

~~mountains, shall be deemed to be adequately protected where patrol is furnished by the United States forest service of a standard and efficiency and seasonal duration, deemed by the state forest board to be sufficient for the proper protection of the forest land of such counties))~~ department of natural resources.

Sec. 4. Section 11, chapter 184, Laws of 1923 as amended by section 6, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.390 are each amended to read as follows:

Any person, firm, or corporation negligently responsible for the starting or existence of a fire which spreads on forest land, including permitting the existence of an extreme fire hazard under RCW 76.04.370, as now or hereafter amended, after failure to abate, isolate, or reduce, as required in this 1971 amendatory act, or for the existence of forest debris subject to RCW 76.04.310 as now or hereafter amended, and which contributes to the spread of said fire, shall be liable for any expense made necessary by such negligence, incurred by the state, a municipality, or a forest protective association, in fighting such fire, together with costs of investigation and litigation including reasonable attorneys' fees and taxable court costs, provided that any such expense was authorized or subsequently approved by the department of natural resources. The department or agency incurring such expense shall have a lien for the same against any property of said person, firm, or corporation liable as above provided by filing a claim of lien naming said person, firm, or corporation describing the property against which the lien is claimed, specifying the amount expended on the lands on which the fire fighting took place and the period during which the expenses were incurred, and signed by the claimant with post office address. No claim of lien shall be valid unless filed with the county auditor of the county in which the property sought to be charged is located within a period of ninety days after the expenses of the claimant were incurred. The claimant may recover said expenses incurred in a civil action against said person, firm, or corporation liable therefor, and shall have in addition the lien remedy above provided. Said lien may be foreclosed in the same manner as a mechanic's lien is foreclosed under the statutes of the state of Washington.

Passed the House April 1, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 103

[Substitute House Bill No. 267]

### HIGHWAYS—ACQUISITION OF PUBLIC LANDS FOR HIGHWAY ETC., PURPOSES

AN ACT Relating to public lands; amending section 47.56.100, chapter 13, Laws of 1961 and RCW 47.56.100; adding new sections to chapter 47.12 RCW; repealing section 47.12.020 chapter 13, Laws of 1961, section 1, chapter 156, Laws of 1961 and RCW 47.12.020; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows:

(1) Except as provided in sections 2 and 3 of this 1977 amendatory act, whenever it is necessary to secure any lands or interests in lands for any highway purpose mentioned in RCW 47.12.010, or for the construction of any toll facility or ferry terminal or docking facility, the title to which is in the state of Washington and under the jurisdiction of the department of natural resources, the department of highways may acquire jurisdiction over such lands or interests in lands, or acquire rights to remove materials from such lands in the manner set forth in this section.

(2) At any time after the final adoption of a right of way plan or other plan requiring the acquisition of lands or interests in lands for any purpose as authorized in subsection (1) of this section, the department of highways may file with the department of natural resources a notice setting forth its intent to acquire jurisdiction of the lands or interests in lands under the jurisdiction of the department of natural resources required for right of way or other highway purposes related to the construction or improvement of such state highway, toll facility, or ferry terminal or docking facility.

(3) The department of highways at the time of filing its notice of intent as provided in subsection (2) of this section shall file therewith a written statement showing the total amount of just compensation to be paid for the property in the event of settlement. Such offer shall be based upon the department of highways approved appraisal of the fair market value of the property to be acquired. In no event may such offer of settlement be referred to or used during any arbitration proceeding or trial conducted for the purpose of determining the amount of just compensation.

(4) Just compensation and/or fair market value for the purposes of this section shall be determined in accordance with applicable federal and state constitutional, statutory, and case law relating to the condemnation of private and public property for public purposes.

(5) In the event the department of natural resources does not accept the offer of the department of highways, the department of highways may nonetheless pay to the department of natural resources the amount of its offer and obtain immediate possession and use of the property pending the determination of just compensation in the manner hereinafter provided.

(6) If the amount of just compensation is not agreed to, either the department of natural resources or the department of highways may request in writing the appointment of an arbitrator for the purpose of determining the amount of compensation to be paid by the department of highways for the acquisition of jurisdiction over such lands or interests in lands or rights therein. In such event the department of natural resources and the department of highways may jointly agree on an arbitrator to determine such compensation and his determination shall be final and conclusive upon both departments. The costs of the arbitrator shall be borne equally by the parties. If the department of natural resources and the department of highways are unable to agree on the selection of an arbitrator within thirty days after a request therefor is made, either the department of highways or the department of natural resources may file a petition with the superior court for Thurston county for the purpose of determining the amount of just compensation to be paid.

The matter shall be tried by the court pursuant to the procedures set forth in RCW 8.04.080.

(7) Whenever the department of highways shall have acquired immediate possession and use of property by payment of the amount of its offer to the department of natural resources, and the arbitration award or judgment of the court for such acquisition exceeds the payment for immediate possession and use, the department of highways shall forthwith pay the amount of such excess to the department of natural resources with interest thereon from the date it obtained immediate possession. In the event the arbitration or court award is less than the amount previously paid by the department of highways for immediate possession and use, the department of natural resources shall forthwith pay the amount of the difference to the department of highways.

(8) Upon the payment of just compensation, as agreed to by the department of highways and the department of natural resources, or as determined by arbitration or by judgment of the court, and other costs or fees as provided by statute, the department of natural resources shall cause to be executed and delivered to the department of highways an instrument transferring jurisdiction over such lands or interests in lands, or rights to remove material from such lands, to the department of highways.

(9) Except as provided in section 2 of this 1977 amendatory act, whenever the department of highways shall cease to use any lands or interests in lands acquired in the manner set forth in this section for the purposes mentioned herein, the department of natural resources may reacquire jurisdiction over such lands or interests in land by paying the fair market value thereof to the department of highways. In the event the two departments are unable to agree on the fair market value of such lands or interests in lands, such market value shall be determined and the interests therein shall be transferred in accordance with the provisions and procedures set forth in subsections (4) through (8) of this section.

NEW SECTION. Sec. 2. There is added to chapter 47.12 RCW a new section to read as follows:

(1) The department of highways may acquire an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, including the right to make necessary fills, on, over, or across the beds of navigable waters which are under the jurisdiction of the department of natural resources, in accordance with the provisions of section 1 of this 1977 amendatory act, except that no charge shall be made to the department of highways for such an easement.

(2) The department of highways may obtain an easement for highway or toll facilities purposes or for ferry terminal or docking facilities on, over, or across harbor areas in accordance with the provisions of section 1 of this 1977 amendatory act but only when such areas are approved by the harbor line commission as a public place for public landings, wharves, or other public conveniences of commerce or navigation. No charge shall be made to the department of highways for such an easement.

(3) Upon the selection by the department of highways of an easement for highway or toll facilities right of way or for ferry terminal or docking facilities, as authorized in subsections (1) and (2) of this section, the department of natural resources shall cause to be executed and delivered to the department of highways an

instrument transferring such easement. Whenever the state shall no longer require such easement for highway or toll facilities right of way or for ferry terminal or docking facilities, the easement shall automatically terminate and the department of highways shall, upon request, cause to be executed an instrument relinquishing to the department of natural resources all of its interest in such lands.

(4) The department of highways, pursuant to the procedures set forth in section 1 of this 1977 amendatory act, may remove sand and gravel and borrow materials and stone from the beds of navigable waters under the jurisdiction of the department of natural resources which lie below the line of ordinary high water upon the payment of fair market value per cubic yard for such materials to be determined in the manner set forth in section 1 of this 1977 amendatory act.

(5) The department of highways may acquire full jurisdiction over lands under the jurisdiction of the department of natural resources including the beds of navigable waters which are required for the relocation of the operating tracks of any railroad which will be displaced by the acquisition of such railroad property for state highway purposes. The department of highways may exchange lands so acquired in consideration or partial consideration for the land or property rights needed for highway purposes and may cause to be executed a conveyance of such lands in the manner prescribed in RCW 47.12.150. In such event the department of highways shall pay to the department of natural resources, as just compensation for such acquisition, the fair market value of such property, including the beds of any navigable waters, to be determined in accordance with procedures set forth in section 1 of this 1977 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 47.12 RCW a new section to read as follows:

The department of highways shall not acquire jurisdiction of any lands or interest in lands under the jurisdiction of the department of natural resources for any of the purposes set forth in RCW 47.12.150, 47.12.160, 47.12.180, 47.12.250, and 47.12.270.

Sec. 4. Section 47.56.100, chapter 13, Laws of 1961 and RCW 47.56.100 are each amended to read as follows:

The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over or across any ~~((of the lands which are now or may be the property of this))~~ state~~((,-including))~~ highways, and through, over or across the streets, alleys, lanes and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the Washington toll bridge authority to the particular county, city, or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation.

NEW SECTION. Sec. 5. Section 47.12.020, chapter 13, Laws of 1961, section 1, chapter 156, Laws of 1961 and RCW 47.12.020 are each repealed.

**NEW SECTION.** Sec. 6. This 1977 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 14, 1977.

Passed the Senate May 19, 1977.

Approved by the Governor May 28, 1977.

Filed in Office of Secretary of State May 28, 1977.

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## CHAPTER 104

[Substitute House Bill No. 161]  
MUTUAL SAVINGS BANKS

AN ACT Relating to mutual savings banks; amending section 32.08.140, chapter 13, Laws of 1955 as last amended by section 2, chapter 176, Laws of 1963 and RCW 32.08.140; amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 55, Laws of 1969 and RCW 32.12.090; amending section 32.20.250, chapter 13, Laws of 1955 as last amended by section 6, chapter 55, Laws of 1969 and RCW 32.20.250; amending section 16, chapter 55, Laws of 1969 as amended by section 8, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.255; amending section 6, chapter 41, Laws of 1959 as amended by section 9, chapter 145, Laws of 1967 and RCW 32.20.370; amending section 18, chapter 176, Laws of 1963 as last amended by section 9, chapter 55, Laws of 1969 and RCW 32.20.400; amending section 19, chapter 176, Laws of 1963 as amended by section 10, chapter 55, Laws of 1969 and RCW 32.20.410; amending section 11, chapter 145, Laws of 1967 as amended by section 11, chapter 55, Laws of 1969 and RCW 32.20.420; amending section 2, chapter 31, Laws of 1973 1st ex. sess. and RCW 32.20.460; and creating a new section.

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

Section 1. Section 32.08.140, chapter 13, Laws of 1955 as last amended by section 2, chapter 176, Laws of 1963 and RCW 32.08.140 are each amended to read as follows:

Every mutual savings bank incorporated under this title shall have, subject to the restrictions and limitations contained in this title, the following powers:

(1) To receive deposits of money, to invest the same in the property and securities prescribed in this title, to declare dividends in the manner prescribed in this title, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of a savings bank.

(2) To issue transferable certificates showing the amounts contributed by any incorporator or trustee to the guaranty fund of such bank, or for the purpose of paying its expenses. Every such certificate shall show that it does not constitute a liability of the savings bank, except as otherwise provided in this title.

(3) To purchase, hold and convey real property as prescribed in RCW 32.20.280.

(4) To pay depositors as hereinafter provided, and when requested, pay them by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge current rates of exchange for such drafts.

(5) To borrow money in pursuance of a resolution adopted by a vote of a majority of its board of trustees duly entered upon its minutes whereon shall be recorded by ayes and noes the vote of each trustee, for the purpose of repaying