

Chapter 79.22 RCW
ACQUISITION, MANAGEMENT, AND DISPOSITION OF STATE FORESTLANDS

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PART 1
GENERAL PROVISIONS

RCW 79.22.010 Powers of department—Acquisition of land for reforestation—Taxes, cancellation. The department has the power to accept gifts and bequests of money or other property, made in its own name, or made in the name of the state, to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation, and to acquire in the name of the state, by purchase or gift, any lands which by reason of their location, topography, or geological formation, are chiefly valuable for purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the state as state forestlands; and may acquire by gift or purchase any lands of the same character. The department has the power to seed, plant, and develop forests on any lands, purchased, acquired, or designated by it as state forestlands, and shall furnish such care and fire protection for such lands as it shall deem advisable. Upon approval of the board of county commissioners of the county in which the land is located

such gift or donation of land may be accepted subject to delinquent general taxes thereon, and upon such acceptance of such gift or donation subject to such taxes, the department shall record the deed of conveyance thereof and file with the assessor and treasurer of the county wherein such land is situated, written notice of acquisition of such land, and that all delinquent general taxes thereon, except state taxes, shall be canceled, and the county treasurer shall thereupon proceed to make such cancellation in the records of the county treasurer. Thereafter, such lands shall be held in trust, protected, managed, and administered upon, and the proceeds therefrom disposed of, under RCW 79.22.040. [2003 c 334 § 205; 1988 c 128 § 23; 1937 c 172 § 1; 1929 c 117 § 1; 1923 c 154 § 3; RRS § 5812-3. Prior: 1921 c 169 § 1, part. Formerly RCW 76.12.020.]

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

RCW 79.22.020 Acquisition of forestland—Requisites. The department shall take such steps as it deems advisable for locating and acquiring lands suitable for state forests and reforestation. Acquisitions made pursuant to this section shall be at no more than fair market value. No lands shall ever be acquired by the department except upon the approval of the title by the attorney general and on a conveyance being made to the state of Washington by good and sufficient deed. No forestlands shall be designated, purchased, or acquired by the department unless the area so designated or the area to be acquired shall, in the judgment of the department, be of sufficient acreage and so located that it can be economically administered for forest development purposes. [2000 c 148 § 1; 1988 c 128 § 28; 1923 c 154 § 4; RRS § 5812-4. Prior: 1921 c 169 § 1, part. Formerly RCW 76.12.080.]

RCW 79.22.030 Record of proceedings, etc. The department shall keep in its office in a permanent bound volume a record of all forestlands acquired by the state and any lands owned by the state and designated as such by the department. The record shall show the date and from whom said lands were acquired; amount and method of payment therefor; the forest within which said lands are embraced; the legal description of such lands; the amount of money expended, if any, and the date thereof, for seeding, planting, maintenance, or care for such lands; the amount, date, and source of any income derived from such land; and such other information and data as may be required by the department. [2003 c 334 § 223; 1988 c 128 § 34; 1923 c 154 § 9; RRS § 5812-9. Formerly RCW 76.12.155, 43.12.140.]

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

RCW 79.22.040 Deed of county land to department. If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 79.22.010 and can be used as state forestland and if the department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the department, deed such land to the department and the land shall become a part of the state forestlands.

Such land shall be held in trust and administered and protected by the department in the same manner as other state forestlands.

In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys derived subject to this section are the net proceeds from the contract harvesting sale. [2003 c 334 § 206; 2003 c 313 § 6; 1997 c 370 § 1; 1991 c 363 § 151; 1988 c 128 § 24; 1981 2nd ex.s. c 4 § 4; 1971 ex.s. c 224 § 1; 1969 c 110 § 1; 1957 c 167 § 1; 1951 c 91 § 1; 1935 c 126 § 1; 1927 c 288 § 3, part (adding a new section to 1923 c 154 § 3b); RRS § 5812-36. Formerly RCW 76.12.030.]

Reviser's note: This section was amended by 2003 c 313 § 6 and by 2003 c 334 § 206, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

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

Findings—Severability—2003 c 313: See notes following RCW 79.15.500.

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Severability—1981 2nd ex.s. c 4: See note following RCW 43.30.325.

RCW 79.22.050 Sales and leases of timber, timberland, or products thereon. Except as provided in RCW 79.22.060, all land, acquired or designated by the department as state forestland, shall be forever reserved from sale, but the valuable materials thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state lands if the department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale. [2003 c 334 § 220; 2003 c 313 § 7; 2000 c 148 § 2; 1998 c 71 § 2. Prior: 1988 c 128 § 32; 1988 c 70 § 1; 1980 c 154 § 11; 1971 ex.s. c 123 § 4; 1955 c 116 § 1; 1953 c 21 § 1; 1923 c 154 § 7; RRS § 5812-7. Formerly RCW 76.12.120.]

Reviser's note: This section was amended by 2003 c 313 § 7 and by 2003 c 334 § 220, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

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

Findings—Severability—2003 c 313: See notes following RCW 79.15.500.

Purpose—Effective dates—Savings—Disposition of certain funds—Severability—1980 c 154: See notes following chapter 82.45 RCW digest.

RCW 79.22.060 Transfer, disposal of lands without public auction

—Requirements. (1) With the approval of the board, the department may directly transfer or dispose of state forestlands without public auction, if the transfers are:

(a) In lieu of condemnation or to resolve trespass and property ownership disputes and the lands consist of 10 contiguous acres or less or have a value of \$25,000 or less; or

(b) To public agencies as defined in RCW 79.17.200.

(2) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state or affected trust. Valuable materials attached to lands to be transferred under subsection (1)(b) of this section must be appraised at the fair market value without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act, if any.

(3)(a) Except as provided in this subsection, the proceeds from real property transferred or disposed of under this section shall be deposited into the parkland trust revolving fund and be solely used to buy replacement forestland for the benefit of the county from which the property was transferred or disposed and pay for the department's administrative expenses to complete the transfer, including the cost of department staff time, appraisals, surveys, environmental reviews, and other similar costs of the transfer. The legislative authority of the county from which the real property was transferred or disposed under subsection (1)(b) of this section may request in writing that the department distribute a percentage of the proceeds associated with valuable materials. Upon such a request, and subject to prior approval by the board, the department shall distribute the requested percentage of proceeds associated with valuable materials as provided in RCW 79.64.110.

(b) The proceeds from real property transferred or disposed of under this section for the purpose of participating in the state forestland pool created under RCW 79.22.140 must be deposited into the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110 and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140.

(c) Except as otherwise provided in this subsection, in counties with a population of 25,000 or less, the portion of the proceeds associated with valuable materials on state forestland transferred under this section must be distributed as provided in RCW 79.64.110. If requested in writing by the legislative authority of a county participating in the state forestland pool created under RCW 79.22.140, the portion of the proceeds associated with valuable materials on state forestland transferred under this section must be deposited in the parkland trust revolving fund and used to buy replacement forestland for the benefit of that county, as provided in RCW 79.64.110, and located within any county participating in the land pool or under a county agreement as provided in RCW 79.22.140. [2023 c 383 § 6; 2012 c 166 § 7; 2009 c 354 § 7; 2003 c 334 § 221; 2000 c 148 § 3. Formerly RCW 76.12.125.]

Findings—2023 c 383: See note following RCW 79.17.300.

Findings—Intent—2012 c 166: See note following RCW 79.02.010.

Finding—Intent—2009 c 354: See note following RCW 84.33.140.

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

RCW 79.22.070 Forest and land management—Rules—Penalty. (1)

State forestlands shall be logged, protected, and cared for in such manner as to ensure natural reforestation of such lands, and to that end the department shall have power, and it shall be its duty to adopt rules, and amendments thereto, governing logging operations on such areas, and to embody in any contract for the sale of timber on such areas, such conditions as it shall deem advisable, with respect to methods of logging, disposition of slashings, and debris, and protection and promotion of new forests. All such rules, or amendments thereto, shall be adopted by the department under chapter 34.05 RCW.

(2)(a) Except as provided in (b) of this subsection, any violation of any rule adopted by the department under the authority of this section is a gross misdemeanor.

(b) The department may specify by rule, when not inconsistent with applicable statutes, that violation of a specific rule is an infraction under chapter 7.84 RCW. [2003 c 334 § 222; 2003 c 53 § 369; 2000 c 11 § 10; 1988 c 128 § 33; 1987 c 380 § 17; 1927 c 288 § 3, part (adding a new section to 1923 c 154 § 3a); RRS § 5812-3a. Prior: 1921 c 169 § 2. Formerly RCW 76.12.140.]

Reviser's note: This section was amended by 2003 c 53 § 369 and by 2003 c 334 § 222, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

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

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

Effective date—1987 c 380: See RCW 7.84.900.

RCW 79.22.080 Utility bonds. For the purpose of acquiring and paying for lands for state forests and reforestation as herein provided the department may issue utility bonds of the state of Washington as may hereafter be authorized by the legislature. The bonds shall be known as state forest utility bonds. The principal or interest of the bonds shall not be a general obligation of the state, but shall be payable only from the forest development account. The department may issue the bonds in exchange for lands selected by it in accordance with RCW 79.64.100 and this chapter, or may sell the bonds in such a manner as it deems advisable, and with the proceeds purchase and acquire such lands. Any of the bonds issued in exchange and payment for any particular tract of lands may be made a first and prior lien against the particular land for which they are exchanged, and upon failure to pay the bonds and interest thereon according to their terms, the lien of the bonds may be foreclosed by appropriate

court action. [2003 c 334 § 217; 2000 c 11 § 8; 1988 c 128 § 29; 1937 c 104 § 1; 1923 c 154 § 5; RRS § 5812-5. Formerly RCW 76.12.090.]

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

RCW 79.22.090 Bonds—Purchase price of land limited—Retirement of bonds. For the purpose of acquiring, seeding, reforestation, and administering land for forests and of carrying out RCW 79.64.100 and the provisions of this chapter, the department is authorized to issue and dispose of utility bonds of the state of Washington in an amount not to exceed one hundred thousand dollars in principal during the biennium expiring March 31, 1951. However, no sum in excess of one dollar per acre shall ever be paid or allowed either in cash, bonds, or otherwise, for any lands suitable for forest growth, but devoid of such, nor shall any sum in excess of three dollars per acre be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Any utility bonds issued under the provisions of this section may be retired from time to time, whenever there is sufficient money in the forest development account, said bonds to be retired at the discretion of the department either in the order of issuance, or by first retiring bonds with the highest rate of interest. [2003 c 334 § 218; 2000 c 11 § 9; 1988 c 128 § 30; 1949 c 80 § 1; 1947 c 66 § 1; 1945 c 13 § 1; 1943 c 123 § 1; 1941 c 43 § 1; 1939 c 106 § 1; 1937 c 104 § 2; 1935 c 126 § 2; 1933 c 117 § 1; Rem. Supp. 1949 § 5812-11. Formerly RCW 76.12.100.]

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

RCW 79.22.100 Reacquisition of lands from federal government. Whenever any forestland which shall have been acquired by any county through the foreclosure of tax liens, or otherwise, and which shall have been acquired by the federal government either from said county or from the state holding said lands in trust, and shall be available for reacquisition, the board and the board of county commissioners of any such county are authorized to enter into an agreement for the reacquisition of such lands as state forestlands in trust for such county. Such agreement shall provide for the price and manner of such reacquisition. The board is authorized to provide in such agreement for the advance of funds available to it for such purpose from the forest development account, all or any part of the price for such reacquisition so agreed upon, which advance shall be repaid at such time and in such manner as provided in the agreement, solely from any distribution to be made to said county under the provisions of RCW 79.22.040; that the title to said lands shall be retained by the state free from any trust until the state shall have been fully reimbursed for all funds advanced in connection with such reacquisition; and that in the event of the failure of the county to repay such advance in the manner provided, the said forestlands shall be retained by the state to be administered and/or disposed of in the same manner as other state forestlands free and clear of any trust interest therein by said county. Such county shall make provisions for the reimbursement of the various funds from any moneys derived from such lands so acquired, or any other county trust forest board lands which are distributable in a

like manner, for any sums withheld from funds for other areas which would have been distributed thereto from time to time but for such agreement. [2003 c 334 § 208; 1959 c 87 § 1. Formerly RCW 76.12.035.]

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

RCW 79.22.110 Reconveyance to county in certain cases. Whenever any county shall have acquired by tax foreclosure, or otherwise, lands within the classification of RCW 79.22.010 and shall have thereafter contracted to sell such lands to bona fide purchasers before the same may have been selected as forestlands by the department, and has heretofore deeded or shall hereafter deed because of inadvertence or oversight such lands to the state or to the department to be held under RCW 79.22.040 or any amendment thereof; the department upon being furnished with a certified copy of such contract of sale on file in such county and a certificate of the county treasurer showing said contract to be in good standing in every particular and that all due payments and taxes have been made thereon, and upon receipt of a certified copy of a resolution of the board of county commissioners of such county requesting the reconveyance to the county of such lands, is hereby authorized to reconvey such lands to such county by quitclaim deed executed by the department. Such reconveyance of lands hereafter so acquired shall be made within one year from the conveyance thereof to the state or department. [2003 c 334 § 212; 1988 c 128 § 27; 1941 c 84 § 1; Rem. Supp. 1941 § 5812-3g. Formerly RCW 76.12.070.]

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

RCW 79.22.120 Reconveyance to county of certain leased lands. If the board of natural resources determines that any forestlands deeded to the board or the state pursuant to this chapter, which are leased to any county for uses which have as one permitted use a sanitary landfill and/or transfer station, are no longer appropriate for management by the board, the board may reconvey all of the lands included within any such lease to that county. Reconveyance shall be by quitclaim deed executed by the chair of the board. Upon execution of such deed, full legal and equitable title to such lands shall be vested in that county, and any leases on such lands shall terminate. A county that receives any such reconveyed lands shall indemnify and hold the state of Washington harmless from any liability or expense arising out of the reconveyed lands. [2013 c 23 § 259; 1991 c 10 § 1. Formerly RCW 76.12.067.]

RCW 79.22.130 Notification requirements. Actions under this chapter are subject to the notification requirements of RCW 43.17.400. [2007 c 62 § 5.]

Finding—Intent—Severability—2007 c 62: See notes following RCW 43.17.400.

RCW 79.22.140 State forestland pool—Authorization—

Participation. (1) The board may create a state forestland pool, to be managed in accordance with this section, if the board determines that creation of a land pool is in the best interest of the state or affected trust, based on an analysis prepared by the department under RCW 79.22.150.

(2) A county is eligible to participate in a land pool if the board determines it has existing state forestlands encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, more than 30 years in length.

(3) All lands in the land pool are state forestlands and must be managed in the same manner and with the same responsibilities as other state forestlands. Proceeds from the state forestland pool must, except as provided in RCW 79.64.110, be distributed under RCW 79.22.010 and 79.22.040.

(4) (a) A county may participate in the land pool only if it is eligible, as determined under subsection (2) of this section, and the board receives a written request to do so by the legislative authority of that county.

(b) The board shall end any further participation of a county in the land pool if it receives a written request to do so by the legislative authority of that county. If the board receives such a request, that county's interest in the land pool as a beneficiary remains, but no new contributions of asset value may be made to the land pool on behalf of the county and no new lands may be purchased in that county for the land pool.

(5) (a) If a land pool is created by the board, the department and the participating counties must develop a funding strategy for acquiring land to include in the land pool.

(b) The department and participating counties may pursue funding for the transfer of state forestland encumbered by long-term wildlife-related harvest deferrals within the participating counties into status as a natural area preserve under chapter 79.70 RCW or a natural resources conservation area under chapter 79.71 RCW, and use the value of the transferred land to acquire working forestlands to include in the land pool.

(c) The department and participating counties may pursue other land acquisition funding strategies.

(6) The department may acquire replacement state forestland located outside of counties participating in a state forestland pool when the department has transferred some or all of the encumbered state forestlands of the counties to natural area status under chapter 79.70 or 79.71 RCW.

(a) Counties participating in a state forestland pool that desire to have the department acquire replacement lands in a designated county not included in the state forestland pool shall provide the department an agreement entered with the designated county that meets the following requirements:

(i) The designated county shall not object to forest practices undertaken on the replacement state forestland in conformity with all applicable laws and rules;

(ii) The counties participating in the state forestland pool acknowledge that they shall pass through the payment in lieu of taxes to which they are entitled, under RCW 79.70.130 or 79.71.130, to the

designated county in which replacement lands are purchased, on an acre for acre basis;

(iii) If the designated county desires to terminate the agreement, the designated county shall be required to pay the department the fair market value of the replacement forestlands, including the value of valuable materials attached to the lands, at the time of termination based on an appraisal accepted by the department and approved by the board; and

(iv) The board of county commissioners for the designated county and each county participating in the state forestland pool approves the agreement in the manner provided by RCW 42.30.060.

(b) When the department receives an agreement meeting the requirements of (a) of this subsection, the department shall make reasonable efforts to acquire working forestlands within the designated county to include in the state forestland pool.

(c) The counties participating in the state forestland pool shall pass through the payment in lieu of taxes to which they are entitled under RCW 79.70.130 or 79.71.130, based on the encumbered state forestlands within their counties transferred to natural area status, to the designated county in which the replacement state forestlands are located, on an acre for acre basis.

(d) Whenever the board of county commissioners of the county in which the replacement state forestlands are located determines to terminate the agreement described in (a) of this subsection, the board of county commissioners shall notify the department and the counties participating in the state forestland pool. The department shall transfer the replacement state forestlands to the county upon receipt of the fair market value of the lands, including the value of valuable materials attached to the lands, as determined by appraisal and approved by the board. The proceeds shall be placed in the parkland trust revolving fund and be solely used by the department to buy replacement land within the counties participating in the subject state forestland pool or another county with which the participating counties have entered an agreement under (a) of this subsection.

(e) The authority provided by this subsection to acquire replacement state forestlands located outside of the counties participating in a state forestland pool does not preclude the department from acquiring replacement lands within the counties participating in the state forestland pool as necessary to fully replace the encumbered state forestlands transferred under RCW 79.22.060(1)(b). [2023 c 383 § 12; 2012 c 166 § 3.]

Findings—2023 c 383: See note following RCW 79.17.300.

Findings—Intent—2012 c 166: See note following RCW 79.02.010.

RCW 79.22.150 State forestland pool—Analysis. (1) Upon the request of the board in its consideration of creating a state forestland pool under RCW 79.22.140, the department must conduct an analysis that includes, at a minimum, the following elements:

(a) An evaluation of how the proposed land pool would benefit the requesting counties, including revenue predictability and long-term revenue projections;

(b) The development and proposal of a set of policy, administrative, and financial structures necessary for the department

to establish the land pool, including a method to determine the percentage of revenue to be distributed to each county participating in the land pool that is based on each county's proportionate contribution of asset value to the land pool;

(c) An estimation of the administrative costs of creating and maintaining the land pool; and

(d) Any additional information requested by the board.

(2) The department may coordinate its analysis with affected counties or an association representing the affected counties. [2012 c 166 § 4.]

Findings—Intent—2012 c 166: See note following RCW 79.02.010.

PART 2
TRANSFERS OF STATE FORESTLANDS
FOR PUBLIC PARK PURPOSES

RCW 79.22.300 Procedure—Reconveyance back when use ceases.

Whenever the board of county commissioners of any county shall determine that state forestlands, that were acquired from such county by the state pursuant to RCW 79.22.040 and that are under the administration of the department, are needed by the county for public park use in accordance with the county and the state outdoor recreation plans, the board of county commissioners may file an application with the board for the transfer of such state forestlands.

Upon the filing of an application by the board of county commissioners, the department shall cause notice of the impending transfer to be given in the manner provided by RCW 42.30.060. If the department determines that the proposed use is in accordance with the state outdoor recreation plan, it shall reconvey said state forestlands to the requesting county to have and to hold for so long as the state forestlands are developed, maintained, and used for the proposed public park purpose. This reconveyance may contain conditions to allow the department to coordinate the management of any adjacent public lands with the proposed park activity to encourage maximum multiple use management and may reserve rights-of-way needed to manage other public lands in the area. The application shall be denied if the department finds that the proposed use is not in accord with the state outdoor recreation plan. If the land is not, or ceases to be, used for public park purposes the land shall be conveyed back to the department upon request of the department. [2004 c 199 § 216; 2003 c 334 § 213; 1983 c 3 § 195; 1969 ex.s. c 47 § 1. Formerly RCW 76.12.072.]

Part headings not law—2004 c 199: See note following RCW 79.02.010.

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

RCW 79.22.310 Timber resource management. The timber resources on any such state forestland transferred to the counties under RCW 79.22.300 shall be managed by the department to the extent that this is consistent with park purposes and meets with the approval of the board of county commissioners. Whenever the department does manage the

timber resources of such lands, it will do so in accordance with the general statutes relative to the management of all other state forestlands. [2003 c 334 § 214; 1969 ex.s. c 47 § 2. Formerly RCW 76.12.073.]

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

RCW 79.22.320 Lands transferred by deed. Under provisions mutually agreeable to the board of county commissioners and the board, lands approved for transfer to a county for public park purposes under the provisions of RCW 79.22.300 shall be transferred to the county by deed. [2003 c 334 § 215; 1969 ex.s. c 47 § 3. Formerly RCW 76.12.074.]

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

RCW 79.22.330 Provisions cumulative and nonexclusive. The provisions of RCW 79.22.300 through 79.22.330 shall be cumulative and nonexclusive and shall not repeal any other related statutory procedure established by law. [2003 c 334 § 216; 1969 ex.s. c 47 § 4. Formerly RCW 76.12.075.]

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