

INITIATIVE 812

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 812 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to grazing; amending RCW 16.24.065, 79.01.076,
2 79.01.096, 79.01.244, and 79A.05.070; adding a new section to chapter
3 79.01 RCW; and repealing RCW 79.01.295, 79.01.2951, 79.01.2955,
4 79.01.296, 79.28.040, 79.28.050, 79.28.070, and 79.28.080.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 79.01 RCW
7 to read as follows:

8 The grazing of livestock on nonfederal public land in this state is
9 prohibited.

10 **Sec. 2.** RCW 16.24.065 and 1989 c 286 s 9 are each amended to read
11 as follows:

12 (1) No person owning or in control of any livestock shall willfully
13 or negligently allow such livestock to run at large in any stock
14 restricted area or to wander or stray upon the right-of-way of any
15 public highway lying within a stock restricted area when not in the
16 charge of some person.

1 (2) Livestock may run at large upon lands belonging to the ((state
2 of Washington or the)) United States only when the owner of the
3 livestock has been granted grazing privileges in writing.

4 **Sec. 3.** RCW 79.01.076 and 1927 c 255 s 19 are each amended to read
5 as follows:

6 So long as any grant of lands by the United States to the state of
7 Washington, for any purpose, or as lieu or indemnity lands therefor,
8 remains incomplete, the commissioner of public lands shall, from time
9 to time, cause the records in his or her office and in the United
10 States land offices, to be examined for the purpose of ascertaining
11 what of the unappropriated lands of the United States are open to
12 selection, and whether any thereof may be of sufficient value and so
13 situated as to warrant their selection as state lands, and in that case
14 may cause the same to be inspected and appraised by one or more state
15 land inspectors, and a full report made thereon by the smallest legal
16 subdivisions of forty acres each, classifying such lands into
17 ((grazing,)) farming and timbered lands, and estimating the value of
18 each tract inspected and the quantity and value of all valuable
19 material thereon, and in the case of timbered lands the amount and
20 value of the standing timber thereon, and the estimated value of such
21 lands after the timber is removed, which report shall be made as amply
22 and expeditiously as possible on blanks to be furnished by the
23 commissioner of public lands for that purpose, under the oath of the
24 inspector to the effect that he or she has personally examined the
25 tracts mentioned in each forty acres thereof, and that said report and
26 appraisal is made from such personal examination, and is, to the
27 best of affiant's knowledge and belief, true and correct, and that the
28 lands are not occupied by any bona fide settler.

29 The commissioner of public lands shall select such unappropriated
30 lands as he or she shall deem advisable, and do all things necessary
31 under the laws of the United States to vest title thereto in the state,
32 and shall assign lands of equal value, as near as may be, to the
33 various uncompleted grants.

34 **Sec. 4.** RCW 79.01.096 and 1982 c 54 s 1 are each amended to read
35 as follows:

36 Not more than one hundred and sixty acres of any land granted to
37 the state by the United States shall be offered for sale in one parcel

1 and no university lands shall be offered for sale except by legislative
2 directive or with the consent of the board of regents of the University
3 of Washington.

4 Any land granted to the state by the United States may be sold or
5 leased for any lawful purpose in such minimum acreage as may be fixed
6 by the department of natural resources.

7 Except as otherwise provided in RCW 79.01.770, upon the application
8 of a school district or any institution of higher education for the
9 purchase or lease of lands granted to the state by the United States,
10 the department of natural resources may offer such land for sale or
11 lease to such school district or institution of higher education in
12 such acreage as it may determine, consideration being given upon
13 application of a school district to school site criteria established by
14 the state board of education: PROVIDED, That in the event the
15 department thereafter proposes to offer such land for sale or lease at
16 public auction such school district or institution of higher education
17 shall have a preference right for six months from notice of such
18 proposal to purchase or lease such land at the appraised value
19 determined by the board of natural resources.

20 State lands shall not be leased for a longer period than ten years:
21 PROVIDED, That such lands may be leased for the purpose of prospecting
22 for, developing and producing oil, gas and other hydrocarbon substances
23 or for the mining of coal subject to the provisions of chapter 79.14
24 RCW and RCW 79.01.692. Such lands may be leased for agricultural
25 purposes for any period not to exceed twenty-five years except that
26 such leases which authorize tree fruit and grape production may be for
27 any period up to fifty-five years. Such lands may be leased for public
28 school, college or university purposes for any period not exceeding
29 seventy-five years. Such lands may be leased for commercial,
30 industrial, business, or recreational purposes for any period not
31 exceeding fifty-five years. Such lands may be leased for residential
32 purposes for any period not to exceed ninety-nine years. If during the
33 term of the lease of any state lands for agricultural, (~~grazing~~)
34 commercial, residential, business, or recreational purposes, in the
35 opinion of the department it is in the best interest of the state so to
36 do, the department may, on the application of the lessee and in
37 agreement with the lessee, alter and amend the terms and conditions of
38 such lease. The sum total of the original lease term and any extension
39 thereof shall not exceed the limits provided herein.

1 **Sec. 5.** RCW 79.01.244 and 1979 ex.s. c 109 s 9 are each amended to
2 read as follows:

3 All state lands hereafter leased for (~~grazing or~~) agricultural
4 purposes shall be open and available to the public for purposes of
5 hunting and fishing unless closed to public entry because of fire
6 hazard or unless the department of natural resources gives prior
7 written approval and the area is lawfully posted by lessee to prohibit
8 hunting and fishing thereon in order to prevent damage to crops or
9 other land cover, to improvements on the land, to livestock, to the
10 lessee, or to the general public, or closure is necessary to avoid
11 undue interference with carrying forward a departmental or agency
12 program. In the event any such lands are so posted it shall be
13 unlawful for any person to hunt or fish on any such posted lands.

14 The department of natural resources shall insert the provisions of
15 this section in all (~~grazing and~~) agricultural leases hereafter
16 issued.

17 **Sec. 6.** RCW 79A.05.070 and 1999 c 249 s 307 are each amended to
18 read as follows:

19 The commission may:

20 (1) Make rules and regulations for the proper administration of its
21 duties;

22 (2) Accept any grants of funds made with or without a matching
23 requirement by the United States, or any agency thereof, for purposes
24 in keeping with the purposes of this chapter; accept gifts, bequests,
25 devises and endowments for purposes in keeping with such purposes;
26 enter into cooperative agreements with and provide for private
27 nonprofit groups to use state park property and facilities to raise
28 money to contribute gifts, grants, and support to the commission for
29 the purposes of this chapter. The commission may assist the nonprofit
30 group in a cooperative effort by providing necessary agency personnel
31 and services, if available. However, none of the moneys raised may
32 inure to the benefit of the nonprofit group, except in furtherance of
33 its purposes to benefit the commission as provided in this chapter.
34 The agency and the private nonprofit group shall agree on the nature of
35 any project to be supported by such gift or grant prior to the use of
36 any agency property or facilities for raising money. Any such gifts
37 may be in the form of recreational facilities developed or built in

1 part or in whole for public use on agency property, provided that the
2 facility is consistent with the purposes of the agency;

3 (3) Require certification by the commission of all parks and
4 recreation workers employed in state aided or state controlled
5 programs;

6 (4) Act jointly, when advisable, with the United States, any other
7 state agencies, institutions, departments, boards, or commissions in
8 order to carry out the objectives and responsibilities of this chapter;

9 (5) Grant franchises and easements for any legitimate purpose on
10 parks or parkways, for such terms and subject to such conditions and
11 considerations as the commission shall specify;

12 (6) Charge such fees for services, utilities, and use of facilities
13 as the commission shall deem proper;

14 (7) Enter into agreements whereby individuals or companies may rent
15 undeveloped parks or parkway land for (~~(grazing)~~) agricultural(~~(7)~~) or
16 mineral development purposes upon such terms and conditions as the
17 commission shall deem proper, for a term not to exceed ten years;

18 (8) Determine the qualifications of and employ a director of parks
19 and recreation who shall receive a salary as fixed by the governor in
20 accordance with the provisions of RCW 43.03.040 and determine the
21 qualifications and salary of and employ such other persons as may be
22 needed to carry out the provisions hereof; and

23 (9) Without being limited to the powers hereinbefore enumerated,
24 the commission shall have such other powers as in the judgment of a
25 majority of its members are deemed necessary to effectuate the purposes
26 of this chapter: PROVIDED, That the commission shall not have power to
27 supervise directly any local park or recreation district, and no funds
28 shall be made available for such purpose.

29 NEW SECTION. **Sec. 7.** The following acts or parts of acts are each
30 repealed:

31 (1) RCW 79.01.295 (Grazing lands--Fish and wildlife goals--
32 Technical advisory committee--Implementation) and 1998 c 245 s 162 &
33 1993 sp.s. c 4 s 5;

34 (2) RCW 79.01.2951 (Findings--Salmon stocks--Grazing lands--
35 Coordinated resource management plans) and 1996 c 163 s 2;

36 (3) RCW 79.01.2955 (Purpose--Ecosystem standards) and 1996 c 163 s
37 1;

1 (4) RCW 79.01.296 (Grazing leases--Restrictions--Agricultural
2 leases in lieu of) and 1959 c 257 s 34 & 1927 c 255 s 74;
3 (5) RCW 79.28.040 (Livestock grazing on lieu lands) and 1923 c 85
4 s 1;
5 (6) RCW 79.28.050 (Grazing permits--Arrangements with United States
6 government) and 1983 c 3 s 202 & 1923 c 85 s 2;
7 (7) RCW 79.28.070 (Improvement of grazing ranges--Agreements) and
8 1963 c 99 s 1 & 1955 c 324 s 1; and
9 (8) RCW 79.28.080 (Improvement of grazing ranges--Extension of
10 duration of permit--Reduction of fees) and 1985 c 197 s 3, 1979 ex.s.
11 c 109 s 21, & 1955 c 324 s 2.

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