

notwithstanding the provisions of any ordinance, to charge such deficit to such utility and provide by ordinance for payment thereof out of the income of such utility.

SEC. 4. If any section or provision of this act should be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Passed the House February 6, 1923.

Passed the Senate March 5, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,  
*Secretary of State.*

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## CHAPTER 154.

[H. B. 108.]

### STATE FORESTS.

AN ACT relating to and providing for the acquiring, seeding, reforestation and administering of lands for State Forests, and repealing Chapter 169, Laws of 1921, and making an appropriation.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. There is hereby created a State Forest Board to consist of ex-officio, the Governor, Commissioner of Public Lands, Dean of Forestry of the University of Washington, Director of Conservation and Development, and State Supervisor of Forestry. The Governor shall be Chairman and the Commissioner of Public Lands Secretary of said Board. A Vice-Chairman, who shall act during the absence or disability of the Chairman may be selected by said Board from among its members; and an assistant secretary may be designated from among the em-

if any part  
unconstitu-  
tional.

State forest  
board,  
created.

ployes in the office of Commissioner of Public Lands. The members of said Board shall receive no salary or compensation for their services, but shall be reimbursed for expenses incurred in the performance of their duties.

SEC. 2. Within thirty (30) days after the taking effect of this act, the Commissioner of Public Lands shall call a meeting of the Board at which meeting the Board shall adopt such rules and regulations as are deemed advisable and necessary for carrying out the provisions of this act. Special meetings of the Board may be called at any time by the Secretary of the Board, and shall be called at any time upon request of the Chairman, or any two members.

First meeting called.

SEC. 3. The Board shall have the power to acquire in the name of the state, by purchase or gift, any lands which by reason of their location, topography or geological formation, are chiefly valuable for purpose of developing and growing timber, and to designate such lands and any lands of the same character belonging to the state as State Forest lands; and may acquire by gift or purchase any lands of the same character, and reserve to the grantor or donor of such lands all oils, gases, coal, minerals and fossils of every name, kind and description, or either of them, which may be in, under or upon said lands, and the right to enter upon said lands, for the purpose of prospecting for or opening, developing and working mines thereof and taking and removing therefrom the materials reserved, with the right in the board to make such rules and regulations as it deems necessary for the protection of the forest growth thereon. Said board shall have power to seed, plant and develop forests on any lands, purchased, acquired or designated by it as State Forest Lands, and shall furnish such care and fire protection for such lands as it shall deem advisable.

Powers of board.

Lands ac-  
quired for  
reforestation.

Price to be  
paid.

Area.

SEC. 4. Said board shall take such steps as it deems advisable for locating and acquiring lands suitable for state forests and re-forestation. No sum in excess of two dollars per acre shall ever be paid or allowed either in cash, bonds or otherwise, for any lands suitable for forest growth, but devoid of such; nor shall any sum in excess of six dollars per acre be paid or allowed either in cash, bonds or otherwise, for any lands adequately restocked with young growth or left in a satisfactory natural condition for natural reforestation and continuous forest production; nor shall any lands ever be acquired by said board except upon the approval of the title by the Attorney General and on a conveyance being made to the State of Washington by good and sufficient deed. No forest lands shall be designated, purchased, or acquired by said board unless the area so designated or the area to be acquired shall, in the judgment of the board be of sufficient acreage and so located that it can be economically administered for forest development purposes. Whenever the board acquires or designates an area as forest lands it shall designate such area by a distinctive name or number, *e. g.*, "State forest No.....", or, "Cascade State Forest".

Utility bonds.

SEC. 5. For the purpose of acquiring and paying for lands for state forests and reforestation as herein provided the board may issue utility bonds of the State of Washington, in an amount not to exceed two hundred thousand dollars (\$200,000.00) in principal, during the biennium expiring March 31, 1925, and such other amounts as may hereafter be authorized by the Legislature. Said bonds shall bear interest at not to exceed the rate of three and a half per cent per annum which shall be payable annually. Said bonds shall never be sold or exchanged at less than par and accrued interest, if any, and shall mature in not less than a period equal to the time neces-

sary to develop a merchantable forest on the lands exchanged for said bonds or purchased with money derived from the sale thereof. Said bonds shall be known as State Forest Utility Bonds. The principal or interest of said bonds shall not be a general obligation of the state, but shall be payable only from the Forest Development Fund hereinafter created. The Board may issue said bonds in exchange for lands selected by it in accordance with this act, or may sell said bonds in such manner as it deems advisable, and with the proceeds purchase and acquire such lands. Any of said bonds issued in exchange and payment for any particular tract of land may be made a first and prior lien against the particular land for which they are exchanged, and upon failure to pay said bonds and interest thereon according to their terms, the lien of said bonds may be foreclosed by appropriate court action.

Bonds  
exchanged  
for lands.

SEC. 6. There is hereby created a Forest Development Fund of which the State Treasurer shall be the custodian. The State Treasurer shall keep an account on his records of said fund and of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in said Forest Development Fund shall be kept separate and apart from the funds of the state treasury, and shall not be deemed to be a part of the state treasury funds, but shall be pledged for the sole purpose of paying interest and principal on the bonds issued by the State Forest Board; and any of such bonds shall be a first and prior claim and lien against said fund for the payment of principal and interest. No sums shall be withdrawn or paid out of said fund except upon order of said State Forest Board.

Forest develop-  
ment fund.

SEC. 7. All lands acquired or designated by said Board as state forest lands shall be forever reserved from sale, but the timber and other products thereon

Forest lands  
reserved  
from sale.

may be sold or the said lands may be leased in the same manner and for the same purposes as is authorized for the state granted lands, except that no sale of any timber or other products thereon and no lease of said lands shall be made until ordered and approved by the State Forest Board. All money derived from the sale of timber or other products or from lease, or from any other source from said lands, except where the constitution of this state requires other disposition, shall be disposed of as follows: The Commissioner of Public Lands shall first determine the amount, if any, that has been expended from the Reclamation Revolving Fund of the state treasury in acquiring, caring for, maintaining and administering the lands from which said revenue is derived and until such cost to the Reclamation Revolving Fund is repaid, the whole amount of revenue derived from said lands shall be paid into the Reclamation Revolving Fund of the state treasury; but upon the repayment to the Reclamation Revolving Fund, of the amount that such land has cost the Reclamation Revolving Fund, the remaining, or any subsequent revenues derived from said land shall be paid into the State Forest Development Fund.

Disposition of funds from sale of timber.

SEC. 8. The Supervisor of Forestry, the Supervisor of Reclamation, the Supervisor of Geology and the Commissioner of Public Lands shall, on or before the first day of January of each year report to the State Forest Board any logged off lands, or deforested lands belonging to the state, or held in private ownership coming to their knowledge and observation during the preceding year of a character suitable for state forest lands or reforestation.

Officials to report lands suitable for reforestation.

SEC. 9. The Commissioner of Public Lands shall keep in his office in a permanent bound volume a record of all proceedings of the State Forest Board; and shall also keep a permanent bound

Record of proceedings of board.

record of all forest lands acquired by the state and any lands owned by the state and designated as such by the State Forest Board. The record shall show the date and from whom said lands were acquired; amount and method of payment therefor; the forest within which said lands are embraced; the legal description of such lands; the amount of money expended, if any, and the date thereof, for seeding, planting, maintenance or care for such lands; the amount, date and source of any income derived from such land; and such other information and data as may be required by the Board.

Record of  
lands.

SEC. 10. There is hereby appropriated from the Reclamation Revolving Fund of the state treasury the sum of twelve thousand dollars (\$12,000.00), or so much thereof as is necessary to pay any costs of administering this act and any interest on bonds that may be issued by said board; said expenditures to be made upon vouchers approved by said Board or a majority of its members. Any sums necessary to pay interest or principal on any bonds issued shall, upon direction of the State Forest Board, be transferred to and paid out of the said Forest Development Fund.

Appropriation  
\$12,000.00.

SEC. 11. That chapter 169 of the Laws of 1921 is hereby repealed.

Repeals Rem.  
Comp. Stat.  
§5812 to 5817;  
Pierce's Code  
§ 2578-2 to  
2578-7.

Passed the House February 26, 1923.

Passed the Senate March 6, 1923.

Approved by the Governor March 19, 1923.