
SENATE BILL 5858

State of Washington

62nd Legislature

2011 Regular Session

By Senators Schoesler, Kilmer, Honeyford, Tom, Holmquist Newbry, and Shin

Read first time 02/25/11. Referred to Committee on Natural Resources & Marine Waters.

1 AN ACT Relating to department of fish and wildlife-owned land used
2 for agricultural purposes; amending RCW 77.12.210; and adding a new
3 section to chapter 77.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.12 RCW
6 to read as follows:

7 The state wildlife land management trust account is created in the
8 state treasury. All receipts from moneys received from the sale of
9 surplus lands owned by the department must be deposited into the
10 account. Moneys in the account may be spent only after appropriation.
11 Expenditures from the account may be used only as directed by the
12 legislature.

13 **Sec. 2.** RCW 77.12.210 and 2009 c 333 s 33 are each amended to read
14 as follows:

15 (1) The director shall maintain and manage real or personal
16 property owned, leased, or held by the department and shall control the
17 construction of buildings, structures, and improvements in or on the

1 property. The director may adopt rules for the operation and
2 maintenance of the property.

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

16 (3) If the commission determines that real or personal property
17 held by the department cannot be used advantageously by the department,
18 the director may dispose of that property if it is in the public
19 interest.

20 (4)(a) The legislature finds that department-owned land used for
21 agricultural purposes is surplus. The director must create an
22 inventory of such land and report the results of that inventory to the
23 appropriate committees of the legislature by December 1, 2011. The
24 director must dispose of this land by June 30, 2017. In disposing of
25 the land, the director must retain the development rights of the
26 property to ensure that the land remains in agricultural use. If such
27 agricultural land was acquired with grants, gifts, or donations that
28 restrict the disposal of the lands, the inventory must include the
29 actual language that restricts disposal. For the purposes of this
30 subsection, agricultural land includes land used to graze domestic
31 animals or raise commercial agricultural crops either as a direct
32 agency operation or through a lease or other agreement with a private
33 operator.

34 (b) The director shall also prepare an inventory of departmental
35 lands with potential for active management as commercial timber lands
36 and report the results of that inventory to the appropriate committees
37 of the legislature by December 1, 2011.

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

9 (6) Proceeds from the sales shall be deposited in the state
10 wildlife land management trust account created in ((~~RCW 77.12.170~~))
11 section 1 of this act.

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