

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1252**

Chapter 334, Laws of 2003

(partial veto)

58th Legislature  
2003 Regular Session

TITLE 79 RCW--RECODIFICATION

EFFECTIVE DATE: 7/27/03

Passed by the House February 24, 2003  
Yeas 96 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 15, 2003  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 16, 2003, with the  
exception of section 123, which is  
vetoed.

GARY LOCKE

**Governor of the State of Washington**

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of  
the House of Representatives of  
the State of Washington, do hereby  
certify that the attached is  
**ENGROSSED HOUSE BILL 1252** as  
passed by the House of  
Representatives and the Senate on  
the dates hereon set forth.

CYNTHIA ZEHNDER

**Chief Clerk**

FILED

May 16, 2003 - 3:47 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED HOUSE BILL 1252**

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Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

**By** Representatives Linville, Schoesler, Rockefeller, Sump and  
Upthegrove; by request of Commissioner of Public Lands

Read first time 01/21/2003. Referred to Committee on Agriculture &  
Natural Resources.

1            AN ACT Relating to the recodification of Title 79 RCW and related  
2 public land statutes; amending RCW 43.12.025, 43.12.035, 43.12.055,  
3 43.30.040, 43.30.060, 43.30.115, 43.30.125, 43.30.130, 43.30.138,  
4 43.30.141, 43.30.145, 43.30.150, 43.30.160, 43.30.170, 43.30.180,  
5 43.30.260, 43.30.265, 43.30.270, 43.30.280, 43.30.290, 43.30.300,  
6 43.30.310, 43.30.400, 43.85.130, 76.01.010, 76.01.040, 76.01.050,  
7 76.01.060, 76.12.020, 76.12.030, 76.12.035, 76.12.050, 76.12.060,  
8 76.12.065, 76.12.070, 76.12.072, 76.12.073, 76.12.074, 76.12.075,  
9 76.12.090, 76.12.100, 76.12.110, 76.12.120, 76.12.125, 76.12.140,  
10 76.12.155, 76.12.180, 76.12.240, 76.16.010, 76.16.020, 76.16.030,  
11 76.16.040, 76.20.010, 76.20.020, 76.20.030, 76.20.035, 76.20.040,  
12 79.01.004, 79.01.007, 79.01.052, 79.01.056, 79.01.060, 79.01.064,  
13 79.01.080, 79.01.082, 79.01.084, 79.01.088, 79.01.092, 79.01.093,  
14 79.01.094, 79.01.095, 79.01.096, 79.01.100, 79.01.104, 79.01.108,  
15 79.01.112, 79.01.116, 79.01.120, 79.01.124, 79.01.128, 79.01.134,  
16 79.01.136, 79.01.148, 79.01.160, 79.01.164, 79.01.168, 79.01.172,  
17 79.01.176, 79.01.184, 79.01.188, 79.01.192, 79.01.196, 79.01.200,  
18 79.01.204, 79.01.208, 79.01.212, 79.01.216, 79.01.220, 79.01.228,  
19 79.01.232, 79.01.236, 79.01.238, 79.01.240, 79.01.242, 79.01.244,

1 79.01.248, 79.01.268, 79.01.284, 79.01.292, 79.01.2955, 79.01.296,  
2 79.01.300, 79.01.301, 79.01.304, 79.01.332, 79.01.336, 79.01.340,  
3 79.01.348, 79.01.352, 79.01.356, 79.01.360, 79.01.364, 79.01.388,  
4 79.01.392, 79.01.400, 79.01.404, 79.01.408, 79.01.414, 79.01.612,  
5 79.01.616, 79.01.617, 79.01.618, 79.01.620, 79.01.632, 79.01.633,  
6 79.01.634, 79.01.640, 79.01.644, 79.01.645, 79.01.648, 79.01.649,  
7 79.01.650, 79.01.652, 79.01.656, 79.01.660, 79.01.664, 79.01.668,  
8 79.01.672, 79.01.676, 79.01.680, 79.01.684, 79.01.688, 79.01.692,  
9 79.01.696, 79.01.708, 79.01.712, 79.01.720, 79.01.724, 79.01.728,  
10 79.01.736, 79.01.740, 79.01.744, 79.01.752, 79.01.760, 79.01.765,  
11 79.01.770, 79.01.774, 79.01.778, 79.01.780, 79.01.784, 79.01.805,  
12 79.01.810, 79.01.815, 79.08.015, 79.08.070, 79.08.080, 79.08.090,  
13 79.08.110, 79.08.120, 79.08.170, 79.08.180, 79.08.250, 79.08.260,  
14 79.08.275, 79.08.275, 79.08.277, 79.08.279, 79.08.281, 79.08.283,  
15 79.12.015, 79.12.025, 79.12.035, 79.12.055, 79.12.095, 79.12.570,  
16 79.12.600, 79.12.610, 79.12.620, 79.12.630, 79.14.010, 79.14.020,  
17 79.14.030, 79.14.040, 79.14.080, 79.14.090, 79.14.100, 79.14.110,  
18 79.14.120, 79.14.130, 79.14.140, 79.14.150, 79.14.180, 79.14.190,  
19 79.14.200, 79.14.210, 79.14.220, 79.28.010, 79.28.020, 79.28.030,  
20 79.28.040, 79.28.050, 79.28.070, 79.28.080, 79.36.260, 79.36.270,  
21 79.36.280, 79.36.290, 79.38.010, 79.38.030, 79.38.040, 79.38.050,  
22 79.38.060, 79.40.070, 79.40.080, 79.44.020, 79.44.030, 79.44.060,  
23 79.44.120, 79.60.010, 79.60.020, 79.60.030, 79.60.040, 79.60.050,  
24 79.60.060, 79.60.070, 79.60.080, 79.60.090, 79.64.010, 79.64.020,  
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26 79.66.030, 79.66.040, 79.66.050, 79.66.060, 79.66.080, 79.66.090,  
27 79.66.100, 79.68.010, 79.68.020, 79.68.030, 79.68.035, 79.68.040,  
28 79.68.060, 79.68.070, 79.68.080, 79.68.090, 79.68.100, 79.68.110,  
29 79.68.120, 79.68.900, 79.68.910, 79.70.020, 79.70.030, 79.70.090,  
30 79.90.270, 79.90.325, 79.90.330, 79.90.340, 79.90.380, 79.90.400,  
31 79.91.010, 79.91.030, 79.91.040, 79.91.050, 79.91.060, 79.91.080,  
32 79.91.190, 79.91.210, and 79.94.450; reenacting and amending RCW  
33 79.01.500; adding a new section to chapter 43.30 RCW; adding new  
34 sections to chapter 43.12 RCW; adding new sections to chapter 79.36  
35 RCW; adding a new section to chapter 79.38 RCW; adding new sections to  
36 chapter 79.64 RCW; adding new sections to chapter 79.14 RCW; adding new  
37 sections to chapter 79.90 RCW; adding new sections to chapter 79.94  
38 RCW; adding new sections to chapter 79.96 RCW; adding a new chapter to

1 Title 43 RCW; adding new chapters to Title 79 RCW; adding a new chapter  
2 to Title 78 RCW; creating a new section; recodifying RCW 43.30.310,  
3 43.30.010, 43.30.020, 43.30.030, 43.30.270, 43.30.050, 43.30.060,  
4 43.30.040, 43.30.150, 43.30.280, 43.30.290, 43.85.130, 43.30.360,  
5 43.30.370, 43.30.115, 43.30.130, 43.30.160, 43.30.170, 43.30.180,  
6 43.30.355, 43.30.400, 43.30.410, 43.30.420, 43.30.210, 43.30.250,  
7 43.30.260, 43.30.125, 43.30.138, 43.30.350, 43.12.025, 43.12.035,  
8 43.30.141, 43.30.145, 43.30.135, 43.30.300, 43.30.390, 43.30.265,  
9 76.01.040, 76.01.050, 76.01.060, 76.12.160, 76.12.170, 76.12.205,  
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16 76.12.110, 79.01.056, 79.01.060, 79.01.064, 79.01.736, 79.01.052,  
17 79.01.004, 79.01.500, 79.01.740, 79.01.240, 79.01.765, 79.08.170,  
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20 79.01.720, 79.01.724, 79.01.220, 79.01.292, 79.01.236, 79.01.760,  
21 79.01.748, 79.01.756, 79.01.752, 79.40.070, 79.40.080, 79.01.006,  
22 79.01.007, 79.01.744, 79.01.074, 79.01.612, 79.68.110, 79.01.128,  
23 79.01.164, 79.01.095, 79.68.010, 79.68.020, 79.68.050, 79.01.244,  
24 79.68.070, 79.68.090, 79.68.060, 79.68.100, 79.68.900, 79.68.910,  
25 79.68.120, 79.68.035, 79.68.030, 79.68.040, 79.68.045, 79.60.010,  
26 79.60.020, 79.60.030, 79.60.040, 79.60.050, 79.60.060, 79.60.070,  
27 79.60.080, 79.60.090, 79.01.096, 79.01.094, 79.01.216, 79.01.088,  
28 79.01.112, 79.01.120, 79.01.092, 79.01.200, 79.01.116, 79.01.136,  
29 79.01.184, 79.01.188, 79.01.192, 79.01.204, 79.01.148, 79.01.196,  
30 79.01.212, 79.01.208, 79.01.228, 79.01.224, 79.08.110, 79.01.100,  
31 79.01.104, 79.01.108, 79.01.300, 79.01.301, 79.01.728, 79.01.242,  
32 79.01.172, 79.08.120, 79.01.248, 79.01.284, 79.01.268, 79.12.570,  
33 79.12.600, 79.12.610, 79.12.620, 79.12.630, 79.01.296, 79.28.040,  
34 79.28.050, 79.28.070, 79.28.080, 79.12.015, 79.12.025, 79.12.055,  
35 79.12.095, 79.01.2951, 79.01.295, 79.01.2955, 79.14.010, 79.14.020,  
36 79.14.030, 79.14.040, 79.14.050, 79.14.060, 79.14.070, 79.14.080,  
37 79.14.090, 79.14.100, 79.14.110, 79.14.120, 79.14.130, 79.14.140,  
38 79.14.150, 79.14.160, 79.14.170, 79.14.180, 79.14.190, 79.14.200,

1 79.14.210, 79.14.220, 79.01.616, 79.01.617, 79.01.651, 79.01.618,  
2 79.01.620, 79.01.624, 79.01.628, 79.01.632, 79.01.633, 79.01.634,  
3 79.01.640, 79.01.642, 79.01.644, 79.01.645, 79.01.648, 79.01.649,  
4 79.01.650, 79.01.652, 79.01.656, 79.01.660, 79.01.664, 79.01.668,  
5 79.01.672, 79.01.676, 79.01.680, 79.01.684, 79.01.688, 79.01.692,  
6 79.01.696, 79.14.900, 79.01.124, 79.01.160, 79.01.168, 79.01.082,  
7 79.01.232, 79.01.238, 79.01.790, 79.01.795, 79.01.134, 79.01.176,  
8 79.08.180, 79.08.070, 79.08.250, 79.08.015, 79.01.770, 79.01.774,  
9 79.01.778, 79.01.780, 79.01.009, 79.66.010, 79.66.020, 79.66.030,  
10 79.66.040, 79.66.050, 79.66.060, 79.66.070, 79.66.080, 79.66.090,  
11 79.01.784, 79.66.100, 79.66.900, 79.66.901, 79.01.332, 79.01.414,  
12 79.01.416, 79.01.312, 79.01.316, 79.01.320, 79.01.324, 79.01.328,  
13 79.01.336, 79.01.340, 79.01.344, 79.01.348, 79.01.352, 79.01.356,  
14 79.01.360, 79.01.364, 79.01.384, 79.01.388, 79.01.392, 79.01.396,  
15 79.01.400, 79.01.404, 79.01.408, 79.01.412, 79.36.230, 79.36.240,  
16 79.36.250, 79.36.260, 79.36.270, 79.36.280, 79.36.290, 79.64.010,  
17 79.64.020, 79.64.030, 79.64.040, 79.64.050, 79.64.060, 79.64.070,  
18 79.64.090, 79.12.035, 79.08.275, 79.08.277, 79.08.279, 79.08.281,  
19 79.08.283, 79.08.284, 79.76.010, 79.76.020, 79.76.030, 79.76.040,  
20 79.76.050, 79.76.060, 79.76.070, 79.76.080, 79.76.090, 79.76.100,  
21 79.76.110, 79.76.120, 79.76.130, 79.76.140, 79.76.150, 79.76.160,  
22 79.76.170, 79.76.180, 79.76.190, 79.76.200, 79.76.210, 79.76.220,  
23 79.76.230, 79.76.240, 79.76.250, 79.76.260, 79.76.270, 79.76.280,  
24 79.76.290, 79.76.300, 79.76.900, 79.81.010, 79.81.020, 79.81.030,  
25 79.81.040, 79.81.050, 79.81.060, 79.81.900, 79.24.580, 79.68.080,  
26 79.08.260, 79.08.080, 79.08.090, 79.08.100, 79.01.800, 79.01.805,  
27 79.01.810, and 79.01.815; repealing RCW 43.30.095, 76.01.020,  
28 76.01.030, 76.12.015, 76.12.033, 79.01.036, 79.01.038, 79.01.048,  
29 79.01.068, 79.01.072, 79.01.132, 79.01.133, 79.01.140, 79.01.152,  
30 79.01.252, 79.01.256, 79.01.260, 79.01.264, 79.01.277, 79.01.704,  
31 79.08.190, and 79.08.200; and prescribing penalties.

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

33 **PART 1**  
34 **TITLE 43**  
35 **AMENDMENTS**

1       **Sec. 101.** RCW 43.12.025 and 1985 c 459 s 7 are each amended to  
2 read as follows:

3       The department (~~(of natural resources)~~) shall work with federal  
4 officials and private mine owners to ensure the prompt sealing of open  
5 holes and mine shafts that constitute a threat to safety.

6       **Sec. 102.** RCW 43.12.035 and 1985 c 459 s 8 are each amended to  
7 read as follows:

8       The owner of each mine shall make a map of the surface of the  
9 property. The owner of each active mine shall make a map of the  
10 underground workings. All maps shall be filed with the department (~~(of~~  
11 ~~natural resources)~~). The department shall establish by rule the scale  
12 and contents required for the maps.

13       **Sec. 103.** RCW 43.12.055 and 1995 c 403 s 622 are each amended to  
14 read as follows:

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

18       **Sec. 104.** RCW 43.30.040 and 1986 c 227 s 1 are each amended to  
19 read as follows:

20       The board shall consist of six members: The governor or the  
21 governor's designee, the superintendent of public instruction, the  
22 commissioner of public lands, the dean of the college of forest  
23 resources of the University of Washington, the dean of the college of  
24 agriculture of Washington State University, and a representative of  
25 those counties that contain state forest lands acquired or transferred  
26 under (~~(chapter 76.12)~~) RCW 76.12.020, 76.12.030, and 76.12.080 (as  
27 recodified by this act).

28       The county representative shall be selected by the legislative  
29 authorities of those counties that contain state forest lands acquired  
30 or transferred under (~~(chapter 76.12)~~) RCW 76.12.020, 76.12.030, and  
31 76.12.080 (as recodified by this act). In the selection of the county  
32 representative, each participating county shall have one vote. The  
33 Washington state association of counties shall conduct a meeting for  
34 the purpose of making the selection and shall notify the board of the  
35 selection. The county representative shall be a duly elected member of

1 a county legislative authority who shall serve a term of four years  
2 unless the representative should leave office for any reason. The  
3 initial term shall begin on July 1, 1986.

4 **Sec. 105.** RCW 43.30.060 and 1965 c 8 s 43.30.060 are each amended  
5 to read as follows:

6 The supervisor shall be appointed by the administrator with the  
7 advice and consent of the board. ((He)) The supervisor shall serve at  
8 the pleasure of the administrator.

9 **Sec. 106.** RCW 43.30.115 and 2000 c 148 s 4 are each amended to  
10 read as follows:

11 The park land trust revolving fund is to be utilized by the  
12 department ((of natural resources)) for the exclusive purpose of  
13 acquiring real property, including all reasonable costs associated with  
14 these acquisitions, as a replacement for the property transferred to  
15 the state parks and recreation commission, as directed by the  
16 legislature in order to maintain the land base of the affected trusts  
17 or under RCW 76.12.125 (as recodified by this act). Proceeds from  
18 transfers of real property to the state parks and recreation commission  
19 or other proceeds identified from transfers of real property as  
20 directed by the legislature shall be deposited in this fund.  
21 Disbursement from the park land trust revolving fund to acquire  
22 replacement property shall be on the authorization of the department  
23 ((of natural resources)). In order to maintain an effective  
24 expenditure and revenue control, the park land trust revolving fund is  
25 subject in all respects to chapter 43.88 RCW, but no appropriation is  
26 required to permit expenditures and payment of obligations from the  
27 fund.

28 **Sec. 107.** RCW 43.30.125 and 1988 c 127 s 3 are each amended to  
29 read as follows:

30 The department ((of natural resources)) shall assume full charge  
31 and supervision of the state geological survey and perform such other  
32 duties as may be prescribed by law.

33 **Sec. 108.** RCW 43.30.130 and 1965 c 8 s 43.30.130 are each amended  
34 to read as follows:

1 The department shall exercise all of the powers, duties, and  
2 functions now vested in the commissioner of public lands and such  
3 powers, duties, and functions are hereby transferred to the  
4 department(~~(: PROVIDED, That)~~). However, nothing (~~(herein)~~) contained  
5 in this section shall effect (~~(his)~~) the commissioner's ex officio  
6 membership on any committee provided by law.

7 **Sec. 109.** RCW 43.30.138 and 1988 c 127 s 4 are each amended to  
8 read as follows:

9 The department (~~(of natural resources)~~) shall:

10 (1) Collect, compile, publish, and disseminate statistics and  
11 information relating to mining, milling, and metallurgy;

12 (2) Make special studies of the mineral resources and industries of  
13 the state;

14 (3) Collect and assemble an exhibit of mineral specimens, both  
15 metallic and nonmetallic, especially those of economic and commercial  
16 importance; such collection to constitute the museum of mining and  
17 mineral development;

18 (4) Collect and assemble a library pertaining to mining, milling,  
19 and metallurgy of books, reports, drawings, tracings, and maps and  
20 other information relating to the mineral industry and the arts and  
21 sciences of mining and metallurgy;

22 (5) Make a collection of models, drawings, and descriptions of the  
23 mechanical appliances used in mining and metallurgical processes;

24 (6) Issue bulletins and reports with illustrations and maps with  
25 detailed description of the natural mineral resources of the state;

26 (7) Preserve and maintain such collections and library open to the  
27 public for reference and examination and maintain a bureau of general  
28 information concerning the mineral and mining industry of the state,  
29 and issue from time to time at cost of publication and distribution  
30 such bulletins as may be deemed advisable relating to the statistics  
31 and technology of minerals and the mining industry;

32 (8) Make determinative examinations of ores and minerals, and  
33 consider other scientific and economical problems relating to mining  
34 and metallurgy;

35 (9) Cooperate with all departments of the state government, state  
36 educational institutions, the United States geological survey, and the  
37 United States bureau of mines. All departments of the state government



1 and educational institutions shall render full cooperation to the  
2 department in compiling useful and scientific information relating to  
3 the mineral industry within and without the state, without cost to the  
4 department.

5 **Sec. 110.** RCW 43.30.141 and 1988 c 127 s 5 are each amended to  
6 read as follows:

7 The department (~~((of natural resources))~~) may receive on behalf of  
8 the state, for the benefit of mining and mineral development, gifts,  
9 bequests, devises, and legacies of real or personal property and use  
10 them in accordance with the wishes of the donors and manage, use, and  
11 dispose of them for the best interests of mining and mineral  
12 development.

13 **Sec. 111.** RCW 43.30.145 and 1988 c 127 s 6 are each amended to  
14 read as follows:

15 The department (~~((of natural resources))~~) may, from time to time,  
16 prepare special collections of ores and minerals representative of the  
17 mineral industry of the state to be displayed or used at any world  
18 fair, exposition, mining congress, or state exhibition, in order to  
19 promote information relating to the mineral wealth of the state.

20 **Sec. 112.** RCW 43.30.150 and 1988 c 128 s 10 are each amended to  
21 read as follows:

22 The board shall:

23 (1) Perform duties relating to appraisal, appeal, approval, and  
24 hearing functions as provided by law;

25 (2) Establish policies to (~~((insure))~~) ensure that the acquisition,  
26 management, and disposition of all lands and resources within the  
27 department's jurisdiction are based on sound principles designed to  
28 achieve the maximum effective development and use of such lands and  
29 resources consistent with laws applicable thereto;

30 (3) Constitute the board of appraisers provided for in Article 16,  
31 section 2 of the state Constitution;

32 (4) Constitute the commission on harbor lines provided for in  
33 Article 15, section 1 of the state Constitution as amended;

34 (5) (~~Hold regular monthly meetings at such times as it may  
35 determine, and such special meetings as may be called by the chairman~~)

1 ~~or majority of the board membership upon written notice to all members~~  
2 ~~thereof: PROVIDED, That the board may dispense with any regular~~  
3 ~~meetings, except that the board shall not dispense with two consecutive~~  
4 ~~regular meetings;~~

5 ~~(6)) Adopt and enforce ((such)) rules ((and regulations)) as may~~  
6 ~~be deemed necessary and proper for carrying out the powers, duties, and~~  
7 ~~functions imposed upon it by this chapter(;~~

8 ~~(7) Employ and fix the compensation of such technical, clerical and~~  
9 ~~other personnel as may be deemed necessary for the performance of its~~  
10 ~~duties;~~

11 ~~(8) Appoint such advisory committees as it may deem appropriate to~~  
12 ~~advise and assist it to more effectively discharge its~~  
13 ~~responsibilities. The members of such committees shall receive no~~  
14 ~~compensation, but shall be entitled to reimbursement for travel~~  
15 ~~expenses in attending committee meetings in accordance with RCW~~  
16 ~~43.03.050 and 43.03.060 as now existing or hereafter amended;~~

17 ~~(9) Meet and organize within thirty days after March 6, 1957 and on~~  
18 ~~the third Monday of each January following a state general election at~~  
19 ~~which the elected ex officio members of the board are elected. The~~  
20 ~~board shall select its own chairman. The commissioner of public lands~~  
21 ~~shall be the secretary of the board. The board may select a vice~~  
22 ~~chairman from among its members. In the absence of the chairman and~~  
23 ~~vice chairman at a meeting of the board, the members shall elect a~~  
24 ~~chairman pro tem. No action shall be taken by the board except by the~~  
25 ~~agreement of at least four members. The department and the board shall~~  
26 ~~maintain its principal office at the capital;~~

27 ~~(10) Be entitled to reimbursement individually for travel expenses~~  
28 ~~incurred in the discharge of their official duties in accordance with~~  
29 ~~RCW 43.03.050 and 43.03.060 as now existing or hereafter amended)).~~

30 NEW SECTION. Sec. 113. A new section is added to chapter 43.30  
31 RCW to read as follows:

32 The board shall:

33 (1) Hold regular monthly meetings at such times as it may  
34 determine, and such special meetings as may be called by the chair or  
35 majority of the board membership upon written notice to all members.  
36 However, the board may dispense with any regular meetings, except that  
37 the board shall not dispense with two consecutive regular meetings;

1 (2) Employ and fix the compensation of technical, clerical, and  
2 other personnel as deemed necessary for the performance of its duties;

3 (3) Appoint such advisory committees as deemed appropriate to  
4 advise and assist it to more effectively discharge its  
5 responsibilities. The members of such committees shall receive no  
6 compensation, but are entitled to reimbursement for travel expenses in  
7 attending committee meetings in accordance with RCW 43.03.050 and  
8 43.03.060;

9 (4) Meet and organize on the third Tuesday of each January  
10 following a state general election at which the elected ex officio  
11 members of the board are elected. The board shall select its own  
12 chair. The commissioner of public lands shall be the secretary of the  
13 board. The board may select a vice-chair from among its members. In  
14 the absence of the chair and vice-chair at a meeting of the board, the  
15 members shall elect a chair pro tem. No action shall be taken by the  
16 board except by the agreement of at least four members. The department  
17 and the board shall maintain its principal office at the capital;

18 (5) Be entitled to reimbursement individually for travel expenses  
19 incurred in the discharge of their official duties in accordance with  
20 RCW 43.03.050 and 43.03.060.

21 **Sec. 114.** RCW 43.30.160 and 1965 c 8 s 43.30.160 are each amended  
22 to read as follows:

23 The administrator shall have responsibility for performance of all  
24 the powers, duties, and functions of the department except those  
25 specifically assigned to the board. In the performance of ((his))  
26 these powers, duties, and functions, the administrator shall conform to  
27 policies established by the board, and may employ and fix the  
28 compensation of such personnel as may be required to perform the duties  
29 of ((his)) this office.

30 **Sec. 115.** RCW 43.30.170 and 1965 c 8 s 43.30.170 are each amended  
31 to read as follows:

32 The supervisor shall:

33 (1) Be charged with the direct supervision of the department's  
34 activities as delegated ((to him)) by the administrator;

35 (2) Perform his or her duties in conformance with the policies  
36 established by the board;

1 (3) Organize the department, with approval of the administrator,  
2 into such subordinate divisions as ~~((he may))~~ the supervisor deems  
3 appropriate for the conduct of its operations;

4 (4) Employ and fix the compensation of such technical, clerical,  
5 and other personnel as may be required to carry on activities under his  
6 or her supervision;

7 (5) Delegate by order any ~~((of his))~~ assigned powers, duties,  
8 functions to one or more deputies or assistants,  
9 as ~~((he may desire))~~ desired;

10 (6) Furnish before entering upon ~~((his))~~ the duties of this  
11 position a surety bond payable to the state in such amount as may be  
12 determined by the board, conditioned for the faithful performance of  
13 ~~((his))~~ duties and for ~~((his))~~ accounting of all moneys and property of  
14 the state that may come into ~~((his))~~ possession of or under ~~((his))~~ the  
15 control ~~((by virtue of his office))~~ of this position.

16 **Sec. 116.** RCW 43.30.180 and 1965 c 8 s 43.30.180 are each amended  
17 to read as follows:

18 The supervisor and ~~((his))~~ duly authorized deputies may administer  
19 oaths.

20 **Sec. 117.** RCW 43.30.260 and 1965 c 8 s 43.30.260 are each amended  
21 to read as follows:

22 Upon request by any state agency vested by law with the authority  
23 to acquire or manage real property, the department shall make available  
24 to such agency the facilities and services of the department ~~((of~~  
25 ~~natural resources))~~ with respect to such acquisition or management,  
26 upon condition that such agency reimburse the department for the costs  
27 of such services.

28 **Sec. 118.** RCW 43.30.265 and 1992 c 167 s 1 are each amended to  
29 read as follows:

30 (1) The legislature finds that the department ~~((of natural~~  
31 ~~resources))~~ has a need to maintain the real property asset base it  
32 manages and needs an accounting mechanism to complete transactions  
33 without reducing the real property asset base.

34 (2) The natural resources real property replacement account is  
35 created in the state treasury. This account shall consist of funds

1 transferred or paid for the disposal or transfer of real property by  
2 the department (~~(of natural resources)~~) under RCW 79.01.009 (as  
3 recodified by this act). The funds in this account shall be used  
4 solely for the acquisition of replacement real property and may be  
5 spent only when, and as, authorized by legislative appropriation.

6 **Sec. 119.** RCW 43.30.270 and 1965 c 8 s 43.30.270 are each amended  
7 to read as follows:

8 All employees of the department (~~(of natural resources)~~) shall be  
9 governed by any merit system which is now or may hereafter be enacted  
10 by law governing such employment.

11 **Sec. 120.** RCW 43.30.280 and 1965 c 8 s 43.30.280 are each amended  
12 to read as follows:

13 A revolving fund in the custody of the state treasurer, to be known  
14 as the natural resources equipment fund, is hereby created to be  
15 expended by the department (~~(of natural resources)~~) without  
16 appropriation solely for the purchase of equipment, machinery, and  
17 supplies for the use of the department and for the payment of the costs  
18 of repair and maintenance of such equipment, machinery, and supplies.

19 **Sec. 121.** RCW 43.30.290 and 1965 c 8 s 43.30.290 are each amended  
20 to read as follows:

21 The natural resources equipment fund shall be reimbursed by the  
22 department (~~(of natural resources)~~) for all moneys expended from it.  
23 Reimbursement may be prorated over the useful life of the equipment,  
24 machinery, and supplies purchased by moneys from the fund.  
25 Reimbursement may be made from moneys appropriated or otherwise  
26 available to the department for the purchase, repair, and maintenance  
27 of equipment, machinery, and supplies and shall be prorated on the  
28 basis of relative benefit to the programs. For the purpose of making  
29 reimbursement, all existing and hereafter acquired equipment,  
30 machinery, and supplies of the department shall be deemed to have been  
31 purchased from the natural resources equipment fund.

32 **Sec. 122.** RCW 43.30.300 and 1987 c 472 s 13 are each amended to  
33 read as follows:

34 The department (~~(of natural resources)~~) is authorized:

1 (1) To construct, operate, and maintain primitive outdoor  
2 recreation and conservation facilities on lands under its jurisdiction  
3 which are of primitive character when deemed necessary by the  
4 department to achieve maximum effective development of such lands and  
5 resources consistent with the purposes for which the lands are held.  
6 This authority shall be exercised only after review by the interagency  
7 committee for outdoor recreation and determination by the committee  
8 that the department is the most appropriate agency to undertake such  
9 construction, operation, and maintenance. Such review is not required  
10 for campgrounds designated and prepared or approved by the  
11 department((~~-~~));

12 (2) To acquire right of way and develop public access to lands  
13 under the jurisdiction of the department ((~~of natural resources~~)) and  
14 suitable for public outdoor recreation and conservation purposes((~~-~~));

15 (3) To receive and expend funds from federal and state outdoor  
16 recreation funding measures for the purposes of ((~~RCW 43.30.300 and~~  
17 ~~79.08.109~~)) this section and RCW 79A.50.110.

18 **\*Sec. 123. RCW 43.30.310 and 1987 c 380 s 14 are each amended to**  
19 **read as follows:**

20 ***For the promotion of the public safety and the protection of public***  
21 ***property, the department ((~~of natural resources~~)) may, in accordance***  
22 ***with chapter 34.05 RCW, issue, ((~~promulgate,~~)) adopt, and enforce rules***  
23 ***pertaining to use by the public of state-owned lands and property which***  
24 ***are administered by the department.***

25 ***A violation of any rule adopted under this section shall constitute***  
26 ***a misdemeanor unless the department specifies by rule, when not***  
27 ***inconsistent with applicable statutes, that violation of the rule is an***  
28 ***infraction under chapter 7.84 RCW((~~:- PROVIDED, That~~)). However,***  
29 ***violation of a rule relating to traffic including parking, standing,***  
30 ***stopping, and pedestrian offenses is a traffic infraction, except that***  
31 ***violation of a rule equivalent to those provisions of Title 46 RCW set***  
32 ***forth in RCW 46.63.020 remains a misdemeanor.***

33 ***The commissioner of public lands and such ((~~of his~~)) employees as***  
34 ***((~~he~~)) the commissioner may designate shall be vested with police***  
35 ***powers when enforcing:***

36 (1) ***The rules of the department adopted under this section; or***

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

*\*Sec. 123 was vetoed. See message at end of chapter.*

4           **Sec. 124.** RCW 43.30.400 and 1992 c 63 s 10 are each amended to  
5 read as follows:

6           (1) The department (~~(of natural resources shall have)~~) has the  
7 following powers and duties in carrying out its responsibilities for  
8 the senior environmental corps created under RCW 43.63A.247:

9           (a) Appoint a representative to the coordinating council;

10           (b) Develop project proposals;

11           (c) Administer project activities within the agency;

12           (d) Develop appropriate procedures for the use of volunteers;

13           (e) Provide project orientation, technical training, safety  
14 training, equipment, and supplies to carry out project activities;

15           (f) Maintain project records and provide project reports;

16           (g) Apply for and accept grants or contributions for corps-approved  
17 projects; and

18           (h) With the approval of the council, enter into memoranda of  
19 understanding and cooperative agreements with federal, state, and local  
20 agencies to carry out corps-approved projects.

21           (2) The department shall not use corps volunteers to displace  
22 currently employed workers.

23           **Sec. 125.** RCW 43.85.130 and 1981 2nd ex.s. c 4 s 1 are each  
24 amended to read as follows:

25           (1) The department shall deposit daily all moneys and fees  
26 collected or received by the commissioner (~~(of public lands)~~) and the  
27 department (~~(of natural resources)~~) in the discharge of official duties  
28 as follows:

29           (a) The department shall pay moneys received as advance payments,  
30 deposits, and security from successful bidders under section 334 of  
31 this act and RCW ((79.01.132 and)) 79.01.204 (as recodified by this  
32 act) to the state treasurer for deposit under (~~(subsection (1))~~)(b) of  
33 this (~~(section)~~) subsection. Moneys received from unsuccessful bidders  
34 shall be returned as provided in RCW 79.01.204 (as recodified by this  
35 act);

1 (b) The department shall pay all moneys received on behalf of a  
2 trust fund or account to the state treasurer for deposit in the trust  
3 fund or account after making the deduction authorized under RCW  
4 76.12.030, 76.12.120, and 79.64.040 (as recodified by this act);

5 (c) The natural resources deposit fund is hereby created. The  
6 state treasurer is the custodian of the fund. All moneys or sums which  
7 remain in the custody of the commissioner of public lands awaiting  
8 disposition or where the final disposition is not known shall be  
9 deposited into the natural resources deposit fund. Disbursement from  
10 the fund shall be on the authorization of the commissioner or the  
11 commissioner's designee, without necessity of appropriation;

12 (d) If it is required by law that the department repay moneys  
13 disbursed under (~~subsections—(1)~~)(a) and (~~(1)~~)(b) of this  
14 (~~section~~) subsection the state treasurer shall transfer such moneys,  
15 without necessity of appropriation, to the department upon demand by  
16 the department from those trusts and accounts originally receiving the  
17 moneys.

18 (2) Money shall not be deemed to have been paid to the state upon  
19 any sale or lease of land until it has been paid to the state  
20 treasurer.

21 **REPEALED SECTIONS**

22 NEW SECTION. Sec. 126. RCW 43.30.095 (Enforcement in accordance  
23 with RCW 43.05.100 and 43.05.110) and 1995 c 403 s 625 are each  
24 repealed.

25 **RECODIFIED SECTIONS**

26 NEW SECTION. Sec. 127. RCW 43.30.310 is recodified as a section  
27 in chapter 43.12 RCW.

28 NEW SECTION. Sec. 128. A new chapter is added to Title 43 RCW.  
29 The following sections are recodified under the following subchapters:

30 (1) "General" as follows:

31 RCW 43.30.010;

32 RCW 43.30.020;

33 RCW 43.30.030; and



1 RCW 43.30.270.  
2 (2) "Organization" as follows:  
3 RCW 43.30.050; and  
4 RCW 43.30.060.  
5 (3) "Board of natural resources" as follows:  
6 RCW 43.30.040;  
7 RCW 43.30.150; and  
8 Section 113 of this act.  
9 (4) "Funds" as follows:  
10 RCW 43.30.280;  
11 RCW 43.30.290;  
12 RCW 43.85.130;  
13 RCW 43.30.360;  
14 RCW 43.30.370; and  
15 RCW 43.30.115.  
16 (5) "Duties and powers--General" as follows:  
17 RCW 43.30.130;  
18 RCW 43.30.160;  
19 RCW 43.30.170;  
20 RCW 43.30.180;  
21 RCW 43.30.355;  
22 RCW 43.30.400;  
23 RCW 43.30.410;  
24 RCW 43.30.420;  
25 RCW 43.30.210;  
26 RCW 43.30.250; and  
27 RCW 43.30.260.  
28 (6) "Duties and powers--Mining and geology" as follows:  
29 RCW 43.30.125;  
30 RCW 43.30.138;  
31 RCW 43.30.350;  
32 RCW 43.12.025;  
33 RCW 43.12.035;  
34 RCW 43.30.141; and  
35 RCW 43.30.145.  
36 (7) "Duties and powers--Forested lands" as follows:  
37 RCW 43.30.135.



1 management and protection of forests and forest and range lands as may  
2 be authorized by any act of Congress which is now, or may hereafter be,  
3 adopted for such purposes.

4 **Sec. 203.** RCW 76.01.050 and 1988 c 128 s 14 are each amended to  
5 read as follows:

6 The department (~~((of natural resources))~~) is (~~((hereby))~~) authorized to  
7 disburse such funds, together with any funds which may be appropriated  
8 or contributed from any source for such purposes, on management and  
9 protection of forests and forest and range lands.

10 **Sec. 204.** RCW 76.01.060 and 2000 c 11 s 1 are each amended to read  
11 as follows:

12 Any authorized assistants, employees, agents, appointees, or  
13 representatives of the department (~~((of natural resources))~~) may, in the  
14 course of their inspection and enforcement duties as provided for in  
15 chapters 76.04, 76.06, 76.09, (~~((76.167))~~) and 76.36 RCW, enter upon any  
16 lands, real estate, waters, or premises except the dwelling house or  
17 appurtenant buildings in this state whether public or private and  
18 remain thereon while performing such duties. Similar entry by the  
19 department (~~((of natural resources))~~) may be made for the purpose of  
20 making examinations, locations, surveys, and/or appraisals of all lands  
21 under the management and jurisdiction of the department (~~((of natural  
22 resources))~~); or for making examinations, appraisals and, after five  
23 days' written notice to the landowner, making surveys for the purpose  
24 of possible acquisition of property to provide public access to public  
25 lands. In no event other than an emergency such as fire fighting shall  
26 motor vehicles be used to cross a field customarily cultivated, without  
27 prior consent of the owner. None of the entries herein provided for  
28 shall constitute trespass, but nothing contained herein shall limit or  
29 diminish any liability which would otherwise exist as a result of the  
30 acts or omissions of (~~((said))~~) the department or its representatives.

31 **Sec. 205.** RCW 76.12.020 and 1988 c 128 s 23 are each amended to  
32 read as follows:

33 The department (~~((shall have))~~) has the power to accept gifts and  
34 bequests of money or other property, made in its own name, or made in  
35 the name of the state, to promote generally the interests of

1 reforestation or for a specific named purpose in connection with  
2 reforestation, and to acquire in the name of the state, by purchase or  
3 gift, any lands which by reason of their location, topography, or  
4 geological formation, are chiefly valuable for purpose of developing  
5 and growing timber, and to designate such lands and any lands of the  
6 same character belonging to the state as state forest lands; and may  
7 acquire by gift or purchase any lands of the same character. The  
8 department (~~shall have~~) has the power to seed, plant, and develop  
9 forests on any lands, purchased, acquired, or designated by it as state  
10 forest lands, and shall furnish such care and fire protection for such  
11 lands as it shall deem advisable. Upon approval of the board of county  
12 commissioners of the county in which (~~said~~) the land is located such  
13 gift or donation of land may be accepted subject to delinquent general  
14 taxes thereon, and upon such acceptance of such gift or donation  
15 subject to such taxes, the department shall record the deed of  
16 conveyance thereof and file with the assessor and treasurer of the  
17 county wherein such land is situated, written notice of acquisition of  
18 such land, and that all delinquent general taxes thereon, except state  
19 taxes, shall be canceled, and the county treasurer shall thereupon  
20 proceed to make such cancellation in the records of (~~his office~~) the  
21 county treasurer. Thereafter, such lands shall be held in trust,  
22 protected, managed, and administered upon, and the proceeds therefrom  
23 disposed of, under RCW 76.12.030 (as recodified by this act).

24 **Sec. 206.** RCW 76.12.030 and 1997 c 370 s 1 are each amended to  
25 read as follows:

26 If any land acquired by a county through foreclosure of tax liens,  
27 or otherwise, comes within the classification of land described in RCW  
28 76.12.020 (as recodified by this act) and can be used as state forest  
29 land and if the department deems such land necessary for the purposes  
30 of this chapter, the county shall, upon demand by the department, deed  
31 such land to the department and the land shall become a part of the  
32 state forest lands.

33 Such land shall be held in trust and administered and protected by  
34 the department in the same manner as other state forest lands. (~~Any~~  
35 ~~moneys derived from the lease of such land or from the sale of forest~~  
36 ~~products, oils, gases, coal, minerals, or fossils therefrom, shall be~~  
37 ~~distributed as follows:~~

1       ~~(1) The expense incurred by the state for administration,~~  
2 ~~reforestation, and protection, not to exceed twenty five percent, which~~  
3 ~~rate of percentage shall be determined by the board of natural~~  
4 ~~resources, shall be returned to the forest development account in the~~  
5 ~~state general fund.~~

6       ~~(2) Any balance remaining shall be paid to the county in which the~~  
7 ~~land is located to be paid, distributed, and prorated, except as~~  
8 ~~hereinafter provided, to the various funds in the same manner as~~  
9 ~~general taxes are paid and distributed during the year of payment:~~  
10 ~~PROVIDED, That any such balance remaining paid to a county with a~~  
11 ~~population of less than sixteen thousand shall first be applied to the~~  
12 ~~reduction of any indebtedness existing in the current expense fund of~~  
13 ~~such county during the year of payment.)~~

14       NEW SECTION.   **Sec. 207.** Any moneys derived from the lease of state  
15 forest lands or from the sale of valuable materials, oils, gases, coal,  
16 minerals, or fossils from those lands, must be distributed as follows:

17       (1) State forest lands acquired through RCW 76.12.030 (as  
18 recodified by this act) or by exchange for lands acquired through RCW  
19 76.12.030 (as recodified by this act):

20       (a) The expense incurred by the state for administration,  
21 reforestation, and protection, not to exceed twenty-five percent, which  
22 rate of percentage shall be determined by the board, must be returned  
23 to the forest development account in the state general fund.

24       (b) Any balance remaining must be paid to the county in which the  
25 land is located to be paid, distributed, and prorated, except as  
26 otherwise provided in this section, to the various funds in the same  
27 manner as general taxes are paid and distributed during the year of  
28 payment.

29       (c) Any balance remaining, paid to a county with a population of  
30 less than sixteen thousand, must first be applied to the reduction of  
31 any indebtedness existing in the current expense fund of the county  
32 during the year of payment.

33       (d) With regard to moneys remaining under this subsection (1),  
34 within seven working days of receipt of these moneys, the department  
35 shall certify to the state treasurer the amounts to be distributed to  
36 the counties. The state treasurer shall distribute funds to the

1 counties four times per month, with no more than ten days between each  
2 payment date.

3 (2) State forest lands acquired through RCW 76.12.020 (as  
4 recodified by this act) or by exchange for lands acquired through RCW  
5 76.12.020 (as recodified by this act), except as provided in RCW  
6 79.12.035 (as recodified by this act):

7 (a) Fifty percent shall be placed in the forest development  
8 account.

9 (b) Fifty percent shall be prorated and distributed to the state  
10 general fund, to be dedicated for the benefit of the public schools,  
11 and the county in which the land is located according to the relative  
12 proportions of tax levies of all taxing districts in the county. The  
13 portion to be distributed to the state general fund shall be based on  
14 the regular school levy rate under RCW 84.52.065 and the levy rate for  
15 any maintenance and operation special school levies. With regard to  
16 the portion to be distributed to the counties, the department shall  
17 certify to the state treasurer the amounts to be distributed within  
18 seven working days of receipt of the money. The state treasurer shall  
19 distribute funds to the counties four times per month, with no more  
20 than ten days between each payment date. The money distributed to the  
21 county must be paid, distributed, and prorated to the various other  
22 funds in the same manner as general taxes are paid and distributed  
23 during the year of payment.

24 **Sec. 208.** RCW 76.12.035 and 1959 c 87 s 1 are each amended to read  
25 as follows:

26 Whenever any forest land which shall have been acquired by any  
27 county through the foreclosure of tax liens, or otherwise, and which  
28 shall have been acquired by the federal government either from said  
29 county or from the state holding said lands in trust, and shall be  
30 available for reacquisition, the ((state)) board ((of—natural  
31 resources)) and the board of county commissioners of any such county  
32 are ((hereby)) authorized to enter into an agreement for the  
33 reacquisition of such lands as state forest lands in trust for such  
34 county. Such agreement shall provide for the price and manner of such  
35 reacquisition. The ((state)) board ((of—natural—resources)) is  
36 authorized to provide in such agreement for the advance of funds  
37 available to it for such purpose from the forest development account,

1 all or any part of the price for such reacquisition so agreed upon,  
2 which advance shall be repaid at such time and in such manner as (~~in~~  
3 ~~said agreement~~) provided in the agreement, solely from any  
4 distribution to be made to said county under the provisions of RCW  
5 76.12.030 (as recodified by this act); that the title to said lands  
6 shall be retained by the state free from any trust until the state  
7 shall have been fully reimbursed for all funds advanced in connection  
8 with such reacquisition; and that in the event of the failure of the  
9 county to repay such advance in the manner provided, the said forest  
10 lands shall be retained by the state to be administered and/or disposed  
11 of in the same manner as other state forest lands free and clear of any  
12 trust interest therein by said county. Such county shall make  
13 provisions for the reimbursement of the various funds from any moneys  
14 derived from such lands so acquired, or any other county trust forest  
15 board lands which are distributable in a like manner, for any sums  
16 withheld from funds for other areas which would have been distributed  
17 thereto from time to time but for such agreement.

18 **Sec. 209.** RCW 76.12.050 and 1973 1st ex.s. c 50 s 1 are each  
19 amended to read as follows:

20 The board of county commissioners of any county and/or the mayor  
21 and city council or city commission of any city or town and/or the  
22 board (~~of natural resources~~) shall have authority to exchange, each  
23 with the other, or with the federal forest service, the federal  
24 government or any proper agency thereof and/or with any private  
25 landowner, county land of any character, land owned by municipalities  
26 of any character, and state forest land owned by the state under the  
27 jurisdiction of the department (~~of natural resources~~), for real  
28 property of equal value for the purpose of consolidating and blocking  
29 up the respective land holdings of any county, municipality, the  
30 federal government, or the state of Washington or for the purpose of  
31 obtaining lands having commercial recreational leasing potential.

32 **Sec. 210.** RCW 76.12.060 and 1961 c 77 s 2 are each amended to read  
33 as follows:

34 The commissioner (~~of public lands~~) shall, with the advice and  
35 approval of the attorney general, execute such agreements, writings, or

1 relinquishments and certify to the governor such deeds as are necessary  
2 or proper to complete an exchange (~~as authorized by the board of~~  
3 ~~natural resources under RCW 76.12.050~~)).

4 **Sec. 211.** RCW 76.12.065 and 1961 c 77 s 3 are each amended to read  
5 as follows:

6 Lands acquired by the state of Washington as the result of any  
7 exchange (~~authorized under RCW 76.12.050~~) shall be held and  
8 administered for the benefit of the same fund and subject to the same  
9 laws as were the lands exchanged therefor.

10 **Sec. 212.** RCW 76.12.070 and 1988 c 128 s 27 are each amended to  
11 read as follows:

12 Whenever any county shall have acquired by tax foreclosure, or  
13 otherwise, lands within the classification of RCW 76.12.020 (as  
14 recodified by this act) and shall have thereafter contracted to sell  
15 such lands to bona fide purchasers before the same may have been  
16 selected as forest lands by the department, and has heretofore deeded  
17 or shall hereafter deed because of inadvertence or oversight such lands  
18 to the state or to the department to be held under RCW 76.12.030 (as  
19 recodified by this act) or any amendment thereof; the department upon  
20 being furnished with a certified copy of such contract of sale on file  
21 in such county and a certificate of the county treasurer showing said  
22 contract to be in good standing in every particular and that all due  
23 payments and taxes have been made thereon, and upon receipt of a  
24 certified copy of a resolution of the board of county commissioners of  
25 such county requesting the reconveyance to the county of such lands, is  
26 hereby authorized to reconvey such lands to such county by quitclaim  
27 deed executed by the department. Such reconveyance of lands hereafter  
28 so acquired shall be made within one year from the conveyance thereof  
29 to the state or department.

30 **Sec. 213.** RCW 76.12.072 and 1983 c 3 s 195 are each amended to  
31 read as follows:

32 Whenever the board of county commissioners of any county shall  
33 determine that state forest lands, that were acquired from such county  
34 by the state pursuant to RCW 76.12.030 (as recodified by this act) and  
35 that are under the administration of the department (~~of natural~~



1 resources)), are needed by the county for public park use in accordance  
2 with the county and the state outdoor recreation plans, the board of  
3 county commissioners may file an application with the board ((~~of~~  
4 ~~natural resources~~)) for the transfer of such state forest lands.

5 Upon the filing of an application by the board of county  
6 commissioners, the department ((~~of natural resources~~)) shall cause  
7 notice of the impending transfer to be given in the manner provided by  
8 RCW 42.30.060. If the department ((~~of natural resources~~)) determines  
9 that the proposed use is in accordance with the state outdoor  
10 recreation plan, it shall reconvey said state forest lands to the  
11 requesting county to have and to hold for so long as the state forest  
12 lands are developed, maintained, and used for the proposed public park  
13 purpose. This reconveyance may contain conditions to allow the  
14 department ((~~of natural resources~~)) to coordinate the management of any  
15 adjacent state owned lands with the proposed park activity to encourage  
16 maximum multiple use management and may reserve rights of way needed to  
17 manage other state owned lands in the area. The application shall be  
18 denied if the department ((~~of natural resources~~)) finds that the  
19 proposed use is not in accord with the state outdoor recreation plan.  
20 If the land is not, or ceases to be, used for public park purposes the  
21 land shall be conveyed back to the department ((~~of natural resources~~))  
22 upon request of the department.

23 **Sec. 214.** RCW 76.12.073 and 1969 ex.s. c 47 s 2 are each amended  
24 to read as follows:

25 The timber resources on any such state forest land transferred to  
26 the counties under RCW 76.12.072 (as recodified by this act) shall be  
27 managed by the department ((~~of natural resources~~)) to the extent that  
28 this is consistent with park purposes and meets with the approval of  
29 the board of county commissioners. Whenever the department ((~~of~~  
30 ~~natural resources~~)) does manage the timber resources of such lands, it  
31 will do so in accordance with the general statutes relative to the  
32 management of all other state forest lands.

33 **Sec. 215.** RCW 76.12.074 and 1969 ex.s. c 47 s 3 are each amended  
34 to read as follows:

35 Under provisions mutually agreeable to the board of county  
36 commissioners and the board ((~~of natural resources~~)), lands approved

1 for transfer to a county for public park purposes under the provisions  
2 of RCW 76.12.072 (as recodified by this act) shall be transferred to  
3 the county by deed.

4 **Sec. 216.** RCW 76.12.075 and 1969 ex.s. c 47 s 4 are each amended  
5 to read as follows:

6 The provisions of RCW 76.12.072 through 76.12.075 (as recodified by  
7 this act) shall be cumulative and nonexclusive and shall not repeal any  
8 other related statutory procedure established by law.

9 **Sec. 217.** RCW 76.12.090 and 2000 c 11 s 8 are each amended to read  
10 as follows:

11 For the purpose of acquiring and paying for lands for state forests  
12 and reforestation as herein provided the department may issue utility  
13 bonds of the state of Washington(~~(, in an amount not to exceed two~~  
14 ~~hundred thousand dollars in principal, during the biennium expiring~~  
15 ~~March 31, 1925, and such other amounts)) as may hereafter be authorized  
16 by the legislature. (~~Said bonds shall bear interest at not to exceed~~  
17 ~~the rate of two percent per annum which shall be payable annually.~~  
18 ~~Said bonds shall never be sold or exchanged at less than par and~~  
19 ~~accrued interest, if any, and shall mature in not less than a period~~  
20 ~~equal to the time necessary to develop a merchantable forest on the~~  
21 ~~lands exchanged for said bonds or purchased with money derived from the~~  
22 ~~sale thereof.—Said)) The bonds shall be known as state forest utility  
23 bonds. The principal or interest of (~~said~~) the bonds shall not be a  
24 general obligation of the state, but shall be payable only from the  
25 forest development account. The department may issue (~~said~~) the  
26 bonds in exchange for lands selected by it in accordance with RCW  
27 (~~76.12.020, 76.12.030, 76.12.080, 76.12.090,~~) 76.12.110(~~(, 76.12.120,~~  
28 ~~and 76.12.140)) (as recodified by this act) and this chapter, or may  
29 sell (~~said~~) the bonds in such a manner as it deems advisable, and  
30 with the proceeds purchase and acquire such lands. Any of (~~said~~) the  
31 bonds issued in exchange and payment for any particular tract of lands  
32 may be made a first and prior lien against the particular land for  
33 which they are exchanged, and upon failure to pay (~~said~~) the bonds  
34 and interest thereon according to their terms, the lien of (~~said~~) the  
35 bonds may be foreclosed by appropriate court action.~~~~~~

1       **Sec. 218.** RCW 76.12.100 and 2000 c 11 s 9 are each amended to read  
2 as follows:

3       For the purpose of acquiring, seeding, reforestation, and  
4 administering land for forests and of carrying out RCW ((~~76.12.020,~~  
5 ~~76.12.030,~~ ~~76.12.080,~~ ~~76.12.090,~~)) 76.12.110((~~,~~ ~~76.12.120,~~ and  
6 ~~76.12.140~~)) (as recodified by this act) and the provisions of this  
7 chapter, the department is authorized to issue and dispose of utility  
8 bonds of the state of Washington in an amount not to exceed one hundred  
9 thousand dollars in principal during the biennium expiring March 31,  
10 1951(~~(: PROVIDED, HOWEVER, That)~~). However, no sum in excess of one  
11 dollar per acre shall ever be paid or allowed either in cash, bonds, or  
12 otherwise, for any lands suitable for forest growth, but devoid of  
13 such, nor shall any sum in excess of three dollars per acre be paid or  
14 allowed either in cash, bonds, or otherwise, for any lands adequately  
15 restocked with young growth.

16       Any utility bonds issued under the provisions of this section may  
17 be retired from time to time, whenever there is sufficient money in the  
18 forest development account, said bonds to be retired at the discretion  
19 of the department either in the order of issuance, or by first retiring  
20 bonds with the highest rate of interest.

21       **Sec. 219.** RCW 76.12.110 and 2000 2nd sp.s. c 1 s 915 are each  
22 amended to read as follows:

23       There is created a forest development account in the state  
24 treasury. The state treasurer shall keep an account of all sums  
25 deposited therein and expended or withdrawn therefrom. Any sums placed  
26 in the forest development account shall be pledged for the purpose of  
27 paying interest and principal on the bonds issued by the department  
28 under RCW 76.12.090 and 76.12.100 (as recodified by this act) and the  
29 provisions of this chapter, and for the purchase of land for growing  
30 timber. Any bonds issued shall constitute a first and prior claim and  
31 lien against the account for the payment of principal and interest. No  
32 sums for the above purposes shall be withdrawn or paid out of the  
33 account except upon approval of the department.

34       Appropriations may be made by the legislature from the forest  
35 development account to the department for the purpose of carrying on  
36 the activities of the department on state forest lands, lands managed  
37 on a sustained yield basis as provided for in RCW 79.68.040 (as

1 recodified by this act), and for reimbursement of expenditures that  
2 have been made or may be made from the resource management cost account  
3 in the management of state forest lands. (~~For the 1999-2001 fiscal~~  
4 ~~biennium, moneys from the account shall be distributed as directed in~~  
5 ~~the omnibus appropriations act to the beneficiaries of the revenues~~  
6 ~~derived from state forest lands. Funds that accrue to the state from~~  
7 ~~such a distribution shall be deposited into the salmon recovery~~  
8 ~~account. These funds shall be used for a grant program for cities and~~  
9 ~~counties for the preservation and restoration of riparian, marine, and~~  
10 ~~estuarine areas.))~~

11 **Sec. 220.** RCW 76.12.120 and 2000 c 148 s 2 are each amended to  
12 read as follows:

13 Except as provided in RCW 76.12.125 (as recodified by this act),  
14 all land, acquired or designated by the department as state forest  
15 land, shall be forever reserved from sale, but the (~~timber and other~~  
16 ~~products~~) valuable materials thereon may be sold or the land may be  
17 leased in the same manner and for the same purposes as is authorized  
18 for state (~~granted~~) lands if the department finds such sale or lease  
19 to be in the best interests of the state and approves the terms and  
20 conditions thereof.

21 (~~Except as provided in RCW 79.12.035, all money derived from the~~  
22 ~~sale of timber or other products, or from lease, or from any other~~  
23 ~~source from the land, except where the Constitution of this state or~~  
24 ~~RCW 76.12.030 requires other disposition, shall be disposed of as~~  
25 ~~follows:~~

26 (1) ~~Fifty percent shall be placed in the forest development~~  
27 ~~account.~~

28 (2) ~~Fifty percent shall be prorated and distributed to the state~~  
29 ~~general fund, to be dedicated for the benefit of the public schools,~~  
30 ~~and the county in which the land is located according to the relative~~  
31 ~~proportions of tax levies of all taxing districts in the county. The~~  
32 ~~portion to be distributed to the state general fund shall be based on~~  
33 ~~the regular school levy rate under RCW 84.52.065 as now or hereafter~~  
34 ~~amended and the levy rate for any maintenance and operation special~~  
35 ~~school levies. With regard to the portion to be distributed to the~~  
36 ~~counties, the department shall certify to the state treasurer the~~  
37 ~~amounts to be distributed within seven working days of receipt of the~~

1 money. ~~The state treasurer shall distribute funds to the counties four~~  
2 ~~times per month, with no more than ten days between each payment date.~~  
3 ~~The money distributed to the county shall be paid, distributed, and~~  
4 ~~prorated to the various other funds in the same manner as general taxes~~  
5 ~~are paid and distributed during the year of payment.))~~

6 **Sec. 221.** RCW 76.12.125 and 2000 c 148 s 3 are each amended to  
7 read as follows:

8 (1) With the approval of the board (~~of natural resources~~), the  
9 department may directly transfer or dispose of state forest lands  
10 (~~acquired under this chapter~~) without public auction, if such lands  
11 consist of ten contiguous acres or less, or have a value of twenty-five  
12 thousand dollars or less. Such disposal may only occur in the  
13 following circumstances:

14 (a) Transfers in lieu of condemnation; and

15 (b) Transfers to resolve trespass and property ownership disputes.

16 (2) Real property to be transferred or disposed of under this  
17 section shall be transferred or disposed of only after appraisal and  
18 for at least fair market value, and only if such transaction is in the  
19 best interest of the state or affected trust.

20 (3) The proceeds from real property transferred or disposed of  
21 under this section shall be deposited into the park land trust  
22 revolving fund and be solely used to buy replacement land within the  
23 same county as the property transferred or disposed.

24 **Sec. 222.** RCW 76.12.140 and 2000 c 11 s 10 are each amended to  
25 read as follows:

26 (~~Any~~) State forest lands (~~acquired by the state under RCW~~  
27 ~~76.12.020, 76.12.030, 76.12.080, 76.12.090, 76.12.110, 76.12.120, and~~  
28 ~~76.12.140, or any amendments thereto,~~) shall be logged, protected, and  
29 cared for in such manner as to (~~insure~~) ensure natural reforestation  
30 of such lands, and to that end the department shall have power, and it  
31 shall be its duty to (~~make~~) adopt rules (~~and regulations~~), and  
32 amendments thereto, governing logging operations on such areas, and to  
33 embody in any contract for the sale of timber on such areas, such  
34 conditions as it shall deem advisable, with respect to methods of  
35 logging, disposition of slashings, and debris, and protection and  
36 promotion of new forests. All such rules (~~and regulations~~), or

1 amendments thereto, shall be adopted by the department under chapter  
2 34.05 RCW. Any violation of any such rules shall be a gross  
3 misdemeanor unless the department has specified by rule, when not  
4 inconsistent with applicable statutes, that violation of a specific  
5 rule is an infraction under chapter 7.84 RCW.

6 **Sec. 223.** RCW 76.12.155 and 1988 c 128 s 34 are each amended to  
7 read as follows:

8 The (~~commissioner of public lands~~) department shall keep in  
9 (~~his~~) its office in a permanent bound volume a record of all forest  
10 lands acquired by the state and any lands owned by the state and  
11 designated as such by the department. The record shall show the date  
12 and from whom said lands were acquired; amount and method of payment  
13 therefor; the forest within which said lands are embraced; the legal  
14 description of such lands; the amount of money expended, if any, and  
15 the date thereof, for seeding, planting, maintenance, or care for such  
16 lands; the amount, date, and source of any income derived from such  
17 land; and such other information and data as may be required by the  
18 department.

19 **Sec. 224.** RCW 76.12.180 and 1981 c 204 s 5 are each amended to  
20 read as follows:

21 The department (~~of natural resources~~) may enter into agreements  
22 with the county to:

23 (1) Identify public roads used to provide access to state forest  
24 lands in need of improvement;

25 (2) Establish a time schedule for the improvements;

26 (3) Advance payments to the county to fund the road improvements(~~(+~~  
27 ~~PROVIDED, That~~)). However, no more than fifty percent of the access  
28 road revolving fund shall be eligible for use as advance payments to  
29 counties. The department shall assess the fund on January 1st and July  
30 1st of each year to determine the amount that may be used as advance  
31 payments to counties for road improvements; and

32 (4) Determine the equitable distribution, if any, of costs of such  
33 improvements between the county and the state through negotiation of  
34 terms and conditions of any resulting repayment to the fund or funds  
35 financing the improvements.

1       **Sec. 225.** RCW 76.12.240 and 1996 c 264 s 1 are each amended to  
2 read as follows:

3       (1) The legislature finds that the state's community and technical  
4 colleges need a dedicated source of revenue to augment other sources of  
5 capital improvement funding. The intent of this section is to ensure  
6 that the forest land purchased under section 310, chapter 16, Laws of  
7 1990 1st ex. sess. and known as the community and technical college  
8 forest reserve land base, is managed in perpetuity and in the same  
9 manner as state forest lands for sustainable commercial forestry and  
10 multiple use of lands consistent with RCW 79.68.050 (as recodified by  
11 this act). These ((state)) lands will also be managed to provide an  
12 outdoor education and experience area for organized groups. The lands  
13 will provide a source of revenue for the long-term capital improvement  
14 needs of the state community and technical college system.

15       (2) There has been increasing pressure to convert forest lands  
16 within areas of the state subject to population growth. Loss of forest  
17 land in urbanizing areas reduces the production of forest products and  
18 the available supply of open space, watershed protection, habitat, and  
19 recreational opportunities. The land known as the community and  
20 technical college forest reserve land base is forever reserved from  
21 sale. However, the timber and other products on the land may be sold,  
22 or the land may be leased in the same manner and for the same purposes  
23 as authorized for state granted lands if the department finds the sale  
24 or lease to be in the best interest of this forest reserve land base  
25 and approves the terms and conditions of the sale or lease.

26       (3) The land exchange and acquisition powers provided in RCW  
27 76.12.050 (as recodified by this act) may be used by the department to  
28 reposition land within the community and technical college forest  
29 reserve land base consistent with subsection (1) of this section.

30       (4) Up to twenty-five percent of the revenue from these lands, as  
31 determined by the board ((of natural resources)), will be deposited in  
32 the forest development account to reimburse the forest development  
33 account for expenditures from the account for management of these  
34 lands.

35       (5) The community college forest reserve account, created under  
36 section 310, chapter 16, Laws of 1990 1st ex. sess., is renamed the  
37 community and technical college forest reserve account. The remainder  
38 of the revenue from these lands must be deposited in the community and

1 technical college forest reserve account. Money in the account may be  
2 appropriated by the legislature for the capital improvement needs of  
3 the state community and technical college system or to acquire  
4 additional forest reserve lands.

5 **Sec. 226.** RCW 76.16.010 and 1963 c 140 s 1 are each amended to  
6 read as follows:

7 Whenever the department (~~(of natural resources, hereinafter~~  
8 ~~referred to as the department, shall find it to be for)~~) finds that it  
9 is in the best interests of the state of Washington to acquire any  
10 property or use of a road in private ownership to afford access to  
11 state timber and other valuable material for the purpose of developing,  
12 caring for, or selling the same, the acquisition of such property, or  
13 use thereof, is hereby declared to be necessary for the public use of  
14 the state of Washington, and (~~said~~) the department is (~~hereby~~)  
15 authorized to acquire such property or the use of such roads by gift,  
16 purchase, exchange, or condemnation, and subject to all of the terms  
17 and conditions of such gift, purchase, exchange, or decree of  
18 condemnation to maintain such property or roads as part of the  
19 department's land management road system.

20 **Sec. 227.** RCW 76.16.020 and 1963 c 140 s 2 are each amended to  
21 read as follows:

22 The attorney general of the state of Washington is hereby required  
23 and authorized to condemn said property interests found to be necessary  
24 for the public purposes of the state of Washington, as provided in RCW  
25 76.16.010 (as recodified by this act), and upon being furnished with a  
26 certified copy of the resolution of the department, describing said  
27 property interests found to be necessary for the purposes set forth in  
28 RCW 76.16.010 (as recodified by this act), the attorney general shall  
29 immediately take steps to acquire said property interests by exercising  
30 the state's right of eminent domain under the provisions of chapter  
31 8.04 RCW, and in any condemnation action herein authorized, the  
32 resolution so describing the property interests found to be necessary  
33 for the purposes set forth above shall, in the absence of a showing of  
34 bad faith, arbitrary, capricious, or fraudulent action, be conclusive  
35 as to the public use and real necessity for the acquisition of said  
36 property interests for a public purpose, and said property interests



1 shall be awarded to the state without the necessity of either pleading  
2 or proving that the department was unable to agree with the owner or  
3 owners of said private property interest for its purchase. Any  
4 condemnation action herein authorized shall have precedence over all  
5 actions, except criminal actions, and shall be summarily tried and  
6 disposed of.

7 **Sec. 228.** RCW 76.16.030 and 1963 c 140 s 3 are each amended to  
8 read as follows:

9 In the event the department should determine that the property  
10 interests acquired under the authority of this chapter are no longer  
11 necessary for the purposes for which they were acquired, the department  
12 shall dispose of the same in the following manner, when in the  
13 discretion of the department it is to the best interests of the state  
14 of Washington to do so, except that property purchased with educational  
15 funds or held in trust for educational purposes shall be sold only in  
16 the same manner as are public lands of the state:

17 (1) Where the state property necessitating the acquisition of  
18 private property interests for access purposes under authority of this  
19 chapter is sold or exchanged, ~~((said))~~ the acquired property interests  
20 may be sold or exchanged as an appurtenance of ~~((said))~~ the state  
21 property when it is determined by the department that sale or exchange  
22 of ~~((said))~~ the state property and acquired property interests as one  
23 parcel is in the best interests of the state.

24 (2) If ~~((said))~~ the acquired property interests are not sold or  
25 exchanged as provided in ~~((the preceding))~~ subsection (1) of this  
26 section, the department shall notify the person or persons from whom  
27 the property interest was acquired, stating that ~~((said))~~ the property  
28 interests are to be sold, and that ~~((said))~~ the person or persons shall  
29 have the right to purchase the same at the appraised price. ~~((Said))~~  
30 The notice shall be given by registered letter or certified mail,  
31 return receipt requested, mailed to the last known address of ~~((said))~~  
32 the person or persons. If the address of ~~((said))~~ the person or  
33 persons is unknown, ~~((said))~~ the notice shall be published twice in an  
34 official newspaper of general circulation in the county where the lands  
35 or a portion thereof is located. The second notice shall be published  
36 not less than ten nor more than thirty days after the notice is first  
37 published. ~~((Said))~~ The person or persons shall have thirty days after

1 receipt of the registered letter or five days after the last date of  
2 publication, as the case may be, to notify the department, in writing,  
3 of their intent to purchase the offered property interest. The  
4 purchaser shall include with his or her notice of intention to  
5 purchase, cash payment, certified check, or money order in an amount  
6 not less than one-third of the appraised price. No instrument  
7 conveying property interests shall issue from the department until the  
8 full price of the property is received by ~~((said))~~ the department. All  
9 costs of publication required under this section shall be added to the  
10 appraised price and collected by the department upon sale of ~~((said))~~  
11 the property interests.

12 (3) If ~~((said))~~ the property interests are not sold or exchanged as  
13 provided in ~~((the preceding))~~ subsections (1) and (2) of this section,  
14 the department shall notify the owners of land abutting ~~((said))~~ the  
15 property interests in the same manner as provided in ~~((the preceding))~~  
16 subsection (2) of this section and their notice of intent to purchase  
17 shall be given in the manner and in accordance with the same time  
18 limits as are set forth in ~~((the preceding))~~ subsection (2)~~((÷~~  
19 ~~PROVIDED, That))~~ of this section. However, if more than one abutting  
20 owner gives notice of intent to purchase ~~((said))~~ the property  
21 interests, the department shall apportion them in relation to the  
22 lineal footage bordering each side of the property interests to be  
23 sold, and apportion the costs to the interested purchasers in relation  
24 thereto~~((÷—PROVIDED FURTHER, That))~~. Further, no sale is authorized  
25 by this section unless the department is satisfied that the amounts to  
26 be received from the several purchasers will equal or exceed the  
27 appraised price of the entire parcel plus any costs of publishing  
28 notices.

29 (4) If no sale or exchange is consummated as provided in  
30 subsections (1)~~((, (2) and))~~ through (3) ((hereof)) of this section,  
31 the department shall sell ~~((said))~~ the properties in the same manner as  
32 ~~((public))~~ state lands ~~((of the state of Washington))~~ are sold.

33 (5) Any disposal of property interests authorized by this chapter  
34 shall be subject to any existing rights previously granted by the  
35 department.

36 **Sec. 229.** RCW 76.16.040 and 1963 c 140 s 4 are each amended to  
37 read as follows:

1 The department in acquiring any property interests under the  
2 provisions of this chapter, either by purchase or condemnation, is  
3 hereby authorized to pay for the same out of any moneys available to  
4 the department (~~(of natural resources)~~) for this purpose.

5 **Sec. 230.** RCW 76.20.010 and 1975 c 10 s 1 are each amended to read  
6 as follows:

7 The department (~~(of natural resources)~~) may issue licenses to  
8 residents of this state to enter upon lands under the administration or  
9 jurisdiction of the department (~~(of natural resources)~~) for the purpose  
10 of removing therefrom, standing or downed timber which is unfit for any  
11 purpose except to be used as firewood.

12 **Sec. 231.** RCW 76.20.020 and 1945 c 97 s 2 are each amended to read  
13 as follows:

14 In addition to other matters which may be required to be contained  
15 in the application for a license under this chapter the applicant must  
16 certify that the wood so removed is to be only for ~~((his))~~ the  
17 applicant's own personal use and in his or her own home and that ~~((he))~~  
18 the applicant will not dispose of it to any other person.

19 **Sec. 232.** RCW 76.20.030 and 1975 c 10 s 2 are each amended to read  
20 as follows:

21 The application may be made to the department (~~(of natural~~  
22 ~~resources)~~), and if deemed proper, the license may be issued upon the  
23 payment of two dollars and fifty cents which shall be paid into the  
24 treasury of the state by the officer collecting the same and placed in  
25 the resource management cost account or forest development account, as  
26 applicable; the license shall be dated as of the date of issuance and  
27 authorize the holder thereof to remove between the dates so specified  
28 not more than six cords of wood not fit for any use but as firewood for  
29 the use of ~~((himself and))~~ the applicant and his or her family from the  
30 premises described in the license under such ~~((regulations))~~ rules as  
31 the department (~~(of natural resources)~~) may ~~((prescribe))~~ adopt.

32 **Sec. 233.** RCW 76.20.035 and 1975 c 10 s 3 are each amended to read  
33 as follows:

34 Whenever the department (~~(of natural resources)~~) determines that it

1 is in the best interest of the state and there will be a benefit to the  
2 lands involved or a state program affecting such lands it may designate  
3 specific areas and authorize the general public to enter upon lands  
4 under its jurisdiction for the purposes of cutting and removing  
5 standing or downed timber for use as firewood for the personal use of  
6 the person so cutting and removing without a charge under such terms  
7 and conditions as it may require.

8 **Sec. 234.** RCW 76.20.040 and 1945 c 97 s 4 are each amended to read  
9 as follows:

10 Any false statement made in the application or any violation of the  
11 provisions of (~~this chapter~~) RCW 76.20.010 through 76.20.035 (as  
12 recodified by this act) shall constitute a gross misdemeanor and be  
13 punishable as such.

14 **REPEALED SECTIONS**

15 NEW SECTION. **Sec. 235.** The following acts or parts of acts are  
16 each repealed:

- 17 (1) RCW 76.01.020 (Sale of other than state forest lands--  
18 Procedure) and 1955 c 121 s 2;
- 19 (2) RCW 76.01.030 (Sale of other than state forest lands--  
20 Disposition of revenue) and 1955 c 121 s 3;
- 21 (3) RCW 76.12.015 ("Department" defined) and 1988 c 128 s 22; and
- 22 (4) RCW 76.12.033 (Remaining moneys--Certification--Distribution)  
23 and 1998 c 71 s 1.

24 **RECODIFIED SECTIONS**

25 NEW SECTION. **Sec. 236.** RCW 76.01.040 and 76.01.050 are each  
26 recodified as sections in a new chapter in Title 43 RCW, created in  
27 section 128 of this act, under the subchapter heading "Funds."

28 NEW SECTION. **Sec. 237.** RCW 76.01.060 is recodified as a section  
29 in a new chapter in Title 43 RCW, created in section 128 of this act,  
30 under the subchapter heading "Duties and powers--General."

1        NEW SECTION.    **Sec. 238.**    RCW 76.12.160 and 76.12.170 are each  
2        recodified as sections in a new chapter in Title 43 RCW, created in  
3        section 128 of this act, under the subchapter heading "Duties and  
4        powers--Forested lands."

5        NEW SECTION.    **Sec. 239.**    RCW 76.12.205, 76.12.210, 76.12.220, and  
6        76.12.230 are each recodified as sections in a new chapter in Title 43  
7        RCW, created in section 128 of this act, under the subchapter heading  
8        "Olympic natural resources center."

9        NEW SECTION.    **Sec. 240.**    RCW 76.12.240 is recodified as a section  
10       in a new chapter added to Title 79 RCW, created in section 554 of this  
11       act, under the subchapter heading "Other trust/grant/forest reserve  
12       lands."

13       NEW SECTION.    **Sec. 241.**    RCW 76.12.040 and 76.12.045 are each  
14       recodified as sections in a new chapter added to Title 79 RCW, created  
15       in section 555 of this act, under the subchapter heading "General  
16       provisions."

17       NEW SECTION.    **Sec. 242.**    RCW 76.01.010 is recodified as a section  
18       in a new chapter added to Title 79 RCW, created in section 556 of this  
19       act, under the subchapter heading "Sale procedures."

20       NEW SECTION.    **Sec. 243.**    RCW 76.20.010, 76.20.020, 76.20.030,  
21       76.20.035, and 76.20.040 are each recodified as sections in a new  
22       chapter added to Title 79 RCW, created in section 559 of this act,  
23       under the subchapter heading "Firewood."

24       NEW SECTION.    **Sec. 244.**    RCW 76.12.050, 76.12.060, and 76.12.065  
25       are each recodified as sections in a new chapter added to Title 79 RCW,  
26       created in section 560 of this act, under the subchapter heading  
27       "Exchanges."

28       NEW SECTION.    **Sec. 245.**    RCW 76.12.020, 76.12.080, 76.12.155,  
29       76.12.030, 76.12.120, 76.12.125, 76.12.140, 76.12.090, 76.12.100,  
30       76.12.035, 76.12.070, and 76.12.067 are each recodified as sections in

1 a new chapter added to Title 79 RCW, entitled "Acquisition, management,  
2 and disposition of state forest lands," created in section 562 of this  
3 act, under the subchapter heading "General provisions."

4 NEW SECTION. **Sec. 246.** RCW 76.12.072, 76.12.073, 76.12.074, and  
5 76.12.075 are each recodified as sections in a new chapter added to  
6 Title 79 RCW, entitled "Acquisition, management, and disposition of  
7 state forest lands," created in section 562 of this act, under the  
8 subchapter heading "Transfers of state forest lands for public park  
9 purposes."

10 NEW SECTION. **Sec. 247.** RCW 76.16.010, 76.16.020, 76.16.030, and  
11 76.16.040 are each recodified as sections in chapter 79.36 RCW, under  
12 the subchapter heading "Acquisition."

13 NEW SECTION. **Sec. 248.** RCW 76.12.180 is recodified as a section  
14 in chapter 79.38 RCW.

15 NEW SECTION. **Sec. 249.** (1) RCW 76.12.110 is recodified as a  
16 section in chapter 79.64 RCW under the subchapter heading "State forest  
17 lands."

18 (2) Section 207 of this act is added to chapter 79.64 RCW under the  
19 subchapter heading "State forest lands."

20 **PART 3**  
21 **TITLE 79**  
22 **AMENDMENTS**

23 **Sec. 301.** RCW 79.01.004 and 1927 c 255 s 1 are each amended to  
24 read as follows:

25 The definitions in this section apply throughout this title unless  
26 the context clearly requires otherwise.

27 (1) "Aquatic lands" means all state-owned tidelands, shorelands,  
28 harbor areas, and the beds of navigable waters as defined in chapter  
29 79.90 RCW that are managed by the department.

30 (2) "Board" means the board of natural resources.

31 (3) "Commissioner" means the commissioner of public lands.

1 (4) "Community and technical college forest reserve lands" means  
2 lands managed under RCW 76.12.240 (as recodified by this act).

3 (5) "Department" means the department of natural resources.

4 (6) "Improvements," when referring to state lands, means anything  
5 considered a fixture in law placed upon or attached to such lands that  
6 has changed the value of the lands or any changes in the previous  
7 condition of the fixtures that changes the value of the lands.

8 (7) "Land bank lands" means lands acquired under RCW 79.66.020 (as  
9 recodified by this act).

10 (8) "Person" means an individual, partnership, corporation,  
11 association, organization, cooperative, public or municipal  
12 corporation, or agency of a federal, state, or local governmental unit,  
13 however designated.

14 (9) "Public lands" means lands of the state of Washington ((are))  
15 and includes lands belonging to or held in trust by the state, which  
16 are not devoted to or reserved for a particular use by law((, and)).  
17 They include state lands, tidelands, shorelands, and harbor areas as  
18 ((hereinafter)) defined in chapter 79.90 RCW, and the beds of navigable  
19 waters belonging to the state.

20 ((Whenever used in this chapter the term)) (10) "State forest  
21 lands" means lands acquired under RCW 76.12.020, 76.12.030, and  
22 76.12.080 (as recodified by this act).

23 (11) "State lands" ((shall mean and)) includes:

24 (a) School lands, that is, lands held in trust for the support of  
25 the common schools;

26 (b) University lands, that is, lands held in trust for university  
27 purposes;

28 (c) Agricultural college lands, that is, lands held in trust for  
29 the use and support of agricultural colleges;

30 (d) Scientific school lands, that is, lands held in trust for the  
31 establishment and maintenance of a scientific school;

32 (e) Normal school lands, that is, lands held in trust for state  
33 normal schools;

34 (f) Capitol building lands, that is, lands held in trust for the  
35 purpose of erecting public buildings at the state capital for  
36 legislative, executive, and judicial purposes;

37 (g) Institutional lands, that is, lands held in trust for state  
38 charitable, educational, penal, and reformatory institutions; and

1        (h) All public lands of the state, except tidelands, shorelands,  
2 harbor areas, and the beds of navigable waters.

3        (12) "Valuable materials," when referring to state lands or state  
4 forest lands, means any product or material on the lands, such as  
5 forest products, forage or agricultural crops, stone, gravel, sand,  
6 peat, and all other materials of value except mineral, coal, petroleum,  
7 and gas as provided for under chapter 79.14 RCW.

8        NEW SECTION. Sec. 302. (1) The board or the commissioner has the  
9 power to compel through subpoena the attendance of witnesses and  
10 production of records for:

11        (a) Hearings pertaining to public lands as provided by this title;

12        (b) Determining the value and character of land, valuable  
13 materials, or improvements; and

14        (c) Determining waste or damage to the land.

15        (2) A subpoena may be served by any person authorized by law to  
16 serve process.

17        (3) Each witness subpoenaed is allowed the same fees and mileage as  
18 paid witnesses in courts of records in this state. The department  
19 shall pay these fees and mileage from its general fund appropriation.

20        (4) Any witness failing to comply with a subpoena, without legal  
21 excuse, is considered in contempt.

22        (a) The board or commissioner shall certify the facts to the court  
23 of the county in which the witness resides for contempt of court  
24 proceedings as provided in chapter 7.21 RCW.

25        (b) The certificate of the board or commissioner must be considered  
26 by the court as prima facie evidence of the guilt of the witness.

27        (c) Upon legal proof of the facts, the witness is subject to the  
28 same penalties as provided in like cases for contempt of court.

29        **Sec. 303.** RCW 79.01.007 and 1991 c 204 s 5 are each amended to  
30 read as follows:

31        Where (~~C.E.P. & R.I.~~) charitable, educational, penal, and  
32 reformatory institutions land has the potential for lease for  
33 commercial, industrial, or residential uses or other uses with the  
34 potential for high economic return and is within urban or suburban  
35 areas, the department (~~of natural resources~~) shall make every effort  
36 consistent with trust land management principles and all other



1 provisions of law to lease the lands for such purposes, unless the land  
2 is subject to a lease to a state agency operating an existing state  
3 institution. The department (~~(of natural resources)~~) is authorized,  
4 subject to approval by the board (~~(of natural resources)~~) and only if  
5 a higher return can be realized, to exchange such lands for lands of at  
6 least equal value and to sell such lands and use the proceeds to  
7 acquire replacement lands. The department shall report to the  
8 appropriate legislative committees all (~~(C.E.P. & R.I.)~~) charitable,  
9 educational, penal, and reformatory institutions land purchased, sold,  
10 or exchanged. Income from the leases shall be deposited in the  
11 charitable, educational, penal, and reformatory institutions account.  
12 The legislature shall give priority consideration to appropriating one-  
13 half of the money derived from lease income to providing community  
14 housing for persons who are mentally ill, developmentally disabled, or  
15 youth who are blind, deaf, or otherwise disabled.

16 **Sec. 304.** RCW 79.01.052 and 1988 c 128 s 51 are each amended to  
17 read as follows:

18 (1) The board (~~(of natural resources)~~) shall keep its records in  
19 the office of the commissioner (~~(of public lands)~~), and shall keep a  
20 full and complete record of its proceedings relating to the appraisal  
21 of lands granted for educational purposes(~~(, and)~~).

22 (2) Records for all forest lands acquired by the state and any  
23 lands owned by the state and designated as such by the department must  
24 be maintained by the department as provided in RCW 76.12.155 (as  
25 recodified by this act).

26 (3) The board shall have the power, from time to time, to make and  
27 enforce rules (~~(and regulations)~~) for (~~(the)~~) carrying out (~~(of)~~) the  
28 provisions of this (~~(chapter)~~) title relating to its duties not  
29 inconsistent with law.

30 **Sec. 305.** RCW 79.01.056 and 1927 c 255 s 14 are each amended to  
31 read as follows:

32 The commissioner (~~(of public lands)~~) shall have the power to  
33 appoint an assistant, who shall be deputy commissioner of public lands  
34 with power to perform any act or duty relating to the office of the  
35 commissioner, and, in case of vacancy by death or resignation of the  
36 commissioner, shall perform the duties of the office until the vacancy

1 is filled, and shall act as chief clerk in the office of the  
2 commissioner (~~(of public lands)~~), and, before (~~(entering upon his)~~)  
3 performing any duties, shall take, subscribe, and file in the office of  
4 the secretary of state the oath of office required by law of state  
5 officers.

6 **Sec. 306.** RCW 79.01.060 and 1927 c 255 s 15 are each amended to  
7 read as follows:

8 The commissioner (~~(of public lands)~~) shall have the power to  
9 appoint an auditor and cashier(~~(, and an assistant auditor and cashier,~~  
10 ~~and to appoint and employ such number of state land inspectors, who~~  
11 ~~shall be citizens of the state of Washington familiar with the work of~~  
12 ~~inspecting and appraising lands,)~~) and such number of (~~(engineers,~~  
13 ~~draftsmen, clerks and)~~) other assistants, as (~~(he may)~~) the  
14 commissioner deems necessary for the performance of the duties of  
15 (~~(his)~~) the office.

16 **Sec. 307.** RCW 79.01.064 and 1927 c 255 s 16 are each amended to  
17 read as follows:

18 The commissioner (~~(of public lands)~~) and (~~(his appointees)~~) those  
19 appointed by the commissioner shall enter into good and sufficient  
20 surety company bonds as required by law, in the following sums:  
21 Commissioner (~~(of public lands)~~), fifty thousand dollars; (~~(auditor and~~  
22 ~~cashier, twenty thousand dollars; assistant auditor and cashier, ten~~  
23 ~~thousand dollars; each state land inspector, five thousand dollars;)~~)  
24 and other appointees in such sum as may be fixed in the manner provided  
25 by law.

26 **Sec. 308.** RCW 79.01.080 and 1927 c 255 s 20 are each amended to  
27 read as follows:

28 In case any person interested in any tract of land heretofore  
29 selected by the territory of Washington or any officer, board, or agent  
30 thereof or by the state of Washington or any officer, board, or agent  
31 thereof or which may be hereafter selected by the state of Washington  
32 or the (~~(commissioner of public lands)~~) department, in pursuance to any  
33 grant of public lands made by the United States to the territory or  
34 state of Washington for any purpose or upon any trust whatever, the  
35 selection of which has failed or been rejected or shall fail or shall

1 be rejected for any reason, shall request it, the (~~commissioner of~~  
2 ~~public lands~~) department shall have the authority and power on behalf  
3 of the state to relinquish to the United States such tract of land.

4 **Sec. 309.** RCW 79.01.082 and 2001 c 250 s 10 are each amended to  
5 read as follows:

6 For the purposes of this (~~title~~) chapter, "appraisal" means an  
7 estimate of the market value of land or valuable materials. The  
8 estimate must reflect the value based on market conditions at the time  
9 of the sale or transfer offering. The appraisal must reflect the  
10 department's (~~of natural resources~~) best effort to establish a  
11 reasonable market value for the purpose of setting a minimum bid at  
12 auction or transfer. A purchaser of state lands or valuable materials  
13 may not rely upon the appraisal prepared by the department (~~of natural~~  
14 ~~resources~~) for purposes of deciding whether to make a purchase from  
15 the department. All purchasers are required to make their own  
16 independent appraisals.

17 **Sec. 310.** RCW 79.01.084 and 2001 c 250 s 1 are each amended to  
18 read as follows:

19 The (~~commissioner of public lands~~) department shall cause to be  
20 prepared, and furnish to applicants, blank forms of applications for  
21 the appraisal, transfer, and purchase of any state lands and the  
22 purchase of valuable materials situated thereon, and for the lease of  
23 state lands. These forms shall contain instructions to inform and aid  
24 applicants.

25 **Sec. 311.** RCW 79.01.088 and 1982 1st ex.s. c 21 s 151 are each  
26 amended to read as follows:

27 Any person desiring to purchase any state lands (~~, or to purchase~~  
28 ~~any timber, fallen timber, stone, gravel, or other valuable materials~~  
29 ~~situated on state lands, or to lease any state lands,~~) shall file (~~in~~  
30 ~~the office of the commissioner of public lands~~) an application (~~,~~) on  
31 the (~~proper~~) forms (~~which shall be~~) provided by the department and  
32 accompanied by (~~reasonable~~) the fees (~~to be prescribed by the board~~  
33 ~~of natural resources in an amount sufficient to defray the cost of~~  
34 ~~performing or otherwise providing for the processing, review, or~~  
35 ~~inspection of the applications or activities permitted pursuant to the~~

1 ~~applications for each category of services performed. These fees shall~~  
2 ~~be credited to the resource management cost account (RMCA) fund as~~  
3 ~~established under RCW 79.64.010 in the general fund)) authorized under~~  
4 section 313 of this act.

5 NEW SECTION. Sec. 312. A person desiring to purchase valuable  
6 materials may make application to the department on forms provided by  
7 the department and accompanied by the fee provided in section 313 of  
8 this act.

9 NEW SECTION. Sec. 313. (1) Applications for the purchase or use  
10 of lands and the sale of valuable materials by the department shall be  
11 accompanied by reasonable fees to be prescribed by the board in an  
12 amount sufficient to defray the cost of performing or otherwise  
13 providing for the processing, review, or inspection of the applications  
14 or activities permitted pursuant to the applications for each category  
15 of services performed.

16 (2) Fees shall be credited to the resource management cost account  
17 fund as established under RCW 79.64.020 (as recodified by this act),  
18 the forest development account fund as established under RCW 76.12.110  
19 (as recodified by this act), or the agricultural college trust  
20 management account fund as established under RCW 79.64.090 (as  
21 recodified by this act), as applicable.

22 **Sec. 314.** RCW 79.01.092 and 1979 ex.s. c 109 s 3 are each amended  
23 to read as follows:

24 When in the judgment of the department (~~of natural resources~~),  
25 there is sufficient interest for the appraisalment and sale(~~, or the~~  
26 ~~lease, for any lawful purpose, excepting mining of valuable minerals or~~  
27 ~~coal, or extraction of petroleum or gas,~~) of state lands, the  
28 department shall cause each tract of land to be inspected as to its  
29 topography, development potential, forestry, agricultural, and grazing  
30 qualities, coal, mineral, stone, gravel, or other valuable material,  
31 the distance from any city or town, railroad, river, irrigation canal,  
32 ditch, or other waterway, and location of utilities. In case of an  
33 application to purchase land granted to the state for educational  
34 purposes, the department shall submit a report to the board (~~of~~  
35 ~~natural resources~~), which board shall fix the value per acre of each

1 lot, block, subdivision, or tract proposed to be sold in one parcel,  
2 which value shall be not less than ten dollars per acre. In case of  
3 applications to purchase state lands, other than lands granted to the  
4 state for educational purposes and capitol building lands, the  
5 department shall appraise and fix the value thereof. (~~In case of  
6 interest for the lease of state lands, for any lawful purposes other  
7 than that of mining for valuable minerals or coal, or extraction of  
8 petroleum or gas, the department shall fix the rental value thereof,  
9 and only improvements authorized in writing by the department of  
10 natural resources or consistent with the approved plan of development  
11 shall be placed on state lands under lease and these improvements shall  
12 become the property of the state at the expiration or termination of  
13 the lease unless otherwise agreed upon under the terms of the lease:  
14 PROVIDED, That these improvements may be required by the department of  
15 natural resources to be removed at the end of the lease term by the  
16 lessee at his expense. Any improvements placed upon any state lands  
17 without the written authority of the commissioner of public lands shall  
18 become the property of the state and be considered part of the land.~~)

19 NEW SECTION. **Sec. 315.** (1) Only improvements authorized in  
20 writing by the department or consistent with the approved plan of  
21 development may be placed on the state lands under lease. Improvements  
22 are subject to the following conditions:

23 (a) A minimum reasonable time must be allowed for completion of the  
24 improvements;

25 (b) Improvements become the property of the state at the expiration  
26 or termination of the lease unless otherwise agreed upon under the  
27 terms of the lease; and

28 (c) The department may require improvements to be removed at the  
29 end of the lease term at the lessee's expense.

30 (2) Any improvements placed upon any state lands without the  
31 written authority of the department become the property of the state  
32 and are considered part of the land, unless required to be removed by  
33 the lessee under subsection (1)(c) of this section.

34 NEW SECTION. **Sec. 316.** (1) When in the judgment of the department  
35 there is sufficient interest for the lease of state lands, it must  
36 inspect each tract of land as to its topography, development potential,

1 forestry, agricultural, and grazing qualities; the presence of coal,  
2 mineral, stone, gravel, or other valuable materials; the distance from  
3 any city or town, railroad, river, irrigation canal, ditch, or other  
4 waterway; and location of utilities.

5 (2) The department may survey any state lands to determine the area  
6 subject to lease.

7 (3) It is the duty of the department to prepare all reports, data,  
8 and information in its records pertaining to any proposed lease.

9 (4) The department may order that any particular application for a  
10 lease be held in abeyance pending further inspection and report by the  
11 department. Based on the further inspection and report, the department  
12 must determine whether or not, and the terms upon which, the proposed  
13 lease is consummated.

14 **Sec. 317.** RCW 79.01.093 and 1979 ex.s. c 109 s 22 are each amended  
15 to read as follows:

16 RCW 79.01.092, 79.01.096, 79.01.136, 79.01.140, 79.01.148,  
17 79.01.244, 79.01.248, 79.01.252, 79.01.256, 79.01.260, 79.01.264,  
18 79.01.268, 79.01.724, 79.12.570, 79.28.080, 79.01.242, and 79.01.277  
19 (as recodified by this act) do not apply to state tidelands,  
20 shorelands, harbor areas, and the beds of navigable waters.

21 **Sec. 318.** RCW 79.01.094 and 1988 c 128 s 54 are each amended to  
22 read as follows:

23 The department (~~(of natural resources)~~) shall exercise general  
24 supervision and control over the sale (~~(or lease)~~) for any purpose of  
25 land granted to the state for educational purposes (~~(and also over the~~  
26 ~~sale of timber, fallen timber, stone, gravel and all other valuable~~  
27 ~~materials situated thereon)~~). It shall be the duty of the department  
28 to prepare all reports, data, and information in its records pertaining  
29 to any such proposed sale (~~(or lease)~~). The department shall have  
30 power, if it deems it advisable, to order that any particular sale (~~(or~~  
31 ~~lease)~~) of such land (~~(or valuable materials)~~) be held in abeyance  
32 pending further inspection and report. The department may cause such  
33 further inspection and report of land (~~(or materials)~~) involved in any  
34 proposed sale (~~(or lease)~~) to be made and for that purpose shall have  
35 power to employ its own inspectors, cruisers, and other technical

1 assistants. Upon the basis of such further inspection and report the  
2 department shall determine whether or not, and the terms upon which,  
3 the proposed sale (~~(or lease)~~) shall be consummated.

4 NEW SECTION. Sec. 319. (1) The department shall exercise general  
5 supervision and control over the sale of valuable materials.

6 (2) The department shall maintain all reports, data, and  
7 information in its records pertaining to a proposed sale.

8 (3) The department may hold a sale in abeyance pending further  
9 inspection and report and may cause such further inspection and report.

10 (4) The department shall determine, based on subsection (2) of this  
11 section, and if necessary the information provided under subsection (3)  
12 of this section, the terms upon which the proposed sales are  
13 consummated.

14 **Sec. 320.** RCW 79.01.095 and 1969 ex.s. c 131 s 1 are each amended  
15 to read as follows:

16 Periodically at intervals to be determined by the board (~~(of~~  
17 ~~natural resources)~~), the (~~(commissioner of public lands)~~) department  
18 shall cause an economic analysis to be made of those state lands held  
19 in trust, where the nature of the trust makes maximization of the  
20 economic return to the beneficiaries of income from state lands the  
21 prime objective. The analysis shall be by specific tracts, or where  
22 such tracts are of similar economic characteristics, by groupings of  
23 such tracts.

24 The most recently made analysis shall be considered by the  
25 department (~~(of natural resources)~~) in making decisions as to whether  
26 to sell or lease state lands, standing timber or crops thereon, or  
27 minerals therein, including but not limited to oil and gas and other  
28 hydrocarbons, rocks, gravel, and sand.

29 The economic analysis shall include, but shall not be limited to  
30 the following criteria: (1) Present and potential sale value; (2)  
31 present and probable future returns on the investment of permanent  
32 state funds; (3) probable future inflationary or deflationary trends;  
33 (4) present and probable future income from leases or the sale of land  
34 products; and (5) present and probable future tax income derivable  
35 therefrom specifically including additional state, local, and other tax  
36 revenues from potential private development of land currently used

1 primarily for grazing and other similar low priority use; such private  
2 development would include, but not be limited to, development as  
3 irrigated agricultural land.

4 **Sec. 321.** RCW 79.01.096 and 1982 c 54 s 1 are each amended to read  
5 as follows:

6 (1) Not more than one hundred and sixty acres of any land granted  
7 to the state by the United States shall be offered for sale in one  
8 parcel and no university lands shall be offered for sale except by  
9 legislative directive or with the consent of the board of regents of  
10 the University of Washington.

11 (2) Any land granted to the state by the United States may be sold  
12 (~~or leased~~) for any lawful purpose in such minimum acreage as may be  
13 fixed by the department (~~of natural resources~~).

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

27 ~~State lands shall not be leased for a longer period than ten years:~~  
28 ~~PROVIDED, That such lands may be leased for the purpose of prospecting~~  
29 ~~for, developing and producing oil, gas and other hydrocarbon substances~~  
30 ~~or for the mining of coal subject to the provisions of chapter 79.14~~  
31 ~~RCW and RCW 79.01.692. Such lands may be leased for agricultural~~  
32 ~~purposes for any period not to exceed twenty five years except that~~  
33 ~~such leases which authorize tree fruit and grape production may be for~~  
34 ~~any period up to fifty five years. Such lands may be leased for public~~  
35 ~~school, college or university purposes for any period not exceeding~~  
36 ~~seventy five years. Such lands may be leased for commercial,~~  
37 ~~industrial, business, or recreational purposes for any period not~~



1 ~~exceeding fifty five years. Such lands may be leased for residential~~  
2 ~~purposes for any period not to exceed ninety nine years. If during the~~  
3 ~~term of the lease of any state lands for agricultural, grazing,~~  
4 ~~commercial, residential, business, or recreational purposes, in the~~  
5 ~~opinion of the department it is in the best interest of the state so to~~  
6 ~~do, the department may, on the application of the lessee and in~~  
7 ~~agreement with the lessee, alter and amend the terms and conditions of~~  
8 ~~such lease. The sum total of the original lease term and any extension~~  
9 ~~thereof shall not exceed the limits provided herein.))~~

10 NEW SECTION. Sec. 322. Except as otherwise provided in RCW  
11 79.01.770 (as recodified by this act), upon the application of a school  
12 district or any institution of higher education for the purchase or  
13 lease of lands granted to the state by the United States, the  
14 department may offer such land for sale or lease to such school  
15 district or institution of higher education in such acreage as it may  
16 determine, consideration being given upon application of a school  
17 district to school site criteria established by the state board of  
18 education. However, in the event the department thereafter proposes to  
19 offer such land for sale or lease at public auction, such school  
20 district or institution of higher education shall have a preference  
21 right for six months from notice of such proposal to purchase or lease  
22 such land at the appraised value determined by the board.

23 NEW SECTION. Sec. 323. (1) State lands may be leased not to  
24 exceed ten years with the following exceptions:

25 (a) The lands may be leased for agricultural purposes not to exceed  
26 twenty-five years, except:

27 (i) Leases that authorize tree fruit or grape production may be for  
28 up to fifty-five years;

29 (ii) Share crop leases may not exceed ten years;

30 (b) The lands may be leased for commercial, industrial, business,  
31 or recreational purposes not to exceed fifty-five years;

32 (c) The lands may be leased for public school, college, or  
33 university purposes not to exceed seventy-five years; and

34 (d) The lands may be leased for residential purposes not to exceed  
35 ninety-nine years.

1 (2) No lessee of state lands may remain in possession of the land  
2 after the termination or expiration of the lease without the written  
3 consent of the department.

4 (a) The department may authorize a lease extension for a specific  
5 period beyond the term of the lease for cropping improvements for the  
6 purpose of crop rotation. These improvements shall be deemed  
7 authorized improvements under section 367 of this act.

8 (b) Upon expiration of the lease term, the department may allow the  
9 lessee to continue to hold the land for a period not exceeding one year  
10 upon such rent, terms, and conditions as the department may prescribe,  
11 if the leased land is not otherwise utilized.

12 (c) Upon expiration of the one-year lease extension, the department  
13 may issue a temporary permit to the lessee upon terms and conditions it  
14 prescribes if the department has not yet determined the disposition of  
15 the land for other purposes.

16 (d) The temporary permit shall not extend beyond a five-year  
17 period.

18 (3) If during the term of the lease of any state lands for  
19 agricultural, grazing, commercial, residential, business, or  
20 recreational purposes, in the opinion of the department it is in the  
21 best interest of the state so to do, the department may, on the  
22 application of the lessee and in agreement with the lessee, alter and  
23 amend the terms and conditions of the lease. The sum total of the  
24 original lease term and any extension thereof shall not exceed the  
25 limits provided in this section.

26 **Sec. 324.** RCW 79.01.100 and 1967 ex.s. c 78 s 4 are each amended  
27 to read as follows:

28 The department (~~((of natural resources))~~) shall cause all unplatted  
29 state lands, within the limits of any incorporated city or town, or  
30 within two miles of the boundary thereof, where the valuation of such  
31 lands is found by appraisal to exceed one hundred dollars per acre,  
32 to be platted into lots and blocks, of not more than five acres in a  
33 block, before the same are offered for sale, and not more than one  
34 block shall be offered for sale in one parcel. The department (~~((of  
35 natural resources))~~) may designate or describe any such plat by name, or  
36 numeral, or as an addition to such city or town, and, upon the filing  
37 of any such plat, it shall be sufficient to describe the lands, or any

1 portion thereof, embraced in such plat, according to the designation  
2 prescribed by the department (~~(of natural resources)~~). Such plats  
3 shall be made in duplicate, and when properly authenticated by the  
4 department (~~(of natural resources)~~), one copy thereof shall be filed in  
5 the office of the department and one copy in the office of the county  
6 auditor in which the lands are situated, and (~~(said)~~) the auditor shall  
7 receive and file such plats without compensation or fees and make  
8 record thereof in the same manner as required by law for the filing and  
9 recording of other plats in (~~(his)~~) the auditor's office.

10 In selling lands subject to the provisions of Article 16, section  
11 4, of the state Constitution, the department (~~(of natural resources)~~)  
12 will be permitted to sell the land within the required land subdivision  
13 without being required to complete the construction of streets,  
14 utilities, and such similar things as may be required by any local  
15 government entity in the instance of the platting of private or other  
16 property within their area of jurisdiction(~~(:—PROVIDED, That)~~).  
17 However, no construction will be permitted on lands so sold until the  
18 purchaser or purchasers collectively comply with all of the normal  
19 requirements for platting.

20 **Sec. 325.** RCW 79.01.104 and 1959 c 257 s 7 are each amended to  
21 read as follows:

22 When, in the judgment of the (~~(commissioner of public lands)~~)  
23 department the best interest of the state will be thereby promoted, the  
24 (~~(commissioner)~~) department may vacate any plat or plats covering state  
25 lands, and vacate any street, alley, or other public place therein  
26 situated(~~(:—PROVIDED, That)~~). The vacation of any such plat shall not  
27 affect the vested rights of any person or persons theretofore acquired  
28 therein. In the exercise of (~~(the foregoing power and)~~) this authority  
29 to vacate the (~~(commissioner)~~) department shall enter an order in the  
30 records of (~~(his)~~) its office and at once forward a certified copy  
31 thereof to the county auditor of the county wherein (~~(said)~~) the  
32 platted lands are located (~~(and said)~~). The auditor shall cause the  
33 same to be recorded in the miscellaneous records of (~~(his)~~) the  
34 auditor's office and noted on the plat by reference to the volume and  
35 page of the record.

1       **Sec. 326.** RCW 79.01.108 and 1959 c 257 s 8 are each amended to  
2 read as follows:

3       Whenever all the owners and other persons having a vested interest  
4 in the lands abutting on any street, alley, or other public place, or  
5 any portion thereof, in any plat of state lands, lying outside the  
6 limits of any incorporated city or town, ~~((shall))~~ petition the  
7 ~~((commissioner of public lands therefor))~~ department, the  
8 ~~((commissioner))~~ department may vacate any such tract, alley, or public  
9 place or part thereof and in such case all such streets, alleys, or  
10 other public places or portions thereof so vacated shall be platted,  
11 appraised, and sold or leased in the manner provided for the platting,  
12 appraisal, and sale or lease of similar lands ~~((: PROVIDED, That))~~.  
13 However, where the area vacated can be determined from the plat already  
14 filed it shall not be necessary to survey such area before platting the  
15 same. The owner or owners, or other persons having a vested interest  
16 in the lands abutting on any of the lots, blocks, or other parcels  
17 platted upon the lands embraced within any area vacated as  
18 ~~((hereinabove))~~ provided in this section, shall have a preference right  
19 for the period of sixty days from the date of filing with the  
20 department such plat and the appraisal of such lots, blocks, or other  
21 parcels of land ~~((in the office of the commissioner of public lands))~~,  
22 to purchase the same at the appraised value thereof.

23       **Sec. 327.** RCW 79.01.112 and 1959 c 257 s 9 are each amended to  
24 read as follows:

25       Whenever application is made to purchase less than a section of  
26 unplatted state lands, the ~~((commissioner of public lands))~~ department  
27 may order the inspection of the entire section or sections of which the  
28 lands applied for form a part.

29       **Sec. 328.** RCW 79.01.116 and 2001 c 250 s 2 are each amended to  
30 read as follows:

31       ~~((1))~~ In no case shall any lands granted to the state be offered  
32 for sale under this chapter unless the same shall have been appraised  
33 by the board ~~((of natural resources))~~ within ninety days prior to the  
34 date fixed for the sale.

35       ~~((2) For the sale of valuable materials from state land under this~~  
36 ~~title, if the board of natural resources is required by law to appraise~~

1 the sale, the board must establish a minimum appraisal value that is  
2 valid for a period of one hundred eighty days, or a longer period as  
3 may be established by resolution. The board may reestablish the  
4 minimum appraisal value at any time. For any valuable materials sales  
5 that the board is required by law to appraise, the board may by  
6 resolution transfer this authority to the commissioner of public lands.

7 (3) Where the board of natural resources has set a minimum  
8 appraisal value for a valuable materials sale, the commissioner of  
9 public lands may set the final appraisal value of valuable materials  
10 for auction, which must be equal to or greater than the board of  
11 natural resources' minimum appraisal value. The commissioner may also  
12 appraise any valuable materials sale not required by law to be approved  
13 by the board of natural resources.))

14 NEW SECTION. Sec. 329. (1) For the sale of valuable materials  
15 under this chapter, if the board is required by law to appraise the  
16 sale, the board must establish a minimum appraisal value that is valid  
17 for a period of one hundred eighty days, or a longer period as may be  
18 established by resolution. The board may reestablish the minimum  
19 appraisal value at any time. For any valuable materials sales that the  
20 board is required by law to appraise, the board may by resolution  
21 transfer this authority to the department.

22 (2) Where the board has set a minimum appraisal value for a  
23 valuable materials sale, the department may set the final appraisal  
24 value of valuable materials for auction, which must be equal to or  
25 greater than the board's minimum appraisal value. The department may  
26 also appraise any valuable materials sale not required by law to be  
27 approved by the board.

28 **Sec. 330.** RCW 79.01.120 and 1982 1st ex.s. c 21 s 153 are each  
29 amended to read as follows:

30 The ((~~commissioner of public lands~~)) department may cause any state  
31 lands to be surveyed for the purpose of ascertaining and determining  
32 the area subject to sale ((~~or lease~~)).

33 **Sec. 331.** RCW 79.01.124 and 2001 c 250 s 3 are each amended to  
34 read as follows:

35 (1) Valuable ((~~material[s]~~)) materials situated upon state lands

1 and state forest lands may be sold separate from the land, when in the  
2 judgment of the (~~commissioner of public lands~~) department, it is for  
3 the best interest of the state so to sell the same.

4 (2) Sales of valuable materials from any university lands require:

5 (a) The consent of the board of regents of the University of  
6 Washington; or

7 (b) Legislative directive.

8 (3) When application is made for the purchase of any valuable  
9 materials, the (~~commissioner of public lands~~) department shall  
10 appraise the value of the valuable materials if the (~~commissioner~~)  
11 department determines it is in the best interest of the state to sell.  
12 No valuable materials shall be sold for less than the appraised value  
13 thereof.

14 **Sec. 332.** RCW 79.01.128 and 1999 c 257 s 1 are each amended to  
15 read as follows:

16 (1) In the management of public lands lying within the limits of  
17 any watershed over and through which is derived the water supply of any  
18 city or town, the department may alter its land management practices to  
19 provide water with qualities exceeding standards established for  
20 intrastate and interstate waters by the department of ecology(~~(+~~  
21 ~~PROVIDED, That~~)). However, if such alterations of management by the  
22 department reduce revenues from, increase costs of management of, or  
23 reduce the market value of public lands the city or town requesting  
24 such alterations shall fully compensate the department.

25 (2) The department shall initiate a pilot project for the municipal  
26 watershed delineated by the Lake Whatcom hydrographic boundaries to  
27 determine what factors need to be considered to achieve water quality  
28 standards beyond those required under chapter 90.48 RCW and what  
29 additional management actions can be taken on state trust lands that  
30 can contribute to such higher water quality standards. The department  
31 shall establish an advisory committee consisting of a representative  
32 each of the city of Bellingham, Whatcom county, the Whatcom county  
33 water district 10, the department of ecology, the department of fish  
34 and wildlife, and the department of health, and three general citizen  
35 members to assist in this pilot project. In the event of differences  
36 of opinion among the members of the advisory committee, the committee

1 shall attempt to resolve these differences through various means,  
2 including the retention of facilitation or mediation services.

3 (3) The pilot project in subsection (2) of this section shall be  
4 completed by June 30, 2000. The department shall defer all timber  
5 sales in the Lake Whatcom hydrographic boundaries until the pilot  
6 project is complete.

7 (4) Upon completion of the study, the department shall provide a  
8 report to the natural resources committee of the house of  
9 representatives and to the natural resources, parks, and recreation  
10 committee of the senate summarizing the results of the study.

11 (5) The exclusive manner, notwithstanding any provisions of the law  
12 to the contrary, for any city or town to acquire by condemnation  
13 ownership or rights in public lands for watershed purposes within the  
14 limits of any watershed over or through which is derived the water  
15 supply of any city or town shall be to petition the legislature for  
16 such authority. Nothing in (~~this section,~~) RCW 79.44.003 and this  
17 chapter (~~(79.68 RCW)~~) shall be construed to affect any existing rights  
18 held by third parties in the lands applied for.

19 NEW SECTION. Sec. 333. The board must establish procedures to  
20 protect against cedar theft and to ensure adequate notice is given for  
21 persons interested in purchasing cedar.

22 NEW SECTION. Sec. 334. (1) Valuable materials may be sold  
23 separately from the land as a "lump sum sale" or as a "scale sale."

24 (a) "Lump sum sale" means any sale offered with a single total  
25 price applying to all the material conveyed.

26 (b) "Scale sale" means any sale offered with per unit prices to be  
27 applied to the material conveyed.

28 (2) Payment for lump sum sales must be made as follows:

29 (a) Lump sum sales under five thousand dollars appraised value  
30 require full payment on the day of sale.

31 (b) Lump sum sales appraised at over five thousand dollars but  
32 under one hundred thousand dollars may require full payment on the day  
33 of sale.

34 (c) Lump sum sales requiring full payment on the day of sale may be  
35 paid in cash or by certified check, cashier's check, bank draft, or  
36 money order, all payable to the department.

1 (3) Except for sales paid in full on the day of sale or sales with  
2 adequate bid bonds, an initial deposit not to exceed twenty-five  
3 percent of the actual or projected purchase price shall be made on the  
4 day of sale.

5 (a) Sales with bid bonds are subject to the day of sale payment and  
6 replacement requirements prescribed by section 355 of this act.

7 (b) The initial deposit must be maintained until all contract  
8 obligations of the purchaser are satisfied. However, all or a portion  
9 of the initial deposit may be applied as the final payment for the  
10 valuable materials in the event the department determines that adequate  
11 security exists for the performance or fulfillment of any remaining  
12 obligations of the purchaser under the sale contract.

13 (4) Advance payments or other adequate security acceptable to the  
14 department is required for valuable materials sold on a scale sale  
15 basis or a lump sum sale not requiring full payment on the day of sale.

16 (a) The purchaser must notify the department before any operation  
17 takes place on the sale site.

18 (b) Upon notification as provided in (a) of this subsection, the  
19 department must require advanced payment or may allow purchasers to  
20 submit adequate security.

21 (c) The amount of advanced payments or security must be determined  
22 by the department and must at all times equal or exceed the value of  
23 timber cut and other valuable materials processed or removed until paid  
24 for.

25 (d) Security may be bank letters of credit, payment bonds,  
26 assignments of savings accounts, assignments of certificates of  
27 deposit, or other methods acceptable to the department as adequate  
28 security.

29 (5) All valuable material must be removed from the sale area within  
30 the period specified in the contract.

31 (a) The specified period may not exceed five years from date of  
32 purchase except for stone, sand, gravel, fill material, or building  
33 stone.

34 (b) The specified period for stone, sand, gravel, fill material, or  
35 building stone may not exceed thirty years.

36 (c) In all cases, any valuable material not removed from the land  
37 within the period specified in the contract reverts to the state.



1 (6) The department may extend a contract beyond the normal  
2 termination date specified in the sale contract as the time for removal  
3 of valuable materials when, in the department's judgment, the purchaser  
4 is acting in good faith and endeavoring to remove the materials. The  
5 extension is contingent upon payment of the fees specified below.

6 (a) The extended time for removal shall not exceed:

7 (i) Forty years from date of purchase for stone, sand, gravel, fill  
8 material, or building stone;

9 (ii) A total of ten years beyond the original termination date for  
10 all other valuable materials.

11 (b) An extension fee fixed by the department will be charged based  
12 on the estimated loss of income per acre to the state resulting from  
13 the granting of the extension plus interest on the unpaid portion of  
14 the contract. The board must periodically fix and adopt by rule the  
15 interest rate, which shall not be less than six percent per annum.

16 (c) The sale contract shall specify:

17 (i) The applicable rate of interest as fixed at the day of sale and  
18 the maximum extension payment; and

19 (ii) The method for calculating the unpaid portion of the contract  
20 upon which interest is paid.

21 (d) The minimum extension fee is fifty dollars per extension plus  
22 interest on the unpaid portion of the contract.

23 (e) Moneys received for any extension must be credited to the same  
24 fund in the state treasury as was credited the original purchase price  
25 of the valuable material sold.

26 (7) The department may, in addition to any other securities,  
27 require a performance security to guarantee compliance with all  
28 contract requirements. The security is limited to those types listed  
29 in subsection (4) of this section. The value of the performance  
30 security will, at all times, equal or exceed the value of work  
31 performed or to be performed by the purchaser.

32 (8) Any time that the department sells timber by contract that  
33 includes a performance bond, the department must require the purchaser  
34 to present proof of any and all property taxes paid prior to the  
35 release of the performance bond. Within thirty days of payment of  
36 taxes due by the timber purchaser, the county treasurer must provide  
37 certified evidence of property taxes paid, clearly disclosing the sale  
38 contract number.

1 (9) The provisions of this section apply unless otherwise provided  
2 by statute.

3 **Sec. 335.** RCW 79.01.134 and 1985 c 197 s 1 are each amended to  
4 read as follows:

5 (1) The department (~~((of natural resources))~~), upon application by  
6 any person, (~~((firm or corporation,))~~) may enter into a contract  
7 providing for the sale and removal of rock, gravel, sand, and silt  
8 located upon state lands or state forest lands, and providing for  
9 payment to be made (~~((therefor))~~) on a royalty basis.

10 (2) The issuance of a contract shall be made after public auction  
11 and (~~((such contract))~~) shall not be issued for less than the appraised  
12 value of the material.

13 (3) Each application made pursuant to this section shall:

14 (a) Set forth the estimated quantity and kind of materials desired  
15 to be removed; and (~~((shall))~~)

16 (b) Be accompanied by a map or plat showing the area from which the  
17 applicant wishes to remove such materials.

18 (4) The department (~~((of natural resources))~~) may in its discretion  
19 include in any contract (~~((entered into pursuant to this section,))~~) such  
20 terms and conditions (~~((protecting))~~) required to protect the interests  
21 of the state (~~((as it may require))~~). (~~((In each such))~~)

22 (5) Every contract (~~((the department of natural resources))~~) shall  
23 provide for a right of forfeiture by the state, upon a failure to  
24 operate under the contract or pay royalties for periods therein  
25 stipulated(~~((, and he))~~). The right of forfeiture is exercised by entry  
26 of a declaration of forfeiture in the records of the department.

27 (6) The department may require a bond with a surety company  
28 authorized to transact a surety business in this state, as surety, to  
29 secure the performance of the terms and conditions of such contract  
30 including the payment of royalties. (~~((The right of forfeiture shall be~~  
31 ~~exercised by entry of a declaration of forfeiture in the records of the~~  
32 ~~department of natural resources.))~~)

33 (7) The amount of rock, gravel, sand, or silt taken under the  
34 contract shall be reported monthly by the purchaser to the department  
35 (~~((of natural resources))~~) and payment therefor made on the basis of the  
36 royalty provided in the contract.

1       (8) The department (~~(of natural resources)~~) may inspect and audit  
2 books, contracts, and accounts of each person removing rock, gravel,  
3 sand, or silt pursuant to any such contract and make such other  
4 investigation and secure or receive any other evidence necessary to  
5 determine whether or not the state is being paid the full amount  
6 payable to it for the removal of such materials.

7       **Sec. 336.** RCW 79.01.136 and 1979 ex.s. c 109 s 5 are each amended  
8 to read as follows:

9       Before any state lands are offered for sale, (~~(or lease, or are~~  
10 ~~assigned,)~~) the department (~~(of natural resources)~~) may establish the  
11 fair market value of those authorized improvements not owned by the  
12 state. (~~(In the event that agreement cannot be reached between the~~  
13 ~~state and the lessee on the fair market value, such valuation shall be~~  
14 ~~submitted to a review board of appraisers. The board shall be as~~  
15 ~~follows: One member to be selected by the lessee and his expense shall~~  
16 ~~be borne by the lessee; one member selected by the state and his~~  
17 ~~expense shall be borne by the state; these members so selected shall~~  
18 ~~mutually select a third member and his expenses shall be shared equally~~  
19 ~~by the lessee and the state. The majority decision of this appraisal~~  
20 ~~review board shall be binding on both parties. For this purpose "fair~~  
21 ~~market value" is defined as: The highest price in terms of money which~~  
22 ~~a property will bring in a competitive and open market under all~~  
23 ~~conditions of a fair sale, the buyer and seller, each prudently~~  
24 ~~knowledgeable and assuming the price is not affected by undue stimulus.~~  
25 ~~All damages and wastes committed upon such lands and other obligations~~  
26 ~~due from the lessee shall be deducted from the appraised value of the~~  
27 ~~improvements: PROVIDED, That the department of natural resources on~~  
28 ~~behalf of the respective trust may purchase at fair market value those~~  
29 ~~improvements if it appears to be in the best interest of the state from~~  
30 ~~the RMCA of the general fund.))~~

31       NEW SECTION. **Sec. 337.** Before any state lands are offered for  
32 lease, or are assigned, the department may establish the fair market  
33 value of those authorized improvements not owned by the state. In the  
34 event that agreement cannot be reached between the state and the lessee  
35 on the fair market value, such valuation shall be submitted to a review  
36 board of appraisers. The board is comprised of the following members:

1 One member to be selected by the lessee and that person's expenses  
2 shall be borne by the lessee; one member selected by the state and that  
3 person's expenses shall be borne by the state; these members so  
4 selected shall mutually select a third member and that person's  
5 expenses shall be shared equally by the lessee and the state. The  
6 majority decision of this appraisal review board shall be binding on  
7 both parties. For this purpose, "fair market value" is defined as:  
8 The highest price in terms of money that a property will bring in a  
9 competitive and open market under all conditions of a fair sale, the  
10 buyer and seller, each prudently knowledgeable and assuming the price  
11 is not affected by undue stimulus. All damages and wastes committed  
12 upon such lands and other obligations due from the lessee shall be  
13 deducted from the appraised value of the improvements. However, the  
14 department on behalf of the respective trust may purchase at fair  
15 market value those improvements if it appears to be in the best  
16 interest of the state from the resource management cost account created  
17 in RCW 79.64.020 (as recodified by this act).

18 **Sec. 338.** RCW 79.01.148 and 1979 ex.s. c 109 s 7 are each amended  
19 to read as follows:

20 (~~If the~~) A purchaser of state lands (~~be~~) who is not the owner  
21 of the authorized improvements thereon(~~, he~~) shall deposit with the  
22 auctioneer making the sale, at the time of the sale, the appraised  
23 value of such improvements(~~, and~~). The (~~commissioner~~) department  
24 shall pay to the owner of (~~said~~) the improvements the sum (~~so~~)  
25 deposited(~~: PROVIDED, That~~). However, when the improvements are  
26 owned by the state in accordance with the provisions of this chapter or  
27 have been acquired by the state by escheat or operation of law, the  
28 purchaser may(~~, in case of sale,~~) pay for such improvements in equal  
29 annual installments at the same time, and with the same rate of  
30 interest (~~on deferred payments~~), as the installments of the purchase  
31 price of the land are paid, and under such rules (~~and regulations~~)  
32 regarding use and care of (~~said~~) the improvements as may be fixed by  
33 the (~~commissioner of public lands~~) department.

34 **Sec. 339.** RCW 79.01.160 and 2001 c 250 s 5 are each amended to  
35 read as follows:

36 All sales of valuable materials upon state lands and state forest

1 lands shall be made subject to the right, power, and authority of the  
2 (~~commissioner of public lands~~) department to prescribe rules or  
3 procedures governing the manner of the sale and removal of the valuable  
4 materials. Such procedures shall be binding when contained within a  
5 purchaser's contract for valuable materials and apply to the  
6 purchaser's successors in interest and shall be enforced by the  
7 (~~commissioner of public lands~~) department.

8 **Sec. 340.** RCW 79.01.164 and 1959 c 257 s 16 are each amended to  
9 read as follows:

10 When the merchantable timber has been sold and actually removed  
11 from any state lands, the (~~commissioner of public lands~~) department  
12 may classify the land, and may reserve from any future sale such  
13 portions thereof as may be found suitable for reforestation, and in  
14 such case, (~~the commissioner~~) shall enter such reservation in (~~the~~)  
15 its records (~~in his office, and~~). All (~~such~~) lands (~~so~~) reserved  
16 shall not (~~thereafter~~) be subject to sale or lease. The commissioner  
17 (~~of public lands~~) shall certify all such reservations for  
18 reforestation so made, to the board (~~of natural resources, and~~). It  
19 shall be the duty of the department (~~of natural resources,~~)  
20 to protect such lands, and the remaining timber thereon, from fire and to  
21 reforest the same.

22 **Sec. 341.** RCW 79.01.168 and 1961 c 73 s 2 are each amended to read  
23 as follows:

24 The (~~commissioner of public lands~~) department may cause valuable  
25 materials on state lands and state forest lands to be inspected and  
26 appraised and offered for sale when authorized by the board (~~of~~  
27 ~~natural resources~~) without an application having been filed, or  
28 deposit made, for the purchase of the same.

29 **Sec. 342.** RCW 79.01.172 and 1927 c 255 s 43 are each amended to  
30 read as follows:

31 Whenever the state of Washington shall become the owner of any  
32 growing crop, or crop grown upon, any state lands, by reason of the  
33 forfeiture, cancellation, or termination of any contract or lease of  
34 state lands, or from any other cause, the (~~commissioner of public~~  
35 ~~lands~~) department is authorized to arrange for the harvesting, sale,

1 or other disposition of such crop in such manner as ((he)) the  
2 department deems for the best interest of the state, and shall pay the  
3 proceeds of any such sale into the state treasury to be credited to the  
4 same fund as the rental of the lands upon which the crop was grown  
5 would be credited.

6 **Sec. 343.** RCW 79.01.176 and 1982 1st ex.s. c 21 s 155 are each  
7 amended to read as follows:

8 (1) Any county, city, or town ((desiring)) may file with the  
9 department an application to purchase any stone, rock, gravel, or sand  
10 upon any state lands or state forest lands to be used in the  
11 construction, maintenance, or repair of any public street, road, or  
12 highway within such county, city, or town((, may file with the  
13 ~~commissioner of public lands an application for the purchase thereof,~~  
14 ~~which)).~~

15 (2) Applications shall set forth the quantity and kind of material  
16 desired to be purchased, the location thereof, and the name, or other  
17 designation, and location of the street, road, or highway upon which  
18 the material is to be used.

19 (3) The ((~~commissioner of public lands upon the receipt of such an~~  
20 ~~application~~)) department is authorized to appraise and sell ((said))  
21 the material in such a manner and upon such terms as ((he)) the  
22 department deems advisable ((~~and for the best interest of the state~~))  
23 for not less than the fair market value thereof ((~~to be appraised by~~  
24 ~~the commissioner of public lands~~)).

25 (4) The proceeds of any such sale shall be paid into the state  
26 treasury and credited to the fund to which the proceeds of the sale of  
27 the land upon which the material is situated would belong.

28 **Sec. 344.** RCW 79.01.184 and 2001 c 250 s 6 are each amended to  
29 read as follows:

30 When the department ((~~of natural resources shall have decided~~))  
31 decides to sell any state lands ((~~or valuable materials thereon~~)), or  
32 with the consent of the board of regents of the University of  
33 Washington, or by legislative directive, ((~~shall have decided~~)) decides  
34 to sell any lot, block, tract, or tracts of university lands, ((~~or the~~  
35 ~~valuable materials thereon,~~)) it ((~~shall be~~)) is the duty of the

1 department to fix the date, place, and time of sale(~~(, and no sale~~  
2 ~~shall be had on any day which is a legal holiday)~~).

3 ~~((The department shall give notice of the sale by advertisement~~  
4 ~~published not less than two times during a four week period prior to~~  
5 ~~the time of sale in at least one newspaper of general circulation in~~  
6 ~~the county in which the whole, or any part of any lot, block, or tract~~  
7 ~~of land to be sold, or the material upon which is to be sold is~~  
8 ~~situated, and by posting a copy of the notice in a conspicuous place in~~  
9 ~~the department's Olympia office, the region headquarters administering~~  
10 ~~such sale, and in the office of the county auditor of such county. The~~  
11 ~~notice shall specify the place, date, and time of sale, the appraised~~  
12 ~~value thereof, and describe with particularity each parcel of land to~~  
13 ~~be sold, or from which valuable materials are to be sold. In the case~~  
14 ~~of valuable materials sales, the estimated volume will be identified~~  
15 ~~and the terms of sale will be available in the region headquarters and~~  
16 ~~the department's Olympia office.~~

17 ~~The advertisement is for informational purposes only, and under no~~  
18 ~~circumstances does the information in the notice of sale constitute a~~  
19 ~~warranty that the purchaser will receive the stated values, volumes, or~~  
20 ~~acreage. All purchasers are expected to make their own measurements,~~  
21 ~~evaluations, and appraisals.~~

22 ~~A direct sale of valuable materials may be sold to the applicant~~  
23 ~~for cash at full appraised value without notice or advertising. The~~  
24 ~~board of natural resources shall, by resolution, establish the value~~  
25 ~~amount of a direct sale not to exceed twenty thousand dollars in~~  
26 ~~appraised sale value, and establish procedures to ensure that~~  
27 ~~competitive market prices and accountability will be guaranteed.))~~

28 (1) No sale may be conducted on any day that is a legal holiday.

29 (2) Sales must be held between the hours of 10:00 a.m. and 4:00  
30 p.m. If all sales cannot be offered within this time period, the sale  
31 must continue on the following day between the hours of 10:00 a.m. and  
32 4:00 p.m.

33 (3) Sales must take place:

34 (a) At the department's regional office administering the  
35 respective sale; or

36 (b) On county property designated by the board of county  
37 commissioners or county legislative authority of the county in which  
38 the whole or majority of state lands are situated.





1 ~~of public lands~~) department may seek additional means of publishing  
2 the information in the pamphlet, such as on the internet, to increase  
3 the number of prospective buyers.

4 NEW SECTION. Sec. 347. (1) Sales, other than direct sales,  
5 appraised at an amount not exceeding one hundred thousand dollars, when  
6 authorized by the board for sale, shall be advertised by publishing not  
7 less than ten days prior to sale a notice of such sale in a newspaper  
8 of general circulation located nearest to the property from which the  
9 valuable material is to be sold.

10 (2) All other proposed sales of valuable materials must be  
11 advertised through individual notice of sale and publication of a  
12 statewide list of sales.

13 (a) The notice of sale:

14 (i) Must specify the place, date, and time of sale, the appraised  
15 value thereof, and describe with particularity each parcel of land from  
16 which valuable materials are to be sold. The estimated volume will be  
17 identified and the terms of sale will be available in the region  
18 headquarters and the department's Olympia office;

19 (ii) May prescribe that the bid deposit required in section 355 of  
20 this act be considered an opening bid;

21 (iii) Must be published not less than two times during a four-week  
22 period prior to the time of sale in at least one newspaper of general  
23 circulation where the material is located; and

24 (iv) Must be posted in a conspicuous place in the department's  
25 Olympia office and in the region headquarters administering the sale,  
26 and in the office of the county auditor of the county where the  
27 material is located.

28 (b) The department shall print a list of all valuable material on  
29 public lands that are to be sold. The list should be organized by  
30 county and by alphabetical order.

31 (i) The list should be published in a pamphlet form, issued at  
32 least four weeks prior to the date of any sale and provide sale  
33 information to prospective buyers.

34 (ii) The department must retain for free distribution in the  
35 Olympia office and the region offices sufficient copies of the  
36 pamphlet, to be kept in a conspicuous place, and, when requested to do

1 so, must mail copies of the pamphlet as issued to any requesting  
2 applicant.

3 (iii) The department may seek additional means of publishing the  
4 information in the pamphlet, such as on the internet, to increase the  
5 number of prospective buyers.

6 (3) The department is authorized to expend any sum in additional  
7 advertising of the sales as it deems necessary.

8 **Sec. 348.** RCW 79.01.192 and 1927 c 255 s 48 are each amended to  
9 read as follows:

10 The (~~commissioner of public lands~~) department is authorized to  
11 expend any sum in additional advertising of such sale as (~~he shall~~)  
12 it determines to be for the best interest of the state.

13 **Sec. 349.** RCW 79.01.196 and 1965 ex.s. c 23 s 3 are each amended  
14 to read as follows:

15 (~~When sales are made by the county auditor, they shall take place  
16 at such place on county property as the board of county commissioners  
17 may direct in the county in which the whole, or the greater part, of  
18 each lot, block or tract of land, or the material thereon, to be sold,  
19 is situated. All other sales shall be held at the departmental  
20 district offices having jurisdiction over the respective sales. Sales  
21 shall be conducted between the hours of ten o'clock in the forenoon and  
22 four o'clock in the afternoon.))~~

23 Any sale which has been offered, and for which there are no bids  
24 received shall not be reoffered until it has been readvertised as  
25 specified in RCW 79.01.188 and 79.01.192 (as recodified by this act).  
26 If all sales cannot be offered within the specified time on the  
27 advertised date, the sale shall continue on the following day between  
28 (~~the hours of ten o'clock in the forenoon and four o'clock in the  
29 afternoon~~) 10:00 a.m. and 4:00 p.m.

30 NEW SECTION. **Sec. 350.** It is the duty of the department to fix  
31 the date, time, and place of sale.

32 (1) All valuable materials shall have been appraised prior to the  
33 date fixed for sale as prescribed in section 329 of this act.

34 (2) No sale may be conducted on any day that is a legal holiday.

1 (3) Sales must be held between the hours of 10:00 a.m. and 4:00  
2 p.m. If all sales cannot be offered within this time period, the sale  
3 must continue on the following day between the hours of 10:00 a.m. and  
4 4:00 p.m.

5 (4) Sales must take place:

6 (a) At the department's regional office having jurisdiction over  
7 the respective sale; or

8 (b) On county property designated by the board of county  
9 commissioners or county legislative authority of the county in which  
10 the whole or majority of valuable materials are situated.

11 NEW SECTION. Sec. 351. A sale of valuable materials that has been  
12 offered, and for which there are no bids received, shall not be  
13 reoffered until it has been readvertised as prescribed in RCW 79.01.188  
14 (as recodified by this act).

15 **Sec. 352.** RCW 79.01.200 and 1989 c 148 s 3 are each amended to  
16 read as follows:

17 Except as provided in section 399 of this act, all sales of land  
18 under this chapter shall be at public auction, ((and all sales of  
19 valuable materials shall be at public auction or by sealed bid)) to the  
20 highest bidder, on the terms prescribed by law and as specified in the  
21 notice provided under RCW 79.01.184 (as recodified by this act), and no  
22 land ((or materials)) shall be sold for less than its appraised  
23 value( (:— PROVIDED, That on public lands granted to the state for  
24 educational purposes sealed bids may be accepted for sales of timber or  
25 stone only:— PROVIDED FURTHER, That when valuable material has been  
26 appraised at an amount not exceeding one hundred thousand dollars, the  
27 department of natural resources, when authorized by the board of  
28 natural resources, may arrange for the sale at public auction of said  
29 valuable material and for its removal under such terms and conditions  
30 as the department may prescribe, after the department shall have caused  
31 to be published not less than ten days prior to sale a notice of such  
32 sale in a newspaper of general circulation located nearest to property  
33 to be sold. This section does not apply to direct sales authorized in  
34 RCW 79.01.184)).

1        NEW SECTION.    **Sec. 353.** (1) All sales of valuable materials  
2 exceeding twenty thousand dollars in appraised value must be at public  
3 auction or by sealed bid to the highest bidder, provided that on public  
4 lands granted to the state for educational purposes sealed bids may be  
5 accepted for sales of timber or stone only.

6        (2) A direct sale of valuable materials may be sold to the  
7 applicant for cash at full appraised value without notice or  
8 advertising. The board must, by resolution, establish the value amount  
9 of a direct sale not to exceed twenty thousand dollars in appraised  
10 sale value, and establish procedures to ensure that competitive market  
11 prices and accountability are guaranteed.

12        **Sec. 354.** RCW 79.01.204 and 2001 c 250 s 8 are each amended to  
13 read as follows:

14        Sales by public auction under this chapter shall be conducted under  
15 the direction of the department (~~((of natural resources))~~) or its  
16 authorized representative. The department or department's  
17 representative are hereinafter referred to as auctioneers. On or  
18 before the time specified in the notice of sale each bidder shall  
19 deposit with the auctioneer, in cash or by certified check, cashier's  
20 check, money order payable to the order of the department of natural  
21 resources, or by bid guarantee in the form of bid bond acceptable to  
22 the department, an amount equal to the deposit specified in the notice  
23 of sale. The deposit shall include a specified amount of the appraised  
24 price for the land (~~((or valuable materials))~~) offered for sale, together  
25 with any fee required by law for the issuance of contracts, deeds, or  
26 bills of sale. (~~((Said))~~) The deposit may, when prescribed in notice of  
27 sale, be considered an opening bid of an amount not less than the  
28 minimum appraised price established in the notice of sale. The  
29 successful bidder's deposit will be retained by the auctioneer and the  
30 difference, if any, between the deposit and the total amount due shall  
31 on the day of the sale be paid in cash, certified check, cashier's  
32 check, bank draft, or money order, made payable to the department. If  
33 a bid bond is used, the share of the total deposit due guaranteed by  
34 the bid bond shall, within ten days of the day of sale, be paid in  
35 cash, certified check, cashier's check, money order, or other  
36 acceptable payment method payable to the department. Other deposits,  
37 if any, shall be returned to the respective bidders at the conclusion

1 of each sale. The auctioneer shall deliver to the purchaser a  
2 memorandum of his or her purchase containing a description of the land  
3 or materials purchased, the price bid, and the terms of the sale. The  
4 auctioneer shall at once send to the department the cash, certified  
5 check, cashier's check, bank draft, money order, bid guarantee, or  
6 other acceptable payment method received from the purchaser, and a copy  
7 of the memorandum delivered to the purchaser, together with such  
8 additional report of (~~his or her~~) the proceedings with reference to  
9 such sales as may be required by the department.

10 NEW SECTION. **Sec. 355.** (1) Sales of valuable materials must be  
11 conducted under the direction of the department or its authorized  
12 representative.

13 (a) Sales of valuable materials, unless otherwise provided in this  
14 chapter, shall be at public auction or by sealed bid to the highest  
15 bidder, except that, on public lands granted to the state for  
16 educational purposes, sealed bids may be accepted for sales of timber  
17 or stone only.

18 (b) The person conducting the sale is called the auctioneer.

19 (2) On or before the time specified in the notice of sale each  
20 bidder shall deposit with the auctioneer a bid deposit equal to the  
21 amount specified in the notice of sale plus any fees required by law  
22 for the issuance of contracts or bill of sale.

23 (a) The bid deposit must meet the requirements of section 334(3) of  
24 this act.

25 (b) The deposit may be in cash, or by certified check, cashier's  
26 check, or money order, all payable to the department or by bid  
27 guarantee in the form of a bid bond acceptable to the department.

28 (3) The bid deposit, if prescribed in the notice of sale as  
29 authorized in section 334 of this act, may be considered an opening bid  
30 of an amount not less than the minimum appraised price established in  
31 the notice of sale.

32 (4) The successful bidder's deposit will be retained by the  
33 auctioneer.

34 (a) Any difference between the bid deposit and the total amount due  
35 including any fees required by law shall be paid on the day of sale.  
36 Payments may be by cash, certified check, cashier's check, bank draft,  
37 or money order payable to the department.

1 (b) Any amount of the deposit guaranteed by a bid bond must be paid  
2 to the department within ten days of the sale day in cash, certified  
3 check, cashier's check, money order, or other acceptable payment  
4 method.

5 (c) Other deposits must be returned to the respective bidders at  
6 the conclusion of each sale.

7 (5) The auctioneer must deliver to the purchaser a memorandum of  
8 his or her purchase containing a description of the materials  
9 purchased, the price bid, and the terms of the sale.

10 (6) The auctioneer must at once send to the department all payments  
11 or bid guarantees received from the purchaser and a copy of the  
12 memorandum delivered to the purchaser, together with additional reports  
13 of the proceedings as required by the department.

14 **Sec. 356.** RCW 79.01.208 and 1927 c 255 s 52 are each amended to  
15 read as follows:

16 If any land (~~(se)~~) offered for sale (~~(be)~~) is not sold (~~(the~~  
17 ~~same)~~), it may again be advertised for sale, as provided in this  
18 chapter, whenever in the opinion of the commissioner (~~(of public~~  
19 ~~lands)~~) it shall be expedient (~~(se)~~) to do(~~(, and such land shall be~~  
20 ~~again advertised and offered for sale as herein provided,)~~) so.  
21 Whenever any person (~~(shall apply)~~) applies to the (~~(commissioner)~~)  
22 department in writing to have such land offered for sale (~~(and shall)~~),  
23 agrees to pay(~~(7)~~) at least the appraised value thereof and (~~(shall)~~)  
24 deposits with the (~~(commissioner)~~) department at the time of making  
25 such application a sufficient sum of money to pay the cost of  
26 advertising such sale, the land shall again be advertised and offered  
27 for sale as provided in this chapter.

28 **Sec. 357.** RCW 79.01.212 and 1982 1st ex.s. c 21 s 158 are each  
29 amended to read as follows:

30 (~~(If no affidavit showing that the interest of the state in such~~  
31 ~~sale was injuriously affected by fraud or collusion, shall be filed~~  
32 ~~with)~~) The department (~~(of natural resources within ten days from the~~  
33 ~~receipt of the report of the auctioneer conducting the sale of any~~  
34 ~~state lands, or valuable material thereon, and it shall appear from~~  
35 ~~such report that the sale was fairly conducted, that the purchaser was~~  
36 ~~the highest bidder at such sale, and that his bid was not less than the~~

1 ~~appraised value of the property sold, and if the department shall be~~  
2 ~~satisfied that the lands, or material, sold would not, upon being~~  
3 ~~readvertised and offered for sale, sell for at least ten percent more~~  
4 ~~than the price at which it shall have been sold, and that the payment,~~  
5 ~~required by law to be made at the time of making the sale, has been~~  
6 ~~made, and that the best interests of the state may be subserved~~  
7 ~~thereby, the department shall enter upon its records a confirmation of~~  
8 ~~sale and thereupon issue to the purchaser a contract of sale, deed or~~  
9 ~~bill of sale, as the case may be, as in this chapter provided)) shall~~  
10 enter upon its records a confirmation of sale and issue to the  
11 purchaser a contract of sale if the following conditions have been met:

12 (1) No fewer than ten days have passed since the auctioneer's  
13 report has been filed;

14 (2) No affidavit is filed with the department showing that the  
15 interests of the state in the sale was injuriously affected by fraud or  
16 collusion;

17 (3) It appears from the auctioneer's report that:

18 (a) The sale was fairly conducted; and

19 (b) The purchaser was the highest bidder and the bid was not less  
20 than the appraised value of the land sold;

21 (4) The department is satisfied that the land sold would not, upon  
22 being readvertised and offered for sale, sell for at least ten percent  
23 more than the price bid by the purchaser;

24 (5) The payment required by law to be made at the time of making  
25 the sale has been made;

26 (6) The department determines the best interests of the state will  
27 be served by confirming the sale.

28 NEW SECTION. Sec. 358. The department shall enter upon its  
29 records a confirmation of sale and issue to the purchaser a bill of  
30 sale for valuable materials if the following conditions have been met:

31 (1) No fewer than ten days have passed since the auctioneer's  
32 report has been filed;

33 (2) No affidavit is filed with the department showing that the  
34 interests of the state in the sale were injuriously affected by fraud  
35 or collusion;

36 (3) It appears from the auctioneer's report that:

37 (a) The sale was fairly conducted; and

1 (b) The purchaser was the highest bidder and the bid was not less  
2 than the appraised value of the material sold;

3 (4) The department is satisfied that the valuable material sold  
4 would not, upon being readvertised and offered for sale, sell for at  
5 least ten percent more than the price submitted by the apparent high  
6 bidder;

7 (5) The payment required by law to be made at the time of making  
8 the sale has been made; and

9 (6) The department determines the best interests of the state will  
10 be served by confirming the sale.

11 **Sec. 359.** RCW 79.01.216 and 1984 c 222 s 11 are each amended to  
12 read as follows:

13 All state lands shall be sold on terms and conditions established  
14 by the board (~~((of natural resources))~~) in light of market conditions.  
15 Sales by real estate contract or for cash may be authorized. All  
16 deferred payments shall draw interest at such rate as may be fixed,  
17 from time to time, by rule adopted by the board (~~((of natural  
18 resources))~~), and the rate of interest, as so fixed at the date of each  
19 sale, shall be stated in all advertising for and notice of sale and in  
20 the contract of sale. All remittances for payment of either principal  
21 or interest shall be forwarded to the department (~~((of natural  
22 resources))~~).

23 **Sec. 360.** RCW 79.01.220 and 1982 1st ex.s. c 21 s 160 are each  
24 amended to read as follows:

25 When the entire purchase price of any state lands shall have been  
26 fully paid, the commissioner (~~((of public lands))~~) shall certify such  
27 fact to the governor, and shall cause a quitclaim deed signed by the  
28 governor and attested by the secretary of state, with the seal of the  
29 state attached thereto, to be issued to the purchaser and to be  
30 recorded in the department's Olympia office (~~((of the commissioner of  
31 public lands, and))~~). No fee (~~((shall be))~~) is required for any deed of  
32 land issued by the governor other than the fee provided for in this  
33 (~~((chapter))~~) title.

34 **Sec. 361.** RCW 79.01.228 and 1985 c 237 s 18 are each amended to  
35 read as follows:



1 The purchaser of state lands under the provisions of this chapter,  
2 except in cases where the full purchase price is paid at the time of  
3 the purchase, shall enter into and sign a contract with the state, to  
4 be signed by the commissioner (~~(of public lands)~~) on behalf of the  
5 state, with the seal of (~~(his)~~) the commissioner's office attached, and  
6 in a form to be prescribed by the attorney general, in which (~~(he)~~) the  
7 purchaser shall covenant (~~(that he will)~~) to make the payments of  
8 principal and interest, computed from the date the contract is issued,  
9 when due, and that (~~(he)~~) the purchaser will pay all taxes and  
10 assessments that may be levied or assessed on such land, and that on  
11 failure to make the payments as prescribed in this chapter when due all  
12 rights of the purchaser under said contract may, at the election of the  
13 commissioner (~~(of public lands)~~), acting for the state, be forfeited,  
14 and that when forfeited the state shall be released from all obligation  
15 to convey the land. The purchaser's rights under the real estate  
16 contract shall not be forfeited except as provided in chapter 61.30  
17 RCW.

18 The contract provided for in this section shall be executed in  
19 duplicate, and one copy shall be retained by the purchaser and the  
20 other shall be filed in the department's Olympia office (~~(of the~~  
21 ~~commissioner of public lands)~~).

22 The commissioner (~~(of public lands)~~) may, as (~~(he deems)~~) deemed  
23 advisable, extend the time for payment of principal and interest on  
24 contracts heretofore issued, and contracts to be issued under this  
25 chapter.

26 The (~~(commissioner of public lands)~~) department shall notify the  
27 purchaser of any state lands in each instance when payment on (~~(his)~~)  
28 the purchaser's contract is overdue, and that (~~(he)~~) the purchaser is  
29 liable to forfeiture if payment is not made when due.

30 **Sec. 362.** RCW 79.01.232 and 2001 c 250 s 9 are each amended to  
31 read as follows:

32 When valuable materials are sold (~~(separate)~~) separately from the  
33 land and the purchase price is paid in full, the (~~(commissioner of~~  
34 ~~public lands)~~) department shall (~~(cause)~~) prepare a bill of sale(~~(,~~  
35 ~~signed by the commissioner and attested by the seal of his or her~~  
36 ~~office, setting forth the time within which such material shall be~~

1 removed, to be issued to the purchaser and to be recorded in the office  
2 of the commissioner of public lands, upon the payment of the fee  
3 provided for in this chapter)). The bill of sale shall:

4 (1) State the time period for removing the material;

5 (2) Be signed by the commissioner and attested by the seal of the  
6 commissioner's office upon full payment of the purchase price and fees;

7 (3) Be issued to the purchaser upon payment of the fee for the bill  
8 of sale; and

9 (4) Be recorded in the department.

10 **Sec. 363.** RCW 79.01.236 and 1982 1st ex.s. c 21 s 163 are each  
11 amended to read as follows:

12 Whenever the holder of a contract of purchase of any state lands,  
13 or the holder of any lease of any such lands, except for mining of  
14 valuable minerals or coal, or extraction of petroleum or gas, shall  
15 surrender the same to the ((~~commissioner~~)) department with the request  
16 to have it divided into two or more contracts, or leases, the  
17 ((~~commissioner~~)) department may divide the same and issue new  
18 contracts, or leases, but no new contract, or lease, shall issue while  
19 there is due and unpaid any interest, rental, or taxes or assessments  
20 on the land held under such contract or lease, nor in any case where  
21 the ((~~commissioner~~)) department is of the opinion that the state's  
22 security would be impaired or endangered by the proposed division. For  
23 all such new contracts, or leases, a fee as ((~~determined by the board~~  
24 ~~of natural resources for each new contract or lease issued~~)) provided  
25 under this chapter, shall be paid by the applicant ((~~and such fee shall~~  
26 ~~be paid into the state treasury to the resource management cost account~~  
27 ~~fund established in the general fund pursuant to RCW 79.64.010~~)).

28 **Sec. 364.** RCW 79.01.238 and 2001 c 250 s 18 are each amended to  
29 read as follows:

30 (1) In the event that the department ((~~of natural resources~~))  
31 determines that regulatory requirements or some other circumstance  
32 beyond the control of both the department and the purchaser has made a  
33 valuable materials contract wholly or partially impracticable to  
34 perform, the department may cancel any portion of the contract which  
35 could not be performed. In the event of such a cancellation, the

1 purchaser shall not be liable for the purchase price of any portions of  
2 the contract so canceled. Market price fluctuations shall not  
3 constitute an impracticable situation for valuable materials contracts.

4 (2) Alternatively, and notwithstanding any other provision in this  
5 title, the department (~~(of natural resources)~~) may substitute valuable  
6 materials from another site in exchange for any valuable materials  
7 which the department determines have become impracticable to remove  
8 under the original contract. Any substituted valuable materials must  
9 belong to the identical trust involved in the original contract, and  
10 the substitute materials shall be determined by the department (~~(of~~  
11 ~~natural resources)~~) to have an appraised value that is not greater than  
12 the valuable materials remaining under the original contract. The  
13 substitute valuable materials and site shall remain subject to all  
14 applicable permitting requirements and the state environmental policy  
15 act, chapter 43.21C RCW, for the activities proposed at that site. In  
16 any such substitution, the value of the materials substituted shall be  
17 fixed at the purchase price of the original contract regardless of  
18 subsequent market changes. Consent of the purchaser shall be required  
19 for any substitution under this section.

20 **Sec. 365.** RCW 79.01.240 and 2001 c 250 s 11 are each amended to  
21 read as follows:

22 (1) Any sale, transfer, or lease of state lands in which the  
23 purchaser, transfer recipient, or lessee obtains the sale or lease by  
24 fraud or misrepresentation is void, and the contract of purchase or  
25 lease shall be of no effect. In the event of fraud, the contract,  
26 transferred property, or lease must be surrendered to the department  
27 (~~(of natural resources)~~), but the purchaser, transfer recipient, or  
28 lessee may not be refunded any money paid on account of the surrendered  
29 contract, transfer, or lease. In the event that a mistake is  
30 discovered in the sale or lease of state lands, or in the sale of  
31 valuable materials on state lands, the department may take action to  
32 correct the mistake in accordance with RCW 79.01.740 (as recodified by  
33 this act) if maintaining the corrected contract, transfer, or lease is  
34 in the best interests of the affected trust or trusts.

35 **Sec. 366.** RCW 79.01.242 and 1984 c 222 s 12 are each amended to  
36 read as follows:

1           (1) Subject to other provisions of this chapter and subject to  
2 rules adopted by the board (~~(of natural resources)~~), the department may  
3 lease state lands for purposes it deems advisable, including, but not  
4 limited to, commercial, industrial, residential, agricultural, and  
5 recreational purposes in order to obtain a fair market rental return to  
6 the state or the appropriate constitutional or statutory trust.  
7 (~~Every lease issued by the department, shall contain: (a) The~~  
8 ~~specific use or uses to which the land is to be employed; (b) the~~  
9 ~~improvements required: PROVIDED, That a minimum reasonable time is~~  
10 ~~allowed for the completion of the improvements; (c) the rent is payable~~  
11 ~~in advance in quarterly, semiannual, or annual payments, as determined~~  
12 ~~by the department or as agreed upon by the lessee and the department of~~  
13 ~~natural resources; (d) other terms and conditions as the department~~  
14 ~~deems advisable, subject to review by the board of natural resources,~~  
15 ~~to more nearly effectuate the purposes of the state Constitution and of~~  
16 ~~this chapter.)~~)

17           (2) (~~The department may authorize the use of state land by lease~~  
18 ~~at state auction for initial leases or by negotiation for existing~~  
19 ~~leases. Notice of intent to lease by negotiation shall be published in~~  
20 ~~at least two newspapers of general circulation in the area in which the~~  
21 ~~land which is to be the subject of negotiation is located within the~~  
22 ~~ninety days immediately preceding commencement of negotiations.~~

23           ~~(3) Leases which authorize commercial, industrial, or residential~~  
24 ~~uses on state lands may be entered into by negotiation. Negotiations~~  
25 ~~shall be subject to rules of the board of natural resources. At the~~  
26 ~~option of the department, these leases may be placed for bid at public~~  
27 ~~auction.~~

28           ~~(4) Any person, firm or corporation desiring to lease any state~~  
29 ~~lands for any purpose not prohibited by law, may make application to~~  
30 ~~the department, describing the lands sought to be leased on forms to be~~  
31 ~~provided by the department.~~

32           ~~(5))~~ Notwithstanding any provision in this chapter to the  
33 contrary, in leases for residential purposes, the board (~~(of natural~~  
34 ~~resources)~~) may waive or modify any conditions of the lease if the  
35 waiver or modification is necessary to enable any federal agency or  
36 lending institution authorized to do business in this state or  
37 elsewhere in the United States to participate in any loan secured by a  
38 security interest in a leasehold interest.

1       ~~((6) Upon expiration of the lease term, if the leased land is not~~  
2 ~~otherwise utilized, the department may allow the lessee to continue to~~  
3 ~~hold the land for a period not exceeding one year upon such rent,~~  
4 ~~terms, and conditions as the department may prescribe. Upon the~~  
5 ~~expiration of the one year extension, if the department has not yet~~  
6 ~~determined the disposition of the land for other purposes, the~~  
7 ~~department may issue a temporary permit to the lessee upon terms and~~  
8 ~~conditions it prescribes. The temporary permit may not extend beyond~~  
9 ~~a five year period.))~~

10       (3) Any land granted to the state by the United States may be  
11 leased for any lawful purpose in such minimum acreage as may be fixed  
12 by the department.

13       (4) The department shall exercise general supervision and control  
14 over the lease of state lands for any lawful purpose.

15       (5) State lands leased or for which permits are issued or contracts  
16 are entered into for the prospecting and extraction of valuable  
17 materials, coal, oil, gas, or other hydrocarbons are subject to the  
18 provisions of chapter 79.14 RCW.

19       NEW SECTION. Sec. 367. Every lease issued by the department must  
20 contain:

21       (1) The specific use or uses to which the land is to be employed;

22       (2) The improvements required, if any;

23       (3) Provisions providing that the rent is payable in advance in  
24 quarterly, semiannual, or annual payments as determined by the  
25 department, or as agreed upon by the lessee and the department;

26       (4) Other terms and conditions as the department deems advisable,  
27 subject to review by the board, to achieve the purposes of the state  
28 Constitution and this chapter.

29       NEW SECTION. Sec. 368. (1) The department may authorize the use  
30 of state land by lease at state auction for initial leases or by  
31 negotiation for existing leases.

32       (2) Leases that authorize commercial, industrial, or residential  
33 uses may be entered into by public auction or negotiations at the  
34 option of the department. Negotiations are subject to rules approved  
35 by the board.

1        NEW SECTION.    **Sec. 369.**    (1) The department must give thirty days  
2 notice of leasing by public auction.    The notice must:

3        (a) Specify the place and time of auction, bid deposit if any, the  
4 appraised value, describe each parcel to be leased, and the terms and  
5 conditions of the lease;

6        (b) Be posted in some conspicuous place in the county auditor's  
7 office and the department's regional headquarters administering the  
8 lease; and

9        (c) Be published in at least two newspapers of general circulation  
10 in the area where the state land subject to public auction leasing is  
11 located.

12        (2) Notice of intent to lease by negotiation must be published in  
13 at least two newspapers of general circulation in the area where the  
14 state land subject to lease negotiation is located.    The notice must be  
15 published within the ninety days preceding commencement of  
16 negotiations.

17        (3) The department is authorized to conduct any additional  
18 advertising that it determines to be in the best interest of the state.

19        NEW SECTION.    **Sec. 370.**    Any person desiring to lease any state  
20 lands for any purpose not prohibited by law may make application to the  
21 department on forms provided by the department and accompanied by the  
22 fee provided under section 313 of this act.

23        **Sec. 371.**    RCW 79.01.244 and 1979 ex.s. c 109 s 9 are each amended  
24 to read as follows:

25        All state lands hereafter leased for grazing or agricultural  
26 purposes shall be open and available to the public for purposes of  
27 hunting and fishing unless closed to public entry because of fire  
28 hazard or unless the department (~~(of natural resources)~~) gives prior  
29 written approval and the area is lawfully posted by lessee to prohibit  
30 hunting and fishing thereon in order to prevent damage to crops or  
31 other land cover, to improvements on the land, to livestock, to the  
32 lessee, or to the general public, or closure is necessary to avoid  
33 undue interference with carrying forward a departmental or agency  
34 program.    In the event any such lands are so posted it shall be  
35 unlawful for any person to hunt or fish on any such posted lands.

1 The department (~~(of natural resources)~~) shall insert the provisions  
2 of this section in all new grazing and agricultural leases (~~(hereafter~~  
3 ~~issued)~~).

4 **Sec. 372.** RCW 79.01.248 and 1979 ex.s. c 109 s 11 are each amended  
5 to read as follows:

6 (1) When the department (~~(of natural resources shall have decided)~~)  
7 decides to lease any state lands at public auction it (~~(shall be)~~) is  
8 the duty of the department to fix the date, place, and time when such  
9 lands shall be offered for lease.

10 (2) The auction must be conducted between the hours of 10:00 a.m.  
11 and 4:00 p.m.

12 (3) The auction must take place:

13 (a) At the department's regional office administering the lease; or

14 (b) When leases are auctioned by the county auditor, in the county  
15 where the state land to be leased is situated at such place as  
16 specified in the notice.

17 NEW SECTION. **Sec. 373.** (1) All leasing by public auction shall be  
18 by oral or by sealed bid. Leases will be awarded to the highest bidder  
19 on the terms prescribed by law and as specified in the notice of  
20 leasing described in section 369 of this act. No lease may be awarded  
21 for less than the appraised value.

22 (2) The public auction must be conducted under the direction of the  
23 department or by the auditor for the county in which the land to be  
24 leased is located. The person conducting the auction is called the  
25 auctioneer.

26 (3) The person to whom a lease of state lands is awarded shall pay  
27 the rental in accordance with that person's bid to the auctioneer in  
28 cash or by certified check or accepted draft on any bank in this state.

29 (4) The auctioneer shall send to the department such cash,  
30 certified check, draft, or money order received from the successful  
31 bidder, together with any additional report of the auction proceeding  
32 as may be required by the department.

33 (5) The department may reject any and all bids when the interests  
34 of the state justify it. If the department rejects a bid, it must  
35 refund any rental and bid deposit to the bidder upon return of the  
36 receipts issued.

1 (6) If the department approves any leasing made by the auctioneer,  
2 it must proceed to issue a lease to the successful bidder upon a form  
3 approved by the attorney general.

4 (a) All leases must be in duplicate and both copies signed by the  
5 lessee and the department.

6 (b) One signed copy must be forwarded to the lessee and one signed  
7 copy must be kept in the office of the department.

8 **Sec. 374.** RCW 79.01.268 and 1979 ex.s. c 109 s 16 are each amended  
9 to read as follows:

10 The (~~commissioner of public lands~~) department shall keep a full  
11 and complete record of all leases issued under the provisions of the  
12 preceding sections and the payments made thereon. (~~If such rental be  
13 not paid on or before the date the same becomes due, according to the  
14 terms of the lease, the commissioner of public lands shall declare a  
15 forfeiture, cancel the lease and eject the lessee from the land:  
16 PROVIDED, That the commissioner of public lands may extend the time for  
17 payment of annual rental when, in his judgment, the interests of the  
18 state will not be prejudiced thereby.~~)

19 NEW SECTION. **Sec. 375.** If any rental is not paid on or before its  
20 due date according to the terms of the lease, the department must  
21 declare a forfeiture, cancel the lease, and eject the lessee from the  
22 land. The department may extend the time for payment of annual rental  
23 when in its judgment the interests of the state will not be prejudiced  
24 by the extension.

25 **Sec. 376.** RCW 79.01.284 and 1959 c 257 s 32 are each amended to  
26 read as follows:

27 At any time during the existence of any lease of state lands,  
28 except lands leased for the purpose of mining of valuable minerals, or  
29 coal, or extraction of petroleum or gas, the lessee with the consent of  
30 the (~~commissioner of public lands~~) department, first obtained, by  
31 written application, showing the cost and benefits to be derived  
32 thereby, may purchase or acquire a water right appurtenant to and in  
33 order to irrigate the land leased (~~by him, and~~). If such water right  
34 shall become a valuable and permanent improvement to the lands, then,  
35 in case of the sale or lease of such lands to other parties, the lessee



1 acquiring such water right shall be entitled to receive the value  
2 thereof as in case of other improvements which (~~(he has)~~) have been  
3 placed upon the land by the lessee.

4 **Sec. 377.** RCW 79.01.292 and 1982 1st ex.s. c 21 s 165 are each  
5 amended to read as follows:

6 All contracts of purchase, or leases, of state lands issued by the  
7 department (~~(of natural resources)~~) shall be assignable in writing by  
8 the contract holder or lessee and the assignee shall be subject to and  
9 governed by the provisions of law applicable to the (~~(purchaser, or~~  
10 ~~lessee, of whom he is the assignee,)~~) assignor and shall have the same  
11 rights in all respects as the original purchaser, or lessee, of the  
12 lands, provided the assignment is approved by the department (~~(of~~  
13 ~~natural resources)~~) and entered of record in its office.

14 **Sec. 378.** RCW 79.01.2955 and 1996 c 163 s 1 are each amended to  
15 read as follows:

16 (1) It is the purpose of chapter 163, Laws of 1996 that all state  
17 agricultural lands, grazing lands, and grazeable woodlands shall be  
18 managed in keeping with the statutory and constitutional mandates under  
19 which each agency operates. Chapter 163, Laws of 1996 is consistent  
20 with section 1, chapter 4, Laws of 1993 sp. sess.

21 (2) The ecosystem standards developed under chapter 4, Laws of 1993  
22 sp. sess. for state-owned agricultural and grazing lands are defined as  
23 desired ecological conditions. The standards are not intended to  
24 prescribe practices. For this reason, land managers are encouraged to  
25 use an adaptive management approach in selecting and implementing  
26 practices that work towards meeting the standards based on the best  
27 available science and evaluation tools.

28 (3) For as long as the chapter 4, Laws of 1993 sp. sess. ecosystem  
29 standards remain in effect, they shall be applied through a  
30 collaborative process that incorporates the following principles:

31 (a) The land manager and lessee or permittee shall look at the land  
32 together and make every effort to reach agreement on management and  
33 resource objectives for the land under consideration;

34 (b) They will then discuss management options and make every effort  
35 to reach agreement on which of the available options will be used to  
36 achieve the agreed-upon objectives;

1 (c) No land manager or owner ever gives up his or her management  
2 prerogative;

3 (d) Efforts will be made to make land management plans economically  
4 feasible for landowners, managers, and lessees and to make the land  
5 management plan compatible with the lessee's entire operation;

6 (e) Coordinated resource management planning is encouraged where  
7 either multiple ownerships, or management practices, or both, are  
8 involved;

9 (f) The department of fish and wildlife shall consider multiple  
10 use, including grazing, on lands owned or managed by the department of  
11 fish and wildlife where it is compatible with the management objectives  
12 of the land; and

13 (g) The department (~~(of natural resources)~~) shall allow multiple  
14 use on lands owned or managed by the department (~~(of natural~~  
15 ~~resources)~~) where multiple use can be demonstrated to be compatible  
16 with RCW 79.68.010, 79.68.020, and 79.68.050 (as recodified by this  
17 act).

18 (4) The ecosystem standards are to be achieved by applying  
19 appropriate land management practices on riparian lands and on the  
20 uplands in order to reach the desired ecological conditions.

21 (5) The legislature urges that state agencies that manage grazing  
22 lands make planning and implementation of chapter 163, Laws of 1996,  
23 using the coordinated resource management and planning process, a high  
24 priority, especially where either multiple ownerships, or multiple use  
25 resources objectives, or both, are involved. In all cases, the choice  
26 of using the coordinated resource management planning process will be  
27 a voluntary decision by all concerned parties including agencies,  
28 private landowners, lessees, permittees, and other interests.

29 **Sec. 379.** RCW 79.01.296 and 1959 c 257 s 34 are each amended to  
30 read as follows:

31 The lessee, or assignee of any lease(~~(, of state lands,)~~) leased  
32 for grazing purposes, shall not use the (~~(same)~~) land for any other  
33 purpose than that expressed in the lease(~~(: PROVIDED, That such)~~).  
34 However, the lessee, or (~~(his)~~) assignee, (~~(of state lands,)~~) may  
35 surrender (~~(his)~~) the lease to the (~~(commissioner of public lands)~~)  
36 department and request the (~~(commissioner)~~) department to issue an  
37 agricultural lease in lieu (~~(thereof, and in such case, the~~

1 commissioner upon the payment of the fixed rental for agricultural  
2 purposes under the appraisal of said land shall be authorized to  
3 issue a new lease, for the unexpired portion of the term of the lease  
4 surrendered,) of the original lease. The department is authorized to  
5 issue a new lieu lease for the unexpired portion of the term of the  
6 lease surrendered upon payment of the fixed rental based on an  
7 appraisal of the land for agricultural purposes. Under ((which)) the  
8 lieu lease the lessee shall be permitted to clear, plow, and cultivate  
9 the lands as in the case of an original lease for agricultural  
10 purposes.

11 **Sec. 380.** RCW 79.01.300 and 1927 c 255 s 75 are each amended to  
12 read as follows:

13 State lands held under lease as ((above)) provided in RCW 79.01.296  
14 (as recodified by this act) shall not be offered for sale, or sold,  
15 during the life of the lease, except upon application of the lessee.

16 **Sec. 381.** RCW 79.01.301 and 1967 ex.s. c 78 s 5 are each amended  
17 to read as follows:

18 (1) The purpose of this section is to provide revenues to the state  
19 and its various taxing districts through the sale of public lands which  
20 are currently used primarily for grazing and similar low priority  
21 purposes, by enabling their development as irrigated agricultural  
22 lands.

23 (2) All applications for the purchase of lands of the foregoing  
24 character, when accompanied by a proposed plan of development of the  
25 lands for a higher priority use, shall be individually reviewed by the  
26 board ((of natural resources)). The board shall thereupon determine  
27 whether the sale of the lands is in the public interest and upon an  
28 affirmative finding shall offer such lands for sale ((under the  
29 applicable provisions of this chapter: PROVIDED, That)). However, any  
30 such parcel of land shall be sold to the highest bidder but only at a  
31 bid equal to or higher than the last appraised valuation thereof as  
32 established by appraisers for the department for any such parcel of  
33 land((: PROVIDED FURTHER, That)). Further, any lands lying within  
34 United States reclamation areas, the sale price of which is limited or  
35 otherwise regulated pursuant to federal reclamation laws or regulations

1 thereunder, need not be offered for sale so long as such limitations or  
2 regulations are applicable thereto.

3 (3) The department (~~(of natural resources)~~) shall (~~(make)~~) adopt  
4 appropriate (~~(regulations)~~) rules defining properties of such irrigated  
5 agricultural potential and shall take into account the economic  
6 benefits to the locality in classifying such properties for sale.

7 **Sec. 382.** RCW 79.01.304 and 1982 1st ex.s. c 21 s 166 are each  
8 amended to read as follows:

9 The (~~(commissioner of public lands)~~) department shall cause full  
10 and correct abstracts of all the (~~(state)~~) public lands to be made and  
11 kept (~~(in his office)~~) in suitable and well bound books, and other  
12 suitable records. Such abstracts shall show in proper columns and  
13 pages the section or part of section, lot or block, township and range  
14 in which each tract is situated, whether timber or prairie, improved or  
15 unimproved, the appraised value per acre, the value of improvements and  
16 the value of damages, and the total value, the several values of  
17 timber, stone, gravel, or other valuable materials thereon, the date of  
18 sale, the name of purchaser, sale price per acre, the date of lease,  
19 the name of lessee, the term of the lease, the annual rental, amount of  
20 cash paid, amount unpaid and when due, amount of annual interest, and  
21 in proper columns such other facts as may be necessary to show a full  
22 and complete abstract of the conditions and circumstances of each tract  
23 or parcel of land from the time the title was acquired by the state  
24 until the issuance of a deed or other disposition of the land by the  
25 state.

26 **Sec. 383.** RCW 79.01.332 and 1927 c 255 s 83 are each amended to  
27 read as follows:

28 Any person, firm, or corporation(~~(s)~~) engaged in the business of  
29 logging or lumbering, quarrying, mining or removing sand, gravel, or  
30 other valuable materials from land, and desirous of obtaining a right  
31 of way for the purpose of transporting or moving timber, minerals,  
32 stone, sand, gravel, or other valuable materials from other lands, over  
33 and across any state lands, or tide or shore lands belonging to the  
34 state, or any such lands sold or leased by the state since the  
35 fifteenth day of June, 1911, shall file with the (~~(commissioner of~~  
36 ~~public lands)~~) department upon a form to be furnished for that purpose,

1 a written application for such right of way, accompanied by a plat  
2 showing the location of the right of way applied for with references to  
3 the boundaries of the government section in which the lands over and  
4 across which such right of way is desired are located. Upon the filing  
5 of such application and plat, the (~~commissioner of public lands~~)  
6 department shall cause the lands embraced within the right of way  
7 applied for, to be inspected, and all timber thereon, and all damages  
8 to the lands affected which may be caused by the use of such right of  
9 way, to be appraised, and shall notify the applicant of the appraised  
10 value of such timber and such appraisement of damages. Upon the  
11 payment to the (~~commissioner of public lands~~) department of the  
12 amount of the appraised value of timber and damages, the  
13 (~~commissioner~~) department shall issue in duplicate a right of way  
14 certificate setting forth the terms and conditions upon which such  
15 right of way is granted, as provided in the preceding sections, and  
16 providing that whenever such right of way shall cease to be used for  
17 the purpose for which it was granted, or shall not be used in  
18 accordance with such terms and conditions, it shall be deemed  
19 forfeited. One copy of such certificate shall be filed in the office  
20 of the (~~commissioner of public lands~~) department and one copy  
21 delivered to the applicant.

22 **Sec. 384.** RCW 79.01.336 and 1927 c 255 s 84 are each amended to  
23 read as follows:

24 Any such right of way heretofore granted which has never been used,  
25 or has ceased to be used for the purpose for which it was granted, for  
26 a period of two years, shall be deemed forfeited. The forfeiture of  
27 any such right of way heretofore granted, or granted under the  
28 provisions of the preceding sections, shall be rendered effective by  
29 the mailing of a notice of such forfeiture to the grantee thereof at  
30 his or her last known post office address and by stamping a copy of  
31 such certificate, or other record of the grant, in the office of the  
32 (~~commissioner of public lands~~) department with the word "canceled",  
33 and the date of such cancellation.

34 **Sec. 385.** RCW 79.01.340 and 2001 c 250 s 12 are each amended to  
35 read as follows:

36 Any county or city or the United States of America or state agency

1 desiring to locate, establish, and construct a road or street over and  
2 across any state lands of the state of Washington shall by resolution  
3 of the board of county commissioners of such county, or city council or  
4 other governing body of such city, or proper agency of the United  
5 States of America, or state agency, cause to be filed in the office of  
6 the department (~~(of natural resources)~~) a petition for a right of way  
7 for such road or street, setting forth the reasons for the  
8 establishment thereof, accompanied by a duly attested copy of a plat  
9 made by the county or city engineer or proper agency of the United  
10 States of America, or state agency, showing the location of the  
11 proposed road or street with reference to the legal subdivisions, or  
12 lots and blocks of the official plat, or the lands, over and across  
13 which such right of way is desired, the amount of land to be taken and  
14 the amount of land remaining in each portion of each legal subdivision  
15 or lot or block bisected by such proposed road or street.

16 Upon the filing of such petition and plat the department (~~(of~~  
17 ~~natural resources)~~), if deemed for the best interest of the state to  
18 grant the petition, shall cause the land proposed to be taken to be  
19 inspected and shall appraise the value of the land and valuable  
20 materials thereon and notify the petitioner of such appraised value.

21 If there are no valuable materials on the proposed right of way, or  
22 upon the payment of the appraised value of the land and valuable  
23 materials thereon, to the department (~~(of natural resources)~~) in cash,  
24 or by certified check drawn upon any bank in this state, or money  
25 order, except for all rights of way granted to the department (~~(of~~  
26 ~~natural resources)~~) on which the valuable materials, if any, shall be  
27 sold at public auction or by sealed bid, the department may approve the  
28 plat filed with the petition and file and enter the same in the records  
29 of (~~(his or her)~~) its office, and such approval and record shall  
30 constitute a grant of such right of way from the state.

31 **Sec. 386.** RCW 79.01.348 and 1927 c 255 s 87 are each amended to  
32 read as follows:

33 In order to obtain the benefits of (~~(the preceding section)~~) RCW  
34 79.01.344 (as recodified by this act), any railroad company hereafter  
35 constructing, or proposing to construct, a railroad, shall file with  
36 the (~~(commissioner of public lands)~~) department a copy of its articles  
37 of incorporation, due proof of organization thereunder, a map or maps,

1 accompanied by the field notes of the survey, showing the location of  
2 the line of said railroad, the width of the right of way and extra  
3 widths, if any, and shall pay to the (~~commissioner of public lands~~)  
4 department as hereinafter provided the amount of the appraised value of  
5 the lands included within (~~said~~) the right of way, and extra widths  
6 if any are required, and the damages to any lands affected by (~~such~~)  
7 the right of way or extra widths.

8 **Sec. 387.** RCW 79.01.352 and 1927 c 255 s 88 are each amended to  
9 read as follows:

10 All state lands over which a right of way of any railroad to be  
11 hereafter constructed, shall be located, shall be appraised in the same  
12 manner as in the case of applications for the purchase of state lands,  
13 fixing the appraised value per acre for each lot or block, quarter  
14 section or subdivision thereof, less the improvements, if any, and the  
15 damages to any state lands affected by such right of way, shall be  
16 appraised in like manner, and the appraisalment shall be recorded and  
17 the evidence or report upon which the same is based shall be preserved  
18 of record, in the office of the (~~commissioner of public lands~~)  
19 department, and the (~~commissioner~~) department shall send notice to  
20 the railroad company applying for the right of way that such  
21 appraisalment has been made.

22 **Sec. 388.** RCW 79.01.356 and 1927 c 255 s 89 are each amended to  
23 read as follows:

24 Should any improvements, made by anyone not holding adversely to  
25 the state at the time of making such improvements or made in good faith  
26 by a lessee of the state whose lease had not been canceled or was not  
27 subject to cancellation for any cause, or made upon the land by  
28 mistake, be upon any of such lands at the time of the appraisalment, the  
29 same shall be separately appraised, together with the damage and waste  
30 done to said lands, or to adjacent lands, by the use and occupancy of  
31 the same, and after deducting from the amount of the appraisalment for  
32 improvements the amount of such damage and waste, the balance shall be  
33 regarded as the value of said improvements, and the railroad company,  
34 if not the owner of such improvements, shall deposit with the  
35 (~~commissioner of public lands~~) department the value of the same, as  
36 shown by (~~said~~) the appraisalment, within thirty days next following

1 the date thereof. The (~~commissioner of public lands~~) department  
2 shall hold such moneys for a period of three months, and unless a  
3 demand and proof of ownership of such improvements shall be made upon  
4 the (~~commissioner~~) department within said period of three months, the  
5 same shall be deemed forfeited to the state and deposited with the  
6 state treasurer and paid into the general fund. If two or more persons  
7 shall file claims of ownership of said improvements, within said period  
8 of three months, with the (~~commissioner of public lands~~) department,  
9 the (~~commissioner~~) department shall hold such moneys until the  
10 claimants agree or a certified copy of the judgment decreeing the  
11 ownership of said improvements shall be filed with (~~him~~) the  
12 department. When notice of agreement or a certified copy of a judgment  
13 has been so filed, the (~~commissioner of public lands~~) department  
14 shall pay over to the owner of the improvements the money so deposited.

15 **Sec. 389.** RCW 79.01.360 and 1927 c 255 s 90 are each amended to  
16 read as follows:

17 When the construction or proposed construction of said railroad  
18 affects the value of improvements on state lands not situated on the  
19 right of way or extra widths, the applicant for said right of way shall  
20 file with the (~~commissioner of public lands~~) department a valid  
21 release of damages duly executed by the owner or owners of such  
22 improvements, or a certified copy of a judgment of a court of competent  
23 jurisdiction, showing that compensation for the damages resulting to  
24 such owner or owners, as ascertained in accordance with existing law,  
25 has been made or paid into the registry of such court.

26 **Sec. 390.** RCW 79.01.364 and 1927 c 255 s 91 are each amended to  
27 read as follows:

28 Upon full payment of the appraised value of any right of way for a  
29 railroad and of damages to state lands affected, the (~~commissioner of~~  
30 ~~public lands~~) department shall issue to the railroad company applying  
31 for such right of way a certificate in such form as the (~~commissioner~~  
32 ~~of public lands~~) department may prescribe, in which the terms and  
33 conditions of said easement shall be set forth and the lands covered  
34 thereby described, and any future grant, or lease, by the state, of the  
35 lands crossed or affected by such right of way shall be subject to the  
36 easement described in the certificate.



1       **Sec. 391.** RCW 79.01.388 and 1961 c 73 s 7 are each amended to read  
2 as follows:

3       In order to obtain the benefits of the grant made in RCW 79.01.384  
4 (as recodified by this act), the municipal or private corporation or  
5 company, association, individual, or the United States of America,  
6 constructing or proposing to construct, or which has heretofore  
7 constructed, such telephone line, ditch, flume, pipe line, or  
8 transmission line, shall file, with the (~~commissioner of public~~  
9 ~~lands~~) department, a map, accompanied by the field notes of the survey  
10 and location of such telephone line, ditch, flume, pipe line, or  
11 transmission line, and shall make payment therefor as provided in RCW  
12 79.01.392 (as recodified by this act). The land within the right of  
13 way shall be limited to an amount necessary for the construction of  
14 said telephone line, ditch, flume, pipe line, or transmission line  
15 sufficient for the purposes required, together with sufficient land on  
16 either side thereof for ingress and egress to maintain and repair the  
17 same, and the grant shall include the right to cut all standing timber,  
18 and/or reproduction within said right of way. The grant shall also  
19 include the right to cut trees marked as danger trees by the applicant  
20 outside of the right of way, which shall be dangerous to the operation  
21 and maintenance of the telephone line, ditch, flume, pipe line, or  
22 transmission line upon full payment of the appraised value thereof.

23       **Sec. 392.** RCW 79.01.392 and 2001 c 250 s 13 are each amended to  
24 read as follows:

25       Upon the filing of the plat and field notes, as provided in RCW  
26 79.01.388 (as recodified by this act), the land applied for and the  
27 valuable materials on the right of way applied for, and the marked  
28 danger trees to be felled off the right of way, if any, and the  
29 improvements included in the right of way applied for, if any, shall be  
30 appraised as in the case of an application to purchase state lands.  
31 Upon full payment of the appraised value of the land applied for, or  
32 upon payment of an annual rental when the department (~~of natural~~  
33 ~~resources~~) deems a rental to be in the best interests of the state,  
34 and upon full payment of the appraised value of the valuable materials  
35 and improvements, if any, the (~~commissioner of public lands~~)  
36 department shall issue to the applicant a certificate of the grant of  
37 such right of way stating the terms and conditions thereof and shall

1 enter the same in the abstracts and records in (~~his or her~~) its  
2 office, and thereafter any sale or lease of the lands affected by such  
3 right of way shall be subject to the easement of such right of way.  
4 Should the corporation, company, association, individual, state agency,  
5 political subdivision of the state, or the United States of America,  
6 securing such right of way ever abandon the use of the same for a  
7 period of sixty months or longer for the purposes for which it was  
8 granted, the right of way shall revert to the state, or the state's  
9 grantee.

10 **Sec. 393.** RCW 79.01.400 and 1945 c 147 s 5 are each amended to  
11 read as follows:

12 In order to obtain the benefits of the grant (~~hereinabove~~)  
13 provided for in RCW 79.01.396 (as recodified by this act), the  
14 irrigation district, irrigation company, association, individual, or  
15 the United States of America, constructing or proposing to construct  
16 such irrigation ditch or pipe line for irrigation, or the diking and  
17 drainage district or diking and drainage improvement district  
18 constructing or proposing to construct any dike or drainage ditch,  
19 shall file with the (~~commissioner of public lands~~) department a map  
20 accompanied by the field notes of the survey and location of the  
21 proposed irrigation ditch, pipe line, dike, or drainage ditch, and  
22 shall pay to the state as hereinafter provided, the amount of the  
23 appraised value of the said lands used for or included within such  
24 right of way. The land within said right of way shall be limited to an  
25 amount necessary for the construction of the irrigation ditch, pipe  
26 line, dike, or drainage ditch for the purposes required, together with  
27 sufficient land on either side thereof for ingress and egress to  
28 maintain and repair the same.

29 **Sec. 394.** RCW 79.01.404 and 1927 c 255 s 101 are each amended to  
30 read as follows:

31 Upon the filing of the plat and field notes as (~~hereinabove~~)  
32 provided in RCW 79.01.400 (as recodified by this act), the lands  
33 included within the right of way applied for shall be appraised as in  
34 the case of an application to purchase such lands, at the full market  
35 value thereof. Upon full payment of the appraised value of the lands  
36 the (~~commissioner of public lands~~) department shall issue to the

1 applicant a certificate of right of way, and enter the same in the  
2 records in ((his)) its office and thereafter any sale or lease by the  
3 state of the lands affected by such right of way shall be subject  
4 thereto.

5 **Sec. 395.** RCW 79.01.408 and 1982 1st ex.s. c 21 s 174 are each  
6 amended to read as follows:

7 The ((~~commissioner of public lands~~)) department shall have the  
8 power to grant to any person or corporation the right, privilege, and  
9 authority to perpetually back and hold water upon or over any state  
10 lands, and overflow such lands and inundate the same, whenever the  
11 ((~~commissioner~~)) department shall deem it necessary for the purpose of  
12 erecting, constructing, maintaining, or operating any water power  
13 plant, reservoir, or works for impounding water for power purposes,  
14 irrigation, mining, or other public use, but no such rights shall be  
15 granted until the value of the lands to be overflowed and any damages  
16 to adjoining lands of the state, appraised as in the case of an  
17 application to purchase such lands, shall have been paid by the person  
18 or corporation seeking the grant, and if the construction or erection  
19 of any such water power plant, reservoir, or works for impounding water  
20 for the purposes heretofore specified, shall not be commenced and  
21 diligently prosecuted and completed within such time as the  
22 ((~~commissioner of public lands~~)) department may prescribe at the time  
23 of the grant, the same may be forfeited by the ((~~commissioner of public~~  
24 ~~lands~~)) department by serving written notice of such forfeiture upon  
25 the person or corporation to whom the grant was made, but the  
26 ((~~commissioner~~)) department, for good cause shown to ((his)) its  
27 satisfaction, may extend the time within which such work shall be  
28 completed.

29 **Sec. 396.** RCW 79.01.414 and 1982 1st ex.s. c 21 s 175 are each  
30 amended to read as follows:

31 The department ((~~of natural resources~~)) may grant to any person  
32 such easements and rights in state lands or state forest lands as the  
33 applicant applying therefor may acquire in privately owned lands  
34 through proceedings in eminent domain. No grant shall be made under  
35 this section until such time as the full market value of the estate or

1 interest granted together with damages to all remaining property of the  
2 state of Washington has been ascertained and safely secured to the  
3 state.

4 **Sec. 397.** RCW 79.01.500 and 1988 c 202 s 59 and 1988 c 128 s 56  
5 are each reenacted and amended to read as follows:

6 Any applicant to purchase, or lease, any public lands of the state,  
7 or any valuable materials thereon, and any person whose property rights  
8 or interests will be affected by such sale or lease, feeling  
9 (~~himself~~) aggrieved by any order or decision of the board (~~of~~  
10 ~~natural resources~~), or the commissioner (~~of public lands~~),  
11 concerning the same, may appeal therefrom to the superior court of the  
12 county in which such lands or materials are situated, by serving upon  
13 all parties who have appeared in the proceedings in which the order or  
14 decision was made, or their attorneys, a written notice of appeal, and  
15 filing such notice, with proof, or admission, of service, with the  
16 board, or the commissioner, within thirty days from the date of the  
17 order or decision appealed from, and at the time of filing the notice,  
18 or within five days thereafter, filing a bond to the state, in the  
19 penal sum of two hundred dollars, with sufficient sureties, to be  
20 approved by the secretary of the board, or the commissioner,  
21 conditioned that the appellant shall pay all costs that may be awarded  
22 against (~~him~~) the appellant on appeal, or the dismissal thereof.  
23 Within thirty days after the filing of notice of appeal, the secretary  
24 of the board, or the commissioner, shall certify, under official seal,  
25 a transcript of all entries in the records of the board, or the  
26 commissioner, together with all processes, pleadings and other papers  
27 relating to and on file in the case, except evidence used in such  
28 proceedings, and file such transcript and papers, at the expense of the  
29 applicant, with the clerk of the court to which the appeal is taken.  
30 The hearing and trial of said appeal in the superior court shall be de  
31 novo before the court, without a jury, upon the pleadings and papers so  
32 certified, but the court may order the pleadings to be amended, or new  
33 and further pleadings to be filed. Costs on appeal shall be awarded to  
34 the prevailing party as in actions commenced in the superior court, but  
35 no costs shall be awarded against the state, the board, or the  
36 commissioner. Should judgment be rendered against the appellant, the  
37 costs shall be taxed against (~~him~~) the appellant and (~~his~~) the

1 appellant's sureties on the appeal bond, except when the state is the  
2 only adverse party, and shall be included in the judgment, upon which  
3 execution may issue as in other cases. Any party feeling ((~~himself~~))  
4 aggrieved by the judgment of the superior court may seek appellate  
5 review as in other civil cases. Unless appellate review of the  
6 judgment of the superior court is sought, the clerk of said court  
7 shall, on demand, certify, under ((~~his~~)) the clerk's hand and the seal  
8 of the court, a true copy of the judgment, to the board, or the  
9 commissioner, which judgment shall thereupon have the same force and  
10 effect as if rendered by the board, or the commissioner. In all cases  
11 of appeals from orders or decisions of the commissioner ((~~of public~~  
12 ~~lands~~)) involving the prior right to purchase tidelands of the first  
13 class, if the appeal ((~~be~~)) is not prosecuted, heard and determined,  
14 within two years from the date of the appeal, the attorney general  
15 shall, after thirty days' notice to the appellant of ((~~his~~)) the  
16 attorney general's intention so to do, move the court for a dismissal  
17 of the appeal, but nothing herein shall be construed to prevent the  
18 dismissal of such appeal at any time in the manner provided by law.

19 **Sec. 398.** RCW 79.01.612 and 1993 c 49 s 1 are each amended to read  
20 as follows:

21 (1) Except as provided in subsection (2) of this section, the  
22 department ((~~of natural resources~~)) shall manage and control all lands  
23 acquired by the state by escheat or under ((~~chapter 79.66~~)) RCW  
24 79.66.010 through 79.66.100 (as recodified by this act) and all lands  
25 acquired by the state by deed of sale or gift or by devise, except such  
26 lands which are conveyed or devised to the state to be used for a  
27 particular purpose. ((~~The department shall lease the lands in the same~~  
28 ~~manner as school lands. When the department determines to sell the~~  
29 ~~lands, they shall be initially offered for sale either at public~~  
30 ~~auction or direct sale to public agencies as provided in this chapter.~~  
31 ~~If the lands are not sold at public auction, the department may, with~~  
32 ~~approval of the board of natural resources, market the lands through~~  
33 ~~persons licensed under chapter 18.85 RCW or through other commercially~~  
34 ~~feasible means at a price not lower than the land's appraised value and~~  
35 ~~pay necessary marketing costs from the sale proceeds. Necessary~~  
36 ~~marketing costs includes reasonable costs associated with advertising~~  
37 ~~the property and paying commissions. The proceeds of the lease or sale~~

1 of all such lands shall be deposited into the appropriate fund in the  
2 state treasury in the manner prescribed by law, except if the grantor  
3 in any such deed or the testator in case of a devise specifies that the  
4 proceeds of the sale or lease of such lands be devoted to a particular  
5 purpose such proceeds shall be so applied. The department may employ  
6 agents to rent any escheated, deeded, or devised lands, or lands  
7 acquired under chapter 79.66 RCW, for such rental and time and in such  
8 manner as the department directs, but the property shall not be rented  
9 by such agent for a longer period than one year and no tenant is  
10 entitled to compensation for any improvement which he makes on such  
11 property. The agent shall cause repairs to be made to the property as  
12 the department directs, and shall deduct the cost thereof, together  
13 with such compensation and commission as the department authorizes,  
14 from the rentals of such property and the remainder which is collected  
15 shall be transmitted monthly to the department of natural resources.)

16 (2) When land is acquired by the state by escheat which because of  
17 its location or features may be suitable for park purposes, the  
18 department shall notify the state parks and recreation commission. The  
19 department and the commission shall jointly evaluate the land for its  
20 suitability for park purposes, based upon the features of the land and  
21 the need for park facilities in the vicinity. Where the department and  
22 commission determine that such land is suitable for park purposes, it  
23 shall be offered for transfer to the commission, or, in the event that  
24 the commission declines to accept the land, to the local jurisdiction  
25 providing park facilities in that area. When so offered, the payment  
26 required by the recipient agency shall not exceed the costs incurred by  
27 the department in managing and protecting the land since receipt by the  
28 state.

29 (3) The department may review lands acquired by escheat since  
30 January 1, 1983, for their suitability for park purposes, and apply the  
31 evaluation and transfer procedures authorized by subsection (2) of this  
32 section.

33 NEW SECTION. **Sec. 399.** (1) Except as provided in RCW 79.01.612(2)  
34 (as recodified by this act), the department shall manage and control  
35 all lands acquired by the state by escheat, deed of sale, gift, devise,  
36 or under RCW 79.66.010 through 79.66.100 (as recodified by this act),

1 except such lands that are conveyed or devised to the state for a  
2 particular purpose.

3 (2) When the department determines to sell the lands, they shall  
4 initially be offered for sale either at public auction or direct sale  
5 to public agencies as provided in this chapter.

6 (3) If the lands are not sold at public auction, the department  
7 may, with approval of the board, market the lands through persons  
8 licensed under chapter 18.85 RCW or through other commercially feasible  
9 means at a price not lower than the land's appraised value.

10 (4) Necessary marketing costs may be paid from the sale proceeds.  
11 For the purpose of this subsection, necessary marketing costs include  
12 reasonable costs associated with advertising the property and paying  
13 commissions.

14 (5) Proceeds of the sale shall be deposited into the appropriate  
15 fund in the state treasury unless the grantor in any deed or the  
16 testator in case of a devise specifies that the proceeds of the sale be  
17 devoted to a particular purpose.

18 NEW SECTION. Sec. 400. (1) Except as provided in RCW 79.01.612(2)  
19 (as recodified by this act), the department shall manage and control  
20 all lands acquired by the state through escheat, deed of sale, gift,  
21 devise, or under RCW 79.66.010 through 79.66.100 (as recodified by this  
22 act), except lands that are conveyed or devised to the state for a  
23 particular purpose.

24 (2) The department shall lease the lands in the same manner as  
25 school lands.

26 (3) The department may employ agents to rent any escheated, deeded,  
27 or devised lands, or lands acquired under RCW 79.66.010 through  
28 79.66.100 (as recodified by this act) for such rental, time, and manner  
29 as the department directs.

30 (a) The agent shall not rent the property for a period longer than  
31 one year.

32 (b) No tenant is entitled to compensation for any improvement that  
33 he or she makes on the property.

34 (c) The agent shall cause repairs to be made to the property as the  
35 department directs.

36 (d) Rental shall be transmitted monthly to the department. The

1 agent shall deduct the cost of any repairs made under (c) of this  
2 subsection, together with such compensation and commission as the  
3 department authorizes from the rental.

4 (4) Proceeds of any lease or rental shall be deposited into the  
5 appropriate fund in the state treasury. If the grantor in any deed or  
6 the testator in case of a devise specifies that the proceeds be devoted  
7 to a particular purpose, such proceeds shall be so applied.

8 **Sec. 401.** RCW 79.01.616 and 1987 c 20 s 1 are each amended to read  
9 as follows:

10 The department (~~(of natural resources)~~) may issue permits and  
11 leases for prospecting, and contracts for the mining of valuable  
12 minerals and specified materials, except rock, gravel, sand, silt,  
13 coal, or hydrocarbons, upon and from any public lands belonging to or  
14 held in trust by the state, or which have been sold and the minerals  
15 thereon reserved by the state in tracts not to exceed six hundred forty  
16 acres or an entire government-surveyed section.

17 **Sec. 402.** RCW 79.01.617 and 1987 c 20 s 2 are each amended to read  
18 as follows:

19 The department (~~(of natural resources)~~) may offer nonrenewable  
20 placer mining contracts by public auction for the mining of gold under  
21 terms set by the department. In the case of lands known to contain  
22 valuable minerals or specified materials in commercially significant  
23 quantities, the department may offer mining contracts by public  
24 auction.

25 **Sec. 403.** RCW 79.01.618 and 1987 c 20 s 3 are each amended to read  
26 as follows:

27 The department (~~(of natural resources)~~) may adopt rules necessary  
28 for carrying out the mineral leasing, contracting, and permitting  
29 provisions of RCW 79.01.616 through 79.01.651 (as recodified by this  
30 act). Such rules shall be enacted under chapter 34.05 RCW. The  
31 department may amend or rescind any rules adopted under this section.  
32 The department shall publish these rules in pamphlet form for the  
33 information of the public.



1       **Sec. 404.** RCW 79.01.620 and 1987 c 20 s 4 are each amended to read  
2 as follows:

3       Any person desiring to obtain a lease for mineral prospecting  
4 purposes upon any lands in which the mineral rights are owned or  
5 administered by the department (~~(of natural resources)~~), shall file in  
6 the proper office of the department an application or applications  
7 therefor, upon the prescribed form, together with application fees.  
8 The department may reject an application for a mineral prospecting  
9 lease when the department determines rejection to be in the best  
10 interests of the state, and in such case shall inform the applicant of  
11 the reason for rejection and refund the application fee. The  
12 department may also reject the application and declare the application  
13 fee forfeited should the applicant fail to execute the lease.

14       **Sec. 405.** RCW 79.01.632 and 1987 c 20 s 7 are each amended to read  
15 as follows:

16       The holder of any prospecting lease shall have a preference right  
17 to a mining contract on the premises described in the lease if  
18 application therefor is made to the department (~~(of natural resources)~~)  
19 at least one hundred eighty days prior to the expiration of the  
20 prospecting lease.

21       A lessee applying for a mining contract shall furnish plans for  
22 development leading toward production. The plans shall address the  
23 reclamation of the property. A mining contract shall be for a term of  
24 twenty years.

25       The first year of the contract and each year thereafter, the lessee  
26 shall perform development work in cost amounts as set by the board (~~(of~~  
27 ~~natural resources)~~). The lessee may make payment to the department in  
28 lieu of development work.

29       The lessee may at any time give notice of intent to terminate the  
30 contract if all of the covenants of the contract including reclamation  
31 are met. The notice of termination of contract shall be made by giving  
32 written notice together with copies of all information obtained from  
33 the premises. The contract shall terminate sixty days thereafter if  
34 all arrears and sums which are due under the contract up to the time of  
35 termination have been paid.

36       The lessee shall have sixty days from the termination date of the  
37 contract in which to remove improvements, except those necessary for

1 the safety and maintenance of mine workings, from the premises without  
2 material damage to the land or subsurface covered by the contract.  
3 However, the lessee shall upon written request to the department be  
4 granted an extension where forces beyond the control of the lessee  
5 prevent removal of the improvements within sixty days.

6 Any lessee not converting a prospecting lease to a mining contract  
7 shall not be entitled to a new prospecting lease on the lease premises  
8 for one year from the expiration date of the prior lease. Such lands  
9 included in the prospecting lease shall be open to application by any  
10 person other than the prior lessee, and the lessee's agents or  
11 associates during the year period described above.

12 **Sec. 406.** RCW 79.01.633 and 1987 c 20 s 8 are each amended to read  
13 as follows:

14 Where the surface rights have been sold and the minerals retained  
15 by the state, the state's right of entry to these lands is (~~hereby~~)  
16 transferred and assigned to the lessee during the life of the lease or  
17 contract. No lessee shall commence any operation upon lands covered by  
18 his or her lease or contract until the lessee has complied with RCW  
19 79.01.624 (as recodified by this act).

20 **Sec. 407.** RCW 79.01.634 and 1987 c 20 s 9 are each amended to read  
21 as follows:

22 The department (~~of natural resources~~) shall terminate and cancel  
23 a prospecting lease or mining contract upon failure of the lessee to  
24 make payment of the annual rental or royalties or comply with the terms  
25 and conditions of (~~said~~) the lease or contract upon the date such  
26 payments and compliances are due. The lessee shall be notified of such  
27 termination and cancellation, said notice to be mailed to the last  
28 known address of the lessee. Termination and cancellation shall become  
29 effective thirty days from the date of mailing (~~said~~) the notice(~~(+~~  
30 ~~PROVIDED, That~~)). However, the department may, upon written request  
31 from the lessee, grant an extension of time in which to make such  
32 payment or comply with (~~said~~) the terms and conditions.

33 **Sec. 408.** RCW 79.01.640 and 1987 c 20 s 10 are each amended to  
34 read as follows:

1       Prospecting leases or mining contracts referred to in chapter  
2       (~~79.01~~) 79.14 RCW shall be as prescribed by, and in accordance with  
3       rules adopted by the department (~~(of natural resources)~~).

4       The department may include in any mineral prospecting lease or  
5       mining contract to be issued under this chapter such terms and  
6       conditions as are customary and proper for the protection of the rights  
7       of the state and of the lessee not in conflict with this chapter, or  
8       rules adopted by the department.

9       Any lessee shall have the right to contract with others to work or  
10      operate the leased premises or any part thereof or to subcontract the  
11      same and the use of (~~said~~) the land or any part thereof for the  
12      purpose of mining for valuable minerals or specified materials, with  
13      the same rights and privileges granted to the lessee. Notice of such  
14      contracting or subcontracting with others to work or operate the  
15      property shall be made in writing to the department.

16      **Sec. 409.** RCW 79.01.644 and 1987 c 20 s 12 are each amended to  
17      read as follows:

18      Mining contracts entered into as provided in chapter (~~79.01~~)  
19      79.14 RCW shall provide for the payment to the state of production  
20      royalties as set by the board (~~(of natural resources)~~). A lessee shall  
21      pay in advance annually a minimum royalty which shall be set by the  
22      board (~~(of natural resources)~~). The minimum royalty shall be allowed  
23      as a credit against production royalties due during the contract year.

24      **Sec. 410.** RCW 79.01.645 and 1987 c 20 s 13 are each amended to  
25      read as follows:

26      The lessee may apply for the renewal of a mining contract, except  
27      placer mining contracts issued pursuant to RCW 79.01.617 (as recodified  
28      by this act), to the department within ninety days before the  
29      expiration of the contract. Upon receipt of the application, the  
30      department shall make the necessary investigation to determine whether  
31      the terms of the contract have been complied with, and if the  
32      department finds they have been complied with in good faith, the  
33      department shall renew the contract. The terms and conditions of the  
34      renewal contract shall remain the same except for royalty rates, which  
35      shall be determined by reference to then existing law.

1       **Sec. 411.** RCW 79.01.648 and 1965 c 56 s 13 are each amended to  
2 read as follows:

3       The holders of two or more mining contracts may consolidate  
4 (~~said~~) the contracts under a common management to permit proper  
5 operation of large scale developments. Notification of such  
6 consolidation shall be made to the department (~~of natural resources~~),  
7 together with a statement of plans of operation and proposed  
8 consolidation. The department may thereafter make examinations and  
9 investigations and if it finds that such consolidation is not in the  
10 best interest of the state, it shall disapprove such consolidated  
11 operation.

12       **Sec. 412.** RCW 79.01.649 and 1965 c 56 s 14 are each amended to  
13 read as follows:

14       Any person designated by the department (~~of natural resources~~)  
15 shall have the right at any time to enter upon the lands and inspect  
16 and examine the structures, works, and mines situated thereon, and  
17 shall also have the right to examine such books, records, and accounts  
18 of the lessee as are directly connected with the determination of  
19 royalties on the property under lease from the state but it shall be  
20 unlawful for any person so appointed to disclose any information thus  
21 obtained to any person other than the departmental officials and  
22 employees, except the attorney general and prosecuting attorneys of the  
23 state.

24       **Sec. 413.** RCW 79.01.650 and 1987 c 20 s 14 are each amended to  
25 read as follows:

26       The state shall have the right to sell or otherwise dispose of any  
27 surface resource, timber, rock, gravel, sand, silt, coal, or  
28 hydrocarbons, except minerals or materials specifically covered by a  
29 mineral prospecting lease or mining contract, found upon the land  
30 during the period covered by (~~said~~) the lease or contract. The state  
31 shall also have the right to enter upon such land and remove same, and  
32 shall not be obliged to withhold from any sale any timber for  
33 prospecting or mining purposes. The lessee shall, upon payment to the  
34 department (~~of natural resources~~), have the right to cut and use  
35 timber found on the leased premises for mining purposes as provided in  
36 rules adopted by the department.

1       **Sec. 414.** RCW 79.01.652 and 1927 c 255 s 163 are each amended to  
2 read as follows:

3       The (~~commissioner of public lands~~) department is authorized to  
4 execute option contracts and leases for the mining and extraction of  
5 coal from any public lands of the state, or to which it may hereafter  
6 acquire title, or from any lands sold or leased by the state the  
7 minerals of which have been reserved by the state.

8       **Sec. 415.** RCW 79.01.656 and 1927 c 255 s 164 are each amended to  
9 read as follows:

10       Any citizen of the United States believing coal to exist upon any  
11 of the lands described in (~~the preceding section~~) RCW 79.01.652 (as  
12 recodified by this act) may apply to the (~~commissioner of public~~  
13 ~~lands~~) department for an option contract for any amount not exceeding  
14 one section for prospecting purposes, such application to be made by  
15 legal subdivision according to the public land surveys. The applicant  
16 shall pay to the (~~commissioner of public lands~~) department, at the  
17 time of filing (~~his~~) the application, the sum of one dollar an acre  
18 for the lands applied for, but in no case less than fifty dollars. In  
19 case of the refusal of the (~~commissioner~~) department to execute an  
20 option contract for the lands, any remainder of the sum so paid, after  
21 deducting the expense incurred by the (~~commissioner~~) department in  
22 investigating the character of the land, shall be returned to the  
23 applicant.

24       **Sec. 416.** RCW 79.01.660 and 1927 c 255 s 165 are each amended to  
25 read as follows:

26       (1) Upon the filing of any such application, the (~~commissioner of~~  
27 ~~public lands~~) department shall forthwith investigate the character of  
28 the lands applied for, and if, from such investigation, (~~he~~) it deems  
29 it to be in the best interests of the state (~~he~~), it shall enter into  
30 an option contract with the applicant.

31       (2) The holder of any option contract shall be entitled, during the  
32 period of one year from the date thereof, to:

33       (a) Enter upon the lands and carry on such work of exploration,  
34 examination, and prospecting for coal as may be necessary to determine  
35 the presence of coal upon the lands and the feasibility of mining the  
36 same (~~. He shall have the right to~~); and

1        (b) Use such timber found upon the lands and owned by the state as  
2 may be necessary for steam purposes and timbering in the examination  
3 and prospecting of such lands(~~(;—PROVIDED, That)~~). However, this  
4 provision shall not be construed to require the state to withhold any  
5 such timber from sale.

6        (3) No coal shall be removed from such lands during the period of  
7 such option contract except for samples and testing.

8        (4) At the expiration of the option contract, the applicant shall  
9 fill or cover in a substantial manner all prospect holes and shafts, or  
10 surround the same with substantial fences, and shall file with the  
11 (~~commissioner of public lands~~) department a report showing in detail  
12 the result of (~~his~~) the applicant's investigation and prospecting.

13        **Sec. 417.** RCW 79.01.664 and 1927 c 255 s 166 are each amended to  
14 read as follows:

15        In the case of lands which the state may have sold or leased and  
16 reserved the mineral rights therein, if the holder of any option  
17 contract or lease (~~shall be~~) is unable to agree with the owner or  
18 prior lessee of the lands, (~~he~~) the holder shall have a right of  
19 action in the superior court of the county in which the land is  
20 situated to ascertain and determine the amount of damages which will  
21 accrue to such owner or lessee of the land by reason of the entry  
22 thereon and prospecting for or mining coal, as the case may be. In the  
23 event of any such action, the term of the option contract or lease  
24 shall begin thirty days after the entry of the final judgment in such  
25 action.

26        **Sec. 418.** RCW 79.01.668 and 1985 c 459 s 1 are each amended to  
27 read as follows:

28        At any time during the life of the option contract, the holder  
29 thereof may apply to the (~~commissioner of public lands~~) department  
30 for a coal mining lease of the lands included therein, or such portion  
31 thereof as (~~he~~) the holder may specify, for the purpose of mining and  
32 extraction of coal therefrom. Such coal mining lease shall be for such  
33 term, not more than twenty years, and in such form as may be prescribed  
34 by the (~~commissioner of public lands~~) department, shall entitle the  
35 lessee to mine and sell and dispose of all coal underlying said lands  
36 and to occupy and use so much of the surface thereof as may be

1 necessary for bunkers and other outside works, and for railroads,  
2 buildings, appliances, and appurtenances in connection with the mining  
3 operations. Such lease shall provide for the payment to the state of  
4 a royalty, according to the grade of coal, for each ton of two thousand  
5 pounds of merchantable coal taken from the lands, as follows: For  
6 lignite coal of the class commonly found in Lewis and Thurston  
7 counties, not less than ten cents per ton; for subbituminous coal, not  
8 less than fifteen cents per ton; for high grade bituminous and coking  
9 coals, not less than twenty cents per ton; but such lease shall provide  
10 for the payment each year of a minimum royalty of not less than one nor  
11 more than ten dollars an acre for the lands covered thereby(~~(+~~  
12 ~~PROVIDED, That the commissioner of public lands)~~). However, the  
13 department may agree with the lessee that said minimum royalty shall be  
14 graduated for the different years of said lease so that a lower minimum  
15 royalty shall be paid during the earlier years of the term. The  
16 minimum royalty fixed in the lease shall be paid in advance each year,  
17 and the lessee, at stated periods during the term of the lease, fixed  
18 by the (~~(commissioner)~~) department, shall furnish to the (~~(commissioner~~  
19 ~~of public lands)~~) department a written report under oath showing the  
20 amount of merchantable coal taken from the land during the period  
21 covered by such report and shall remit therewith such sum in excess of  
22 the minimum royalty theretofore paid for the current year as may be  
23 payable as royalty for the period covered by such report.

24 The (~~(commissioner)~~) department shall incorporate in every lease  
25 such provisions and conditions not inconsistent with the provisions of  
26 this chapter and not inconsistent with good coal mining practice as  
27 (~~(he shall)~~) it deems necessary and proper for the protection of the  
28 state, and, in addition thereto, the (~~(commissioner shall be)~~)  
29 department is empowered to (~~(prescribe)~~) adopt such rules (~~(and~~  
30 ~~regulations)~~), not inconsistent with this chapter and not inconsistent  
31 with good mining practice, governing the manner and methods of mining  
32 as in (~~(his)~~) its judgment are necessary and proper.

33 **Sec. 419.** RCW 79.01.672 and 1927 c 255 s 168 are each amended to  
34 read as follows:

35 In the case of lands known to contain workable coal, the  
36 (~~(commissioner)~~) department may, in (~~(his)~~) its discretion, issue coal

1 mining leases under the (~~foregoing~~) provisions of RCW 79.01.668 (as  
2 recodified by this act) although no option contract has been  
3 theretofore issued for such lands.

4 **Sec. 420.** RCW 79.01.676 and 1927 c 255 s 169 are each amended to  
5 read as follows:

6 The commissioner (~~of public lands~~) or any person designated by  
7 (~~him shall have~~) the commissioner has the right at any time to enter  
8 upon the lands and inspect and examine the structures, works, and mines  
9 situated thereon, and (~~shall~~) also (~~have~~) has the right to examine  
10 such books, records, and accounts of the lessee as are directly  
11 connected with the operation of the mine on the property under lease  
12 from the state; but it shall be unlawful for the commissioner or any  
13 person so appointed to disclose any information thus obtained to any  
14 person other than the commissioner (~~of public lands and his~~  
15 ~~employees~~) or an employee of the department, except the attorney  
16 general and prosecuting attorneys of the state.

17 **Sec. 421.** RCW 79.01.680 and 1927 c 255 s 170 are each amended to  
18 read as follows:

19 The state shall have the right to sell or otherwise dispose of any  
20 timber, stone, or other valuable materials, except coal, found upon the  
21 land during the period covered by any option contract, or lease issued  
22 under the foregoing provisions, with the right to enter upon such lands  
23 and cut and remove the same, and shall not be obliged to withhold from  
24 sale any timber for coal mining or prospecting purposes (~~:- PROVIDED,~~  
25 ~~That~~). However, the lessee shall be permitted to use in (~~his~~)  
26 mining operations any timber found upon the land, first paying therefor  
27 to the (~~commissioner of public lands~~) department the value thereof as  
28 fixed by (~~said commissioner: AND PROVIDED FURTHER, That~~) the  
29 department. Further, any bill of sale for the removal of timber,  
30 stone, or other material given subsequent to the coal lease shall  
31 contain provisions preventing any interference with the operations of  
32 the coal lease.

33 **Sec. 422.** RCW 79.01.684 and 1927 c 255 s 171 are each amended to  
34 read as follows:

35 Should the lessee for any reason, except strikes or inability to



1 mine or dispose of (~~his~~) output without loss, suspend mining  
2 operations upon the lands included in (~~his~~) a lease, or upon any  
3 contiguous lands operated by (~~him~~) the lessee in connection  
4 therewith, for a period of six months, or should the lessee for any  
5 reason suspend mining operations upon the lands included in (~~his~~) a  
6 lease or in such contiguous lands for a period of twelve months, the  
7 (~~commissioner of public lands~~) department may, at (~~his~~) its option,  
8 cancel the lease, first giving thirty days' notice in writing to the  
9 lessee.

10 The lessee shall have the right to terminate the lease after thirty  
11 days' written notice to the (~~commissioner of public lands~~) department  
12 and the payment of all royalties and rentals then due.

13 **Sec. 423.** RCW 79.01.688 and 1927 c 255 s 172 are each amended to  
14 read as follows:

15 Upon the termination of any lease issued under the foregoing  
16 provisions, the lessee shall surrender the lands and premises and leave  
17 in good order and repair all shafts, slopes, airways, tunnels, and  
18 watercourses then in use. Unless the coal therein is exhausted, (~~he~~)  
19 the lessee shall also, as far as it is reasonably practicable so to do,  
20 leave open to the face all main entries then in use so that the work of  
21 further development and operation may not be unnecessarily hampered.  
22 (~~He~~) The lessee shall also leave on the premises all buildings and  
23 other structures, but shall have the right to, without damage to such  
24 buildings and structures, remove all tracks, machinery, and other  
25 personal property.

26 **Sec. 424.** RCW 79.01.692 and 1927 c 255 s 173 are each amended to  
27 read as follows:

28 If at the expiration of any lease for the mining and extraction of  
29 coal or any renewal thereof the lessee desires to re-lease the lands  
30 covered thereby, (~~he~~) the lessee may make application to the  
31 (~~commissioner of public lands~~) department for a re-lease. Such  
32 application shall be in writing and under oath, setting forth the  
33 extent, character, and value of all improvements, development work, and  
34 structures existing upon the land. The (~~commissioner of public~~  
35 ~~lands~~) department may on the filing of such application cause the  
36 lands to be inspected, and if (~~he~~) the department deems it for the

1 best interests of the state to re-lease said lands, ((he)) it shall fix  
2 the royalties for the ensuing term in accordance with the foregoing  
3 provisions relating to original leases, and issue to the applicant a  
4 renewal lease for a further term; such application for a release when  
5 received from the lessee, or successor of any lessee, who has in good  
6 faith developed and improved the property in a substantial manner  
7 during ((his)) the original lease to be given preference on equal terms  
8 against the application of any new applicant.

9 **Sec. 425.** RCW 79.01.696 and 1927 c 255 s 174 are each amended to  
10 read as follows:

11 It shall be unlawful for the holder of any coal mining option  
12 contract, or any lessee, to commit any waste upon the lands embraced  
13 therein, except as may be incident to ((his)) the work of prospecting  
14 or mining by the option contract holder or lessee.

15 **Sec. 426.** RCW 79.01.708 and 1988 c 128 s 57 are each amended to  
16 read as follows:

17 All maps, plats, and field notes of surveys, required to be made by  
18 this ((chapter)) title shall, after approval by the department ((of  
19 natural resources, or the commissioner of public lands, as the case may  
20 be)), be deposited and filed in the office of the ((commissioner of  
21 public lands)) department, ((who)) which shall keep a careful and  
22 complete record and index of all maps, plats, and field notes of  
23 surveys in ((his)) its possession, in well bound books, which shall at  
24 all times be open to public inspection.

25 **Sec. 427.** RCW 79.01.712 and 1988 c 128 s 58 are each amended to  
26 read as follows:

27 All notices, orders, contracts, certificates, rules and  
28 regulations, or other documents or papers made and issued by or on  
29 behalf of the department ((of natural resources)), or the commissioner  
30 ((of public lands)), as provided in this ((chapter)) title, shall be  
31 authenticated by a seal whereon shall be the vignette of George  
32 Washington, with the words "Seal of the commissioner of public lands,  
33 State of Washington."

1       **Sec. 428.** RCW 79.01.720 and 1979 ex.s. c 109 s 18 are each amended  
2 to read as follows:

3       The (~~commissioner of public lands for services performed by him,~~)  
4 department may charge and collect fees as determined by the board (~~of~~  
5 ~~natural resources~~) for each category of services performed based on  
6 costs incurred.

7       **Sec. 429.** RCW 79.01.724 and 1979 ex.s. c 109 s 19 are each amended  
8 to read as follows:

9       The (~~commissioner of public lands~~) department shall keep a fee  
10 book, in which shall be entered all fees received (~~by him~~), with the  
11 date paid and the name of the person paying the same, and the nature of  
12 the services rendered for which the fee is charged, which book shall be  
13 verified monthly by (~~his~~) affidavit entered therein(~~, and~~). All  
14 fees collected by (~~him~~) the department shall be paid into the state  
15 treasury, as applicable, to the (~~RMCA within the general fund~~)  
16 resource management cost account created in RCW 79.64.020 (as  
17 recodified by this act), the forest development account created in RCW  
18 76.12.110 (as recodified by this act), or the agricultural college  
19 trust management account fund as established under RCW 79.64.090 (as  
20 recodified by this act), and the receipt of the state treasurer taken  
21 (~~therefor~~) and retained in the department's Olympia office (~~of the~~  
22 ~~commissioner of public lands~~) as a voucher.

23       **Sec. 430.** RCW 79.01.728 and 1927 c 255 s 192 are each amended to  
24 read as follows:

25       (1) When any public land of the state (~~as defined in this chapter~~  
26 shall have been assessed) is offered for sale and the state has paid  
27 assessments for local improvements, or (~~for~~) benefits, (~~by~~) to any  
28 municipal corporation authorized by law to assess the same, (~~and~~  
29 such) the amount of the assessments (~~have been~~) paid by the state(~~, and~~  
30 such land is offered for sale, there) shall be added to the  
31 appraised value of such land(~~, appraised as provided by this~~  
32 chapter).

33       (2) The amount of assessments paid by the state(~~, which amount so~~  
34 added) shall be paid by the purchaser(~~,~~) in addition to the amount  
35 due the state for the land.

1        (3) In case of sale((~~τ~~)) by contract under RCW 79.08.110 (as  
2 recodified by this act) the purchaser may pay the assessments in equal  
3 annual installments at the same time, and with the same rate of  
4 interest upon deferred payments, as the installments of the purchase  
5 price for the land are paid(~~(, in addition to the amounts otherwise due~~  
6 ~~to the state for said land, and))~~).

7        (4) No deed shall be executed until such assessments have been  
8 paid.

9        **Sec. 431.** RCW 79.01.736 and 1959 c 257 s 40 are each amended to  
10 read as follows:

11        It shall be the duty of the attorney general, to institute, or  
12 defend, any action or proceeding to which the state, or the  
13 commissioner (~~(of public lands,)~~) or the board (~~(of natural~~  
14 ~~resources)~~), is or may be a party, or in which the interests of the  
15 state are involved, in any court of this state, or any other state, or  
16 of the United States, or in any department of the United States, or  
17 before any board or tribunal, when requested so to do by the  
18 commissioner (~~(of public lands)~~), or the board (~~(of natural~~  
19 ~~resources)~~), or upon (~~(his)~~) the attorney general's own initiative.

20        The commissioner (~~(of public lands)~~) is authorized to represent the  
21 state in any such action or proceeding relating to any public lands of  
22 the state.

23        **Sec. 432.** RCW 79.01.740 and 1982 1st ex.s. c 21 s 177 are each  
24 amended to read as follows:

25        The department (~~(of natural resources)~~) may review and reconsider  
26 any of its official acts relating to state lands until such time as a  
27 lease, contract, or deed shall have been made, executed, and finally  
28 issued, and the department may recall any lease, contract, or deed  
29 issued for the purpose of correcting mistakes or errors, or supplying  
30 omissions.

31        **Sec. 433.** RCW 79.01.744 and 1997 c 448 s 3 are each amended to  
32 read as follows:

33        (1) It shall be the duty of the (~~(commissioner of public lands)~~)  
34 department to report, and recommend, to each session of the

1 legislature, any changes in the law relating to the methods of handling  
2 the public lands of the state that ((he)) the department may deem  
3 advisable.

4 (2) The ((~~commissioner of public lands~~)) department shall provide  
5 a comprehensive biennial report to reflect the previous fiscal period.  
6 The report shall include, but not be limited to, descriptions of all  
7 department activities including: Revenues generated, program costs,  
8 capital expenditures, personnel, special projects, new and ongoing  
9 research, environmental controls, cooperative projects,  
10 intergovernmental agreements, the adopted sustainable harvest compared  
11 to the sales program, and outlines of ongoing litigation, recent court  
12 decisions, and orders on major issues with the potential for state  
13 liability. The report shall describe the status of the resources  
14 managed and the recreational and commercial utilization. The report  
15 ((~~shall be given to the chairs of the house and senate committees on~~  
16 ~~ways and means and the house and senate committees on natural~~  
17 ~~resources, including one copy to the staff of each of the committees,~~  
18 ~~and shall be~~)) must be delivered to the appropriate committees of the  
19 legislature and made available to the public.

20 (3) The ((~~commissioner of public lands~~)) department shall provide  
21 annual reports to the respective trust beneficiaries, including each  
22 county. The report shall include, but not be limited to, the  
23 following: Acres sold, acres harvested, volume from those acres, acres  
24 planted, number of stems per acre, acres precommercially thinned, acres  
25 commercially thinned, acres partially cut, acres clear cut, age of  
26 final rotation for acres clear cut, and the total number of acres off  
27 base for harvest and an explanation of why those acres are off base for  
28 harvest.

29 **Sec. 434.** RCW 79.01.752 and 1927 c 255 s 198 are each amended to  
30 read as follows:

31 Every person being in lawful possession of any public lands of the  
32 state, under and by virtue of any lease or contract of purchase from  
33 the state, cuts down, destroys, or injures, or causes to be cut down,  
34 destroyed, or injured, any timber standing or growing thereon, or takes  
35 or removes, or causes to be taken or removed, therefrom, any wood or  
36 timber lying thereon, or maliciously injures or severs anything  
37 attached thereto, or the produce thereof, or digs, quarries, mines,

1 takes, or removes therefrom, any earth, soil, clay, sand, gravel,  
2 stone, mineral, or other valuable material, or causes the same to be  
3 done, or otherwise injures, defaces, or damages, or causes to be  
4 injured, defaced, or damaged, any such lands unless expressly  
5 authorized so to do by the lease or contract under which (~~he holds~~)  
6 possession of such lands is held, or by the provisions of law under and  
7 by virtue of which such lease or contract was issued, shall be guilty  
8 of a misdemeanor.

9 **Sec. 435.** RCW 79.01.760 and 1994 c 280 s 2 are each amended to  
10 read as follows:

11 (1) Every person who, without authorization, uses or occupies  
12 public lands, removes any valuable material as defined in RCW 79.01.038  
13 (as recodified by this act) from public lands, or causes waste or  
14 damage to public lands, or injures publicly owned personal property or  
15 publicly owned improvements to real property on public lands, is liable  
16 to the state for treble the amount of the damages. However, liability  
17 shall be for single damages if the department (~~of natural resources~~)  
18 determines, or the person proves upon trial, that the person, at time  
19 of the unauthorized act or acts, did not know, or have reason to know,  
20 that he or she lacked authorization. Damages recoverable under this  
21 section include, but are not limited to, the market value of the use,  
22 occupancy, or things removed, had the use, occupancy, or removal been  
23 authorized; and any damages caused by injury to the land, publicly  
24 owned personal property or publicly owned improvement, including the  
25 costs of restoration. In addition, the person is liable for  
26 reimbursing the state for its reasonable costs, including but not  
27 limited to, its administrative costs, survey costs to the extent they  
28 are not included in damages awarded for restoration costs, and its  
29 reasonable attorneys' fees and other legal costs.

30 (2) This section does not apply in any case where liability for  
31 damages is provided under RCW 64.12.030, 4.24.630, 79.01.756 (as  
32 recodified by this act), or 79.40.070 (as recodified by this act).

33 (3) The department (~~of natural resources~~) is authorized and  
34 directed to investigate all trespasses and wastes upon, and damages to,  
35 public lands of the state, and to cause prosecutions for, and/or  
36 actions for the recovery of(~~τ~~) the same(~~τ~~) to be commenced as is  
37 provided by law.

1       **Sec. 436.** RCW 79.01.765 and 1994 c 56 s 1 are each amended to read  
2 as follows:

3       The department (~~((of natural resources))~~) is authorized to offer and  
4 pay a reward not to exceed ten thousand dollars in each case for  
5 information regarding violations of any statute or rule relating to the  
6 state's public lands and natural resources on those lands, except  
7 forest practices under chapter 76.09 RCW. No reward may be paid to any  
8 federal, state, or local government or agency employees for information  
9 obtained by them in the normal course of their employment. The  
10 department (~~((of natural resources))~~) is authorized to adopt rules in  
11 pursuit of its authority under this section to determine the  
12 appropriate account or fund from which to pay the reward. The  
13 department is also authorized to adopt rules establishing the criteria  
14 for paying a reward and the amount to be paid. No appropriation shall  
15 be required for disbursement.

16       **Sec. 437.** RCW 79.01.770 and 1985 c 200 s 1 are each amended to  
17 read as follows:

18       Notwithstanding the provisions of RCW 79.01.096 (as recodified by  
19 this act) or any other provision of law, any school district or  
20 institution of higher education leasing land granted to the state by  
21 the United States and on which land such district or institution has  
22 placed improvements as defined in RCW (~~((79.01.036))~~) 79.01.004 (as  
23 recodified by this act) shall be afforded the opportunity by the  
24 department (~~((of natural resources))~~) at any time to purchase such land,  
25 excepting land over which the department retains management  
26 responsibilities, for the purposes of schoolhouse construction and/or  
27 necessary supporting facilities or structures at the appraised value  
28 thereof less the value that any improvements thereon added to the value  
29 of the land itself at the time of the sale thereof.

30       **Sec. 438.** RCW 79.01.774 and 1990 c 33 s 596 are each amended to  
31 read as follows:

32       The purchases authorized under RCW 79.01.770 (as recodified by this  
33 act) shall be classified as for the construction of common school plant  
34 facilities under RCW 28A.525.010 through 28A.525.222 and shall be  
35 payable out of the common school construction fund as otherwise  
36 provided for in RCW 28A.515.320 if the school district involved was

1 under emergency school construction classification as established by  
2 the state board of education at any time during the period of its lease  
3 of state lands.

4 **Sec. 439.** RCW 79.01.778 and 1971 ex.s. c 200 s 4 are each amended  
5 to read as follows:

6 In those cases where the purchases, as authorized by RCW 79.01.770  
7 and 79.01.774 (as recodified by this act), have been made on a ten year  
8 contract, the board (~~((of natural resources))~~), if it deems it in the  
9 best interest of the state, may extend the term of any such contract to  
10 not to exceed an additional ten years under such terms and conditions  
11 as the board may determine.

12 **Sec. 440.** RCW 79.01.780 and 1971 ex.s. c 200 s 5 are each amended  
13 to read as follows:

14 Notwithstanding any other provisions of law, annually the board  
15 (~~((of natural resources))~~) shall determine if lands purchased or leased  
16 by school districts or institutions of higher education under the  
17 provisions of RCW 79.01.096 and 79.01.770 (as recodified by this act)  
18 are being used for school sites. If such land has not been used for  
19 school sites for a period of seven years the title to such land shall  
20 revert to the original trust for which it was held.

21 **Sec. 441.** RCW 79.01.784 and 1979 ex.s. c 56 s 1 are each amended  
22 to read as follows:

23 The purpose of this section is to foster cooperative planning  
24 (~~((between))~~) among the state (~~((of Washington))~~), the department (~~((of~~  
25 ~~natural resources))~~), and local governments as to state-owned lands  
26 under the department's jurisdiction situated in urban areas.

27 At least once a year, prior to finalizing the department's urban  
28 land leasing action plan, the department and applicable local  
29 governments shall meet to review state and local plans and to  
30 coordinate planning in areas where urban lands are located. The  
31 department and local governments may enter into formal agreements for  
32 the purpose of planning the appropriate development of these state-  
33 owned urban lands.

34 The department shall contact those local governments which have



1 planning, zoning, and land-use regulation authority over areas where  
2 urban lands under its jurisdiction are located so as to facilitate  
3 these annual or other meetings.

4 "Urban lands" as used in this section (~~(shall)~~) means those areas  
5 which within ten years are expected to be intensively used for  
6 locations of buildings(~~(τ)~~) or structures, and usually have urban  
7 governmental services.

8 "Local government" as used in this section (~~(shall)~~) means  
9 counties, cities, and towns having planning and land-use regulation  
10 authority.

11 **Sec. 442.** RCW 79.01.805 and 1996 c 46 s 1 are each amended to read  
12 as follows:

13 (1) The maximum daily wet weight harvest or possession of seaweed  
14 for personal use from all aquatic lands as defined under RCW 79.90.010  
15 and all privately owned tidelands is ten pounds per person. The  
16 department (~~(of natural resources)~~) in cooperation with the department  
17 of fish and wildlife may establish seaweed harvest limits of less than  
18 ten pounds for conservation purposes. This section shall in no way  
19 affect the ability of any state agency to prevent harvest of any  
20 species of marine aquatic plant from lands under its control,  
21 ownership, or management.

22 (2) Except as provided under subsection (3) of this section,  
23 commercial harvesting of seaweed from aquatic lands as defined under  
24 RCW 79.90.010, and all privately owned tidelands is prohibited. This  
25 subsection shall in no way affect commercial seaweed aquaculture.

26 (3) Upon mutual approval by the department and the department of  
27 fish and wildlife, seaweed species of the genus *Macrocystis* may be  
28 commercially harvested for use in the herring spawn-on-kelp fishery.

29 (4) Importation of seaweed species of the genus *Macrocystis* into  
30 Washington state for the herring spawn-on-kelp fishery is subject to  
31 the fish and shellfish disease control policies of the department of  
32 fish and wildlife. *Macrocystis* shall not be imported from areas with  
33 fish or shellfish diseases associated with organisms that are likely to  
34 be transported with *Macrocystis*. The department shall incorporate this  
35 policy on *Macrocystis* importation into its overall fish and shellfish  
36 disease control policies.

1       **Sec. 443.** RCW 79.01.810 and 1994 c 286 s 2 are each amended to  
2 read as follows:

3       It is unlawful to exceed the harvest and possession restrictions  
4 imposed under RCW 79.01.805 (as recodified by this act). A violation  
5 of this section is a misdemeanor punishable in accordance with RCW  
6 9.92.030, and a violation taking place on aquatic lands is subject to  
7 the provisions of RCW 79.01.760 (as recodified by this act). A person  
8 committing a violation of this section on private tidelands which he or  
9 she owns is liable to the state for treble the amount of damages to the  
10 seaweed resource, and a person trespassing on private tidelands and  
11 committing a violation of this section is liable to the private  
12 tideland owner for treble the amount of damages to the seaweed  
13 resource. Damages recoverable include, but are not limited to, damages  
14 for the market value of the seaweed, for injury to the aquatic  
15 ecosystem, and for the costs of restoration. In addition, the person  
16 is liable for reimbursing the injured party for the party's reasonable  
17 costs, including but not limited to investigative costs and reasonable  
18 attorneys' fees and other litigation-related costs.

19       **Sec. 444.** RCW 79.01.815 and 1994 c 286 s 3 are each amended to  
20 read as follows:

21       The department of fish and wildlife and law enforcement authorities  
22 may enforce the provisions of RCW 79.01.805 and 79.01.810 (as  
23 recodified by this act).

24       **Sec. 445.** RCW 79.08.015 and 1979 c 54 s 1 are each amended to read  
25 as follows:

26       Before (~~(the department of natural resources presents)~~) a proposed  
27 exchange is presented to the board (~~(of natural resources)~~) involving  
28 an exchange of any lands under the administrative control of the  
29 department (~~(of natural resources)~~), the department shall hold a public  
30 hearing on the proposal in the county where the state-owned land or the  
31 greatest proportion thereof is located. Ten days but not more than  
32 twenty-five days prior to such hearing, the department shall publish a  
33 paid public notice of reasonable size in display advertising form,  
34 setting forth the date, time, and place of the hearing, at least once  
35 in one or more daily newspapers of general circulation in the county  
36 and at least once in one or more weekly newspapers circulated in the

1 area where the state-owned land is located. A news release pertaining  
2 to the hearing shall be disseminated among printed and electronic media  
3 in the area where the state-owned land is located. The public notice  
4 and news release also shall identify lands involved in the proposed  
5 exchange and describe the purposes of the exchange and proposed use of  
6 the lands involved. A summary of the testimony presented at the  
7 hearings shall be prepared for the board's consideration when reviewing  
8 the department's exchange proposal. If there is a failure to  
9 substantially comply with the procedures set forth in this section,  
10 then the exchange agreement shall be subject to being declared invalid  
11 by a court. Any such suit must be brought within one year from the  
12 date of the exchange agreement.

13 **Sec. 446.** RCW 79.08.070 and 1917 c 66 s 1 are each amended to read  
14 as follows:

15 For the purpose of securing an area suitable for a demonstration  
16 forest and forest experiment station for the University of Washington  
17 authority is hereby granted the board of regents of the University of  
18 Washington and the (~~commissioner of public lands~~) department with the  
19 (~~advice and~~) approval of the (~~state~~) board (~~of land~~  
20 ~~commissioners~~), (~~all~~) acting with the advice and approval of the  
21 attorney general, to exchange all or any portion of the granted lands  
22 of the University of Washington assigned for the support of said  
23 university by section 9 of chapter 122 of the act of March (~~14th~~) 14,  
24 1893, enacted by the legislature of Washington, being entitled, "An act  
25 providing for the location, construction and maintenance of the  
26 University of Washington, and making an appropriation therefor, and  
27 declaring an emergency," for all or any portion of such lands as may be  
28 acquired by the state under and by virtue of chapter 102, (~~of the~~  
29 ~~Session~~) Laws of (~~Washington for the year~~) 1913, being: "An act  
30 relating to lands granted to the state for common schools and for  
31 educational, penal, reformatory, charitable, capitol buildings and  
32 other purposes providing for the completion of such grants and the  
33 relinquishment of certain granted lands; and making an appropriation,"  
34 approved March (~~18th~~) 18, 1913, by exchange with the United States in  
35 the Pilchuck-Sultan-Wallace watersheds included within the present  
36 boundaries of the Snoqualmie national forest. (~~Said~~) The board of  
37 regents and (~~commissioner of public lands~~) department with the advice

1 and approval ((aforesaid)) required by this section are hereby  
2 authorized to execute such agreements, writings, or relinquishments as  
3 are necessary or proper for the purpose of carrying said exchange into  
4 effect and such agreements or other writings to be executed in  
5 duplicate, one to be filed with the ((~~commissioner of public lands~~)  
6 department and one to be delivered to the ((said)) board of regents.  
7 ((Said)) The exchange shall be made upon the basis of equal values to  
8 be determined by careful valuation of the areas to be exchanged.

9 **Sec. 447.** RCW 79.08.080 and 1988 c 127 s 33 are each amended to  
10 read as follows:

11 Whenever application is made to the ((~~commissioner of public~~  
12 ~~lands~~) department by any incorporated city or town or metropolitan  
13 park district for the use of any state owned tide or shore lands within  
14 the corporate limits of said city or town or metropolitan park district  
15 for municipal park and/or playground purposes, ((he)) the department  
16 shall cause such application to be entered in the records of ((his))  
17 its office, and shall then forward the same to the governor, who shall  
18 appoint a committee of five representative citizens of ((said)) the  
19 city or town, in addition to the commissioner ((~~of public lands~~) and  
20 the director of ecology, both of whom shall be ex officio members of  
21 ((said)) the committee, to investigate ((said)) the lands and determine  
22 whether they are suitable and needed for such purposes; and, if they so  
23 find, the ((land)) commissioner shall certify to the governor that the  
24 property shall be deeded, when in accordance with RCW 79.94.150 and  
25 79.94.160, to the ((said)) city or town or metropolitan park district  
26 and the governor shall then execute a deed in the name of the state of  
27 Washington, attested by the secretary of state, conveying the use of  
28 such lands to ((said)) the city or town or metropolitan park district  
29 for said purposes for so long as it shall continue to hold, use, and  
30 maintain ((said)) the lands for such purposes.

31 **Sec. 448.** RCW 79.08.090 and 1939 c 157 s 2 are each amended to  
32 read as follows:

33 In the event there are no state-owned tide or shore lands in any  
34 such city or town or metropolitan park district suitable for ((such))  
35 the purposes of RCW 79.08.080 (as recodified by this act) and the  
36 committee finds other lands therein which are suitable and needed

1 therefor, the (~~commissioner of public lands~~) department is hereby  
2 authorized to secure the same by exchanging state-owned tide or shore  
3 lands in the same county of equal value therefor, and the use of the  
4 lands so secured shall be conveyed to any such city or town or  
5 metropolitan park district as provided for in RCW 79.08.080 (as  
6 recodified by this act). In all such exchanges the (~~commissioner of~~  
7 ~~public lands shall be and he~~) department is hereby authorized and  
8 directed, with the assistance of the attorney general, to execute such  
9 agreements, writings, relinquishments, and deeds as are necessary or  
10 proper for the purpose of carrying such exchanges into effect. Upland  
11 owners shall be notified of such state-owned tide or shore lands to be  
12 exchanged.

13 **Sec. 449.** RCW 79.08.110 and 1931 c 105 s 1 are each amended to  
14 read as follows:

15 Whenever the state shall have heretofore sold or may hereafter sell  
16 any state lands and issued a contract of purchase or executed a deed of  
17 conveyance therefor, in which there is a reservation of all oils,  
18 gases, coal, ores, minerals, and fossils of every kind and of rights in  
19 connection therewith, and the United States of America shall have  
20 acquired for governmental purposes and uses all right, title, claim,  
21 and interest of the purchaser, or grantee, or his or her successors in  
22 interest or assigns, in or to (~~said~~) the contract or the land  
23 described therein, except such reserved rights, and no oils, gases,  
24 coal, ores, minerals, or fossils of any kind have been discovered or  
25 are known to exist in or upon such lands, the commissioner (~~of public~~  
26 ~~lands~~) may, if (~~he deems~~) it is advisable, cause to be prepared a  
27 deed of conveyance to the United States of America of such reserved  
28 rights, and certify the same to the governor in the manner provided by  
29 law for deeds to state lands, and the governor shall be, and hereby is  
30 authorized to execute, and the secretary of state to attest, a deed of  
31 conveyance for such reserved rights to the United States of America.

32 **Sec. 450.** RCW 79.08.120 and 1941 c 66 s 1 are each amended to read  
33 as follows:

34 State lands may be leased to the United States for national defense  
35 purposes at the fair rental value thereof as determined by the  
36 (~~commissioner of public lands~~) department, for a period of five years

1 or less. Such leases may be made without competitive bidding at public  
2 auction and without payment in advance by the United States government  
3 of the first year's rental. Such leases otherwise shall be negotiated  
4 and arranged in the same manner as other leases of state lands.

5 **Sec.451.** RCW 79.08.170 and 1991 c 363 s 152 are each amended to  
6 read as follows:

7 The duties of the county auditor in each county with a population  
8 of two hundred ten thousand or more, with regard to sales and leases  
9 (~~of the state lands~~) dealt with under this title (~~79 RCW~~) except  
10 RCW 79.01.100 (as recodified by this act), 79.01.104 (as recodified by  
11 this act), and 79.94.040, are transferred to the county treasurer.

12 **Sec. 452.** RCW 79.08.180 and 1987 c 113 s 1 are each amended to  
13 read as follows:

14 The department (~~of natural resources~~), with the approval of the  
15 board (~~of natural resources~~), may exchange any state land and any  
16 timber thereon for any land of equal value in order to:

- 17 (1) Facilitate the marketing of forest products of state lands;
- 18 (2) Consolidate and block-up state lands;
- 19 (3) Acquire lands having commercial recreational leasing potential;
- 20 (4) Acquire county-owned lands;
- 21 (5) Acquire urban property which has greater income potential or  
22 which could be more efficiently managed by the department in exchange  
23 for state urban lands as defined in RCW 79.01.784 (as recodified by  
24 this act); or
- 25 (6) Acquire any other lands when such exchange is determined by the  
26 board (~~of natural resources~~) to be in the best interest of the trust  
27 for which the state land is held.
- 28 (7) Land exchanged under this section shall not be used to reduce  
29 the publicly owned forest land base.
- 30 (8) The board (~~of natural resources~~) shall determine that each  
31 land exchange is in the best interest of the trust for which the land  
32 is held prior to authorizing the land exchange.

33 **Sec. 453.** RCW 79.08.250 and 1979 c 24 s 1 are each amended to read  
34 as follows:

35 The department (~~of natural resources~~) may exchange surplus real

1 property previously acquired by the department as administrative sites.  
2 The property may be exchanged for any public or private real property  
3 of equal value, to preserve archeological sites on trust lands, to  
4 acquire land to be held in natural preserves, to maintain habitats for  
5 endangered species, or to acquire or enhance sites to be dedicated for  
6 recreational purposes.

7 **Sec. 454.** RCW 79.08.260 and 2001 c 150 s 2 are each amended to  
8 read as follows:

9 (1) The department (~~(of natural resources)~~) is authorized to  
10 exchange bedlands abandoned through rechanneling of the Cowlitz river  
11 near the confluence of the Columbia river so that the state obtains  
12 clear title to the Cowlitz river as it now exists or where it may exist  
13 in the future through the processes of erosion and accretion.

14 (2) The department (~~(of natural resources)~~) is also authorized to  
15 exchange bedlands and enter into boundary line agreements to resolve  
16 any disputes that may arise over the location of state-owned lands now  
17 comprising the dike that was created in the 1920s.

18 (3) For purposes of chapter 150, Laws of 2001, "Cowlitz river near  
19 the confluence of the Columbia river" means those tidelands and  
20 bedlands of the Cowlitz river fronting and abutting sections 10, 11,  
21 and 14, township 7 north, range 2 west, Willamette Meridian and  
22 fronting and abutting the Huntington Donation Land Claim No. 47 and the  
23 Blakeny Donation Land Claim No. 43, township 7 north, range 2 west,  
24 Willamette Meridian.

25 (4) Nothing in chapter 150, Laws of 2001 shall be deemed to convey  
26 to the department (~~(of natural resources)~~) the power of eminent domain.

27 **Sec. 455.** RCW 79.08.275 and 2000 c 11 s 23 are each amended to  
28 read as follows:

29 Except as provided in RCW 79A.05.120 and 79A.05.125, the portion of  
30 the Milwaukee Road corridor from the west end of the bridge structure  
31 over the Columbia river, which point is located in section 34, township  
32 16 north, range 23 east, W.M., to the Idaho border purchased by the  
33 state shall be under the management and control of the department (~~(of~~  
34 ~~natural resources)~~).

1       **Sec. 456.** RCW 79.08.275 and 1989 c 129 s 2 are each amended to  
2 read as follows:

3       The portion of the Milwaukee Road corridor from the west end of the  
4 bridge structure over the Columbia river, which point is located in  
5 section 34, township 16 north, range 23 east, W.M., to the Idaho border  
6 purchased by the state shall be under the management and control of the  
7 department (~~(of natural resources)~~).

8       **Sec. 457.** RCW 79.08.277 and 1984 c 174 s 7 are each amended to  
9 read as follows:

10       The portion of the Milwaukee Road corridor under management and  
11 control of the department (~~(of natural resources)~~) shall be open to  
12 individuals or organized groups (~~(which)~~) that obtain permits from the  
13 department (~~(of natural resources)~~) to travel the corridor for  
14 recreational purposes. The department (~~(of natural resources)~~) shall,  
15 for the purpose of issuing permits for corridor use, (~~(promulgate)~~)  
16 adopt rules necessary for the orderly and safe use of the corridor and  
17 protection of adjoining landowners. Permit fees shall be established  
18 at a level that will cover costs of issuance. Upon request of abutting  
19 landowners, the department shall notify the landowners of permits  
20 issued for use of the corridor adjacent to their property.

21       **Sec. 458.** RCW 79.08.279 and 1984 c 174 s 8 are each amended to  
22 read as follows:

23       The department (~~(of natural resources)~~) may do the following with  
24 respect to the portion of the Milwaukee Road corridor under its  
25 control:

- 26       (1) Enter into agreements to allow the realignment or modification  
27 of public roads, farm crossings, water conveyance facilities, and other  
28 utility crossings;
- 29       (2) Regulate activities and restrict uses, including, but not  
30 limited to, closing portions of the corridor to reduce fire danger or  
31 protect public safety in consultation with local legislative  
32 authorities or fire districts;
- 33       (3) Place hazard warning signs and close hazardous structures;
- 34       (4) Renegotiate deed restrictions upon agreement with affected  
35 parties; and



1 (5) Approve and process the sale or exchange of lands or easements  
2 if (a) such a sale or exchange will not adversely affect the  
3 recreational, transportation, or utility potential of the corridor and  
4 (b) the department has not entered into a lease of the property in  
5 accordance with RCW 79.08.281 (as recodified by this act).

6 **Sec. 459.** RCW 79.08.281 and 1984 c 174 s 9 are each amended to  
7 read as follows:

8 (1) The department (~~(of natural resources)~~) shall offer to lease,  
9 and shall subsequently lease if a reasonable offer is made, portions of  
10 the Milwaukee Road corridor under its control to the person who owns or  
11 controls the adjoining land for periods of up to ten years commencing  
12 with June 7, 1984. The lessee shall assume the responsibility for fire  
13 protection, weed control, and maintenance of water conveyance  
14 facilities and culverts. The leases shall follow standard department  
15 (~~(of natural resources)~~) leasing procedures, with the following  
16 exceptions:

17 (a) The lessee may restrict public access pursuant to RCW 79.08.277  
18 (as recodified by this act) and (~~(79.08.281(3))~~) subsection (3) of this  
19 section.

20 (b) The right of renewal shall be to the current lessee if the  
21 lessee still owns or controls the adjoining lands.

22 (c) If two persons own or control opposite sides of the corridor,  
23 each person shall be eligible for equal portions of the available  
24 property.

25 (2) The department (~~(of natural resources)~~) has the authority to  
26 renew leases in existence on June 7, 1984.

27 (3) The leases shall contain a provision allowing the department  
28 (~~(of natural resources)~~) to issue permits to travel the corridor for  
29 recreational purposes.

30 (4) Unleased portions of the Milwaukee Road property under this  
31 section shall be managed by the department (~~(of natural resources)~~).  
32 On these unleased portions, the department solely shall be responsible  
33 for weed control, culvert, bridge, and other necessary maintenance and  
34 fire protection services. The department shall place hazard warning  
35 signs and close hazardous structures on unleased portions and shall  
36 regulate activities and restrict uses, including closing the corridor  
37 during seasons of high fire danger.

1       **Sec. 460.** RCW 79.08.283 and 1984 c 174 s 10 are each amended to  
2 read as follows:

3       The state, through the department (~~(of natural resources)~~), shall  
4 reserve the right to terminate a lease entered into pursuant to RCW  
5 79.08.281 (as recodified by this act) or modify authorized uses of the  
6 corridor for future recreation, transportation, or utility uses. If  
7 the state elects to terminate the lease, the state shall provide the  
8 lessee with a minimum of six months' notice.

9       **Sec. 461.** RCW 79.12.015 and 1988 c 209 s 1 are each amended to  
10 read as follows:

11       The department (~~(of natural resources)~~) leases state lands and  
12 space on towers located on state lands to amateur radio operators for  
13 their repeater stations. These sites are necessary to maintain  
14 emergency communications for public safety and for use in disaster  
15 relief and search and rescue support.

16       The licensed amateur radio operators of the state provide thousands  
17 of hours of public communications service to the state every year.  
18 Their communication network spans the entire state, based in individual  
19 residences and linked across the state through a series of mountain-top  
20 repeater stations. The amateur radio operators install and maintain  
21 their radios and the electronic repeater stations at their own expense.  
22 The amateur radio operators who use their equipment to perform public  
23 services should not bear the sole responsibility for supporting the  
24 electronic repeater stations.

25       In recognition of the essential role performed by the amateur radio  
26 operators in emergency communications, the legislature intends to  
27 reduce the rental fee paid by the amateur radio operators while  
28 assuring the department (~~(of natural resources)~~) full market rental for  
29 the use of state-owned property.

30       **Sec. 462.** RCW 79.12.025 and 1995 c 105 s 1 are each amended to  
31 read as follows:

32       The department (~~(of natural resources)~~) shall determine the lease  
33 rate for amateur radio electronic repeater sites and units available  
34 for public service communication. For the amateur operator to qualify  
35 for a rent of one hundred dollars per year per site, the amateur  
36 operator shall do one of the following: (1) Register and remain in

1 good standing with the state's radio amateur civil emergency services  
2 and amateur radio emergency services organizations, or (2) if an  
3 amateur group, sign a statement of public service developed by the  
4 department.

5 The legislature's biennial appropriations shall account for the  
6 estimated difference between the one hundred dollar per year, per site,  
7 per lessee paid by the qualified amateur operators and the fair market  
8 amateur rent, as established by the department.

9 The amateur radio regulatory authority approved by the federal  
10 communication commission shall assign the radio frequencies used by  
11 amateur radio lessees. The department shall develop guidelines to  
12 determine which lessees are to receive reduced rental fees as moneys  
13 are available by legislative appropriation to pay a portion of the rent  
14 for electronic repeaters operated by amateur radio operators.

15 **Sec. 463.** RCW 79.12.035 and 1988 c 70 s 3 are each amended to read  
16 as follows:

17 (1) The department (~~((of natural resources))~~) is authorized to:

18 (a) Determine the total present account balance with interest of  
19 the interfund loans made by the resource management cost account to the  
20 forest development account in accordance with generally accepted  
21 accounting principles;

22 (b) Subject to approval of the board (~~((of natural resources))~~),  
23 effectuate a transfer of timber cutting rights on (~~((forest board  
24 purchase))~~) state forest lands acquired under RCW 76.12.020 (as  
25 recodified by this act) to the federal land grant trusts in such  
26 proportion that each trust receives full and fair market value for the  
27 interfund loans and is fully repaid or so much thereof as possible  
28 within distribution constraints described in subsection (2) of this  
29 section.

30 (2) After the effective date of the transfer authorized by  
31 subsection (1)(b) of this section and until the exercise of the cutting  
32 rights on the timber transferred has been fully satisfied, the  
33 distribution of revenue from timber management activities on (~~((forest  
34 board purchase))~~) state forest lands acquired under RCW 76.12.020 (as  
35 recodified by this act) on which cutting rights have been transferred  
36 shall be as follows:

1 (a) As determined by the board (~~(of natural resources)~~), an amount  
2 no greater than thirty-three and three-tenths percent to be distributed  
3 to the federal land grant trust accounts and resource management cost  
4 account as directed by RCW 79.64.040 and 79.64.050 (as recodified by  
5 this act);

6 (b) As determined by the board (~~(of natural resources)~~), an amount  
7 not less than sixteen and seven-tenths percent to the forest  
8 development account;

9 (c) Fifty percent to be distributed as provided in (~~RCW~~  
10 ~~76.12.120(2)~~) section 207 of this act.

11 **Sec. 464.** RCW 79.12.055 and 1994 c 294 s 1 are each amended to  
12 read as follows:

13 The department (~~(of natural resources)~~) shall determine the fair  
14 market rental rate for leases to nonprofit television reception  
15 improvement districts. It is the intent of the legislature to  
16 appropriate general funds to pay a portion of the rent charged to  
17 nonprofit television reception improvement districts. It is the  
18 further intent of the legislature that such a lessee pay an annual  
19 lease rent of fifty percent of the fair market rental rate, as long as  
20 there is a general fund appropriation to compensate the trusts for the  
21 remainder of the fair market rental rate.

22 **Sec. 465.** RCW 79.12.095 and 1991 c 76 s 3 are each amended to read  
23 as follows:

24 In an effort to increase potential revenue to the geothermal  
25 account, the department (~~(of natural resources)~~) shall, by December 1,  
26 1991, adopt rules providing guidelines and procedures for leasing  
27 state-owned land for the development of geothermal resources.

28 **Sec. 466.** RCW 79.12.570 and 1979 ex.s. c 109 s 20 are each amended  
29 to read as follows:

30 The (~~(commissioner of public lands)~~) department may lease state  
31 lands on a share crop basis. (~~(Share crop leases shall be on such~~  
32 ~~terms and conditions and for such length of time, not to exceed ten~~  
33 ~~years, as the commissioner may prescribe.)~~) Upon receipt of a written  
34 application to lease state lands, the (~~(commissioner)~~) department shall  
35 make such investigations as (~~(he shall)~~) it deems necessary (~~(and)~~).

1 ~~If ((he))~~ the department finds that such a lease would be advantageous  
2 to the state, ~~((he))~~ it may proceed with the leasing of such lands on  
3 ~~((said basis))~~ such terms and conditions as other state lands are  
4 leased.

5 **Sec. 467.** RCW 79.12.600 and 2000 c 18 s 1 are each amended to read  
6 as follows:

7 When crops that are covered by a share crop lease are harvested,  
8 the lessee shall give written notice to the ~~((commissioner))~~ department  
9 that the crop is being harvested, and shall also give to the  
10 ~~((commissioner))~~ department the name and address of the warehouse or  
11 elevator to which such crops are sold or in which such crops will be  
12 stored. The lessee shall also serve on the owner of such warehouse or  
13 elevator a written copy of so much of the lease as shall show the  
14 percentage of division of the proceeds of such crop as between lessee  
15 and lessor. The owner of such warehouse or elevator shall make out a  
16 warehouse receipt, which receipt may be negotiable or nonnegotiable as  
17 directed by the state, showing the percentage of crops belonging to the  
18 state, and the respective gross and net amounts, grade, and location  
19 thereof, and shall deliver to the ~~((commissioner))~~ department the  
20 receipt for the state's percentage of such crops within ten days after  
21 the owner has received such instructions.

22 **Sec. 468.** RCW 79.12.610 and 1977 c 20 s 1 are each amended to read  
23 as follows:

24 The ~~((commissioner))~~ department shall sell the crops covered by the  
25 warehouse receipt required in RCW 79.12.600 (as recodified by this act)  
26 and may comply with the provisions of any federal act or the regulation  
27 of any federal agency with relation to the storage or disposition of  
28 ~~((said grain or peas))~~ the crop.

29 **Sec. 469.** RCW 79.12.620 and 1949 c 203 s 6 are each amended to  
30 read as follows:

31 The lessee under any share crop lease issued ~~((under the provisions~~  
32 ~~of RCW 79.12.570 through 79.12.630))~~ by the department shall notify the  
33 ~~((commissioner of public lands))~~ department as soon as an estimated  
34 yield of the crop can be obtained~~((, such))~~. The estimate ~~((to))~~ must  
35 be immediately submitted to the ~~((commissioner))~~ department, ~~((who))~~

1 which is hereby authorized to insure the crop from loss by fire or  
2 hail. The cost of such insurance shall be paid by the state and lessee  
3 on the same basis as the crop returns to which each is entitled.

4 **Sec. 470.** RCW 79.12.630 and 1949 c 203 s 7 are each amended to  
5 read as follows:

6 RCW 79.12.570 through 79.12.630 (as recodified by this act) shall  
7 not repeal the provisions of the general leasing statutes of the state  
8 of Washington and all of the general provisions of such statutes with  
9 reference to filing of applications, deposits required therewith,  
10 forfeiture of deposits, cancellation of leases for noncompliance and  
11 general procedures shall apply to all leases issued under the  
12 provisions of RCW 79.12.570 through 79.12.630 (as recodified by this  
13 act).

14 **Sec. 471.** RCW 79.14.010 and 1967 c 163 s 6 are each amended to  
15 read as follows:

16 (~~Whenever used in~~) As used in this chapter, (~~unless the context~~  
17 ~~otherwise requires, words and terms shall have the meaning attributed~~  
18 ~~to them herein~~:

19 (1)) "public lands"((+)) means lands and areas belonging to or  
20 held in trust by the state, including tide and submerged lands of the  
21 Pacific Ocean or any arm thereof and lands of every kind and nature  
22 including mineral rights reserved to the state.

23 (~~(2) "Commissioner": The commissioner of public lands of the~~  
24 ~~state of Washington.~~)

25 **Sec. 472.** RCW 79.14.020 and 1986 c 34 s 1 are each amended to read  
26 as follows:

27 The (~~commissioner~~) department is authorized to lease public lands  
28 for the purpose of prospecting for, developing, and producing oil, gas,  
29 or other hydrocarbon substances. Each such lease is to be composed of  
30 not more than six hundred forty acres or an entire government surveyed  
31 section, except a lease on river bed, lake bed, tide and submerged  
32 lands which is to be composed of not more than one thousand nine  
33 hundred twenty acres. All leases shall contain such terms and  
34 conditions as may be prescribed by the rules (~~and regulations~~)  
35 adopted by the commissioner in accordance with the provisions of this

1 chapter. Leases may be for an initial term of from five up to ten  
2 years and shall be extended for so long thereafter as lessee shall  
3 comply with one of the following conditions: (1) Prosecute development  
4 on the leased land with the due diligence of a prudent operator upon  
5 encountering oil, gas, or other hydrocarbon substances(~~(τ)~~); (2)  
6 produce any of said substances from the leased lands(~~(τ)~~); (3) engage  
7 in drilling, deepening, repairing, or redrilling any well thereon(~~(τ)~~);  
8 or (4) participate in a unit plan to which the commissioner has  
9 consented under RCW 78.52.450.

10 **Sec. 473.** RCW 79.14.030 and 1985 c 459 s 3 are each amended to  
11 read as follows:

12 The department (~~(of natural resources)~~) shall require as a  
13 prerequisite to the issuing of any lease a rental as set by the board  
14 (~~(of natural resources)~~) but not less than one dollar and twenty-five  
15 cents per acre or such prorated share of the rental per acre as the  
16 state's mineral rights ownership for the first year of such lease,  
17 payable in advance to the department (~~(of natural resources)~~) at the  
18 time the lease is awarded and a like rental annually in advance  
19 thereafter so long as such lease remains in force(~~(: PROVIDED, That~~  
20 ~~such)~~). However, the rental shall cease at such time as royalty  
21 accrues to the state from production from such lease. Commencing with  
22 the lease year beginning on or after oil, gas, or other hydrocarbon  
23 substances are first produced in quantities deemed paying quantities by  
24 lessee on the land subject to such lease, lessee shall pay a minimum  
25 royalty as set by the board (~~(of natural resources)~~) but not less than  
26 five dollars per acre or fraction thereof or such prorated share of the  
27 rental per acre as the state's mineral rights ownership at the  
28 expiration of each year. Royalties payable by the lessee shall be the  
29 royalties from production as provided for in RCW 79.14.070 (as  
30 recodified by this act) or the minimum royalty provided herein,  
31 whichever is greater(~~(: PROVIDED, That)~~). However, if such a lease is  
32 unitized, the minimum royalty shall be payable only on the leased  
33 acreage after production is obtained in such paying quantities from  
34 such lease.

35 **Sec. 474.** RCW 79.14.040 and 1955 c 131 s 4 are each amended to  
36 read as follows:

1 No lessee shall commence any operation upon lands covered by  
2 ~~((his))~~ the lease until such lessee has provided for compensation to  
3 owners of private rights therein according to law, or in lieu thereof,  
4 filed a surety bond with the ~~((commissioner))~~ department in an amount  
5 sufficient in the opinion of the commissioner to cover such  
6 compensation until the amount of compensation is determined by  
7 agreement, arbitration, or judicial decision and has provided for  
8 compensation to the state of Washington for damage to the surface  
9 rights of the state in accordance with the rules ~~((and regulations))~~  
10 adopted by the ~~((commissioner))~~ department.

11 **Sec. 475.** RCW 79.14.080 and 1955 c 131 s 8 are each amended to  
12 read as follows:

13 Oil and gas leases shall not be issued on unleased lands which have  
14 been classified by the ~~((commissioner))~~ department as being within a  
15 known geologic structure of a producing oil or gas field, except as  
16 follows: Upon application of any person, the ~~((commissioner))~~  
17 department shall lease in areas not exceeding six hundred forty acres,  
18 at public auction, any or all unleased lands within such geologic  
19 structure to the person offering the greatest cash bonus therefor at  
20 such auction. Notice of the offer of such lands for lease will be  
21 given by publication in a newspaper of general circulation in Olympia,  
22 Washington, and in such other publications as the ~~((commissioner))~~  
23 department may authorize. The first publication shall be at least  
24 thirty days prior to the date of sale.

25 **Sec. 476.** RCW 79.14.090 and 1955 c 131 s 9 are each amended to  
26 read as follows:

27 The ~~((commissioner))~~ department is ~~((hereby))~~ authorized to cancel  
28 any lease issued as provided ~~((herein))~~ in this section for nonpayment  
29 of rentals or royalties or nonperformance by the lessee of any  
30 provision or requirement of the lease ~~((: PROVIDED, That))~~. However,  
31 before any such cancellation ~~((shall be))~~ is made, the ~~((commissioner))~~  
32 department shall mail to the lessee by registered mail, addressed to  
33 the post office address of such lessee shown by the records of the  
34 ~~((office of the commissioner))~~ department, a notice of intention to  
35 cancel such lease specifying the default for which the lease is subject  
36 to cancellation. If lessee shall, within thirty days after the mailing



1 of said notice to the lessee, commence and thereafter diligently and in  
2 good faith prosecute the remedying of the default specified in such  
3 notice, then no cancellation of the lease shall be entered by the  
4 ~~((commissioner))~~ department. Otherwise, the ~~((said))~~ cancellation  
5 shall be made and all rights of the lessee under the lease shall  
6 automatically terminate, except that lessee shall retain the right to  
7 continue its possession and operation of any well or wells in regard to  
8 which lessee is not in default(~~(:—PROVIDED FURTHER, That)~~). Further,  
9 failure to pay rental and royalty required under leases within the time  
10 prescribed therein shall automatically and without notice work a  
11 forfeiture of such leases and of all rights thereunder. Upon the  
12 expiration, forfeiture, or surrender of any lease, no new lease  
13 covering the lands or any of them embraced by such expired, forfeited,  
14 or surrendered lease, shall be issued for a period of ten days  
15 following the date of such expiration, forfeiture, or surrender. If  
16 more than one application for a lease covering such lands or any of  
17 them shall be made during such ten-day period the ~~((commissioner))~~  
18 department shall issue a lease to such lands or any of them to the  
19 person offering the greatest cash bonus for such lease at a public  
20 auction to be held at the time and place and in the manner as the  
21 ~~((commissioner))~~ department shall ~~((by regulation prescribe))~~ adopt by  
22 rule.

23 **Sec. 477.** RCW 79.14.100 and 1955 c 131 s 10 are each amended to  
24 read as follows:

25 For the purpose of more properly conserving the natural resources  
26 of any oil or gas pool, field, or like area, lessees thereon and their  
27 representatives may unite with each other, or jointly or separately  
28 with others, in collectively adopting and operating under a cooperative  
29 ~~((for))~~ or unit plan of development or operation of such pool, field,  
30 or like area, or any part thereof, whenever determined and certified by  
31 ~~((commissioner))~~ the department to be necessary or advisable in the  
32 public interest. The ~~((commissioner))~~ department is ~~((thereunto))~~  
33 authorized, in ~~((his))~~ its discretion, with the consent of the holders  
34 of leases involved, in order to conform with the terms and conditions  
35 of any such cooperative or unit plan to establish, alter, change, or  
36 revoke exploration, drilling, producing, rental, and royalty  
37 requirements of such leases with like consent on the part of the

1 lessees, in connection with the institution and operation of any such  
2 cooperative or unit plan as ((he)) the department may deem necessary or  
3 proper to secure the proper protection of the public interest.

4 When separate tracts cannot be independently developed and operated  
5 in conformity with an established well spacing or development program,  
6 any lease or any portion thereof may be pooled with other lands,  
7 whether or not owned by the state of Washington under a communization  
8 or drilling agreement providing for an apportionment of production or  
9 royalties among the separate tracts of land comprising the drilling or  
10 spacing unit when determined by the ((~~commissioner~~)) department to be  
11 in the public interest, and operations or production pursuant to such  
12 an agreement shall be deemed to be operations or production as to each  
13 such lease committed thereto.

14 The term of any lease that has become the subject of any  
15 cooperative or unit plan of development or operation of a pool, field,  
16 or like area, which plan has the approval of the ((~~commissioner~~))  
17 department, shall continue in force until the termination of such plan,  
18 and in the event such plan is terminated prior to the expiration of any  
19 such lease, the original term of such lease shall continue. Any lease  
20 under this chapter hereinafter committed to any such plan embracing  
21 lands that are in part within and in part outside of the area covered  
22 by any such plan, shall be segregated in separate leases as to the  
23 lands committed and the land not committed as of the effective date of  
24 unitization.

25 **Sec. 478.** RCW 79.14.110 and 1955 c 131 s 11 are each amended to  
26 read as follows:

27 The ((~~commissioner~~)) department is authorized to insert in any  
28 lease issued under the provisions of this chapter such terms as are  
29 customary and proper for the protection of the rights of the state and  
30 of the lessee and of the owners of the surface of the leased lands not  
31 in conflict with the provisions of this chapter.

32 **Sec. 479.** RCW 79.14.120 and 1955 c 131 s 12 are each amended to  
33 read as follows:

34 The ((~~commissioner~~)) department is required to ((~~prescribe~~)) adopt  
35 and publish, for the information of the public, all reasonable rules  
36 ((~~and regulations~~)) necessary for carrying out the provisions of this

1 chapter. ((He)) The department may amend or rescind any rule ((~~or~~  
2 ~~regulation promulgated by him~~)) adopted under the authority contained  
3 ((~~herein:—PROVIDED, That~~)) in this section. However, no rule ((~~or~~  
4 ~~regulation~~)) or amendment of the same or any order rescinding any rule  
5 ((~~or regulation~~)) shall become effective until after thirty days from  
6 the ((~~promulgation~~)) adoption of the same by publication in a newspaper  
7 of general circulation published at the state capitol and shall take  
8 effect and be in force at times specified therein. All rules ((~~and~~  
9 ~~regulations~~)) of the ((~~commissioner~~)) department and all amendments or  
10 revocations of existing rules ((~~and regulations~~)) shall be recorded in  
11 an appropriate book or books, shall be adequately indexed, and shall be  
12 kept in the office of the ((~~commissioner~~)) department and shall  
13 constitute a public record. Such rules ((~~and regulations~~)) of the  
14 ((~~commissioner~~)) department shall be printed in pamphlet form and  
15 furnished to the public free of cost.

16 **Sec. 480.** RCW 79.14.130 and 1955 c 131 s 13 are each amended to  
17 read as follows:

18 Each lease issued under this chapter shall provide that without the  
19 approval of the ((~~commissioner~~)) department, no well shall be drilled  
20 on the lands demised thereby in such manner or at such location that  
21 the producing interval thereof shall be less than three hundred thirty  
22 feet from any of the outer boundaries of the demised lands, except that  
23 if the right to oil, gas, or other hydrocarbons underlying adjoining  
24 lands be vested in private ownership, such approval shall not be  
25 required.

26 **Sec. 481.** RCW 79.14.140 and 1955 c 131 s 14 are each amended to  
27 read as follows:

28 Any person granted a lease under the provisions of this chapter  
29 shall have a right of way over public lands, as provided by law, when  
30 necessary, for the drilling, recovering, saving, and marketing of oil,  
31 gas, or other hydrocarbons. Before any such right of way grant shall  
32 become effective, a written application for, and a plat showing the  
33 location of((~~τ~~)) such a right of way((~~τ~~)) and the land necessary for  
34 the well site and drilling operations, with reference to adjoining  
35 lands, shall be filed with the ((~~commissioner~~)) department. All timber

1 on (~~said~~) the right of way and the land necessary for the drilling  
2 operation, shall be appraised by the commissioner and paid for in money  
3 by the person to whom the lease is granted.

4 **Sec. 482.** RCW 79.14.150 and 1955 c 131 s 15 are each amended to  
5 read as follows:

6 All sales of timber, as prescribed in this chapter, shall be made  
7 subject to the right, power, and authority of the (~~commissioner~~)  
8 department to (~~prescribe~~) adopt rules (~~and regulations~~) governing  
9 the manner of the removal of the merchantable timber upon any lands  
10 embraced within any lease with the view of protecting the same and  
11 other timber against destruction or injury by fire or from other  
12 causes. (~~Such~~) The rules (~~or regulations~~) shall be binding upon  
13 the lessee, his or her successors in interest, and shall be enforced by  
14 the (~~commissioner~~) department.

15 **Sec. 483.** RCW 79.14.180 and 1955 c 131 s 18 are each amended to  
16 read as follows:

17 Nothing contained in this chapter shall be construed as requiring  
18 the (~~commissioner~~) department to offer any tract or tracts of land  
19 for lease; but the (~~commissioner~~) department shall have power to  
20 withhold any tract or tracts from leasing for oil, gas, or other  
21 hydrocarbons, if, in (~~his~~) its judgment, the best interest of the  
22 state will be served by so doing.

23 **Sec. 484.** RCW 79.14.190 and 1955 c 131 s 19 are each amended to  
24 read as follows:

25 The lessee shall pay to the (~~commissioner~~) department the market  
26 value at the well of the state's royalty share of oil and other  
27 hydrocarbons except gas produced and saved and delivered by lessee from  
28 the lease. In lieu of receiving payment for the market value of the  
29 state's royalty share of oil, the (~~commissioner~~) department may elect  
30 that such royalty share of oil be delivered in kind at the mouth of the  
31 wells into tanks provided by the (~~commissioner~~) department. Lessee  
32 shall pay to the (~~commissioner~~) department the state's royalty share  
33 of the sale price received by the lessee for gas produced and saved and  
34 sold from the lease. If such gas is not sold but is used by lessee for  
35 the manufacture of gasoline or other products, lessee shall pay to the

1 ((~~commissioner~~)) department the market value of the state's royalty  
2 share of the residue gas and other products, less a proper allowance  
3 for extraction costs.

4 **Sec. 485.** RCW 79.14.200 and 1955 c 131 s 20 are each amended to  
5 read as follows:

6 All exploration permits issued by the ((~~commissioner~~)) department  
7 prior to June 9, 1955, which have not expired or been legally canceled  
8 for nonperformance by the permittees, are hereby declared to be valid  
9 and existing contracts with the state of Washington, according to their  
10 terms and provisions. The obligation of the state to conform to the  
11 terms and provisions of such permits is hereby recognized, and the  
12 ((~~commissioner~~)) department is directed to accept and recognize all  
13 such permits according to their express terms and provisions. No  
14 repeal or amendment made by this chapter shall affect any right  
15 acquired under the law as it existed prior to such repeal or amendment,  
16 and such right shall be governed by the law in effect at time of its  
17 acquisition. Any permit recognized and confirmed by this section may  
18 be relinquished to the state by the permittee, and a new lease or, if  
19 such permit contains more than six hundred forty acres, new leases in  
20 the form provided for in this chapter, shall be issued in lieu of same  
21 and without bonus therefor; but the new lease or leases so issued shall  
22 be as provided for in this chapter and governed by the applicable  
23 provisions of this chapter instead of by the law in effect prior  
24 thereto.

25 **Sec. 486.** RCW 79.14.210 and 1955 c 131 s 21 are each amended to  
26 read as follows:

27 Any oil or gas lease issued under the authority of this chapter may  
28 be assigned or subleased as to all or part of the acreage included  
29 therein, subject to final approval by the ((~~commissioner~~)) department,  
30 and as to either a divided or undivided interest therein to any person.  
31 Any assignment or sublease shall take effect as of the first day of the  
32 lease month following the date of filing with the ((~~commissioner~~;  
33 ~~PROVIDED, HOWEVER, That the commissioner may, in his~~)) department.  
34 However, at the department's discretion, it may disapprove an  
35 assignment of a separate zone or deposit under any lease or of a part  
36 of a legal subdivision. Upon approval of any assignment or sublease,

1 the assignee or sublessee shall be bound by the terms of the lease to  
2 the same extent as if such assignee or sublessee were the original  
3 lessee, any conditions in the assignment or sublease to the contrary  
4 notwithstanding. Any partial assignment of any lease shall segregate  
5 the assigned and retained portions thereof, and upon approval of such  
6 assignment by the (~~commissioner~~) department, the assignor shall be  
7 released and discharged from all obligations thereafter accruing with  
8 respect to the assigned lands.

9 **Sec. 487.** RCW 79.14.220 and 1955 c 131 s 22 are each amended to  
10 read as follows:

11 Any applicant for a lease under this chapter, feeling (~~himself~~)  
12 aggrieved by any order (~~or~~), decision, or rule (~~or regulation~~) of  
13 the commissioner (~~of public lands~~), concerning the same, may appeal  
14 therefrom to the superior court of the county wherein such lands are  
15 situated, as provided by RCW 79.01.500 (as recodified by this act).

16 **Sec. 488.** RCW 79.28.010 and 1988 c 128 s 63 are each amended to  
17 read as follows:

18 For the purpose of obtaining from the United States indemnity or  
19 lieu lands for such lands granted to the state for common schools,  
20 educational, penal, reformatory, charitable, capitol building, or other  
21 purposes, as have been or may be lost to the state, or the title to or  
22 use or possession of which is claimed by the United States or by others  
23 claiming by, through or under the United States, by reason of any of  
24 the causes entitling the state to select other lands in lieu thereof,  
25 the inclusion of the same in any reservation by or under authority of  
26 the United States, or any other appropriation or disposition of the  
27 same by the United States, whether such lands are now surveyed or  
28 unsurveyed, the department (~~of natural resources~~), with the advice  
29 and approval of the attorney general, is authorized and empowered to  
30 enter into an agreement or agreements, on behalf of the state, with the  
31 proper officer or officers of the United States for the relinquishment  
32 of any such lands and the selection in lieu thereof, under the  
33 provisions of RCW 79.28.010 through 79.28.030 (as recodified by this  
34 act), of lands of the United States of equal area and value.

1       **Sec. 489.** RCW 79.28.020 and 1988 c 128 s 64 are each amended to  
2 read as follows:

3       Upon the making of any such agreement, the board (~~((of natural~~  
4 ~~resources))~~) shall be empowered and it shall be its duty to cause such  
5 examination and appraisal to be made as will determine the area and  
6 value, as nearly as may be, of the lands lost to the state, or the  
7 title to, use or possession of which is claimed by the United States by  
8 reason of the causes mentioned in RCW 79.28.010 (as recodified by this  
9 act), and proposed to be relinquished to the United States, and shall  
10 cause an examination and appraisal to be made of any lands which may be  
11 designated by the officers of the United States as subject to selection  
12 by the state in lieu of the lands aforesaid, to the end that the state  
13 shall obtain lands in lieu thereof of equal area and value.

14       **Sec. 490.** RCW 79.28.030 and 1913 c 102 s 3 are each amended to  
15 read as follows:

16       Whenever the title to any lands selected under the provisions of  
17 RCW 79.28.010 through 79.28.030 (as recodified by this act) shall  
18 become vested in the state of Washington by the acceptance and approval  
19 of the lists of lands so selected, or other proper action of the United  
20 States, the governor, on behalf of the state of Washington, shall  
21 execute and deliver to the United States a deed of conveyance of the  
22 lands of the state relinquished under the provisions of RCW 79.28.010  
23 through 79.28.030 (as recodified by this act), which deed shall convey  
24 to and vest in the United States all the right, title and interest of  
25 the state of Washington therein.

26       **Sec. 491.** RCW 79.28.040 and 1923 c 85 s 1 are each amended to read  
27 as follows:

28       The (~~commissioner of public lands shall have~~) department has the  
29 power, and it (~~shall be his~~) is its duty, to adopt (~~and~~  
30 ~~promulgate~~), from time to time, reasonable rules (~~and regulations~~)  
31 for the grazing of livestock on such tracts and areas of the indemnity  
32 or lieu public lands of the state contiguous to national forests and  
33 suitable for grazing purposes, as have been, or shall be, obtained from  
34 the United States under the provisions of RCW 79.28.010 (as recodified  
35 by this act).

1       **Sec. 492.** RCW 79.28.050 and 1983 c 3 s 202 are each amended to  
2 read as follows:

3       The (~~commissioner of public lands shall have the power to~~)  
4 department may issue permits for the grazing of livestock on the lands  
5 described in RCW 79.28.040 (as recodified by this act) in such manner  
6 and upon such terms, as near as may be, as permits are, or shall be,  
7 issued by the United States for the grazing of livestock on national  
8 forest (~~reserve~~) lands (~~and for such fees as he shall deem~~). The  
9 department may charge such fees as it deems adequate and advisable(~~(~~  
10 ~~and shall have the power to enter into such arrangements as may be~~  
11 ~~deemed advisable and to cooperate with the officers of the United~~  
12 ~~States having charge of the grazing of livestock on forest reserve~~  
13 ~~lands~~)). The department may cooperate with the United States for the  
14 protection and preservation of the grazing areas on the state lands  
15 contiguous to national forests and for the administration of the  
16 provisions of RCW 79.28.040 and 79.28.050 (as recodified by this act).

17       **Sec. 493.** RCW 79.28.070 and 1963 c 99 s 1 are each amended to read  
18 as follows:

19       The department (~~of natural resources~~) is hereby authorized on  
20 behalf of the state of Washington to enter into cooperative agreements  
21 with any person as defined in RCW 1.16.080 for the improvement of the  
22 state's grazing ranges by the clearing of debris, maintenance of trails  
23 and water holes, and other requirements for the general improvement of  
24 the grazing ranges.

25       **Sec. 494.** RCW 79.28.080 and 1985 c 197 s 3 are each amended to  
26 read as follows:

27       In order to encourage the improvement of grazing ranges by holders  
28 of grazing permits, the department (~~of natural resources~~) shall  
29 consider (1) extension of grazing permit periods to a maximum of ten  
30 years(~~(~~); and (2) reduction of grazing fees, in situations where the  
31 permittee contributes or agrees to contribute to the improvement of the  
32 range, financially, by labor, or otherwise.

33       **Sec. 495.** RCW 79.36.260 and 1927 c 312 s 4 are each amended to  
34 read as follows:

35       Whenever any person, firm, or corporation shall hereafter purchase,



1 lease, or acquire any state lands, or any easement or interest therein,  
2 or any timber, stone, mineral, or other natural products thereon, or  
3 the manufactured products thereof the purchase, lease, or grant shall  
4 be subject to the condition or reservation that such person, firm, or  
5 corporation, or their successors in interest, shall, whenever any of  
6 the timber, stone, mineral, or other natural products on said lands or  
7 the manufactured products thereof are removed, by any logging and/or  
8 lumbering railroad, private railroad, skid road, flume, canal,  
9 watercourse, or other easement, owned, leased, or operated by such  
10 person, firm, or corporation, or their successors in interest, accord  
11 to any other person, firm, or corporation, or their successors in  
12 interest, having the right to remove any timber, stone, mineral, or  
13 other natural products or the manufactured products thereof from any  
14 other lands, owned or formerly owned by the state, proper and  
15 reasonable facilities and service, including physical connection  
16 therewith, for the transportation and moving of such other timber,  
17 stone, mineral, and other natural products, and the manufactured  
18 products thereof and all necessary machinery, supplies, or materials to  
19 be used in transporting, cutting(~~(+)~~), manufacturing, mining, or  
20 quarrying any or all of such products under reasonable rules (~~and~~  
21 ~~regulations~~) and upon payment of just and reasonable charges therefor;  
22 and that any conveyance, lease, or mortgage of such logging and/or  
23 lumbering railroad, private railroad, skid road, flume, canal,  
24 watercourse, or other easement, shall be subject to the right of the  
25 person, firm, or corporation, or their successors in interest, having  
26 the right to remove timber, stone, mineral, or other natural products  
27 or the manufactured products thereof from such other state lands, to be  
28 accorded such proper and reasonable facilities and service, including  
29 physical connection therewith, for the transportation and moving of  
30 such other timber, stone, mineral, and other natural products and the  
31 manufactured products thereof and all necessary machinery, supplies, or  
32 materials to be used in transporting, cutting, manufacturing, mining,  
33 or quarrying any or all of such products under reasonable rules(~~(-~~  
34 ~~regulations~~) and upon payment of just and reasonable charges therefor;  
35 and such purchase, lease, or grant from the state shall also be subject  
36 to the condition or reservation that whenever any of the timber, stone,  
37 mineral, or other natural products on such lands or the manufactured  
38 products thereof are about to be removed, by means of any logging

1 and/or lumbering railroad, private railroad, skid road, flume, canal,  
2 watercourse, or other easement, not owned, controlled, or operated by  
3 the person, firm, or corporation owning or having the right to remove,  
4 and about to remove such timber, stone, mineral, or other natural  
5 products or the manufactured products thereof shall exact and require  
6 from the owners and operators of such logging and/or lumbering  
7 railroad, private railroad, skid road, flume, canal, watercourse, or  
8 other easement, which shall be binding upon the successors in interest  
9 of such owners and operators, an agreement and promise, as a part of  
10 the contract for removal, and by virtue of RCW 79.36.230 through  
11 79.36.290 (as recodified by this act) there shall be deemed to be a  
12 part of any such express or implied contract for removal, an agreement,  
13 and promise that such owners and operators, and their successors in  
14 interest, shall accord to any person, firm, or corporation and their  
15 successors in interest, having the right to remove any timber, stone,  
16 mineral, or other natural products or the manufactured products thereof  
17 from any lands, owned, or formerly owned by the state, proper and  
18 reasonable facilities and service, including physical connection  
19 therewith, for the transportation and moving of such timber, stone,  
20 mineral, and other natural products and the manufactured products  
21 thereof and all necessary machinery, supplies, or materials to be used  
22 in transporting, cutting, manufacturing, mining, or quarrying any or  
23 all of such products and under reasonable rules (~~(and regulations)~~) and  
24 upon payment of just and reasonable charges therefor.

25 **Sec. 496.** RCW 79.36.270 and 1983 c 4 s 8 are each amended to read  
26 as follows:

27 Should the owner or operator of any logging and/or lumbering  
28 railroad, private railroad, skid road, flume, canal, watercourse, or  
29 other easement operating over lands hereafter acquired from the state,  
30 as in RCW 79.36.230 through 79.36.290 (as recodified by this act) set  
31 out, fail to agree with the state or with any subsequent grantee or  
32 successor in interest thereof as to the reasonable and proper rules(~~(r-~~  
33 ~~regulations)~~) and charges concerning the transportation of timber,  
34 stone, mineral, or other natural products of the land, or the  
35 manufactured products thereof and all necessary machinery, supplies, or  
36 materials to be used in transporting, cutting, manufacturing, mining,  
37 or quarrying any or all of such products for carrying and transporting

1 such products or for the use of the railroad, skid road, flume, canal,  
2 watercourse, or other easement in transporting such products, the state  
3 or such person, firm, or corporation owning and desiring to ship such  
4 products may apply to the utilities and transportation commission and  
5 have the reasonableness of the rules(~~(, regulations)~~) and charges  
6 inquired into and it shall be the duty of the utilities and  
7 transportation commission to inquire into the same in the same manner,  
8 and it is hereby given the same power and authority to investigate the  
9 same as it is now authorized to investigate and inquire into the rules  
10 (~~(and regulations)~~) and charges made by railroads and is authorized and  
11 empowered to make such order as it would make in an inquiry against a  
12 railroad, and in case such logging and/or lumbering railroad, private  
13 railroad, skid road, flume, canal, watercourse, or other easement is  
14 not then in use, may (~~(make)~~) adopt such reasonable, proper, and just  
15 rules (~~(and regulations)~~) concerning the use thereof for the purposes  
16 aforesaid as may be just and proper and such order shall have the same  
17 force and effect and shall be binding upon the parties to such hearing  
18 as though such hearing and order was made affecting a railroad.

19 **Sec. 497.** RCW 79.36.280 and 1983 c 4 s 9 are each amended to read  
20 as follows:

21 In case any person, firm, or corporation owning and/or operating  
22 any logging and/or lumbering railroad, private railroad, skid road,  
23 flume, canal, watercourse, or other easement subject to the provisions  
24 of RCW 79.36.230 through 79.36.290 (as recodified by this act) shall  
25 fail to comply with any rule(~~(, regulation)~~) or order made by the  
26 utilities and transportation commission, after an inquiry as provided  
27 for in RCW 79.36.270 (as recodified by this act), each person, firm, or  
28 corporation shall be subject to a penalty not exceeding one thousand  
29 dollars, and in addition thereto, the right of way over state lands  
30 theretofore granted to such person, firm, or corporation, and all  
31 improvements and structures on such right of way and connected  
32 therewith, shall revert to the state of Washington, and may be  
33 recovered by it in an action instituted in any court of competent  
34 jurisdiction, unless such state lands have been sold.

35 **Sec. 498.** RCW 79.36.290 and 1988 c 128 s 65 are each amended to  
36 read as follows:

1 Any person, firm, or corporation shall have a right of way over  
2 public lands, subject to the provisions of RCW 79.36.230 through  
3 79.36.290 (as recodified by this act), when necessary, for the purpose  
4 of hauling or removing timber, stone, mineral, or other natural  
5 products or the manufactured products thereof of the land. Before,  
6 however, any such right of way grant shall become effective, a written  
7 application for and a plat showing the location of such right of way,  
8 with reference to the adjoining lands, shall be filed with the  
9 department ~~((of natural resources))~~, and all timber on ~~((said))~~ the  
10 right of way, together with the damages to ~~((said))~~ the land, shall be  
11 appraised and paid for in cash by the person, firm, or corporation  
12 applying for such right of way. The department ~~((of natural~~  
13 ~~resources))~~ shall then cause to be issued in duplicate to such person,  
14 firm, or corporation a right of way certificate setting forth the  
15 conditions and terms upon which ~~((such))~~ the right of way is granted.  
16 Whenever ~~((said))~~ the right of way shall cease to be used, for a period  
17 of two years, for the purpose for which it was granted, it shall be  
18 deemed forfeited, and ~~((said))~~ the right of way certificate shall  
19 contain such a provision~~((: PROVIDED, That))~~. However, any right of  
20 way for logging purposes heretofore issued which has never been used,  
21 or has ceased to be used, for a period of two years, for the purpose of  
22 which it was granted, shall be deemed forfeited and shall be canceled  
23 upon the records of the department. One copy of each certificate shall  
24 be filed with the department and one copy delivered to the applicant.  
25 The forfeiture of ~~((said))~~ the right of way, as herein provided, shall  
26 be rendered effective by the mailing of notice of such a forfeiture to  
27 the grantee thereof to his or her last known post office address and by  
28 stamping the copy of ~~((said))~~ the certificate in the department  
29 canceled and the date of such cancellation. For the issuance of such  
30 a certificate the same fee shall be charged as provided in the case of  
31 certificates for railroad rights of way.

32 **Sec. 499.** RCW 79.38.010 and 1961 c 44 s 1 are each amended to read  
33 as follows:

34 In addition to any authority otherwise granted by law, the  
35 department ~~((of natural resources))~~ shall have the authority to acquire  
36 lands, interests in lands, and other property for the purpose of

1 affording access by road to public lands or state forest lands from any  
2 public highway.

3 **Sec. 500.** RCW 79.38.030 and 1981 c 204 s 2 are each amended to  
4 read as follows:

5 Purchasers of valuable materials from public lands or state forest  
6 lands may use access roads or public roads for the removal of such  
7 materials where the rights acquired by the state will permit, but use  
8 shall be subject to the right of the department (~~of natural~~  
9 ~~resources~~):

10 (1) To impose reasonable terms for the use, construction,  
11 reconstruction, maintenance, and repair of such access roads; and

12 (2) To impose reasonable charges for the use of such access roads  
13 or public roads which have been constructed or reconstructed through  
14 funding by the department (~~of natural resources~~).

15 **Sec. 501.** RCW 79.38.040 and 1961 c 44 s 4 are each amended to read  
16 as follows:

17 Whenever the department (~~of natural resources~~) finds that it is  
18 for the best interest of the state and where the rights acquired by the  
19 state will permit, the department may grant permits for the use of  
20 access roads to any person. Any permit issued under the authority of  
21 this section shall be subject to reasonable regulation by the  
22 department. Such regulation shall include, but is not limited to, the  
23 following matters:

24 (1) Requirements for construction, reconstruction, maintenance, and  
25 repair;

26 (2) Limitations as to extent and time of use;

27 (3) Provision for revocation at the discretion of the department;

28 and

29 (4) Charges for use.

30 **Sec. 502.** RCW 79.38.050 and 1981 c 204 s 3 are each amended to  
31 read as follows:

32 The department (~~of natural resources~~) shall create, maintain, and  
33 administer a revolving fund, to be known as the access road revolving  
34 fund in which shall be deposited all moneys received by it from users  
35 of access roads as payment for costs incurred or to be incurred in

1 maintaining, repairing, and reconstructing access roads, or public  
2 roads used to provide access to public lands or state forest lands.  
3 The department may use moneys in the fund for the purposes for which  
4 they were obtained without appropriation by the legislature.

5 **Sec. 503.** RCW 79.38.060 and 1981 c 204 s 4 are each amended to read  
6 as follows:

7 All moneys received by the department (~~(of natural resources)~~) from  
8 users of access roads (~~(which)~~) that are not deposited in the access  
9 road revolving fund shall be paid as follows:

10 (1) To reimburse the state fund or account from which expenditures  
11 have been made for the acquisition, construction, or improvement of the  
12 access road or public road, and upon full reimbursement, then

13 (2) To the funds or accounts for which the public lands and state  
14 forest lands, to which access is provided, are pledged by law or  
15 constitutional provision, in which case the department (~~(of natural  
16 resources)~~) shall make an equitable apportionment between funds and  
17 accounts so that no fund or account shall benefit at the expense of  
18 another.

19 **Sec. 504.** RCW 79.40.070 and 1988 c 128 s 66 are each amended to  
20 read as follows:

21 It shall be unlawful for any person to enter upon any of the state  
22 lands, including all land under the jurisdiction of the department (~~(of  
23 natural resources)~~), or upon any private land without the permission of  
24 the owner thereof and to cut, break, or remove therefrom for commercial  
25 purposes any evergreen trees, commonly known as Christmas trees,  
26 including fir, hemlock, spruce, and pine trees. Any person cutting,  
27 breaking, or removing or causing to be cut, broken, or removed, or who  
28 cuts down, cuts off, breaks, tops, or destroys any of such Christmas  
29 trees shall be liable to the state, or to the private owner thereof,  
30 for payment for such trees at a price of one dollar each if payment is  
31 made immediately upon demand. Should it be necessary to institute  
32 civil action to recover the value of such trees, the state in the case  
33 of state lands, or the owner in case of private lands, may exact treble  
34 damages on the basis of three dollars per tree for each tree so cut or  
35 removed.

1       **Sec. 505.** RCW 79.40.080 and 1937 c 87 s 2 are each amended to read  
2 as follows:

3       RCW 79.40.070 (as recodified by this act) is not intended to repeal  
4 or modify any of the provisions of existing statutes providing  
5 penalties for the unlawful removal of timber from state lands.

6       **Sec. 506.** RCW 79.44.020 and 1963 c 20 s 3 are each amended to read  
7 as follows:

8       In all local improvement assessment districts in any assessing  
9 district in this state, property in such district, held or owned by the  
10 state shall be assessed and charged for its proportion of the cost of  
11 such local improvements in the same manner as other property in such  
12 district, it being the intention of this chapter that the state shall  
13 bear its just and equitable proportion of the cost of local  
14 improvements specially benefiting ((state)) lands(~~(:—PROVIDED, That)~~)  
15 of the state. However, none of the provisions of this chapter shall  
16 have the effect, or be construed to have the effect, to alter or modify  
17 in any particular any existing lease of any lands or property owned by  
18 the state, or release or discharge any lessee of any such lands or  
19 property from any of the obligations, covenants, or conditions of the  
20 contract under which any such lands or property are leased or held by  
21 any such lessee.

22       **Sec. 507.** RCW 79.44.030 and 1919 c 164 s 3 are each amended to  
23 read as follows:

24       Where ((state)) lands of the state are under lease, the  
25 proportionate amounts to be assessed against the leasehold interest,  
26 and the fee simple interest of the state, shall be fixed with reference  
27 to the life of the improvement and the period for which ((said)) the  
28 lease has yet to run.

29       **Sec. 508.** RCW 79.44.060 and 1979 c 151 s 179 are each amended to  
30 read as follows:

31       When the chief administrative officer of an agency of state  
32 government is satisfied that an assessing district has complied with  
33 all the conditions precedent to the levy of assessments for district  
34 purposes, pursuant to this chapter against ((state)) lands occupied,  
35 used, or under the jurisdiction of ((his)) the officer's agency, he or

1 she shall pay them, together with any interest thereon from any funds  
2 specifically appropriated to ~~((his))~~ the agency therefor or from any  
3 funds of ~~((his))~~ the agency which under existing law have been or are  
4 required to be expended to pay assessments on a current basis. In all  
5 other cases, the chief administrative officer shall certify to the  
6 director of financial management that the assessment is one properly  
7 chargeable to the state. The director of financial management shall  
8 pay such assessments from funds available or appropriated ~~((to him))~~  
9 for this purpose.

10 Except as provided in RCW 79.44.190 no lands of the state shall be  
11 subject to a lien for unpaid assessments, nor shall the interest of the  
12 state in any land be sold for unpaid assessments where assessment liens  
13 attached to the lands prior to state ownership.

14 **Sec. 509.** RCW 79.44.120 and 1937 c 80 s 1 are each amended to read  
15 as follows:

16 Whenever any state school, granted, tide<sub>l</sub> or other public lands of  
17 the state shall have been charged with local improvement assessments  
18 under any local improvement assessment district in any incorporated  
19 city, town, irrigation, diking, drainage, port, weed<sub>l</sub> or pest district,  
20 or any other district now authorized by law to levy assessments against  
21 ~~((state))~~ lands of the state, where such assessments are required under  
22 existing statutes to be returned to the fund of the state treasury from  
23 which ~~((said))~~ the assessments were originally paid, the ~~((commissioner~~  
24 ~~of public lands))~~ department may, and ~~((he))~~ is hereby authorized, to  
25 sell such lands for their appraised valuation without regard to such  
26 assessments, anything to the contrary in the existing statutes  
27 notwithstanding(~~:- PROVIDED, That~~). However, nothing ~~((herein~~  
28 ~~contained))~~ in this section shall be construed to alter in any way any  
29 existing statute providing for the method of procedure in levying  
30 assessments against ~~((state))~~ lands of the state in any of such local  
31 improvement assessment districts.

32 **Sec. 510.** RCW 79.60.010 and 1988 c 128 s 67 are each amended to  
33 read as follows:

34 The department ~~((of natural resources))~~ with regard to state forest  
35 ~~((board))~~ lands and state ~~((granted))~~ lands is hereby authorized to  
36 enter into cooperative agreements with the United States of America,



1 Indian tribes, and private owners of timber land providing for  
2 coordinated forest management, including time, rate, and method of  
3 cutting timber and method of silvicultural practice on a sustained  
4 yield unit.

5 **Sec. 511.** RCW 79.60.020 and 1988 c 128 s 68 are each amended to  
6 read as follows:

7 The department (~~(of natural resources)~~) is hereby authorized and  
8 directed to determine, define, and declare informally the establishment  
9 of a sustained yield unit, comprising the land area to be covered by  
10 any such cooperative agreement and include therein such other lands as  
11 may be later acquired by the department and included under the  
12 cooperative agreement.

13 **Sec. 512.** RCW 79.60.030 and 1988 c 128 s 69 are each amended to  
14 read as follows:

15 The (~~(state)~~) department shall agree that the cutting from combined  
16 national forest lands, state forest lands, and state lands will be  
17 limited to the sustained yield capacity of these lands in the  
18 management unit as determined by the contracting parties and approved  
19 by (~~(the commissioner of public lands for state granted lands and)~~) the  
20 board (~~(of natural resources)~~) for state forest (~~(board)~~) lands and by  
21 the department for state lands. Cooperation with the private  
22 contracting party or parties shall be contingent on limitation of  
23 production to a specified amount as determined by the contracting  
24 parties and approved by (~~(the commissioner of public lands for state~~  
25 ~~granted lands and)~~) the board (~~(of natural resources)~~) for state forest  
26 (~~(board)~~) lands and by the department for state lands and shall comply  
27 with the other conditions and requirements of such cooperative  
28 agreement.

29 **Sec. 513.** RCW 79.60.040 and 1988 c 128 s 70 are each amended to  
30 read as follows:

31 The private contracting party or parties shall enjoy the right of  
32 easement over state forest (~~(board)~~) lands and state (~~(granted)~~) lands  
33 included under said cooperative agreement for railway, road, and other  
34 uses necessary to the carrying out of the agreement. This easement  
35 shall be only for the life of the cooperative agreement and shall be

1 granted without charge with the provision that payment shall be made  
2 for all merchantable timber cut, removed, or damaged in the use of such  
3 easement, payment to be based on the contract stumpage price for timber  
4 of like value and species and to be made within thirty days from date  
5 of cutting, removal, and/or damage of such timber and appraisal thereof  
6 by the department (~~(of natural resources)~~).

7 **Sec. 514.** RCW 79.60.050 and 1988 c 128 s 71 are each amended to  
8 read as follows:

9 During the period when any such cooperative agreement is in effect,  
10 the timber on the state forest lands and state lands which the  
11 department (~~(of natural resources)~~) determines shall be included in the  
12 sustained yield unit may, from time to time, be sold at not less than  
13 its appraised value as approved by the (~~(commissioner of public lands)~~)  
14 department for state (~~(granted)~~) lands and the board (~~(of natural~~  
15 ~~resources)~~) for state forest (~~(board)~~) lands, due consideration being  
16 given to existing forest conditions on all lands included in the  
17 cooperative management unit and such sales may be made in the  
18 discretion of the department and the contracting party or parties in  
19 the cooperative sustained yield agreement. These sale agreements shall  
20 contain such provisions as are necessary to effectually permit the  
21 department to carry out the purpose of this section and in other ways  
22 afford adequate protection to the public interests involved.

23 **Sec. 515.** RCW 79.60.060 and 1988 c 128 s 72 are each amended to  
24 read as follows:

25 The sale of timber upon state forest (~~(board)~~) land and state  
26 (~~(granted)~~) land within such sustained yield unit or units shall be  
27 made for not less than the appraised value thereof as heretofore  
28 provided for the sale of timber on state lands(~~(:—PROVIDED, That,)~~).  
29 However, if in the judgment of the department, it is to the best  
30 interests of the state to do so, (~~(said)~~) the timber or any such  
31 sustained yield unit or units may be sold on a stumpage or scale basis  
32 for a price per thousand not less than the appraised value thereof.  
33 The department shall reserve the right to reject any and all bids if  
34 the intent of this chapter will not be carried out. Permanency of  
35 local communities and industries, prospects of fulfillment of contract

1 requirements, and financial position of the bidder shall all be factors  
2 included in this decision.

3 **Sec. 516.** RCW 79.60.070 and 1939 c 130 s 6 are each amended to  
4 read as follows:

5 A written contract shall be entered into with the successful bidder  
6 which shall fix the time when logging operations shall be commenced and  
7 concluded and require monthly payments for timber removed as soon as  
8 scale sheets have been tabulated and the amount of timber removed  
9 during the month determined, or require payments monthly in advance at  
10 the discretion of the board or the (~~commissioner~~) department. The  
11 board and the (~~commissioner~~) department shall designate the price per  
12 thousand to be paid for each species of timber and shall provide for  
13 supervision of logging operations, the methods of scaling and report,  
14 and shall require the purchaser to comply with all laws of the state of  
15 Washington with respect to fire protection and logging operation of the  
16 timber purchased; and shall contain such other provisions as may be  
17 deemed advisable.

18 **Sec. 517.** RCW 79.60.080 and 1988 c 128 s 73 are each amended to  
19 read as follows:

20 No transfer or assignment by the purchaser shall be valid unless  
21 the transferee or assignee is acceptable to the department (~~of natural~~  
22 ~~resources~~) and the transfer or assignment approved by it in writing.

23 **Sec. 518.** RCW 79.60.090 and 1988 c 128 s 74 are each amended to  
24 read as follows:

25 The purchaser shall, at the time of executing the contract, deliver  
26 a performance bond or sureties acceptable in regard to terms and amount  
27 to the department (~~of natural resources~~), but such performance bond  
28 or sureties shall not exceed ten percent of the estimated value of the  
29 timber purchased computed at the stumpage price and at no time shall  
30 exceed a total of fifty thousand dollars. The purchaser shall also be  
31 required to make a cash deposit equal to twenty percent of the  
32 estimated value of the timber purchased, computed at the stumpage bid.  
33 Upon failure of the purchaser to comply with the terms of the contract,  
34 the performance bond or sureties may be forfeited to the state upon  
35 order of the department (~~of natural resources~~).

1 At no time shall the amount due the state for timber actually cut  
2 and removed exceed the amount of the deposit as (~~hereinabove~~) set  
3 forth in this section. The amount of the deposit shall be returned to  
4 the purchaser upon completion and full compliance with the contract by  
5 the purchaser, or it may, at the discretion of the purchaser, be  
6 applied on final payment on the contract.

7 **Sec. 519.** RCW 79.64.010 and 1967 ex.s. c 63 s 1 are each amended  
8 to read as follows:

9 (~~Unless a different meaning is plainly required by the context,~~  
10 ~~the following words and phrases~~) As (~~hereinafter~~) used in this  
11 chapter, (~~shall have the following meanings:~~

12 (1) ~~"Account" means the resource management cost account in the~~  
13 ~~state general fund.~~

14 (2) ~~"Department" means the department of natural resources.~~

15 (3) ~~"Board" means the board of natural resources of the department~~  
16 ~~of natural resources.~~

17 (4)) "rule" means rule as (~~the same~~) that term is defined by RCW  
18 34.05.010.

19 (~~(5) The definitions set forth in RCW 79.01.004 shall be~~  
20 ~~applicable.~~)

21 **Sec. 520.** RCW 79.64.020 and 1993 c 460 s 1 are each amended to  
22 read as follows:

23 A resource management cost account in the state treasury is  
24 (~~hereby~~) created to be used solely for the purpose of defraying the  
25 costs and expenses necessarily incurred by the department in managing  
26 and administering public lands and the making and administering of  
27 leases, sales, contracts, licenses, permits, easements, and rights of  
28 way as authorized under the provisions of this title. Appropriations  
29 from the resource management cost account to the department shall be  
30 expended for no other purposes. Funds in the resource management cost  
31 account may be appropriated or transferred by the legislature for the  
32 benefit of all of the trusts from which the funds were derived.

33 **Sec. 521.** RCW 79.64.030 and 2001 c 250 s 15 are each amended to  
34 read as follows:

35 Funds in the resource management cost account from the moneys

1 received from leases, sales, contracts, licenses, permits, easements,  
2 and rights of way issued by the department and affecting school lands,  
3 university lands, scientific school lands, normal school lands, capitol  
4 building lands, or institutional lands shall be pooled and expended by  
5 the department solely for the purpose of defraying the costs and  
6 expenses necessarily incurred in managing and administering all of the  
7 trust lands enumerated in this section. Such funds may be used for  
8 similar costs and expenses in managing and administering other lands  
9 managed by the department provided that such expenditures that have  
10 been or may be made on such other lands shall be repaid to the resource  
11 management cost account together with interest at a rate determined by  
12 the board (~~(of natural resources)~~).

13 Costs and expenses necessarily incurred in managing and  
14 administering agricultural college lands shall not be deducted from  
15 proceeds received from the sale of such lands or from the sale of  
16 resources that are part of the lands. Costs and expenses incurred in  
17 managing and administering agricultural college trust lands shall be  
18 funded by appropriation under RCW 79.64.090 (as recodified by this  
19 act).

20 An accounting shall be made annually of the accrued expenditures  
21 from the pooled trust funds in the account. In the event the  
22 accounting determines that expenditures have been made from moneys  
23 received from trust lands for the benefit of other lands, such  
24 expenditure shall be considered a debt and an encumbrance against the  
25 property benefitted, including (~~(property held under chapter 76.12~~  
26 ~~RCW)) state forest lands. The results of the accounting shall be  
27 reported to the legislature at the next regular session. The state  
28 treasurer is authorized, upon request of the department, to transfer  
29 funds between the forest development account and the resource  
30 management cost account solely for purpose of repaying loans pursuant  
31 to this section.~~

32 **Sec. 522.** RCW 79.64.040 and 2001 c 250 s 16 are each amended to  
33 read as follows:

34 The board shall determine the amount deemed necessary in order to  
35 achieve the purposes of this chapter and shall provide by rule for the  
36 deduction of this amount from the moneys received from all leases,  
37 sales, contracts, licenses, permits, easements, and rights of way

1 issued by the department and affecting public lands, provided that no  
2 deduction shall be made from the proceeds from agricultural college  
3 lands. Moneys received as deposits from successful bidders, advance  
4 payments, and security under sections 334 and 347 of this act and RCW  
5 (~~79.01.132 and~~) 79.01.204 (as recodified by this act) prior to  
6 December 1, 1981, which have not been subjected to deduction under this  
7 section are not subject to deduction under this section. The  
8 deductions authorized under this section shall in no event exceed  
9 twenty-five percent of the moneys received by the department in  
10 connection with any one transaction pertaining to public lands other  
11 than second class tide and shore lands and the beds of navigable  
12 waters, and fifty percent of the moneys received by the department  
13 pertaining to second class tide and shore lands and the beds of  
14 navigable waters.

15 **Sec. 523.** RCW 79.64.050 and 2001 c 250 s 17 are each amended to  
16 read as follows:

17 All deductions from moneys received made in accordance with RCW  
18 79.64.040 (as recodified by this act) shall be paid into the resource  
19 management cost account and the balance shall be paid into the state  
20 treasury to the credit of the fund otherwise entitled to the proceeds.

21 **Sec. 524.** RCW 79.64.090 and 1999 c 279 s 3 are each amended to  
22 read as follows:

23 The agricultural college trust management account is created in the  
24 state treasury. To (~~the~~) this account shall be deposited such funds  
25 as the legislature directs or appropriates. Moneys in the agricultural  
26 college trust management account may be spent only after appropriation.  
27 Expenditures from (~~the~~) this account may be used only for the costs  
28 of managing the assets of the agricultural school trust.

29 **Sec. 525.** RCW 79.66.010 and 1984 c 222 s 1 are each amended to  
30 read as follows:

31 The legislature finds that from time to time it may be desirable  
32 for the department (~~of natural resources~~) to sell state lands which  
33 have low potential for natural resource management or low income-  
34 generating potential or which, because of geographic location or other  
35 factors, are inefficient for the department to manage. However, it is

1 also important to acquire lands for long-term management to replace  
2 those sold so that the publicly owned land base will not be depleted  
3 and the publicly owned forest land base will not be reduced. The  
4 purpose of this chapter is to provide a means to facilitate such sales  
5 and purchases so that the diversity of public uses on the trust lands  
6 will be maintained. In making the determinations, the department shall  
7 comply with local land use plans and applicable growth management  
8 principles.

9 **Sec. 526.** RCW 79.66.020 and 1984 c 222 s 2 are each amended to  
10 read as follows:

11 The department (~~((of natural resources))~~), with the approval of the  
12 board (~~((of natural resources))~~), may purchase property at fair market  
13 value to be held in a land bank, which is hereby created within the  
14 department. Property so purchased shall be property which would be  
15 desirable for addition to the public lands of the state because of the  
16 potential for natural resource or income production of the property.  
17 The total acreage held in the land bank shall not exceed one thousand  
18 five hundred acres.

19 **Sec. 527.** RCW 79.66.030 and 1984 c 222 s 3 are each amended to  
20 read as follows:

21 The department (~~((of natural resources))~~), with the approval of the  
22 board (~~((of natural resources))~~), may:

23 (1) Exchange property held in the land bank for any other public  
24 lands of equal value administered by the department (~~((of natural  
25 resources))~~), including any lands held in trust.

26 (2) Exchange property held in the land bank for property of equal  
27 or greater value which is owned publicly or privately, and which has  
28 greater potential for natural resource or income production or which  
29 could be more efficiently managed by the department, however, no power  
30 of eminent domain is hereby granted to the department; and

31 (3) Sell property held in the land bank in the manner provided by  
32 law for the sale of state lands without any requirement of platting and  
33 to use the proceeds to acquire property for the land bank which has  
34 greater potential for natural resource or income production or which  
35 would be more efficiently managed by the department.

1       **Sec. 528.** RCW 79.66.040 and 1984 c 222 s 4 are each amended to  
2 read as follows:

3       The department (~~(of natural resources)~~) may manage the property  
4 held in the land bank as provided in RCW 79.01.612(~~(: PROVIDED, That~~  
5 ~~such)~~) (as recodified by this act). However, the properties or  
6 interest in such properties shall not be withdrawn, exchanged,  
7 transferred, or sold without first obtaining payment of the fair market  
8 value of the property or interest therein or obtaining property of  
9 equal value in exchange.

10       **Sec. 529.** RCW 79.66.050 and 1984 c 222 s 5 are each amended to  
11 read as follows:

12       The legislature may authorize appropriation of funds from the  
13 forest development account or the resource management cost account for  
14 the purposes of this chapter. Income from the sale or management of  
15 property in the land bank shall be returned as a recovered expense to  
16 the forest development account or the resource management cost account  
17 and may be used to acquire property under RCW 79.66.020 (as recodified  
18 by this act).

19       **Sec. 530.** RCW 79.66.060 and 1984 c 222 s 6 are each amended to  
20 read as follows:

21       The department (~~(of natural resources)~~) shall be reimbursed for  
22 actual costs and expenses incurred in managing and administering the  
23 land bank program under this chapter from the forest development  
24 account or the resource management cost account in an amount not to  
25 exceed the limits provided in RCW 79.64.040 (as recodified by this  
26 act). Reimbursement from proceeds of sales shall be limited to  
27 marketing costs provided in RCW 79.01.612 (as recodified by this act).

28       **Sec. 531.** RCW 79.66.080 and 1994 c 264 s 60 are each amended to  
29 read as follows:

30       Periodically, at intervals to be determined by the board (~~(of~~  
31 ~~natural resources)~~), the department (~~(of natural resources)~~) shall  
32 identify trust lands which are expected to convert to commercial,  
33 residential, or industrial uses within ten years. The department shall  
34 adhere to existing local comprehensive plans, zoning classifications,



1 and duly adopted local policies when making this identification and  
2 determining the fair market value of the property.

3 The department shall hold a public hearing on the proposal in the  
4 county where the state land is located. At least fifteen days but not  
5 more than thirty days before the hearing, the department shall publish  
6 a public notice of reasonable size in display advertising form, setting  
7 forth the date, time, and place of the hearing, at least once in one or  
8 more daily newspapers of general circulation in the county and at least  
9 once in one or more weekly newspapers circulated in the area where the  
10 trust land is located. At the same time that the published notice is  
11 given, the department shall give written notice of the hearings to the  
12 departments of fish and wildlife and general administration, to the  
13 parks and recreation commission, and to the county, city, or town in  
14 which the property is situated. The department shall disseminate a  
15 news release pertaining to the hearing among printed and electronic  
16 media in the area where the trust land is located. The public notice  
17 and news release also shall identify trust lands in the area which are  
18 expected to convert to commercial, residential, or industrial uses  
19 within ten years.

20 A summary of the testimony presented at the hearings shall be  
21 prepared for the board's consideration. The board (~~of natural~~  
22 ~~resources~~) shall designate trust lands which are expected to convert  
23 to commercial, residential, or industrial uses as urban land.  
24 Descriptions of lands designated by the board shall be made available  
25 to the county and city or town in which the land is situated and for  
26 public inspection and copying at the department's administrative office  
27 in Olympia, Washington and at each area office.

28 The hearing and notice requirements of this section apply to those  
29 trust lands which have been identified by the department prior to July  
30 1, 1984, as being expected to convert to commercial, residential, or  
31 industrial uses within the next ten years, and which have not been sold  
32 or exchanged prior to July 1, 1984.

33 **Sec. 532.** RCW 79.66.090 and 1993 c 265 s 1 are each amended to  
34 read as follows:

35 If the department (~~of natural resources~~) determines to exchange  
36 urban land for land bank land, public agencies defined in RCW 79.01.009  
37 (as recodified by this act) that may benefit from owning the property

1 shall be notified in writing of the determination. The public agencies  
2 have sixty days from the date of notice by the department to submit an  
3 application to purchase the land and shall be afforded an opportunity  
4 of up to one year, as determined by the board (~~(of natural resources)~~),  
5 to purchase the land from the land bank at fair market value directly  
6 without public auction as authorized under RCW 79.01.009 (as recodified  
7 by this act). The board (~~(of natural resources)~~), if it deems it in  
8 the best interest of the state, may extend the period under terms and  
9 conditions as the board determines. If competing applications are  
10 received from governmental entities, the board shall select the  
11 application which results in the highest monetary value.

12 **Sec. 533.** RCW 79.66.100 and 1984 c 222 s 10 are each amended to  
13 read as follows:

14 Lands purchased by the department (~~(of natural resources)~~) for  
15 commercial, industrial, or residential use shall be subject to payment  
16 of in-lieu of real property tax for the period in which they are held  
17 in the land bank. The in-lieu payment shall be equal to the property  
18 taxes which would otherwise be paid if the land remained subject to the  
19 tax. Payment shall be made at the end of the calendar year to the  
20 county in which the land is located. If a parcel is not held in the  
21 land bank for the entire year, the in-lieu payment shall be reduced  
22 proportionately to reflect only that period of time in which the land  
23 was held in the land bank. The county treasurer shall distribute the  
24 in-lieu payments proportionately in accordance with RCW 84.56.230 as  
25 though such moneys were receipts from ad valorem property taxes.

26 **Sec. 534.** RCW 79.68.010 and 1971 ex.s. c 234 s 1 are each amended  
27 to read as follows:

28 The legislature hereby directs that a multiple use concept be  
29 utilized by the department (~~(of natural resources)~~) in the management  
30 and administration of state-owned lands under the jurisdiction of the  
31 department where such a concept is in the best interests of the state  
32 and the general welfare of the citizens thereof, and is consistent with  
33 the applicable trust provisions of the various lands involved.

34 **Sec. 535.** RCW 79.68.020 and 1971 ex.s. c 234 s 2 are each amended  
35 to read as follows:

1 "Multiple use" as used in RCW 79.01.128 (as recodified by this  
2 act), 79.44.003, and this chapter (as recodified by this act) shall  
3 mean the management and administration of state-owned lands under the  
4 jurisdiction of the department (~~((of natural resources))~~) to provide for  
5 several uses simultaneously on a single tract and/or planned rotation  
6 of one or more uses on and between specific portions of the total  
7 ownership consistent with the provisions of RCW 79.68.010 (as  
8 recodified by this act).

9 **Sec. 536.** RCW 79.68.030 and 1971 ex.s. c 234 s 3 are each amended  
10 to read as follows:

11 "Sustained yield plans" as used in RCW 79.01.128 (as recodified by  
12 this act), 79.44.003, and this chapter (as recodified by this act)  
13 shall mean management of the forest to provide harvesting on a  
14 continuing basis without major prolonged curtailment or cessation of  
15 harvest.

16 **Sec. 537.** RCW 79.68.035 and 1987 c 159 s 2 are each amended to  
17 read as follows:

18 Unless the context clearly requires otherwise the definitions in  
19 this section apply throughout (~~((this chapter))~~) RCW 79.68.030,  
20 79.68.040, and 79.68.045 (as recodified by this act).

21 (1) "Arrearage" means the summation of the annual sustainable  
22 harvest timber volume since July 1, 1979, less the sum of state timber  
23 sales contract default volume and the state timber sales volume deficit  
24 since July 1, 1979.

25 (2) "Default" means the volume of timber remaining when a  
26 contractor fails to meet the terms of the sales contract on the  
27 completion date of the contract or any extension thereof and timber  
28 returned to the state under RCW 79.01.1335.

29 (3) "Deficit" means the summation of the difference between the  
30 department's annual planned sales program volume and the actual timber  
31 volume sold.

32 (4) "Planning decade" means the ten-year period covered in the  
33 forest land management plan adopted by the board (~~((of natural~~  
34 ~~resources))~~).

35 (5) "Sustainable harvest level" means the volume of timber

1 scheduled for sale from state-owned lands during a planning decade as  
2 calculated by the department (~~(of natural resources)~~) and approved by  
3 the board (~~(of natural resources)~~).

4 **Sec. 538.** RCW 79.68.040 and 1987 c 159 s 3 are each amended to  
5 read as follows:

6 The department (~~(of natural resources)~~) shall manage the state-  
7 owned lands under its jurisdiction which are primarily valuable for the  
8 purpose of growing forest crops on a sustained yield basis insofar as  
9 compatible with other statutory directives. To this end, the  
10 department shall periodically adjust the acreages designated for  
11 inclusion in the sustained yield management program and calculate a  
12 sustainable harvest level.

13 **Sec. 539.** RCW 79.68.060 and 1971 ex.s. c 234 s 6 are each amended  
14 to read as follows:

15 For the purpose of providing increased continuity in the management  
16 of public lands and of facilitating long range planning by interested  
17 agencies, the department (~~(of natural resources)~~) is authorized to  
18 identify and to withdraw from all conflicting uses at such times and  
19 for such periods as it shall determine appropriate, limited acreages of  
20 public lands under its jurisdiction. Acreages so withdrawn shall be  
21 maintained for the benefit of the public and, in particular, of the  
22 public schools, colleges, and universities, as areas in which may be  
23 observed, studied, enjoyed, or otherwise utilized the natural  
24 ecological systems thereon, whether such systems be unique or typical  
25 to the state of Washington. Nothing herein is intended to or shall  
26 modify the department's obligation to manage the land under its  
27 jurisdiction in the best interests of the beneficiaries of granted  
28 trust lands.

29 **Sec. 540.** RCW 79.68.070 and 1987 c 472 s 12 are each amended to  
30 read as follows:

31 The department (~~(of natural resources)~~) is hereby authorized to  
32 carry out all activities necessary to achieve the purposes of RCW  
33 79.01.128 (as recodified by this act), 79.44.003, and this chapter (as  
34 recodified by this act), including, but not limited to:

1 (1) Planning, construction, and operation of conservation,  
2 recreational sites, areas, roads, and trails, by itself or in  
3 conjunction with any public agency;

4 (2) Planning, construction, and operation of special facilities for  
5 educational, scientific, conservation, or experimental purposes by  
6 itself or in conjunction with any other public or private agency;

7 (3) Improvement of any lands to achieve the purposes of RCW  
8 79.01.128 (as recodified by this act), 79.44.003, and this chapter (as  
9 recodified by this act);

10 (4) Cooperation with public and private agencies in the utilization  
11 of such lands for watershed purposes;

12 (5) The authority to make such leases, contracts, agreements, or  
13 other arrangements as are necessary to accomplish the purposes of RCW  
14 79.01.128 (as recodified by this act), 79.44.003, and this chapter(~~(+~~  
15 ~~PROVIDED, That~~)) (as recodified by this act). However, nothing  
16 (~~herein~~) in this section shall affect any existing requirements for  
17 public bidding or auction with private agencies or parties, except that  
18 agreements or other arrangements may be made with public schools,  
19 colleges, universities, governmental agencies, and nonprofit scientific  
20 and educational associations.

21 **Sec. 541.** RCW 79.68.080 and 1971 ex.s. c 234 s 8 are each amended  
22 to read as follows:

23 The department (~~(of natural resources)~~) shall foster the commercial  
24 and recreational use of the aquatic environment for production of food,  
25 fibre, income, and public enjoyment from state-owned aquatic lands  
26 under its jurisdiction and from associated waters, and to this end the  
27 department may develop and improve production and harvesting of  
28 seaweeds and sealife attached to or growing on aquatic land or  
29 contained in aquaculture containers, but nothing in this section shall  
30 alter the responsibility of other state agencies for their normal  
31 management of fish, shellfish, game, and water.

32 **Sec. 542.** RCW 79.68.090 and 1971 ex.s. c 234 s 9 are each amended  
33 to read as follows:

34 The department (~~(of natural resources)~~) may adopt a multiple use  
35 land resource allocation plan for all or portions of the lands under  
36 its jurisdiction providing for the identification and establishment of

1 areas of land uses and identifying those uses which are best suited to  
2 achieve the purposes of RCW 79.01.128 (as recodified by this act),  
3 79.44.003, and this chapter (as recodified by this act). Such plans  
4 shall take into consideration the various ecological conditions,  
5 elevations, soils, natural features, vegetative cover, climate,  
6 geographical location, values, public use potential, accessibility,  
7 economic uses, recreational potentials, local and regional land use  
8 plans or zones, local, regional, state, and federal comprehensive land  
9 use plans or studies, and all other factors necessary to achieve the  
10 purposes of RCW 79.01.128 (as recodified by this act), 79.44.003, and  
11 this chapter (as recodified by this act).

12 **Sec. 543.** RCW 79.68.100 and 1971 ex.s. c 234 s 10 are each amended  
13 to read as follows:

14 The department (~~(of natural resources)~~) may confer with other  
15 public and private agencies to facilitate the formulation of policies  
16 and/or plans providing for multiple use concepts. The department (~~(of~~  
17 ~~natural resources)~~) is empowered to hold public hearings from time to  
18 time to assist in achieving the purposes of RCW 79.01.128 (as  
19 recodified by this act), 79.44.003, and this chapter (as recodified by  
20 this act).

21 **Sec. 544.** RCW 79.68.110 and 1971 ex.s. c 234 s 13 are each amended  
22 to read as follows:

23 The department (~~(of natural resources)~~) may comply with county or  
24 municipal zoning ordinances, laws, rules, or regulations affecting the  
25 use of state lands under the jurisdiction of the department (~~(of~~  
26 ~~natural resources)~~) where such regulations are consistent with the  
27 treatment of similar private lands.

28 **Sec. 545.** RCW 79.68.120 and 1971 ex.s. c 234 s 16 are each amended  
29 to read as follows:

30 (1) The department (~~(of natural resources)~~) shall design expansion  
31 of its land use data bank to include additional information that will  
32 assist in the formulation, evaluation, and updating of intermediate and  
33 long-range goals and policies for land use, population growth and  
34 distribution, urban expansion, open space, resource preservation and  
35 utilization, and other factors which shape statewide development

1 patterns and significantly influence the quality of the state's  
2 environment. The system shall be designed to permit inclusion of other  
3 lands in the state and will do so as financing and time permit.

4 (2) Such data bank shall contain any information relevant to the  
5 future growth of agriculture, forestry, industry, business, residential  
6 communities, and recreation; the wise use of land and other natural  
7 resources which are in accordance with their character and  
8 adaptability; the conservation and protection of the soil, air, water,  
9 and forest resources; the protection of the beauty of the landscape;  
10 and the promotion of the efficient and economical uses of public  
11 resources.

12 The information shall be assembled from all possible sources,  
13 including but not limited to, the federal government and its agencies,  
14 all state agencies, all political subdivisions of the state, all state  
15 operated universities and colleges, and any source in the private  
16 sector. All state agencies, all political subdivisions of the state,  
17 and all state universities and colleges are directed to cooperate to  
18 the fullest extent in the collection of data in their possession.  
19 Information shall be collected on all areas of the state but collection  
20 may emphasize one region at a time.

21 (3) The data bank shall make maximum use of computerized or other  
22 advanced data storage and retrieval methods. The department is  
23 authorized to engage consultants in data processing to ensure that the  
24 data bank will be as complete and efficient as possible.

25 (4) The data shall be made available for use by any governmental  
26 agency, research organization, university or college, private  
27 organization, or private person as a tool to evaluate the range of  
28 alternatives in land and resource planning in the state.

29 **Sec. 546.** RCW 79.68.900 and 1971 ex.s. c 234 s 12 are each amended  
30 to read as follows:

31 Nothing in RCW 79.01.128 (as recodified by this act), 79.44.003,  
32 and this chapter (as recodified by this act) shall be construed to  
33 affect or repeal any existing authority or powers of the department  
34 ~~((of natural resources))~~ in the management or administration of the  
35 lands under its jurisdiction.

1       **Sec. 547.** RCW 79.68.910 and 1971 ex.s. c 234 s 15 are each amended  
2 to read as follows:

3       Nothing in RCW 79.01.128 (as recodified by this act), 79.44.003,  
4 and this chapter (as recodified by this act) shall be construed to  
5 affect, amend, or repeal any existing withdrawal of public lands for  
6 state park or state game purposes.

7       **Sec. 548.** RCW 79.70.020 and 1981 c 189 s 1 are each amended to  
8 read as follows:

9       ~~((For the purposes of this chapter:))~~ The definitions in this  
10 section apply throughout this chapter unless the context clearly  
11 requires otherwise.

12       (1) "Department" ~~((shall))~~ means the department of natural  
13 resources.

14       (2) "Natural areas" and "natural area preserves" ~~((shall mean))~~  
15 include such public or private areas of land or water which have  
16 retained their natural character, although not necessarily completely  
17 natural and undisturbed, or which are important in preserving rare or  
18 vanishing flora, fauna, geological, natural historical or similar  
19 features of scientific or educational value and which are acquired or  
20 voluntarily registered or dedicated by the owner under this chapter.

21       (3) "Public lands" and "state lands" ~~((shall))~~ have the meaning set  
22 out in RCW 79.01.004 (as recodified by this act).

23       (4) "Council" means the natural heritage advisory council as  
24 established in RCW 79.70.070.

25       (5) "Commissioner" means the commissioner of public lands.

26       (6) "Instrument of dedication" means any written document intended  
27 to convey an interest in real property pursuant to chapter 64.04 RCW.

28       (7) "Natural heritage resources" means the plant community types,  
29 aquatic types, unique geologic types, and special plant and animal  
30 species and their critical habitat as defined in the natural heritage  
31 plan established under RCW 79.70.030.

32       (8) "Plan" means the natural heritage plan as established under RCW  
33 79.70.030.

34       (9) "Program" means the natural heritage program as established  
35 under RCW 79.70.030.

36       (10) "Register" means the Washington register of natural area  
37 preserves as established under RCW 79.70.030.



1       **Sec. 549.** RCW 79.70.030 and 2002 c 284 s 1 are each amended to  
2 read as follows:

3       In order to set aside, preserve, and protect natural areas within  
4 the state, the department is authorized, in addition to any other  
5 powers, to:

6       (1) Establish the criteria for selection, acquisition, management,  
7 protection, and use of such natural areas, including:

8       (a) Limiting public access to natural area preserves consistent  
9 with the purposes of this chapter. Where appropriate, and on a case-  
10 by-case basis, a buffer zone with an increased low level of public  
11 access may be created around the environmentally sensitive areas;

12       (b) Developing a management plan for each designated natural area  
13 preserve. The plan must identify the significant resources to be  
14 conserved consistent with the purposes of this chapter and identify the  
15 areas with potential for low-impact public and environmental  
16 educational uses. The plan must specify the types of management  
17 activities and public uses that are permitted, consistent with the  
18 purposes of this chapter. The department must make the plans available  
19 for review and comment by the public, and state, tribal, and local  
20 agencies, prior to final approval;

21       (2) Cooperate or contract with any federal, state, or local  
22 governmental agency, private organizations, or individuals in carrying  
23 out the purpose of this chapter;

24       (3) Consistent with the plan, acquire by gift, devise, purchase,  
25 grant, dedication, or means other than eminent domain, the fee or any  
26 lesser right or interest in real property which shall be held and  
27 managed as a natural area;

28       (4) Acquire by gift, devise, grant, or donation any personal  
29 property to be used in the acquisition and/or management of natural  
30 areas;

31       (5) Inventory existing public, state, and private lands in  
32 cooperation with the council to assess possible natural areas to be  
33 preserved within the state;

34       (6) Maintain a natural heritage program to provide assistance in  
35 the selection and nomination of areas containing natural heritage  
36 resources for registration or dedication. The program shall maintain  
37 a classification of natural heritage resources, an inventory of their  
38 locations, and a data bank for such information. The department ((of

1 ~~natural resources~~) shall cooperate with the department of fish and  
2 wildlife in the selection and nomination of areas from the data bank  
3 that relate to critical wildlife habitats. Information from the data  
4 bank shall be made available to public and private agencies and  
5 individuals for environmental assessment and proprietary land  
6 management purposes. Usage of the classification, inventory, or data  
7 bank of natural heritage resources for any purpose inconsistent with  
8 the natural heritage program is not authorized;

9 (7) Prepare a natural heritage plan which shall govern the natural  
10 heritage program in the conduct of activities to create and manage a  
11 system of natural areas that includes natural resources conservation  
12 areas, and may include areas designated under the research natural area  
13 program on federal lands in the state;

14 (a) The plan shall list the natural heritage resources to be  
15 considered for registration and shall provide criteria for the  
16 selection and approval of natural areas under this chapter;

17 (b) The department shall provide opportunities for input, comment,  
18 and review to the public, other public agencies, and private groups  
19 with special interests in natural heritage resources during preparation  
20 of the plan;

21 (c) Upon approval by the council and adoption by the department,  
22 the plan shall be updated and submitted biennially to the appropriate  
23 committees of the legislature for their information and review. The  
24 plan shall take effect ninety days after the adjournment of the  
25 legislative session in which it is submitted unless the reviewing  
26 committees suggest changes or reject the plan; and

27 (8) Maintain a state register of natural areas containing  
28 significant natural heritage resources to be called the Washington  
29 register of natural area preserves. Selection of natural areas for  
30 registration shall be in accordance with criteria listed in the natural  
31 heritage plan and accomplished through voluntary agreement between the  
32 owner of the natural area and the department. No privately owned lands  
33 may be proposed to the council for registration without prior notice to  
34 the owner or registered without voluntary consent of the owner. No  
35 state or local governmental agency may require such consent as a  
36 condition of any permit or approval of or settlement of any civil or  
37 criminal proceeding or to penalize any landowner in any way for failure  
38 to give, or for withdrawal of, such consent.

1 (a) The department shall adopt rules (~~and regulations~~) as  
2 authorized by RCW 43.30.310 (as recodified by this act) and  
3 79.70.030(1) and chapter 34.05 RCW relating to voluntary natural area  
4 registration.

5 (b) After approval by the council, the department may place sites  
6 onto the register or remove sites from the register.

7 (c) The responsibility for management of registered natural area  
8 preserves shall be with the preserve owner. A voluntary management  
9 agreement may be developed between the department and the owners of the  
10 sites on the register.

11 (d) Any public agency may register lands under provisions of this  
12 chapter.

13 **Sec. 550.** RCW 79.70.090 and 1981 c 189 s 6 are each amended to  
14 read as follows:

15 (1) The owner of a registered natural area, whether a private  
16 individual or an organization, may voluntarily agree to dedicate the  
17 area as a natural area by executing with the state an instrument of  
18 dedication in a form approved by the council. The instrument of  
19 dedication shall be effective upon its recording in the real property  
20 records of the appropriate county or counties in which the natural area  
21 is located. The county assessor in computing assessed valuation shall  
22 take into consideration any reductions in property values and/or  
23 highest and best use which result from natural area dedication.

24 (2) A public agency owning or managing a registered natural area  
25 preserve may dedicate lands under the provisions of this chapter.

26 (3) The department shall adopt rules (~~and regulations~~) as  
27 authorized by RCW 43.30.310 (as recodified by this act) and  
28 79.70.030(1) relating to voluntary natural area dedication and  
29 defining:

30 (a) The types of real property interests that may be transferred;

31 (b) Real property transfer methods and the types of consideration  
32 of payment possible;

33 (c) Additional dedication provisions, such as natural area  
34 management, custody, use, and rights and privileges retained by the  
35 owner; and

36 (d) Procedures for terminating dedication arrangements.

1 **REPEALED SECTIONS**

2 NEW SECTION. **Sec. 551.** The following acts or parts of acts are  
3 each repealed:

4 (1) RCW 79.01.036 ("Improvements" defined) and 1982 1st ex.s. c 21  
5 s 147, 1979 ex.s. c 109 s 1, & 1927 c 255 s 9;

6 (2) RCW 79.01.038 ("Valuable materials" defined) and 1982 1st ex.s.  
7 c 21 s 148 & 1959 c 257 s 1;

8 (3) RCW 79.01.048 (Board of appraisers) and 1988 c 128 s 50 & 1927  
9 c 255 s 12;

10 (4) RCW 79.01.068 (Land inspectors--Compensation--Oaths) and 1988  
11 c 128 s 52 & 1927 c 255 s 17;

12 (5) RCW 79.01.072 (False statements--Penalty) and 1988 c 128 s 53  
13 & 1927 c 255 s 18;

14 (6) RCW 79.01.132 (Valuable materials sold separately--Initial  
15 deposit--Advance payment/guarantee payment--Time limit on removal--  
16 Direct sale of valuable materials--Performance security--Proof of taxes  
17 paid) and 2001 c 250 s 4, 2001 c 187 s 1, 1999 c 51 s 1, 1997 c 116 s  
18 1, 1989 c 148 s 1, 1988 c 136 s 2, & 1983 c 2 s 16;

19 (7) RCW 79.01.133 (Valuable materials sold separately--"Lump sum  
20 sale" and "scale sale" defined for purposes of RCW 79.01.132) and 1969  
21 ex.s. c 14 s 1;

22 (8) RCW 79.01.140 (Possession after termination or expiration of  
23 lease--Extensions for crop rotation) and 1979 ex.s. c 109 s 6 & 1927 c  
24 255 s 35;

25 (9) RCW 79.01.152 (Witnesses--Compelling attendance, examination,  
26 etc., in fixing values) and 1988 c 128 s 55 & 1927 c 255 s 38;

27 (10) RCW 79.01.252 (Lease procedure--Notice to be posted--Lease to  
28 highest bidder) and 1979 ex.s. c 109 s 12 & 1927 c 255 s 63;

29 (11) RCW 79.01.256 (Lease procedure--Rental payment) and 1979 ex.s.  
30 c 109 s 13 & 1927 c 255 s 64;

31 (12) RCW 79.01.260 (Lease procedure--Disposition of moneys) and  
32 1979 ex.s. c 109 s 14 & 1927 c 255 s 65;

33 (13) RCW 79.01.264 (Lease procedure--Rejection or approval of  
34 leases) and 1985 c 197 s 2, 1979 ex.s. c 109 s 15, & 1927 c 255 s 66;

35 (14) RCW 79.01.277 (Lease procedure--Converting to a new lease) and  
36 1979 ex.s. c 109 s 17;

37 (15) RCW 79.01.704 (Witnesses--Compelling attendance, production of

1 books, etc.) and 1989 c 373 s 26, 1971 ex.s. c 292 s 54, 1959 c 257 s  
2 39, & 1927 c 255 s 186;

3 (16) RCW 79.08.190 (Exchange of lands to facilitate marketing of  
4 forest products or to consolidate and block up state lands--Lands  
5 acquired--How held and administered) and 1957 c 290 s 2; and

6 (17) RCW 79.08.200 (Exchange of lands to facilitate marketing of  
7 forest products or to consolidate and block up state lands--Agreements,  
8 deeds, etc.) and 1957 c 290 s 3.

9 **RECODIFIED SECTIONS**

10 NEW SECTION. **Sec. 552.** RCW 79.01.056, 79.01.060, 79.01.064, and  
11 79.01.736 are each recodified as sections in chapter 43.12 RCW.

12 NEW SECTION. **Sec. 553.** RCW 79.01.052 is recodified as a section  
13 in a new chapter in Title 43 RCW, created in section 128 of this act,  
14 under the subchapter heading "Board of natural resources."

15 NEW SECTION. **Sec. 554.** A new chapter is added to Title 79 RCW and  
16 is named "Public lands management--General." The following sections  
17 are codified or recodified under the following subchapters:

18 (1) "General provisions" as follows:

19 RCW 79.01.004;

20 Section 302 of this act;

21 RCW 79.01.500;

22 RCW 79.01.740;

23 RCW 79.01.240;

24 RCW 79.01.765;

25 RCW 79.08.170; and

26 RCW 79.01.093.

27 (2) "Federal land grants" as follows:

28 RCW 79.01.732;

29 RCW 79.01.308;

30 RCW 79.28.010;

31 RCW 79.28.020;

32 RCW 79.28.030;

33 RCW 79.01.076; and

34 RCW 79.01.080.

1 (3) "Contracts/records/fees/applications" as follows:

2 RCW 79.01.304;

3 RCW 79.01.708;

4 RCW 79.01.712;

5 RCW 79.01.084;

6 RCW 79.01.720;

7 Section 313 of this act;

8 RCW 79.01.724;

9 RCW 79.01.220;

10 RCW 79.01.292; and

11 RCW 79.01.236.

12 (4) "Trespass/regulations/penalties" as follows:

13 RCW 79.01.760;

14 RCW 79.01.748;

15 RCW 79.01.756;

16 RCW 79.01.752;

17 RCW 79.40.070;

18 RCW 79.40.080; and

19 Section 333 of this act.

20 (5) "Other trust/grant/forest reserve lands" as follows:

21 RCW 79.01.006; and

22 RCW 79.01.007.

23 NEW SECTION. **Sec. 555.** A new chapter is added to Title 79 RCW and  
24 is named "Land management authorities and policies." The following  
25 sections are recodified under the following subchapters:

26 (1) "General provisions" as follows:

27 RCW 79.01.744;

28 RCW 79.01.074;

29 RCW 79.01.612;

30 RCW 79.68.110;

31 RCW 79.01.128;

32 RCW 79.01.164; and

33 RCW 79.01.095.

34 (2) "Multiple use" as follows:

35 RCW 79.68.010;

36 RCW 79.68.020;

37 RCW 79.68.050;

1 RCW 79.01.244;  
2 RCW 79.68.070;  
3 RCW 79.68.090;  
4 RCW 79.68.060;  
5 RCW 79.68.100;  
6 RCW 79.68.900;  
7 RCW 79.68.910; and  
8 RCW 79.68.120.

9 (3) "Sustainable harvest" as follows:

10 RCW 79.68.035;  
11 RCW 79.68.030;  
12 RCW 79.68.040; and  
13 RCW 79.68.045.

14 (4) "Cooperative forest management agreements" as follows:

15 RCW 79.60.010;  
16 RCW 79.60.020;  
17 RCW 79.60.030;  
18 RCW 79.60.040;  
19 RCW 79.60.050;  
20 RCW 79.60.060;  
21 RCW 79.60.070;  
22 RCW 79.60.080; and  
23 RCW 79.60.090.

24 NEW SECTION. **Sec. 556.** A new chapter is added to Title 79 RCW and  
25 is named "State land sales." The following sections are codified or  
26 recodified under the following subchapters:

27 (1) "Sale procedures" as follows:

28 RCW 79.01.096;  
29 RCW 79.01.094;  
30 RCW 79.01.216;  
31 RCW 79.01.088;  
32 RCW 79.01.112;  
33 RCW 79.01.120;  
34 RCW 79.01.092;  
35 RCW 79.01.200;  
36 RCW 79.01.116;  
37 RCW 79.01.136;

1 RCW 79.01.184;  
2 RCW 79.01.188;  
3 RCW 79.01.192;  
4 RCW 79.01.204;  
5 RCW 79.01.148;  
6 RCW 79.01.196;  
7 RCW 79.01.212;  
8 RCW 79.01.208;  
9 RCW 79.01.228;  
10 RCW 79.01.224; and  
11 RCW 79.08.110.

12 (2) "Platting" as follows:

13 RCW 79.01.100;  
14 RCW 79.01.104; and  
15 RCW 79.01.108.

16 (3) "Other sale provisions" as follows:

17 RCW 79.01.300;  
18 RCW 79.01.301;  
19 RCW 79.01.728; and  
20 Section 399 of this act.

21 NEW SECTION. **Sec. 557.** A new chapter is added to Title 79 RCW and  
22 is named "Land leases." The following sections are codified or  
23 recodified under the following subchapters:

24 (1) "General provisions" as follows:

25 RCW 79.01.242;  
26 Sections 370, 367, 316, 315, 323, and 375 of this act;  
27 RCW 79.01.172; and  
28 RCW 79.08.120.

29 (2) "Lease procedure" as follows:

30 Sections 368 and 369 of this act;  
31 RCW 79.01.248;  
32 Sections 373, 400, and 337 of this act;  
33 RCW 79.01.284; and  
34 RCW 79.01.268.

35 (3) "Agricultural/grazing leases" as follows:

36 RCW 79.12.570;  
37 RCW 79.12.600;



1 RCW 79.12.610;  
2 RCW 79.12.620;  
3 RCW 79.12.630;  
4 RCW 79.01.296;  
5 RCW 79.28.040;  
6 RCW 79.28.050;  
7 RCW 79.28.070; and  
8 RCW 79.28.080.

9 (4) "Other leases" as follows:

10 RCW 79.12.015;  
11 RCW 79.12.025;  
12 RCW 79.12.055; and  
13 RCW 79.12.095.

14 (5) "Ecosystem standards" as follows:

15 RCW 79.01.2951;  
16 RCW 79.01.295; and  
17 RCW 79.01.2955.

18 NEW SECTION. **Sec. 558.** The following sections are recodified  
19 under the following subchapters in chapter 79.14 RCW:

20 (1) "Oil and gas" as follows:

21 RCW 79.14.010;  
22 RCW 79.14.020;  
23 RCW 79.14.030;  
24 RCW 79.14.040;  
25 RCW 79.14.050;  
26 RCW 79.14.060;  
27 RCW 79.14.070;  
28 RCW 79.14.080;  
29 RCW 79.14.090;  
30 RCW 79.14.100;  
31 RCW 79.14.110;  
32 RCW 79.14.120;  
33 RCW 79.14.130;  
34 RCW 79.14.140;  
35 RCW 79.14.150;  
36 RCW 79.14.160;  
37 RCW 79.14.170;

1 RCW 79.14.180;  
2 RCW 79.14.190;  
3 RCW 79.14.200;  
4 RCW 79.14.210; and  
5 RCW 79.14.220.  
6 (2) "Prospecting and mining" as follows:  
7 RCW 79.01.616;  
8 RCW 79.01.617;  
9 RCW 79.01.651;  
10 RCW 79.01.618;  
11 RCW 79.01.620;  
12 RCW 79.01.624;  
13 RCW 79.01.628;  
14 RCW 79.01.632;  
15 RCW 79.01.633;  
16 RCW 79.01.634;  
17 RCW 79.01.640;  
18 RCW 79.01.642;  
19 RCW 79.01.644;  
20 RCW 79.01.645;  
21 RCW 79.01.648;  
22 RCW 79.01.649; and  
23 RCW 79.01.650.  
24 (3) "Coal mining" as follows:  
25 RCW 79.01.652;  
26 RCW 79.01.656;  
27 RCW 79.01.660;  
28 RCW 79.01.664;  
29 RCW 79.01.668;  
30 RCW 79.01.672;  
31 RCW 79.01.676;  
32 RCW 79.01.680;  
33 RCW 79.01.684;  
34 RCW 79.01.688;  
35 RCW 79.01.692;  
36 RCW 79.01.696; and  
37 RCW 79.14.900.

1        NEW SECTION.    **Sec. 559.**    A new chapter is added to Title 79 RCW and  
2 is named "Sale of valuable materials."    The following sections are  
3 codified or recodified under the following subchapters:

4        (1) "General provisions" as follows:

5        RCW 79.01.124;

6        Section 319 of this act;

7        RCW 79.01.160;

8        RCW 79.01.168;

9        Sections 312 and 353 of this act;

10       RCW 79.01.082;

11       Sections 329, 350, 347, 345, 334, 355, and 358 of this act;

12       RCW 79.01.232;

13       RCW 79.01.238; and

14       Section 351 of this act.

15       (2) "Damaged timber" as follows:

16       RCW 79.01.790; and

17       RCW 79.01.795.

18       (3) "Rock, gravel, etc., sales" as follows:

19       RCW 79.01.134; and

20       RCW 79.01.176.

21       NEW SECTION.    **Sec. 560.**    A new chapter is added to Title 79 RCW and  
22 is named "Land transfers."    The following sections are codified or  
23 recodified under the following subchapters:

24       (1) "Exchanges" as follows:

25       RCW 79.08.180;

26       RCW 79.08.070;

27       RCW 79.08.250; and

28       RCW 79.08.015.

29       (2) "Purchase or lease of land by school districts and institutions  
30 of higher education" as follows:

31       Section 322 of this act;

32       RCW 79.01.770;

33       RCW 79.01.774;

34       RCW 79.01.778; and

35       RCW 79.01.780.

36       (3) "Land transfer" as follows:

37       RCW 79.01.009.

1        NEW SECTION.    **Sec. 561.**    A new chapter is added to Title 79 RCW and  
2    is named "Land bank."    The following sections are recodified and added  
3    to the new chapter created in this section:

- 4        RCW 79.66.010;
- 5        RCW 79.66.020;
- 6        RCW 79.66.030;
- 7        RCW 79.66.040;
- 8        RCW 79.66.050;
- 9        RCW 79.66.060;
- 10       RCW 79.66.070;
- 11       RCW 79.66.080;
- 12       RCW 79.66.090;
- 13       RCW 79.01.784;
- 14       RCW 79.66.100;
- 15       RCW 79.66.900; and
- 16       RCW 79.66.901.

17       NEW SECTION.    **Sec. 562.**    A new chapter is added to Title 79 RCW and  
18    is named "Acquisition, management, and disposition of state forest  
19    lands."

20       NEW SECTION.    **Sec. 563.**    The following sections are recodified as  
21    sections in chapter 79.36 RCW, retitled "Easements and rights of way,"  
22    under the subchapter heading "Granting":

- 23       RCW 79.01.332;
- 24       RCW 79.01.414;
- 25       RCW 79.01.416;
- 26       RCW 79.01.312;
- 27       RCW 79.01.316;
- 28       RCW 79.01.320;
- 29       RCW 79.01.324;
- 30       RCW 79.01.328;
- 31       RCW 79.01.336;
- 32       RCW 79.01.340;
- 33       RCW 79.01.344;
- 34       RCW 79.01.348;
- 35       RCW 79.01.352;
- 36       RCW 79.01.356;

1 RCW 79.01.360;  
2 RCW 79.01.364;  
3 RCW 79.01.384;  
4 RCW 79.01.388;  
5 RCW 79.01.392;  
6 RCW 79.01.396;  
7 RCW 79.01.400;  
8 RCW 79.01.404;  
9 RCW 79.01.408;  
10 RCW 79.01.412;  
11 RCW 79.36.230;  
12 RCW 79.36.240;  
13 RCW 79.36.250;  
14 RCW 79.36.260;  
15 RCW 79.36.270;  
16 RCW 79.36.280; and  
17 RCW 79.36.290.

18 NEW SECTION. **Sec. 564.** The following sections are recodified  
19 under a new subchapter entitled "State lands" in chapter 79.64 RCW:

20 RCW 79.64.010;  
21 RCW 79.64.020;  
22 RCW 79.64.030;  
23 RCW 79.64.040;  
24 RCW 79.64.050;  
25 RCW 79.64.060;  
26 RCW 79.64.070; and  
27 RCW 79.64.090.

28 NEW SECTION. **Sec. 565.** RCW 79.12.035 is recodified as a section  
29 in chapter 79.64 RCW under the subchapter heading "State forest lands."

30 NEW SECTION. **Sec. 566.** RCW 79.08.275, 79.08.277, 79.08.279,  
31 79.08.281, 79.08.283, and 79.08.284 are recodified in a new chapter in  
32 Title 79 RCW entitled "Milwaukee road corridor."

33 NEW SECTION. **Sec. 567.** A new chapter is added to Title 79 RCW and

1 is named "Geothermal resources." The following sections are recodified  
2 and added to the new chapter created in this section:

- 3 RCW 79.76.010;
- 4 RCW 79.76.020;
- 5 RCW 79.76.030;
- 6 RCW 79.76.040;
- 7 RCW 79.76.050;
- 8 RCW 79.76.060;
- 9 RCW 79.76.070;
- 10 RCW 79.76.080;
- 11 RCW 79.76.090;
- 12 RCW 79.76.100;
- 13 RCW 79.76.110;
- 14 RCW 79.76.120;
- 15 RCW 79.76.130;
- 16 RCW 79.76.140;
- 17 RCW 79.76.150;
- 18 RCW 79.76.160;
- 19 RCW 79.76.170;
- 20 RCW 79.76.180;
- 21 RCW 79.76.190;
- 22 RCW 79.76.200;
- 23 RCW 79.76.210;
- 24 RCW 79.76.220;
- 25 RCW 79.76.230;
- 26 RCW 79.76.240;
- 27 RCW 79.76.250;
- 28 RCW 79.76.260;
- 29 RCW 79.76.270;
- 30 RCW 79.76.280;
- 31 RCW 79.76.290;
- 32 RCW 79.76.300; and
- 33 RCW 79.76.900.

34 NEW SECTION. **Sec. 568.** A new chapter is added to Title 78 RCW  
35 entitled "Marine plastic debris." The following sections are  
36 recodified and added to the new chapter created in this section:

- 37 RCW 79.81.010;

1 RCW 79.81.020;  
2 RCW 79.81.030;  
3 RCW 79.81.040;  
4 RCW 79.81.050;  
5 RCW 79.81.060; and  
6 RCW 79.81.900.

7 NEW SECTION. **Sec. 569.** RCW 79.24.580, 79.68.080, and 79.08.260  
8 are each recodified as sections in chapter 79.90 RCW.

9 NEW SECTION. **Sec. 570.** RCW 79.08.080, 79.08.090, and 79.08.100  
10 are each recodified as sections in chapter 79.94 RCW.

11 NEW SECTION. **Sec. 571.** RCW 79.01.800, 79.01.805, 79.01.810, and  
12 79.01.815 are each recodified as sections in chapter 79.96 RCW.

13 **PART 4**  
14 **TITLE 79 (AQUATIC STATUTES)**  
15 **AMENDMENTS**

16 **Sec. 601.** RCW 79.90.270 and 1982 1st ex.s. c 21 s 33 are each  
17 amended to read as follows:

18 Each and every contract for the sale of (and each deed to)  
19 tidelands or shorelands belonging to the state, otherwise permitted  
20 under RCW 79.94.150 to be sold, shall contain the reservation contained  
21 in RCW 79.01.224 (as recodified by this act).

22 **Sec. 602.** RCW 79.90.325 and 1984 c 212 s 10 are each amended to  
23 read as follows:

24 Whenever, pursuant to RCW 79.01.134 (as recodified by this act),  
25 the commissioner (~~(of public lands)~~) enters into a contract for the  
26 sale and removal of rock, gravel, sand, or silt out of a riverbed, the  
27 commissioner shall, when establishing a royalty, take into  
28 consideration flood protection value to the public that will arise as  
29 a result of such removal.

30 **Sec. 603.** RCW 79.90.330 and 1987 c 20 s 16 are each amended to  
31 read as follows:

1       The department (~~(of natural resources)~~) may issue permits and  
2 leases for prospecting, placer mining contracts, and contracts for the  
3 mining of valuable minerals and specific materials, except rock,  
4 gravel, sand, silt, coal, or hydrocarbons, upon and from any aquatic  
5 lands belonging to the state, or which have been sold and the minerals  
6 thereon reserved by the state in tracts not to exceed six hundred forty  
7 acres or an entire government-surveyed section. The procedures  
8 contained at RCW 79.01.616 through 79.01.651 (as recodified by this  
9 act), inclusive, shall apply thereto.

10       **Sec. 604.** RCW 79.90.340 and 1982 1st ex.s. c 21 s 40 are each  
11 amended to read as follows:

12       The department (~~(of natural resources)~~) is authorized to execute  
13 option contracts for prospecting purposes and leases for the mining and  
14 extraction of coal from any aquatic lands owned by the state or from  
15 which it may hereafter acquire title, or from any aquatic lands sold or  
16 leased by the state the minerals of which have been reserved by the  
17 state. The procedures contained at RCW 79.01.652 through 79.01.696 (as  
18 recodified by this act), inclusive, shall apply thereto.

19       **Sec. 605.** RCW 79.90.380 and 1982 1st ex.s. c 21 s 44 are each  
20 amended to read as follows:

21       The department (~~(of natural resources)~~) shall cause full and  
22 correct abstracts of all aquatic lands, to be made and kept in the same  
23 manner as provided for in RCW 79.01.304 (as recodified by this act).

24       **Sec. 606.** RCW 79.90.400 and 1982 1st ex.s. c 21 s 46 are each  
25 amended to read as follows:

26       Any applicant to purchase, or lease, any aquatic lands of the  
27 state, or any valuable materials thereon, and any person whose property  
28 rights or interest will be affected by such sale or lease, feeling  
29 himself or herself aggrieved by any order or decision of the board (~~(of~~  
30 ~~natural resources)~~), or the commissioner (~~(of public lands)~~),  
31 concerning the same, may appeal therefrom in the manner provided in RCW  
32 79.01.500 (as recodified by this act).

33       **Sec. 607.** RCW 79.91.010 and 1982 1st ex.s. c 21 s 48 are each  
34 amended to read as follows:



1 All tide and shore lands originally belonging to the state, and  
2 which were granted, sold, or leased at any time after June 15, 1911,  
3 and which contain any valuable materials or are contiguous to or in  
4 proximity of state lands or other tide or shore lands which contain any  
5 valuable materials, shall be subject to the right of the state or any  
6 grantee or lessee thereof who has acquired such other lands, or any  
7 valuable materials thereon, after June 15, 1911, to acquire the right  
8 of way over such lands so granted, sold, or leased, for private  
9 railroads, skid roads, flumes, canals, watercourses, or other easements  
10 for the purpose of, and to be used in, transporting and moving such  
11 valuable materials from such other lands, over and across the lands so  
12 granted or leased in accordance with the provisions of RCW 79.01.312  
13 (as recodified by this act).

14 **Sec. 608.** RCW 79.91.030 and 1982 1st ex.s. c 21 s 50 are each  
15 amended to read as follows:

16 Any person having acquired a right of way or easement as provided  
17 in RCW 79.91.010 and 79.91.020 over any tidelands or shorelands  
18 belonging to the state or over or across beds of any navigable water or  
19 stream for the purpose of transporting or moving valuable materials and  
20 being engaged in such business, or any grantee or lessee thereof  
21 acquiring after June 15, 1911, state lands or tide or shore lands  
22 containing valuable materials, where said land is contiguous to or in  
23 proximity of such right of way or easement, shall accord to the state  
24 or any person acquiring after June 15, 1911, valuable materials upon  
25 any such lands, proper and reasonable facilities and service for  
26 transporting and moving such valuable materials under reasonable rules  
27 ~~((and regulations))~~ and upon payment of just and reasonable charges  
28 thereof in accordance with the provisions of RCW 79.01.320 (as  
29 recodified by this act).

30 **Sec. 609.** RCW 79.91.040 and 1982 1st ex.s. c 21 s 51 are each  
31 amended to read as follows:

32 Should the owner or operator of any private railroad, skid road,  
33 flume, canal, watercourse, or other right of way or easement provided  
34 for in RCW 79.91.020 and 79.91.030 fail to agree with the state or any  
35 grantee or lessee thereof, as to the reasonable and proper rules~~((~~  
36 ~~regulations,))~~ and charges, concerning the transportation and movement

1 of valuable materials from those lands contiguous to or in proximity to  
2 the lands over which such private right of way or easement is operated,  
3 the state or any grantee or lessee thereof, owning and desiring to have  
4 such valuable materials transported or moved, may apply to the  
5 Washington state utilities and transportation commission for an inquiry  
6 into the reasonableness of the rules (~~and regulations~~), investigate  
7 the same, and make such binding reasonable, proper, and just rates and  
8 regulations in accordance with the provisions of RCW 79.01.324 (as  
9 recodified by this act).

10 **Sec. 610.** RCW 79.91.050 and 1982 1st ex.s. c 21 s 52 are each  
11 amended to read as follows:

12 Any person owning or operating any right of way or easement subject  
13 to the provisions of RCW 79.91.020 through 79.91.040, over and across  
14 any tidelands or shorelands belonging to the state or across any beds  
15 of navigable waters, and violating or failing to comply with any  
16 rule(~~, regulation,~~) or order made by the utilities and transportation  
17 commission, after inquiry, investigation, and a hearing as provided in  
18 RCW 79.91.040, shall be subject to the same penalties provided in RCW  
19 79.01.328 (as recodified by this act).

20 **Sec. 611.** RCW 79.91.060 and 1982 1st ex.s. c 21 s 53 are each  
21 amended to read as follows:

22 Any person engaged in the business of logging or lumbering,  
23 quarrying, mining, or removing sand, gravel, or other valuable  
24 materials from land, and desirous of obtaining a right of way or  
25 easement provided for in RCW 79.91.010 through 79.91.030 over and  
26 across any tide or shore lands belonging to the state, or beds of  
27 navigable waters or any such lands sold or leased by the state since  
28 June 15, 1911, shall file with the department (~~of natural resources~~)  
29 upon a form to be furnished for that purpose, a written application for  
30 such right of way in accordance with the provisions of RCW 79.01.332  
31 (as recodified by this act).

32 **Sec. 612.** RCW 79.91.080 and 1982 1st ex.s. c 21 s 55 are each  
33 amended to read as follows:

34 Any county or city or the United States of America or any state  
35 agency desiring to locate, establish, and construct a road or street

1 over and across any aquatic lands, or wharf over any tide or shore  
2 lands, belonging to the state, shall by resolution of the legislative  
3 body of such county, or city council or other governing body of such  
4 city, or proper agency of the United States of America or state agency,  
5 cause to be filed with the department (~~(of natural resources)~~) a  
6 petition for a right of way for such road or street or wharf in  
7 accordance with the provisions of RCW 79.01.340 (as recodified by this  
8 act).

9 The department may grant the petition if it deems it in the best  
10 interest of the state and upon payment for such right of way and any  
11 damages to the affected aquatic lands.

12 **Sec. 613.** RCW 79.91.190 and 1982 1st ex.s. c 21 s 66 are each  
13 amended to read as follows:

14 The department (~~(of natural resources)~~) shall have the power and  
15 authority to grant to any person, the right, privilege, and authority  
16 to perpetually back and hold water upon or over any state-owned  
17 tidelands or shorelands, and to overflow and inundate the same,  
18 whenever the department shall deem it necessary for the purpose of  
19 erecting, constructing, maintaining, or operating any water power  
20 plant, reservoir, or works for impounding water for power purposes,  
21 irrigation, mining, or other public use in accordance with the  
22 provisions of RCW 79.01.408 (as recodified by this act).

23 **Sec. 614.** RCW 79.91.210 and 1982 1st ex.s. c 21 s 68 are each  
24 amended to read as follows:

25 The department (~~(of natural resources)~~) may grant to any person  
26 such easements and rights in tidelands and shorelands and oyster  
27 reserves owned by the state as the applicant may acquire in privately  
28 or publicly owned lands through proceedings in eminent domain in  
29 accordance with the provisions of RCW 79.01.414 (as recodified by this  
30 act).

31 **Sec. 615.** RCW 79.94.450 and 1987 c 271 s 4 are each amended to  
32 read as follows:

33 The department (~~(of natural resources)~~) is authorized to deed, by  
34 exchanges of property, to the United States Navy those tidelands  
35 necessary to facilitate the location of the United States Navy base in

1 Everett. In carrying out this authority, the department (~~(of natural~~  
2 ~~resources)~~) shall request that the governor execute the deed in the  
3 name of the state attested to by the secretary of state. The  
4 department (~~(of natural resources)~~) will follow the requirements  
5 outlined in RCW 79.08.015 (as recodified by this act) in making the  
6 exchange. The department must exchange the state's tidelands for lands  
7 of equal value, and the land received in the exchange must be suitable  
8 for natural preserves, recreational purposes, or have commercial value.  
9 The lands must not have been previously used as a waste disposal site.  
10 Choice of the site must be made with the advice and approval of the  
11 board (~~(of natural resources)~~).

12 NEW SECTION. **Sec. 616.** This act is intended to make technical  
13 amendments to certain codified statutes that deal with the department  
14 of natural resources. Any statutory changes made by this act should be  
15 interpreted as technical in nature and not be interpreted to have any  
16 substantive, policy implications.

Passed by the House February 24, 2003.

Passed by the Senate April 15, 2003.

Approved by the Governor May 16, 2003, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State May 16, 2003.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 123  
Engrossed House Bill No. 1252 entitled:

"AN ACT Relating to the recodification of Title 79 RCW and  
related public land statutes;"

This bill reorganizes the statutes governing the Department of  
Natural Resources' management of state uplands.

Section 123 amends RCW 43.30.310 as did Senate Bill No. 5758, which I  
signed on April 22, 2003. While the amendments in both bills are  
strictly technical in nature, they create a double amendment that  
cannot be merged. Therefore, to avoid confusion, I have vetoed  
section 123.

For these reasons, I have vetoed section 123 of Engrossed House Bill  
No. 1252.

With the exception of section 123, Engrossed House Bill No. 1252 is  
approved."