

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1252

58th Legislature
2003 Regular Session

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

Speaker of the House of Representatives

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

President of the Senate

Approved

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.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1252

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,
25 79.64.030, 79.64.040, 79.64.050, 79.64.090, 79.66.010, 79.66.020,
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,
10 76.12.210, 76.12.220, 76.12.230, 76.12.240, 76.12.040, 76.12.045,
11 76.01.010, 76.20.010, 76.20.020, 76.20.030, 76.20.035, 76.20.040,
12 76.12.050, 76.12.060, 76.12.065, 76.12.020, 76.12.080, 76.12.155,
13 76.12.030, 76.12.120, 76.12.125, 76.12.140, 76.12.090, 76.12.100,
14 76.12.035, 76.12.070, 76.12.067, 76.12.072, 76.12.073, 76.12.074,
15 76.12.075, 76.16.010, 76.16.020, 76.16.030, 76.16.040, 76.12.180,
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,
18 79.01.093, 79.01.732, 79.01.308, 79.28.010, 79.28.020, 79.28.030,
19 79.01.076, 79.01.080, 79.01.304, 79.01.708, 79.01.712, 79.01.084,
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.

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 NEW SECTION. **Sec. 129.** RCW 43.30.300 is recodified as a section
2 in a new chapter in Title 79 RCW, created in section 555 of this act,
3 under the subchapter heading "Multiple use."

4 NEW SECTION. **Sec. 130.** RCW 43.30.390 is recodified as a section
5 in a new chapter in Title 79 RCW, created in section 555 of this act,
6 under the subchapter heading "Sustainable harvest."

7 NEW SECTION. **Sec. 131.** RCW 43.30.265 is recodified as a section
8 in a new chapter in Title 79 RCW, created in section 560 of this act,
9 under the subchapter heading "Land transfer."

10 **PART 2**
11 **TITLE 76**
12 **AMENDMENTS**

13 **Sec. 201.** RCW 76.01.010 and 1988 c 128 s 12 are each amended to
14 read as follows:

15 (1) The department ((of natural resources)) is ((hereby))
16 authorized to sell any real property not designated or acquired as
17 state forest lands, but acquired by the state, either in the name of
18 the forest board, the forestry board, or the division of forestry, for
19 administrative sites, lien foreclosures, or other purposes whenever it
20 shall determine that ((said)) the lands are no longer or not necessary
21 for public use.

22 (2) The sale may be made after public notice to the highest bidder
23 for such a price as approved by the governor, but not less than the
24 fair market value of the real property, plus the value of improvements
25 thereon. Any instruments necessary to convey title must be executed by
26 the governor in a form approved by the attorney general.

27 (3) All amounts received from the sale must be credited to the fund
28 of the department of government that is responsible for the acquisition
29 and maintenance of the property sold.

30 **Sec. 202.** RCW 76.01.040 and 1988 c 128 s 13 are each amended to
31 read as follows:

32 The department ((of natural resources)) is ((hereby)) authorized to
33 receive funds from the federal government for cooperative work in

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 appraisal 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 NEW SECTION. Sec. 345. The advertisement of sales is for
2 informational purposes only, and under no circumstances does the
3 information in the notice of sale constitute a warranty that the
4 purchaser will receive the stated values, volumes, or acreage. All
5 purchasers are expected to make their own measurements, evaluations,
6 and appraisals.

7 **Sec. 346.** RCW 79.01.188 and 2001 c 250 s 7 are each amended to
8 read as follows:

9 (1) The department shall give notice of the sale by advertisement
10 published not fewer than two times during a four-week period prior to
11 the time of sale in at least one newspaper of general circulation in
12 the county in which the whole, or any part of any lot, block, or tract
13 of land to be sold is situated, and by posting a copy of the notice in
14 a conspicuous place in the department's Olympia office, the region
15 headquarters administering such sale, and in the office of the county
16 auditor of such county. The notice shall specify the place, date, and
17 time of sale, the appraised value of the land, describe with
18 particularity each parcel of land to be sold, and specify that the
19 terms of sale will be available in the region headquarters and the
20 department's Olympia office.

21 (2) The advertisement is for informational purposes only, and under
22 no circumstances does the information in the notice of sale constitute
23 a warranty that the purchaser will receive the stated values, volumes,
24 or acreage. All purchasers are expected to make their own
25 measurements, evaluations, and appraisals.

26 (3) The ((commissioner of public lands)) department shall ((cause
27 to be printed)) print a list of all public lands((, or valuable
28 materials thereon,)) and the appraised value thereof, that are to be
29 sold. This list should be published in a pamphlet form to be issued at
30 least four weeks prior to the date of any sale of the lands ((or
31 valuable materials thereon)). The list should be organized by county
32 and by alphabetical order, and provide sale information to prospective
33 buyers. The ((commissioner of public lands)) department shall retain
34 for free distribution in ((his or her)) the Olympia office and the
35 region offices sufficient copies of the pamphlet, to be kept in a
36 conspicuous place, and, when requested so to do, shall mail copies of
37 the pamphlet as issued to any requesting applicant. The ((commissioner

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(~~(,)~~) 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 ~~egulations)~~) 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_l 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_l 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.

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