

court for Thurston county,)) or to the superior court of the county wherein the injury occurred or where neither the county of residence nor the county wherein the injury occurred are in the state of Washington then the appeal may be directed to the superior court for Thurston county. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. The department shall, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. The board shall serve upon the appealing party, the director and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by an \*[the] employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

Passed the House February 2, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

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CHAPTER 51

[House Bill No. 34]

LAND RECLAMATION BY THE STATE

AN ACT Relating to land reclamation by the state; amending section 2, chapter 158, Laws of 1919 and RCW 89.16.010; amending section 2, chapter 104, Laws of 1959 and RCW 89.16.020; amending section 4, chapter 104, Laws of 1959 and RCW 89.16.040; amending section 1, chapter 181, Laws of 1967 and RCW 89.16.045; amending section 5, chapter 158, Laws of 1919 as

last amended by section 1, chapter 279, Laws of 1943 and RCW 89.16.050; amending section 6, chapter 158, Laws of 1919 and RCW 89.16.060; amending section 8, chapter 158, Laws of 1919 and RCW 89.16.080; repealing section 3, chapter 104, Laws of 1959 and RCW 89.16.030; repealing section 9, chapter 158, Laws of 1919 and RCW 89.16.090; repealing section 10, chapter 158, Laws of 1919 and RCW 89.16.100; and repealing section 11, chapter 158, Laws of 1919 and RCW 89.16.110.

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

Section 1. Section 2, chapter 158, Laws of 1919 and RCW 89.16.010 are each amended to read as follows:

The object of this chapter is to provide for the reclamation and development of such ((of the acid, swamp, overflow, and logged-off)) lands in the state of Washington as shall be determined to be suitable and economically available for reclamation and development as agricultural lands, and the state of Washington in the exercise of its sovereign and police powers declares the reclamation of such lands to be a state purpose and necessary to the public health, safety and welfare of its people. ((For that purpose there shall be and hereby is established a department of state government to be known as "The state reclamation service of Washington", which shall consist of the state reclamation board and such field experts, and other assistants and employees, as the board shall from time to time deem necessary.))

Sec. 2. Section 2, chapter 104, Laws of 1959 and RCW 89.16.020 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the state reclamation revolving ((fund)) account, heretofore established and hereinafter called the reclamation ((fund)) account, shall consist of all sums appropriated thereto by the legislature; all gifts made to the state therefor and the proceeds of the sale thereof; the proceeds of the sale or redemption of and the interest earned by securities acquired with the moneys thereof; all reimbursements for moneys advanced for the payment of assessments upon public lands of the state for the improvement thereof; and all taxes received under levies authorized therefor.

Sec. 3. Section 4, chapter 104, Laws of 1959 and RCW 89.16.040 are each amended to read as follows:

From the moneys appropriated from the reclamation ((fund)) account there shall be paid, upon vouchers approved by the director of ((conservation)) ecology, the administrative expenses of the director under this chapter and such amounts as are found necessary for the investigation and survey of reclamation projects proposed to be financed in whole or in part by the director, and such amounts as may be authorized by him for the reclamation of ((logged-off lands

and of) lands ((of)) in diking, diking improvement, drainage, drainage improvement, diking and drainage, diking and drainage improvement, irrigation and irrigation improvement districts, and such other districts as are authorized by law for the reclamation or development of waste or undeveloped lands, and all such districts and improvement districts shall, for the purposes of this chapter be known as reclamation districts.

Sec. 4. Section 1, chapter 181, Laws of 1967 and RCW 89.16.045 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, the director of ((conservation)) ecology may, by written contract with a reclamation district, loan moneys from the reclamation ((fund)) account to said district for use in financing a project of construction, reconstruction or improvement of district facilities, or a project of additions to such facilities. No such contract shall exceed fifty thousand dollars per project or a term of ten years, or provide for an interest rate of more than eight percent per annum. The director shall not execute any contract as provided in this section until he determines that the project for which the moneys are furnished is within the scope of the district's powers to undertake, that the project is feasible, that its construction is in the best interest of the state and the district, and that the district proposing the project is in a sound financial condition and capable of repaying the loan with interest in not more than ten annual payments. Any district is empowered to enter into a contract, as provided for in this section, and to levy assessments based on the special benefits accruing to lands within the district as are necessary to satisfy the contract, when a resolution of the governing body of the reclamation district authorizing its execution is approved by the body: PROVIDED, That no district shall be empowered to execute with the director any such contract during the term of any previously executed contract authorized by this section.

Sec. 5. Section 5, chapter 158, Laws of 1919 as last amended by section 1, chapter 279, Laws of 1943 and RCW 89.16.050 are each amended to read as follows:

In carrying out the purposes of this chapter, the director of the department of ((conservation and development)) ecology of the state of Washington shall be authorized and empowered:

To make surveys and investigations of the wholly or partially unreclaimed and undeveloped lands in this state and to determine the relative agricultural values, productiveness and uses, and the feasibility and cost of reclamation and development thereof;

To formulate and adopt a sound policy for the reclamation and development of the agricultural resources of the state, and from time to time select for reclamation and development such lands as may be

deemed advisable, and the director may in his discretion advise as to the formation and assist in the organization of reclamation districts under the laws of this state;

To purchase the bonds of any reclamation district whose project is approved by the director and which is found to be upon a sound financial basis, to contract with any such district for making surveys and furnishing engineering plans and supervision for the construction of its project, or for constructing or completing its project and to advance money to the credit of the district for any or all of such purposes, and to accept the bonds, coupon notes or coupon warrants of such district in payment therefor, and to expend the moneys appropriated from the reclamation ((fund)) account in the purchase of such bonds, notes or warrants or in carrying out such contracts: PROVIDED, That interest not to exceed the annual rate provided for in the bonds, notes or warrants agreed to be purchased, shall be charged and received for all moneys advanced to the district prior to the delivery of the bonds, notes or warrants and the amount of such interest shall be included in the purchase price of such bonds, notes or warrants: PROVIDED FURTHER, That no district, the bonds, notes or warrants of which have been purchased by the state under the provisions of the state reclamation act, shall thereafter during the life of said bonds, notes or warrants make expenditures of any kind from the bond or coupon warrant funds of the district or incur obligations chargeable against such funds or issue any additional coupon notes without previous written approval of the director of ((conservation and development)) ecology of the state of Washington, and any obligations incurred without such approval shall be void;

To sell and dispose of any reclamation district bonds acquired by the director, at public or private sale, and to pay the proceeds of such sale into the reclamation ((fund)) account: PROVIDED, That such bonds shall not be sold for less than the purchase price plus accrued interest, except in case of a sale to ((the Reconstruction Finance Corporation, its successor, or any other)) an agency supplied with money by the United States of America, or to the United States of America in furtherance of refunding operations of any irrigation district, diking or drainage district, or diking or drainage improvement district, now pending or hereafter carried on by such district, in which case the director shall have authority to sell any bonds of such district owned by the state of Washington under the provisions of the state reclamation act, to the United States of America, ((the Reconstruction Finance Corporation, its successor,)) or other federal agency on such terms as said United States of America, ((the Reconstruction Finance Corporation, its successor,)) or other federal agency shall prescribe for bonds of the same issue

of such district as that held by the state of Washington in connection with such refunding operations;

To borrow money upon the security of any bonds, including refunding bonds, of any reclamation district, acquired by the director, on such terms and rate of interest and over such period of time as the director may see fit, and to hypothecate and pledge reclamation district bonds or refunding bonds acquired by the director as security for such loan. Such loans shall have, as their sole security, the bonds so pledged and the revenues therefrom, and the director shall not have authority to pledge the general credit of the state of Washington: PROVIDED, That in reloading any money so borrowed, or obtained from a sale of bonds it shall be the duty of the director to fix such rates of interest as will prevent impairment of the reclamation revolving ((fund)) account;

To purchase delinquent general tax or delinquent special assessment certificates chargeable against lands included within any reclamation district obligated to the state under the provisions of the state reclamation act, and to purchase lands included in such districts and placed on sale on account of delinquent taxes or delinquent assessments with the same rights, privileges and powers with respect thereto as a private holder and owner of said certificates, or as a private purchaser of said lands: PROVIDED, That the director shall be entitled to a delinquent tax certificate upon application to the proper county treasurer therefor without the necessity of a resolution of the board of county commissioners authorizing the issuance of certificates of delinquency required by law in the case of the sale of such certificates to private purchasers;

To sell said delinquent certificates or the lands acquired at sale on account of delinquent taxes or delinquent assessments at public or private sale, and on such conditions as the director shall determine;

To, whenever the director shall deem it advisable, require any district with which he may contract, to provide such safeguards as he may deem necessary to assure bona fide settlement and development of the lands within such district, by securing from the owners of lands therein agreements to limit the amount of their holdings to such acreage as they can properly farm and to sell their excess land holdings at reasonable prices;

((To clear and reclaim logged-off lands in the manner hereinafter in this chapter provided;))

To employ all necessary experts, assistants and employees and fix their compensation and to enter into any and all contracts and agreements necessary to carry out the purposes of this chapter;

To have the assistance, cooperation and services of, and the

use of the records and files in, all the departments and institutions of the state, particularly the office of the commissioner of public lands, the state department of agriculture, ((the bureau of farm development; the bureau of statistics; agriculture and immigration; the State College of Washington;)) Washington State University, and the University of Washington; and all state officers and the governing authorities of all state institutions are hereby authorized and directed to cooperate with the director in furthering the purpose of this chapter;

To cooperate with the United States in any plan of land reclamation ((or)) land settlement or agricultural development which the congress of the United States may provide and which may effect the development of agricultural resources within the state of Washington ((or the settlement of soldiers; sailors; and other worthy persons; on the agricultural lands within this state;)) and the director shall have full power to carry out the provisions of any cooperative land settlement act that may be enacted by the United States.

The director shall prepare and report to the legislature, at the commencement of each biennial session, a full statement of his operations and recommendations.

Sec. 6. Section 6, chapter 158, Laws of 1919 and RCW 89.16.060 are each amended to read as follows:

The ((board)) department of ecology shall have the power to cooperate and to contract with the United States for the reclamation of ((arid; swamp; overflow; or logged-off)) lands in this state by ((the board or by)) the United States, and shall have the power to contract with the United States for the handling of such reclamation work by the United States and for the repayment of such moneys as the ((board)) department of ecology shall invest from the reclamation ((fund)) account, under such terms and conditions as the United States laws and the regulations of the interior department shall provide for the repayment of reclamation costs by the lands reclaimed.

Sec. 7. Section 8, chapter 158, Laws of 1919 and RCW 89.16.080 are each amended to read as follows:

Whenever in the judgment of the ((commissioner of public lands)) department of natural resources any state, school, granted, or other public lands of the state will be specially benefited by any proposed reclamation project approved by the ((board)) department of ecology, ((he)) it may consent that such lands be included in any reclamation district organized for the purpose of carrying out such reclamation project, and in that event the ((reclamation board)) department of natural resources shall be authorized to pay, out of ((the)) current appropriations ((from the reclamation fund)), the

district assessments levied as provided by law against such lands, and any such assessments paid shall be made a charge against the lands upon which they were levied, and the amount thereof, but without interest, shall be ((added to)) included in the appraised value ((and included in the sale price)) of such lands when sold((, and the state treasurer shall; upon the certificate of the state land commissioner; credit such amount of the proceeds of the sale; when received; to the reclamation fund)) or leased.

NEW SECTION. Sec 8. If any provision of this 1972 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. The following acts or parts of acts are each hereby repealed:

- (1) Section 3, chapter 104, Laws of 1959 and RCW 89.16.030;
  - (2) Section 9, chapter 158, Laws of 1919 and RCW 89.16.090;
  - (3) Section 10, chapter 158, Laws of 1919 and RCW 89.16.100;
- and
- (4) Section 11, chapter 158, Laws of 1919 and RCW 89.16.110.

Passed the House January 25, 1972.

Passed the Senate February 12, 1972.

Approved by the Governor February 21, 1972.

Filed in Office of Secretary of State February 21, 1972.

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CHAPTER 52  
[House Bill No. 35]  
LAND SETTLEMENT

AN ACT Relating to land settlement; repealing section 1, chapter 188, Laws of 1919 and RCW 89.04.005; repealing section 2, chapter 188, Laws of 1919 and RCW 89.04.010; repealing section 3, chapter 188, Laws of 1919 and RCW 89.04.030; repealing section 4, chapter 188, Laws of 1919, section 1, chapter 90, Laws of 1921 and RCW 89.04.040; repealing section 7, chapter 188, Laws of 1919 and RCW 89.04.070; repealing section 5, chapter 188, Laws of 1919 and RCW 89.04.080; repealing section 1, chapter 112, Laws of 1923 and RCW 89.04.090; repealing section 6, chapter 188, Laws of 1919, section 1, chapter 34, Laws of 1923 and RCW 89.04.100; repealing section 2, chapter 90, Laws of 1921 and RCW 89.04.105; repealing section 1, chapter 67, Laws of 1931 and RCW 89.04.110; repealing section 2, chapter 67, Laws of 1931 and RCW 89.04.115; and creating new sections.

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