

Chapter 43.12 RCW
COMMISSIONER OF PUBLIC LANDS

Sections

- 43.12.010 Powers and duties—Generally.
- 43.12.021 Commissioner—Deputy—Appointment—Powers—Oath.
- 43.12.031 Auditors and cashiers—Other assistants.
- 43.12.041 Official bonds.
- 43.12.045 Rule-making authority.
- 43.12.055 Enforcement in accordance with RCW 43.05.100 and 43.05.110.
- 43.12.065 Rules pertaining to public use of state lands—Enforcement—Penalty.
- 43.12.075 Duty of attorney general—Commissioner may represent state.

Abstracts of public lands maintained by: RCW 79.02.200.

Administrator of natural resources: RCW 43.30.105.

Board of natural resources secretary: RCW 43.30.225.

City or metropolitan park district parks or playgrounds, member of citizens committee to investigate and determine needs for tidelands and shorelands: RCW 79.125.710.

Duties of, to be prescribed by legislature: State Constitution Art. 3 § 23.

Election: State Constitution Art. 3 § 1.

Eminent domain

against state lands

filing judgment with commissioner of public lands: RCW 8.28.010.

service of process on: RCW 8.28.010.

by corporations, service on: RCW 8.20.020.

Escheats

conveyance of real property to claimant: RCW 11.08.270.

jurisdiction and supervision over real property: RCW 11.08.220.

land acquired by, management and control over: RCW 79.10.030.

Fees: RCW 79.02.240, 79.02.260.

Funds, daily deposit of funds in state treasury: RCW 43.30.325.

Harbor line relocation, platting of additional tidelands and shorelands created by: RCW 79.115.020.

Local and other improvements and assessments against state lands, tidelands and harbor area assessments, disapproval, effect: RCW 79.44.140.

Mistakes, recall of leases, contract or deeds to correct: RCW 79.02.040.

Oath of office: RCW 43.01.020.

Office may be abolished by legislature: State Constitution Art. 3 § 25.

Powers and duties transferred to natural resources department: RCW 43.30.411.

Recall of leases, contracts, or deeds to correct mistakes: RCW 79.02.040.

Reclamation projects of state: RCW 89.16.080.

Reconsideration of official acts: RCW 79.02.040.

Records to be kept at state capitol: State Constitution Art. 3 § 24.

Recreation and conservation funding board, membership: RCW 79A.25.110.

Reports to legislature: RCW 79.10.010.

Salary

amount of: RCW 43.03.010.

regulated by legislature: State Constitution Art. 3 § 23.

School lands, data and information furnished to department of natural resources as to sale or lease of: RCW 79.11.020.

State capitol committee

member: RCW 43.34.010.

secretary of: RCW 43.34.015.

State lands: Title 79 RCW.

State parks, withdrawal of public lands from sale, exchange for highway abutting lands, duties: RCW 79A.05.110.

Succession to governorship: State Constitution Art. 3 § 10.

Survey and map agency, advisory board, appointment: RCW 58.24.020.

Term of office: State Constitution Art. 3 § 3; RCW 43.01.010.

Underground storage of natural gas

lease of public lands for: RCW 80.40.060.

notice of application for sent to: RCW 80.40.040.

United States land offices, appearance before: RCW 79.02.100.

Washington State University real property, annual report as to: RCW 28B.30.310.

Withdrawal of state land from lease for game purposes, powers and duties concerning: RCW 77.12.360.

RCW 43.12.010 Powers and duties—Generally. The commissioner of public lands shall exercise such powers and perform such duties as are prescribed by law. [1965 c 8 § 43.12.010. Prior: 1921 c 7 § 119; RRS § 10877.]

RCW 43.12.021 Commissioner—Deputy—Appointment—Powers—Oath. The commissioner shall have the power to appoint an assistant, who shall be deputy commissioner of public lands with power to perform any act or duty relating to the office of the commissioner, and, in case of vacancy by death or resignation of the commissioner, shall perform the duties of the office until the vacancy is filled, and shall act as chief clerk in the office of the commissioner, and, before performing any duties, shall take, subscribe, and file in the office of the secretary of state the oath of office required by law of state officers. [2003 c 334 § 305; 1927 c 255 § 14; RRS § 7797-14. Prior: 1903 c 33 § 1; RRS § 7815. Formerly RCW 79.01.056, 43.12.020.]

Intent—2003 c 334: See note following RCW 79.02.010.

RCW 43.12.031 Auditors and cashiers—Other assistants. The commissioner shall have the power to appoint an auditor and cashier and such number of other assistants, as the commissioner deems necessary for the performance of the duties of the office. [2003 c 334 § 306; 1927 c 255 § 15; RRS § 7797-15. Formerly RCW 79.01.060, 43.12.030.]

Intent—2003 c 334: See note following RCW 79.02.010.

RCW 43.12.041 Official bonds. The commissioner and those appointed by the commissioner shall enter into good and sufficient surety company bonds as required by law, in the following sums: Commissioner, fifty thousand dollars; and other appointees in such sum as may be fixed in the manner provided by law. [2003 c 334 § 307; 1927 c 255 § 16; RRS § 7797-16. Prior: 1907 c 119 §§ 1, 2; RRS §§ 7816, 7817. Formerly RCW 79.01.064, 43.12.040.]

Intent—2003 c 334: See note following RCW 79.02.010.

RCW 43.12.045 Rule-making authority. For rules adopted after July 23, 1995, the commissioner of public lands may not rely solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. [1995 c 403 § 101.]

Findings—Short title—Intent—1995 c 403: See note following RCW 34.05.328.

RCW 43.12.055 Enforcement in accordance with RCW 43.05.100 and 43.05.110. Enforcement action taken after July 23, 1995, by the commissioner of public lands or the supervisor of natural resources

shall be in accordance with RCW 43.05.100 and 43.05.110. [2003 c 334 § 103; 1995 c 403 § 622.]

Intent—2003 c 334: See note following RCW 79.02.010.

Findings—Short title—Intent—1995 c 403: See note following RCW 34.05.328.

RCW 43.12.065 Rules pertaining to public use of state lands—Enforcement—Penalty. (1) For the promotion of the public safety and the protection of public property, the department of natural resources may, in accordance with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules pertaining to use by the public of state-owned lands and property which are administered by the department.

(2) (a) Except as otherwise provided in this subsection, a violation of any rule adopted under this section is a misdemeanor.

(b) Except as provided in (c) of this subsection, the department may specify by rule, when not inconsistent with applicable statutes, that violation of such a rule is an infraction under chapter 7.84 RCW. However, any violation of a rule relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction.

(c) Violation of such a rule equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(3) The commissioner of public lands and those employees as the commissioner may designate shall be vested with police powers when enforcing:

(a) The rules of the department adopted under this section;

(b) The civil infractions created under RCW 79A.80.080; or

(c) The general criminal statutes or ordinances of the state or its political subdivisions where enforcement is necessary for the protection of state-owned lands and property.

(4) The commissioner of public lands may, under the provisions of RCW 7.84.140, enter into an agreement allowing employees of the state parks and recreation commission and the department of fish and wildlife to enforce certain civil infractions created under this title. [2011 c 320 § 16; 2003 c 53 § 229; 1987 c 380 § 14; 1979 ex.s. c 136 § 38; 1969 ex.s. c 160 § 1. Formerly RCW 43.30.310.]

Effective date—2011 c 320: See note following RCW 79A.80.005.

Findings—Intent—2011 c 320: See RCW 79A.80.005.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Effective date—1987 c 380: See RCW 7.84.900.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 43.12.075 Duty of attorney general—Commissioner may represent state. It shall be the duty of the attorney general, to institute, or defend, any action or proceeding to which the state, or

the commissioner or the board, is or may be a party, or in which the interests of the state are involved, in any court of this state, or any other state, or of the United States, or in any department of the United States, or before any board or tribunal, when requested so to do by the commissioner, or the board, or upon the attorney general's own initiative.

The commissioner is authorized to represent the state in any such action or proceeding relating to any public lands of the state. [2003 c 334 § 431; 1959 c 257 § 40; 1927 c 255 § 194; RRS § 7797-194. Prior: 1909 c 223 § 7; 1897 c 89 § 65; 1895 c 178 § 100. Formerly RCW 79.01.736, 79.08.020.]

Intent—2003 c 334: See note following RCW 79.02.010.