

(3) An attempt to commit a crime is a:

- (a) Class A felony when the crime attempted is murder in the first degree or arson in the first degree;
- (b) Class B felony when the crime attempted is a class A felony other than murder in the first degree or arson in the first degree;
- (c) Class C felony when the crime attempted is a class B felony;
- (d) Gross misdemeanor when the crime attempted is a class C felony;
- (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

Sec. 4. Section 384, chapter 249, Laws of 1909 and RCW 9.91.090 are each amended to read as follows:

Every person who, with intent to defraud or prejudice the insurer thereof, shall wilfully injure or destroy any property not specified or included hereinbefore in this subdivision, which is insured at the time against loss or damage by ~~((fire or other))~~ casualty other than fire, shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

Passed the Senate March 30, 1981.

Passed the House April 17, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

## CHAPTER 204

[Substitute Senate Bill No. 3299]

### PUBLIC ROADS—ACCESS TO PUBLIC LANDS OR STATE FOREST LANDS

AN ACT Relating to natural resources; amending section 2, chapter 44, Laws of 1961 and RCW 79.38.020; amending section 3, chapter 44, Laws of 1961 and RCW 79.38.030; amending section 5, chapter 44, Laws of 1961 and RCW 79.38.050; amending section 6, chapter 44, Laws of 1961 and RCW 79.38.060; and adding a new section to chapter 76.12 RCW.

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

Section 1. Section 2, chapter 44, Laws of 1961 and RCW 79.38.020 are each amended to read as follows:

To facilitate the carrying out of the purpose of this chapter, the department of natural resources may:

- (1) Grant easements, rights of way, and permits to cross public lands and state forest lands to any person in exchange for similar rights over lands not under its jurisdiction;
- (2) Enter into agreements with any person or agency relating to purchase, construction, reconstruction, maintenance, repair, regulation, and use of access roads or public roads used to provide access to public lands or state forest lands;

(3) Dispose, by sale, exchange, or otherwise, of any interest in an access road in the event it determines such interest is no longer necessary for the purposes of this chapter.

Sec. 2. Section 3, chapter 44, Laws of 1961 and RCW 79.38.030 are each amended to read as follows:

Purchasers of valuable materials from public lands or state forest lands may use access roads or public roads for the removal of such materials where the rights acquired by the state will permit, but use shall be subject to the right of the department of natural resources:

(1) To impose reasonable terms for the use, construction, reconstruction, maintenance, and repair of such access roads; and

(2) To impose reasonable charges for the use of such access roads or public roads which have been constructed or reconstructed through funding by the department of natural resources.

Sec. 3. Section 5, chapter 44, Laws of 1961 and RCW 79.38.050 are each amended to read as follows:

The department of natural resources shall create, maintain, and administer a revolving fund, to be known as the access road revolving fund in which shall be deposited all moneys received by it from users of access roads as payment for costs incurred or to be incurred in maintaining, repairing, and reconstructing access roads, or public roads used to provide access to public lands or state forest lands. The department may use moneys in the fund for the purposes for which they were obtained without appropriation by the legislature.

Sec. 4. Section 6, chapter 44, Laws of 1961 and RCW 79.38.060 are each amended to read as follows:

All moneys received by the department of natural resources from users of access roads which are not deposited in the access road revolving fund shall be paid as follows:

(1) To reimburse the state fund or account from which expenditures have been made for the acquisition (~~and~~), construction or improvement of the access road or public road, and upon full reimbursement, then

(2) To the funds or accounts for which the public lands and state forest lands, to which access is provided, are pledged by law or constitutional provision, in which case the department of natural resources shall make an equitable apportionment between funds and accounts so that no fund or account shall benefit at the expense of another.

NEW SECTION. Sec. 5. There is added to chapter 76.12 RCW a new section to read as follows:

The department of natural resources may enter into agreements with the county to:

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

(2) Establish a time schedule for the improvements;

(3) Advance payments to the county to fund the road improvements: **PROVIDED**, That no more than fifty percent of the access road revolving fund shall be eligible for use as advance payments to counties. The department shall assess the fund on January 1 and July 1 of each year to determine the amount that may be used as advance payments to counties for road improvements; and

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

Passed the Senate March 30, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

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## CHAPTER 205

[Senate Bill No. 3298]

### VENUE, JURY TRANSFER

AN ACT Relating to venue in criminal procedures; adding a new section to chapter 10.25 RCW; and declaring an emergency.

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

**NEW SECTION.** Section 1. There is added to chapter 10.25 RCW a new section to read as follows:

When a change of venue is ordered and the court, upon motion to transfer a jury or in the absence of such motion, determines that it would be more economical to move the jury than to move the pending action and that justice will be served, a change of venue shall be accomplished by the selection of a jury in the county to which the venue would otherwise have been transferred and the selected jury moved to the county where the indictment or information was filed.

**NEW SECTION.** Sec. 2. This 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 Senate April 25, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 14, 1981.

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