created in RCW
28 77.12.170, where consistent with the code of federal regulations, and
29 must be used for the operation and maintenance of department-managed
30 lands.

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