

EXPLANATORY NOTE

The state reclamation board was abolished and its powers and duties were transferred to the department of conservation and development by 1921 c 7. The department of conservation and development was renamed the department of conservation by 1957 c 215. The department of conservation, the weather modification board, the Columbia basin commission, and the power advisory committee were abolished by 1967 c 242. Most of their powers and duties were transferred to the newly created department of water resources, but the mining and geology powers and duties of the department of conservation were transferred to the department of natural resources. The department of water resources, the water pollution control commission, and the air pollution control board were abolished by 1970 ex.s. c 62 and their powers and duties were transferred to the newly created department of ecology. In addition, 1970 ex.s. c 70 provided that references to the department of environmental quality meant the department of ecology. See RCW 43.21A.400.

The reclamation revolving fund was redesignated the reclamation revolving account by 1972 ex.s. c 51 § 2, and its moneys transferred to the reclamation revolving account. See RCW 43.79.330 and 89.16.020.

This act corrects references to these abolished agencies and their divisions and officers. In addition, this act eliminates chapter 43.21 RCW, the department of conservation, and chapter 43.49 RCW, the Columbia basin commission, and recodifies all non-obsolete sections of chapter 43.21 RCW into the chapters on the department of ecology or the department of natural resources, as appropriate.

Passed the Senate March 7, 1988.

Passed the House March 3, 1988.

Approved by the Governor March 18, 1988, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 18, 1988.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 80, Senate Bill 6370, entitled:

"AN ACT Relating to obsolete references involving state agencies."

Section 80 reenacts RCW 90.22.010, which was amended by both Chapter 109 and Chapter 506, Laws of 1987, without reference to each other. This same statute is amended and re-enacted by Section 6 of Engrossed Second Substitute Senate Bill 6724, which I have signed into law. In order to avoid further confusion, I am vetoing section 80.

With the exception of section 80, Senate Bill 6370 is approved."

CHAPTER 128

[Senate Bill No. 6372]

NATURAL RESOURCE AGENCIES—OBSOLETE REFERENCES CORRECTED

AN ACT Relating to obsolete statutory references involving natural resource agencies; amending RCW 11.08.160, 11.08.220, 11.08.270, 17.04.030, 17.06.030, 28B.30.310, 36.35.080, 37.08.220, 37.08.250, 43.30.150, 70.77.495, 76.01.010, 76.01.040, 76.01.050, 76.06.020, 76.06.030, 76.06.050, 76.06.060, 76.06.070, 76.06.080, 76.06.090, 76.12.020, 76.12.030, 76.12.040, 76.12.045, 76.12.070, 76.12.080, 76.12.090, 76.12.100, 76.12.110, 76.12.120, 76.12.140, 76.12.155, 76.12.160, 76.12.170, 76.14.010, 76.14.030, 76.14.040, 76.14.050, 76.14.060, 76.14.070, 76.14.080, 76.14.090, 76.14.100, 76.14.110, 76.36.130, 76.36.140, 78.52.020, 79.01.048, 79.01.052, 79.01.068, 79.01.072, 79.01.094, 79.01.152, 79.01.500, 79.01.708, 79.01.712, 79.08.104,

79.08.106, 79.08.108, 79.24.030, 79.28.010, 79.28.020, 79.36.290, 79.40.070, 79.60.010, 79.60.020, 79.60.030, 79.60.040, 79.60.050, 79.60.060, 79.60.080, 79.60.090, 89.12.150, and 90.58-.170; adding a new section to chapter 76.12 RCW; and decodifying RCW 43.30.070, 43.30.080, 43.30.090, 43.30.110, 43.30.120, 43.30.190, 43.30.220, 43.30.230, 43.30.240, 76.12-.085, 79.01.040, and 79.01.900.

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

Sec. 1. Section 11.08.160, chapter 145, Laws of 1965 as amended by section 1, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.160 are each amended to read as follows:

The department of revenue of this state shall have supervision of and jurisdiction over escheat property and may institute and prosecute any proceedings deemed necessary or proper in the handling of such property, and it shall be the duty of the department of revenue to protect and conserve escheat property for the benefit of the permanent common school fund of the state until such property or the proceeds thereof have been forwarded to the state treasurer or the (~~state land commissioner~~) department of natural resources as hereinafter provided.

Sec. 2. Section 11.08.220, chapter 145, Laws of 1965 as amended by section 6, chapter 278, Laws of 1975 1st ex. sess. and RCW 11.08.220 are each amended to read as follows:

The department of revenue shall be furnished two certified copies of the decree of the court distributing any real property to the state, one of which shall be forwarded to the (~~state land commissioner who~~) department of natural resources which shall thereupon assume supervision of and jurisdiction over such real property and thereafter handle it the same as state common school lands. The administrator shall also file a certified copy of the decree with the auditor of any county in which the escheated real property is situated.

Sec. 3. Section 11.08.270, chapter 145, Laws of 1965 and RCW 11.08.270 are each amended to read as follows:

In the event the order of the court requires the delivery of real property to the claimant, a certified copy of such order shall be served upon the (~~state land commissioner who~~) department of natural resources which shall thereupon make proper certification to the office of the governor for issuance of a quitclaim deed for the property to the claimant.

Sec. 4. Section 2, chapter 125, Laws of 1929 and RCW 17.04.030 are each amended to read as follows:

Any one or more freeholders owning more than fifty percent of the acreage desired to be included within the proposed weed district may file a petition with the board of county commissioners praying that their land be included, either separately or with other lands included in the petition, in a weed district to be formed for the purpose of destroying, preventing or exterminating any one or all such weeds, or that such lands be included within a district already formed, or a new district or districts to be formed out of

any district or districts then existing. Such petition shall state the boundaries of the proposed district, the approximate number of acres in the proposed district, the particular weed or weeds to be destroyed, prevented or exterminated, the general method or means to be used in such work, and shall contain a list of all known land owners within the proposed district, together with the addresses of such land owners. Upon the filing of such petition the board of county commissioners shall fix a time for a hearing thereon, and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district, one copy of which shall be at the main entrance to the court house, and by mailing a copy of such notice to each of the land owners named in the petition at the address therein named, and if any of the land described in the petition be owned by the state, a copy thereof shall be mailed to the ~~((state land commissioner))~~ department of natural resources at Olympia.

Sec. 5. Section 3, chapter 205, Laws of 1959 and RCW 17.06.030 are each amended to read as follows:

Any one or more freeholders owning more than fifty percent of the acreage desired to be included within the proposed intercounty weed district may file a petition with the principal board of county commissioners praying that their land be included, either separately or with other lands included in the petition, in a weed district to be formed for the purpose of destroying, preventing or exterminating any one or all such weeds, or that such lands be included within a district already formed, or a new district or districts to be formed out of any district or districts then existing. Such petition shall state the boundaries of the proposed district, the approximate number of acres in the proposed district, the particular weed or weeds to be destroyed, prevented or exterminated, the general method or means to be used in such work, and shall contain a list of all known landowners within the proposed district, together with the addresses of such landowners. Upon the filing of such petition the principal board of county commissioners shall notify the other boards of commissioners, shall arrange a time for a joint hearing on the petition, and shall give at least thirty days' notice of the time and place of such hearing by posting copies of such notice in three conspicuous places within the proposed district, and at the main entrance to the court house of each county, and by mailing a copy of such notice to each of the landowners named in the petition at the address named therein. If any of the land described in the petition be owned by the state a copy thereof shall be mailed to the ~~((state land commissioner))~~ department of natural resources at Olympia.

Sec. 6. Section 28B.30.310, chapter 223, Laws of 1969 ex. sess. as amended by section 24, chapter 75, Laws of 1977 and RCW 28B.30.310 are each amended to read as follows:

It shall be the duty of the ~~((state land commissioner))~~ department of natural resources to make a report to the board of regents of Washington State University on or as soon as practicable after the close of each fiscal year, which shall contain a complete detailed statement of the current status of trust land sale contracts and income for the university from trust lands managed by the ~~((commissioner))~~ department.

Sec. 7. Section 9, chapter 150, Laws of 1972 ex. sess. and RCW 36.35.080 are each amended to read as follows:

Nothing in this chapter shall affect any land deeded in trust to the ~~((state forest board))~~ department of natural resources or its successors pursuant to the provisions of Title 76 RCW.

Sec. 8. Section 1, chapter 58, Laws of 1935 and RCW 37.08.220 are each amended to read as follows:

The legislature of the state of Washington hereby consents to the acquisition by the United States by purchase or gift of such lands in the state of Washington as in the opinion of the government of the United States may be needed for the establishment, consolidation and extension of national forests in this state under the provisions of the act of congress approved March 1, 1911, and entitled: "An act to enable any state to cooperate with any other state or states or with the United States for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," as amended: PROVIDED, The state of Washington shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil processes in all cases, and such criminal processes as may issue under the authority of the state of Washington against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this consent had not been granted: PROVIDED FURTHER, That before any acquirement of lands be made under the provisions of this section, such acquisition shall be approved by the ~~((state forest board))~~ department of natural resources: AND FURTHER PROVIDED, That the state of Washington shall retain concurrent jurisdiction to tax persons and corporations and their property and transaction on such lands so acquired.

Sec. 9. Section 1, chapter 216, Laws of 1907 and RCW 37.08.250 are each amended to read as follows:

That a right-of-way of not exceeding five hundred feet in width is hereby granted to the United States of America through any lands or shorelands belonging to the state of Washington, or to the University of Washington, and lying in King county between Lakes Union and Washington, or in or adjoining either of them, the southern boundary of such right-of-way on the upland to be coincident with the southern boundary of the lands now occupied by the University of Washington adjacent to

the present right-of-way of said canal; the width and definite location of such right-of-way before the same is taken possession of by said United States shall be plainly and completely platted and a plat thereof approved by the secretary of war of the United States filed (~~in the office of the state land commissioner~~) with the department of natural resources: PROVIDED, That nothing in this section contained shall be construed to repeal or impair any right, interest, privilege or grant expressed or intended in the act of the legislature of the state of Washington approved February 8, 1901, entitled, "An Act relative to and in aid of the construction, maintenance and operation by the United States of America of a ship canal with proper locks and appurtenances to connect the waters of Lakes Union and Washington in King county with Puget Sound and declaring an emergency."

Sec. 10. Section 43.30.150, chapter 8, Laws of 1965 as last amended by section 2, chapter 227, Laws of 1986 and RCW 43.30.150 are each amended to read as follows:

The board shall:

(1) Perform (~~all the~~) duties relating to appraisal, appeal, approval and hearing functions (~~heretofore performed by the board of state land commissioners, the state forest board and the capitol committee to the extent such functions are transferred to the department~~) as provided by law;

(2) Establish policies to insure that the acquisition, management and disposition of all lands and resources within the department's jurisdiction are based on sound principles designed to achieve the maximum effective development and use of such lands and resources consistent with laws applicable thereto;

(3) Constitute the board of appraisers provided for in Article 16, section 2 of the state Constitution;

(4) Constitute the commission on harbor lines provided for in Article 15, section 1 of the state Constitution as amended;

(5) Hold regular monthly meetings at such times as it may determine, and such special meetings as may be called by the chairman or majority of the board membership upon written notice to all members thereof: PROVIDED, That the board may dispense with any regular meetings, except that the board shall not dispense with two consecutive regular meetings;

(6) Adopt and enforce such rules and regulations as may be deemed necessary and proper for carrying out the powers, duties and functions imposed upon it by this chapter;

(7) Employ and fix the compensation of such technical, clerical and other personnel as may be deemed necessary for the performance of its duties;

(8) Appoint such advisory committees as it may deem appropriate to advise and assist it to more effectively discharge its responsibilities. The members of such committees shall receive no compensation, but shall be

entitled to reimbursement for travel expenses in attending committee meetings in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended;

(9) Meet and organize within thirty days after March 6, 1957 and on the third Monday of each January following a state general election at which the elected ex officio members of the board are elected. The board shall select its own chairman. The commissioner of public lands shall be the secretary of the board. The board may select a vice chairman from among its members. In the absence of the chairman and vice chairman at a meeting of the board, the members shall elect a chairman pro tem. No action shall be taken by the board except by the agreement of at least four members. The department and the board shall maintain its principal office at the capital;

(10) Be entitled to reimbursement individually for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

Sec. 11. Section 76, chapter 228, Laws of 1961 and RCW 70.77.495 are each amended to read as follows:

Nothing in this chapter shall be construed as permitting any person to set off fireworks of any kind in forest, fallows, grass or brush covered land, either on his own land or the property of another, between April 15th and December 1st of any year, unless it is done under a written permit from the ~~((supervisor of forestry))~~ department of natural resources or ~~((his))~~ its duly authorized agent, and in strict accordance with the terms of the permit and any other applicable law.

Sec. 12. Section 1, chapter 121, Laws of 1955 and RCW 76.01.010 are each amended to read as follows:

The ~~((director of conservation and development with the approval of the state forestry board))~~ department of natural resources is hereby authorized to sell any real property not designated or acquired as state forest lands, but acquired by the state, either in the name of the forest board, the forestry board, or the division of forestry, for administrative sites, lien foreclosures or other purposes whenever ~~((he))~~ it shall determine that said lands are no longer or not necessary for public use.

Sec. 13. Section 1, chapter 78, Laws of 1957 and RCW 76.01.040 are each amended to read as follows:

The ~~((division of forestry of the department of conservation and development upon the approval of the director of the department of conservation and development;))~~ department of natural resources is hereby authorized to receive funds from the federal government for cooperative work in management and protection of forests and forest and range lands as may be authorized by any act of Congress which is now, or may hereafter be, adopted for such purposes.

Sec. 14. Section 2, chapter 78, Laws of 1957 and RCW 76.01.050 are each amended to read as follows:

The ~~((division of forestry))~~ department of natural resources is hereby authorized to disburse such funds, together with any funds which may be appropriated or contributed from any source for such purposes, on management and protection of forests and forest and range lands.

Sec. 15. Section 2, chapter 233, Laws of 1951 and RCW 76.06.020 are each amended to read as follows:

As used in this chapter:

~~(("Supervisor" means the supervisor of forestry;~~

~~"Board" means the state forest board;))~~

"Department" means the department of natural resources;

"Owner" means and includes individuals, partnerships, corporations and associations;

"Agent" means the recognized legal representative, representatives, agent or agents for any owner;

"Timber land" means any land on which there is a sufficient number of trees, standing or down, to constitute, in the judgment of the ~~((board))~~ department, a forest insect or forest disease breeding ground of a nature to constitute a menace, injurious and dangerous to permanent forest growth in the district under consideration.

Sec. 16. Section 3, chapter 233, Laws of 1951 and RCW 76.06.030 are each amended to read as follows:

This chapter shall be administered by the ~~((division of forestry under the guidance and approval of the state forest board))~~ department.

Sec. 17. Section 5, chapter 233, Laws of 1951 as amended by section 1, chapter 72, Laws of 1961 and RCW 76.06.050 are each amended to read as follows:

Whenever the ~~((supervisor))~~ department finds timber lands threatened by infestations of forest insects or forest tree diseases, and if ~~((he))~~ it finds that such infestation is of such character as to threaten destruction of timber stands, the ~~((supervisor))~~ department shall ~~((with the approval of the board))~~ declare and certify an infestation control district and fix and declare the boundaries thereof, so as to definitely describe such district. Said district may include timber lands threatened by the infestation as well as those timber lands already infested.

Thereafter the ~~((supervisor))~~ department shall at once serve written notice to all owners of timber lands or their agents within the said district to proceed under the provisions of this chapter without delay to control, destroy and eradicate the said forest insect pests or forest tree diseases as provided herein. The said notice may be made by personal service, or by mail addressed to the last known place or address of such owner or agent. Said notice shall list and describe the method or methods of action that will

be acceptable to the ((board)) department if the owner or agent elects to control, destroy and eradicate said insects or diseases on his own property.

Said notice when published for five consecutive days in at least one daily newspaper or in two consecutive issues of a weekly newspaper, either paper having a general circulation in said district will serve as the written notice to owners of noncommercial timber lands.

Sec. 18. Section 6, chapter 233, Laws of 1951 and RCW 76.06.060 are each amended to read as follows:

If the owner or agent so notified shall fail, refuse, neglect or is unable to comply with the requirements of said notice, within a period of thirty days after the date thereof, it shall be the duty of the ((supervisor)) department or ((his)) its agents, using such funds as have been, or hereafter may be, made available to proceed with the control, eradication and destruction of such forest pests or forest tree diseases with or without the cooperation of the owner involved in a manner approved by the ((forest-board)) department.

Sec. 19. Section 7, chapter 233, Laws of 1951 and RCW 76.06.070 are each amended to read as follows:

Upon the completion of the work directed, authorized and performed under the provisions of this chapter, the ((supervisor)) department shall prepare a verified statement of the expenses necessarily incurred in performing the work of controlling, eradicating and destroying said forest insects or forest tree diseases. The balance of such expenses after deducting such amounts as may be contributed to the control costs by the state, by the federal government, or by any other agencies, companies, corporations or individuals, shall be a lien to be prorated per acre upon the property, or properties involved: PROVIDED, That the amount of said lien shall not exceed twenty-five percent of the total costs incurred on such owner's lands including necessary buffer strips. Said lien shall be reported by the ((supervisor)) department to the county assessor of the county in which said lands are situated, and shall be levied and collected with the next taxes on such lands in the same manner and with the same interest, penalty and cost charges as apply to ad valorem property taxes in this state: PROVIDED FURTHER, Such report and levy shall be made only on commercial timber lands. The assessor shall extend the amounts on the assessment roll in a separate column, and the procedure provided by law for the collection of taxes and delinquent taxes shall be applicable thereto, and, upon the collection thereof, the county treasurer shall repay the same to the ((supervisor)) department to be applied to the expenses incurred in carrying out the provisions of this chapter.

Sec. 20. Section 11, chapter 233, Laws of 1951 and RCW 76.06.080 are each amended to read as follows:

Every owner, and all owners or representatives, who upon receiving notice as provided in RCW 76.06.050, shall proceed and continue in good faith to control, eradicate and destroy said forest insects and forest tree diseases in accordance with standards established by the ~~((supervisor))~~ department shall be exempt from the provisions hereof as to the lands upon which he or they are so proceeding.

Sec. 21. Section 12, chapter 233, Laws of 1951 and RCW 76.06.090 are each amended to read as follows:

Whenever the ~~((board))~~ department shall determine that insect control work within the designated district of infestation is no longer necessary or feasible, ~~((said board by resolution))~~ the department may dissolve said district.

NEW SECTION. Sec. 22. A new section is added to chapter 76.12 RCW to read as follows:

As used in this chapter, "department" means the department of natural resources.

Sec. 23. Section 3, chapter 154, Laws of 1923 as last amended by section 1, chapter 172, Laws of 1937 and RCW 76.12.020 are each amended to read as follows:

The ~~((board))~~ department shall have the power to accept gifts and bequests of money or other property, made in its own name, or made in the name of the state, to promote generally the interests of reforestation or for a specific named purpose in connection with reforestation, and 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. ~~((Said board))~~ The department 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. Upon approval of the board of county commissioners of the county in which said land is located such gift or donation of land may be accepted subject to delinquent general taxes thereon, and upon such acceptance of such gift or donation subject to such taxes, the ~~((state forest board))~~ department shall record the deed of conveyance thereof and file with the assessor and treasurer of the county wherein such land is situated, written notice of acquisition of such land, and that all delinquent general taxes thereon, except state taxes, shall be canceled, and the county treasurer shall thereupon proceed to make such cancellation in the records of his office. Thereafter, such lands shall be held in trust, protected, managed, and administered upon, and the proceeds therefrom disposed of, under RCW 76.12.030.

Sec. 24. Section 3b added to chapter 154, Laws of 1923 by section 3, chapter 288, Laws of 1927 as last amended by section 4, chapter 4, Laws of 1981 2nd ex. sess. and RCW 76.12.030 are each amended to read as follows:

If any land acquired by a county through foreclosure of tax liens, or otherwise, comes within the classification of land described in RCW 76.12.020 and can be used as state forest land and if the ~~((board))~~ department deems such land necessary for the purposes of this chapter, the county shall, upon demand by the ~~((board))~~ department, deed such land to the ~~((board))~~ department and the land shall become a part of the state forest lands ~~((and upon such deed being made the commissioner of public lands shall be notified and enter and note it upon the records of his office))~~.

Such land shall be held in trust and administered and protected by the ~~((board))~~ department as other state forest lands. Any moneys derived from the lease of such land or from the sale of forest products, oils, gases, coal, minerals, or fossils therefrom, shall be distributed as follows:

(1) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund ~~((:PROVIDED, That for moneys received as deposits from successful bidders, advance payments, and security under RCW 79.01.132 and 79.01.204 prior to December 1, 1981, and not distributed under this section prior to December 1, 1981, an amount not to exceed fifty percent, which rate of percentage shall be determined by the board of natural resources, shall be returned to the forest development account in the state general fund))~~.

(2) Any balance remaining shall be paid to the county in which the land is located to be paid, distributed, and prorated, except as hereinafter provided, to the various funds in the same manner as general taxes are paid and distributed during the year of payment: PROVIDED, That any such balance remaining paid to a county of the seventh, eighth, or ninth class shall first be applied to the reduction of any indebtedness existing in the current expense fund of such county during the year of payment.

Sec. 25. Section 1, chapter 125, Laws of 1937 and RCW 76.12.040 are each amended to read as follows:

Any county, city or town is authorized and empowered to convey to the state of Washington any lands owned by such county, city or town upon the selection of such lands by the ~~((forestry board of the state of Washington))~~ department and the ~~((state forestry board))~~ department is hereby authorized to select and accept conveyances of lands from such counties, cities or towns, suitable for use by the ~~((said forestry board))~~ department as locations for offices, warehouses and machinery storage buildings in the administration of the forestry laws and lands of the state of Washington: PROVIDED, HOWEVER, No consideration shall be paid by the state nor

by the ~~((state forestry board))~~ department for the conveyance of such lands by such county, city or town.

Sec. 26. Section 2, chapter 125, Laws of 1937 and RCW 76.12.045 are each amended to read as follows:

The ~~((state forestry board, through the division of forestry of the department of conservation and development,))~~ department is authorized to use such lands for the purposes hereinbefore expressed and to improve said lands and build thereon any necessary structures for the purposes hereinbefore expressed and expend in so doing such funds as may be authorized by law therefor.

Sec. 27. Section 1, chapter 84, Laws of 1941 and RCW 76.12.070 are each amended to read as follows:

Whenever any county shall have acquired by tax foreclosure, or otherwise, lands within the classification of RCW 76.12.020 and shall have thereafter contracted to sell such lands to bona fide purchasers before the same may have been selected as forest lands by the ~~((state forest board))~~ department, and has heretofore deeded or shall hereafter deed because of inadvertence or oversight such lands to the state or to the ~~((state forest board))~~ department to be held under RCW 76.12.030 or any amendment thereof; the ~~((state forest board))~~ department upon being furnished with a certified copy of such contract of sale on file in such county and a certificate of the county treasurer showing said contract to be in good standing in every particular and that all due payments and taxes have been made thereon, and upon receipt of a certified copy of a resolution of the board of county commissioners of such county requesting the reconveyance to the county of such lands, is hereby authorized to reconvey such lands to such county by quitclaim deed executed by the ~~((chairman and secretary of said board: PROVIDED, Such reconveyance of lands heretofore acquired by the state or state forest board be made within one year from the taking effect of this act and))~~ department. Such reconveyance of lands hereafter so acquired shall be made within one year from the conveyance thereof to the state or ~~((state forest board))~~ department.

Sec. 28. Section 4, chapter 154, Laws of 1923 and RCW 76.12.080 are each amended to read as follows:

~~((Said board))~~ The department shall take such steps as it deems advisable for locating and acquiring lands suitable for state forests and reforestation. 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))~~ the department 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))~~ the department unless the area so designated or the area to be acquired shall, in the judgment of the ~~((board))~~ department, be of sufficient acreage and so located that it can be economically administered for forest development purposes. Whenever the ~~((board))~~ department 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".

Sec. 29. Section 5, chapter 154, Laws of 1923 as amended by section 1, chapter 104, Laws of 1937 and RCW 76.12.090 are each amended to read as follows:

For the purpose of acquiring and paying for lands for state forests and reforestation as herein provided the ~~((board))~~ department may issue utility bonds of the state of Washington, in an amount not to exceed two hundred thousand ~~((dollars))~~ dollars 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 two percent 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 necessary 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))~~ account. The ~~((board))~~ department may issue said bonds in exchange for lands selected by it in accordance with ~~((this act))~~ RCW 76.12.020, 76.12.030, 76.12.080, 76.12.090, 76.12.110, 76.12.120, 76.12.140, and 76.12.150, 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 lands 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.

Sec. 30. Section 1, chapter 117, Laws of 1933 as last amended by section 1, chapter 80, Laws of 1949 and RCW 76.12.100 are each amended to read as follows:

For the purpose of acquiring, seeding~~((f))~~, reforestation and administering land for forests and of carrying out ~~((the provisions of chapter 154 of the Laws of 1923))~~ RCW 76.12.020, 76.12.030, 76.12.080, 76.12.090, 76.12.110, 76.12.120, 76.12.140, and 76.12.150, the ~~((state forest board))~~ department is authorized to issue and dispose of utility bonds of the state of Washington in an amount not to exceed one hundred thousand dollars in

principal during the biennium expiring March 31, 1951: PROVIDED, HOWEVER, That no sum in excess of one dollar 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 three dollars per acre be paid or allowed either in cash, bonds, or otherwise, for any lands adequately restocked with young growth.

Any utility bonds issued under the provisions of this section may be retired from time to time, whenever there is sufficient money in the forest development ~~((fund))~~ account, said bonds to be retired at the discretion of the ~~((state forest board))~~ department either in the order of issuance, or by first retiring bonds with the highest rate of interest.

Sec. 31. Section 6, chapter 154, Laws of 1923 as last amended by section 75, chapter 57, Laws of 1985 and RCW 76.12.110 are each amended to read as follows:

There is created a forest development account in the state treasury. The state treasurer shall keep an account of all sums deposited therein and expended or withdrawn therefrom. Any sums placed in the account shall be pledged for the purpose of paying interest and principal on the bonds issued by the ~~((board))~~ department, and for the purchase of land for growing timber. Any bonds issued shall constitute a first and prior claim and lien against the account for the payment of principal and interest. No sums for the above purposes shall be withdrawn or paid out of the account except upon approval of the ~~((board))~~ department.

Appropriations may be made by the legislature from the forest development account to the department ~~((of natural resources))~~ for the purpose of carrying on the activities of the department on state forest lands, lands managed on a sustained yield basis as provided for in RCW 79.68.040, and for reimbursement of expenditures that have been made or may be made from the resource management cost account in the management of state forest lands.

Sec. 32. Section 7, chapter 154, Laws of 1923 as last amended by section 11, chapter 154, Laws of 1980 and RCW 76.12.120 are each amended to read as follows:

All land, acquired or designated by the ~~((board))~~ department as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the ~~((board))~~ department finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof.

All money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:

(1) Fifty percent shall be placed in the forest development (~~fund~~) account.

(2) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 as now or hereafter amended and the levy rate for any maintenance and operation special school levies. The money distributed to the county shall be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

Sec. 33. Section 3a added to chapter 154, Laws of 1923 by section 3, chapter 288, Laws of 1927 as amended by section 17, chapter 380, Laws of 1987 and RCW 76.12.140 are each amended to read as follows:

Any lands acquired by the state under (~~the provisions of chapter 154, Laws of 1923~~) RCW 76.12.020, 76.12.030, 76.12.080, 76.12.090, 76.12.110, 76.12.120, 76.12.140, and 76.12.150, or any amendments thereto, shall be logged, protected and cared for in such manner as to insure natural reforestation of such lands, and to that end the (~~state forest board~~) department shall have power, and it shall be its duty to make rules and regulations, and amendments thereto, governing logging operations on such areas, and to embody in any contract for the sale of timber on such areas, such conditions as it shall deem advisable, with respect to methods of logging, disposition of slashings, and debris, and protection and promotion of new forests. All such rules and regulations, or amendments thereto, shall be adopted by (~~majority vote of the state forest board by resolution and recorded in the minutes of the board, and shall be promulgated by publication in one issue of a newspaper of general circulation published at the state capitol, and shall take effect and be in force at the time specified therein~~) the department under chapter 34.04 RCW. Any violation of any such rules shall be a gross misdemeanor unless the (~~board~~) department has specified by rule, when not inconsistent with applicable statutes, that violation of a specific rule is an infraction under chapter 7.84 RCW.

Sec. 34. Section 9, chapter 154, Laws of 1923 and RCW 76.12.155 are each amended to read as follows:

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 all forest lands acquired by the state and any lands owned by the state and designated as such by the (~~state forest board~~) department. 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))~~ department.

Sec. 35. Section 1, chapter 67, Laws of 1947 and RCW 76.12.160 are each amended to read as follows:

The ~~((state supervisor of forestry))~~ department is authorized to sell to or exchange with persons intending to restock forest areas, tree seedling stock and tree seed produced at the state nursery.

Sec. 36. Section 2, chapter 67, Laws of 1947 and RCW 76.12.170 are each amended to read as follows:

All receipts from the sale of stock or seed shall be deposited in a state forest nursery revolving fund to be maintained by the ~~((supervisor of forestry, who))~~ department, which is hereby authorized to use all money in said fund for the maintenance of the state tree nursery or the planting of denuded state owned lands.

Sec. 37. Section 2, chapter 74, Laws of 1953 and RCW 76.14.010 are each amended to read as follows:

As used in this chapter:

~~((The term "supervisor" means the supervisor of forestry;~~

~~The term "board" means the state forest board;))~~

"Department" means the department of natural resources;

The term "owner" means and includes individuals, partnerships, corporations, associations, federal land managing agencies, state of Washington, counties, municipalities, and other forest land owners;

"Forest land" means any lands considered best adapted for the growing of trees.

Sec. 38. Section 3, chapter 74, Laws of 1953 and RCW 76.14.030 are each amended to read as follows:

This chapter shall be administered by the ~~((division of forestry under the guidance and approval of the state forest board))~~ department.

Sec. 39. Section 4, chapter 74, Laws of 1953 as amended by section 1, chapter 171, Laws of 1955 and RCW 76.14.040 are each amended to read as follows:

The ~~((supervisor))~~ department shall use funds placed at ~~((his))~~ its disposal to map, survey, fell snags, build firebreaks and access roads, increase forest protection activities and do all work deemed necessary to protect forest lands from fire in the rehabilitation zone, and to perform reforestation and do other improvement work on state lands in the rehabilitation zone.

Sec. 40. Section 5, chapter 74, Laws of 1953 as last amended by section 1, chapter 101, Laws of 1975 1st ex. sess. and RCW 76.14.050 are each amended to read as follows:

The ~~((supervisor))~~ department is authorized to cooperate with owners of land located in the area described in RCW 76.14.020 in establishing

firebreaks in their most logical position regardless of land ownership. The ~~((board))~~ department may by gift, purchase, condemnation or otherwise acquire easements for road rights of way and land or interests therein located in the high hazard forest area described in RCW 76.14.020 for any purpose deemed necessary for access for forest protection, reforestation, development and utilization, and for access to state owned lands within the area described in RCW 76.14.020 for all other purposes, and the ~~((supervisor))~~ department shall have authority to regulate the use thereof. When the landowner is using the land for agricultural grazing purposes the state shall maintain gates or adequate cattle guards at each place the road enters upon the private landowner's fenced lands.

Sec. 41. Section 3, chapter 171, Laws of 1955 and RCW 76.14.060 are each amended to read as follows:

The ~~((supervisor, subject to the guidance and approval of the board;))~~ department shall have authority to acquire the right by purchase, condemnation or otherwise to cause snags on private land to be felled, slash to be disposed of, and to take such other measures on private land necessary to carry out the objectives of this chapter.

Sec. 42. Section 4, chapter 171, Laws of 1955 and RCW 76.14.070 are each amended to read as follows:

The ~~((supervisor))~~ department shall have authority ~~((subject to the guidance and approval of the board))~~ to expend public money for the purposes and objectives provided in this chapter.

Sec. 43. Section 5, chapter 171, Laws of 1955 and RCW 76.14.080 are each amended to read as follows:

The ~~((supervisor, with the guidance and approval of the board;))~~ department shall develop fire protection projects within the high hazard forest area and shall determine the boundaries thereof in accordance with the lands benefited thereby and shall assess one-sixth of the cost of such projects equally upon all forest lands within the project on an acreage basis. Such assessment shall not, however, exceed twenty-five cents per acre annually nor more than one dollar and fifty cents per acre in the aggregate and shall constitute a lien upon any forest products harvested therefrom. The landowner may by written notice to the ~~((supervisor of forestry))~~ department elect to pay his assessment on a deferred basis at a rate of ten cents per thousand board feet and/or one cent per Christmas tree when these products are harvested from the lands for commercial use until the assessment plus two percent interest from the date of completion of each project has been paid for each acre. Payments under the deferred plan shall be credited by forty acre tracts and shall be first applied to payment of the assessment against the forty acre tract from which the funds were derived and secondly to other forty acre tracts held and designated by the payor. In

the event total ownership is less than forty acres then payment shall be applied on an undivided basis to the entire areas as to which the assessment remains unpaid. The landowner who elects to pay on deferred basis may pay any unpaid assessment and interest at any time.

Sec. 44. Section 6, chapter 171, Laws of 1955 and RCW 76.14.090 are each amended to read as follows:

Notice of each project, the estimated assessment per acre and a description of the boundaries thereof shall be given by publication in a local newspaper of general circulation thirty days in advance of commencing work. Any person owning land within the project may within ten days after publication of notice demand a hearing before the ((supervisor)) department in Olympia and present any reasons why he feels the assessment should not be made upon his land. Thereafter, the ((supervisor)) department may change the boundaries of said project to eliminate land from the project which ((he)) it determines in ((his)) its discretion will not be benefited by the project.

Sec. 45. Section 7, chapter 171, Laws of 1955 and RCW 76.14.100 are each amended to read as follows:

Except when the owner has notified the ((supervisor)) department in writing that he will make payment on the deferred plan, the assessment shall be collected by the ((supervisor)) department reporting the same to the county assessor of the county in which the property is situated upon completion of the work in that project and the assessor shall annually extend the amounts upon the tax rolls covering the property, and the amounts shall be collected in the same manner, by the same procedure, and with the same penalties attached as the next general state and county taxes on the same property are collected. Errors in assessments may be corrected at any time by the ((supervisor)) department by certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the ((supervisor)) department. Payment on the deferred plan shall be made directly to the ((supervisor)) department. Such payment must be made by January 31st for any timber or Christmas trees harvested during the previous calendar year and must be accompanied by a statement of the amount of timber or number of Christmas trees harvested and the legal description of the property from which they were harvested. Whenever an owner paying on the deferred plan desires to pay any unpaid balance or portion thereof, he may make direct payment to the ((supervisor)) department.

Sec. 46. Section 8, chapter 171, Laws of 1955 and RCW 76.14.110 are each amended to read as follows:

Where the ((supervisor)) department finds that a portion of the work in any project, except road building, has been done by private expenditures for fire protection purposes only and that the work was not required by

other forestry laws having general application, then the ~~((supervisor))~~ department shall appraise the work on the basis of what it would have cost the state and shall credit the amount of the appraisal toward payment of any sums assessed against lands contained in the project and owned by the person or his predecessors in title making the expenditure. Such appraisal shall be added to the cost of the project for purposes of determining the general assessment.

Sec. 47. Section 13, chapter 154, Laws of 1925 ex. sess. as amended by section 7, chapter 36, Laws of 1957 and RCW 76.36.130 are each amended to read as follows:

A mark or brand cut in boom sticks with an ax or other sharp instrument shall be sufficient for the purposes of this chapter if it substantially conforms to the impression or drawing and written description on file ~~((in the office of the supervisor of forestry))~~ with the department.

Sec. 48. Section 14, chapter 154, Laws of 1925 ex. sess. as amended by section 8, chapter 36, Laws of 1957 and RCW 76.36.140 are each amended to read as follows:

In view of the different conditions existing in the logging industry of this state between the parts of the state lying respectively east and west of the crest of the Cascade mountains, forest products may be put into the water of this state or shipped on common carrier railroads without having thereon a registered mark or brand, as herein required, within that portion of the state lying east of the crest of the Cascade mountains and composed of the following counties to wit: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima; and the penalties herein provided for failure to mark or brand such forest products shall not apply: PROVIDED, That any person operating within such east portion of the state may select a mark or brand and cause it to be registered ~~((in the office of the supervisor of forestry))~~ with the department pursuant to the terms of this chapter, and use it for the purpose of marking or branding forest products and booming equipment, and, in the event of the registration of such mark or brand and the use of it in marking or branding forest products or booming equipment, the provisions hereof shall apply as to the forest products and booming equipment so marked or branded.

Sec. 49. Section 4, chapter 146, Laws of 1951 as last amended by section 31, chapter 253, Laws of 1983 and RCW 78.52.020 are each amended to read as follows:

(1) There is hereby created and established an oil and gas conservation committee, which shall consist of the ~~((land))~~ commissioner of public lands, the director of ecology, four residents of the state of Washington appointed by the governor, and the state treasurer.

(2) Three of the members appointed by the governor shall reside east of the Cascades. The fourth member appointed by the governor shall reside west of the Cascades.

(a) The members appointed by the governor shall serve subject to confirmation by the senate.

(b) The members appointed by the governor shall serve four-year terms except for initial appointments, which shall be made as follows: One member shall serve for one year, one member shall serve for two years, one member shall serve for three years, and one member shall serve for four years. All subsequent appointments shall be for four years. In the event of a vacancy the governor shall make an appointment, consistent with this section, for the duration of the vacated term.

(3) The chairman and the executive secretary of the committee shall be elected by the members of the committee.

(4) The members of the committee may act through designated agents or deputies for the purpose of carrying out the provisions of this chapter.

Sec. 50. Section 12, chapter 255, Laws of 1927 and RCW 79.01.048 are each amended to read as follows:

The board of (~~state land commissioners~~) natural resources shall constitute the board of appraisers provided for in section 2 of Article XVI of the state Constitution, to, before the sale of any lands granted to the state for educational purposes, appraise the value of such lands less the improvements thereon.

Sec. 51. Section 13, chapter 255, Laws of 1927 as amended by section 149, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.052 are each amended to read as follows:

The board of (~~state land commissioners~~) natural resources shall (~~have its office and~~) keep its records in the office of the commissioner of public lands, and shall keep a full and complete record of its proceedings relating to the appraisal of lands granted for educational purposes, and the board shall have the power, from time to time, to make and enforce rules and regulations for the carrying out of the provisions of this chapter relating to its duties not inconsistent with law.

Sec. 52. Section 17, chapter 255, Laws of 1927 and RCW 79.01.068 are each amended to read as follows:

The compensation of a state land inspector shall not exceed seven dollars per diem for the time actually employed, and necessary expenses, which shall be submitted to the commissioner of public lands in an itemized and verified account to be approved by him.

Each state land inspector shall, before entering upon his duties, take and subscribe and file in the office of the secretary of state, an oath in substance as follows: "I do solemnly swear that I will well and

truly perform the duties of state land inspector in the inspection and appraisal of lands to be selected by, or belonging to, or held in trust by the state of Washington, to the best of my knowledge and ability; that I will personally and carefully examine each parcel or tract of land assigned to me for inspection, and a full and complete report make, as to each tract inspected, of every material fact connected with the location, condition and character of said land, and my estimate of the value thereof, and the amount and estimated value of all timber, or other valuable material, and all improvements thereon, when directed by the commissioner of public lands; that I am not, nor will I become, interested directly or indirectly in the sale, lease or purchase of said lands; that I will not communicate or disclose to any person other than the commissioner of public lands, or his deputy, or the members of the board of ~~((state land commissioners))~~ natural resources, any information in relation to the location, condition, character or value of any lands inspected by me, or the timber or other valuable material, or the improvements thereon; that in the performance of my duties as state land inspector I will in all respects act according to the best of my knowledge and ability, and will protect the interests of the state of Washington."

Sec. 53. Section 18, chapter 255, Laws of 1927 and RCW 79.01.072 are each amended to read as follows:

If any state land inspector shall knowingly or wilfully make any false statement in any report of inspection of lands, or any false estimate of the value of lands inspected or the timber or other valuable materials or improvements thereon, or shall knowingly or wilfully divulge anything or give any information in regard to lands inspected by him, other than to the commissioner of public lands, the deputy commissioner of public lands, or the board of ~~((state land commissioners))~~ natural resources, he shall forthwith be removed from office, and shall be deemed guilty of a felony and in such case it shall be the duty of the commissioner of public lands and of the members of the board of ~~((state land commissioners))~~ natural resources, to report all facts within their knowledge to the proper prosecuting officer to the end that prosecution for the offense may be had.

Sec. 54. Section 3, chapter 217, Laws of 1941 and RCW 79.01.094 are each amended to read as follows:

The ~~((board of state land commissioners))~~ department of natural resources shall exercise general supervision and control over the sale or lease for any purpose of land granted to the state for educational purposes and also over the sale of timber, fallen timber, stone, gravel and all other valuable materials situated thereon. It shall be the duty of the ~~((commissioner of public lands, on its request, to furnish the board with))~~ department to prepare all reports, data and information in ~~((the))~~ its records ~~((of his office))~~ pertaining to any such proposed sale or lease ~~((, and the board of state~~

~~land commissioners~~). The department shall have power, if it deems it advisable, to order that any particular sale or lease of such land or valuable materials be held in abeyance pending further inspection and report. The ~~((board))~~ department may cause such further inspection and report of land or materials involved in any proposed sale or lease to be made and for that purpose shall have power to employ its own inspectors, cruisers and other technical assistants. Upon the basis of such further inspection and report the ~~((board))~~ department shall determine whether or not, and the terms upon which, the proposed sale or lease shall be consummated.

Sec. 55. Section 38, chapter 255, Laws of 1927 and RCW 79.01.152 are each amended to read as follows:

For the purpose of determining the value and character of lands, timber, fallen timber, stone, gravel, or other valuable material, or improvements, the board of ~~((state land commissioners))~~ natural resources, or the commissioner of public lands, as the case may be, may compel the attendance of witnesses by subpoena, at such place as the board, or the commissioner, may designate, and examine such witnesses under oath as to the value and character of such lands, or materials, or improvements and waste or damage to the land.

Sec. 56. Section 125, chapter 255, Laws of 1927 as amended by section 139, chapter 81, Laws of 1971 and RCW 79.01.500 are each amended to read as follows:

Any applicant to purchase, or lease, any public lands of the state, or any valuable materials thereon, and any person whose property rights or interests will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of ~~((state land commissioners))~~ natural resources, or the commissioner of public lands, concerning the same, may appeal therefrom to the superior court of the county in which such lands or materials are situated, by serving upon all parties who have appeared in the proceedings in which the order or decision was made, or their attorneys, a written notice of appeal, and filing such notice, with proof, or admission, of service, with the board, or the commissioner, within thirty days from the date of the order or decision appealed from, and at the time of filing the notice, or within five days thereafter, filing a bond to the state, in the penal sum of two hundred dollars, with sufficient sureties, to be approved by the secretary of the board, or the commissioner, conditioned that the appellant shall pay all costs that may be awarded against him on appeal, or the dismissal thereof. Within thirty days after the filing of notice of appeal, the secretary of the board, or the commissioner, shall certify, under official seal, a transcript of all entries in the records of the board, or the commissioner, together with all processes, pleadings and other papers relating to and on file in the case, except evidence used in such proceedings, and file such transcript and papers, at the expense of the applicant, with the clerk of the court to which the appeal is taken. The hearing and trial of said appeal in

the superior court shall be de novo before the court, without a jury, upon the pleadings and papers so certified, but the court may order the pleadings to be amended, or new and further pleadings to be filed. Costs on appeal shall be awarded to the prevailing party as in actions commenced in the superior court, but no costs shall be awarded against the state, the board, or the commissioner. Should judgment be rendered against the appellant, the costs shall be taxed against him and his sureties on the appeal bond, except when the state is the only adverse party, and shall be included in the judgment, upon which execution may issue as in other cases. Any party feeling himself aggrieved by the judgment of the superior court may appeal therefrom to the supreme court or the court of appeals of the state, in the manner, and within the time, for appealing from judgments in actions at law. Unless appeal be taken from the judgment of the superior court, the clerk of said court shall, on demand, certify, under his hand and the seal of the court, a true copy of the judgment, to the board, or the commissioner, which judgment shall thereupon have the same force and effect as if rendered by the board, or the commissioner. In all cases of appeals from orders or decisions of the commissioner of public lands involving the prior right to purchase tidelands of the first class, if the appeal be not prosecuted, heard and determined, within two years from the date of the appeal, the attorney general shall, after thirty days' notice to the appellant of his intention so to do, move the court for a dismissal of the appeal, but nothing herein shall be construed to prevent the dismissal of such appeal at any time in the manner provided by law.

Sec. 57. Section 187, chapter 255, Laws of 1927 and RCW 79.01.708 are each amended to read as follows:

All maps, plats and field notes of surveys, required to be made by this chapter shall, after approval by the (~~board of state land commissioners~~) department of natural resources, or the commissioner of public lands, as the case may be, be deposited and filed in the office of the commissioner of public lands, who shall keep a careful and complete record and index of all maps, plats and field notes of surveys in his possession, in well bound books, which shall at all times be open to public inspection.

Sec. 58. Section 188, chapter 255, Laws of 1927 and RCW 79.01.712 are each amended to read as follows:

All notices, orders, contracts, certificates, rules and regulations, or other documents or papers made and issued by or on behalf of the (~~board of state land commissioners~~) department of natural resources, or the commissioner of public lands, as provided in this chapter, shall be authenticated by a seal whereon shall be the vignette of George Washington, with the words "Seal of the commissioner of public lands, State of Washington."

Sec. 59. Section 2, chapter 26, Laws of 1951 and RCW 79.08.104 are each amended to read as follows:

The (~~land commissioner~~) department of natural resources and the state parks and recreation commission shall fix a yearly reasonable rental for the use of public lands reserved for state park purposes, which shall be paid by the commission to the (~~land commissioner~~) department for the particular fund for which the lands had been held in trust, and which rent shall be transmitted to the state treasurer for deposit in such fund.

Sec. 60. Section 3, chapter 26, Laws of 1951 and RCW 79.08.106 are each amended to read as follows:

No merchantable timber shall be cut or removed from lands reserved for state park purposes without the consent of the (~~land commissioner~~) department of natural resources and without payment to the particular fund for which the lands are held in trust, the reasonable value thereof as fixed by the (~~commissioner~~) department.

Sec. 61. Section 1, chapter 96, Laws of 1953 and RCW 79.08.108 are each amended to read as follows:

For the purpose of securing and preserving certain lands for state park purposes, the (~~commissioner of public lands~~) board of natural resources shall (~~(, with the advice and approval of the board of state land commissioners,)~~) exchange any state lands of equal value for any lands, located in the following described tracts, which may be selected and requested by the state parks and recreation commission for state park purposes: Government lots 1, 2, 3, and 4 of section 20, all of section 21, government lot 1 of section 22, government lot 1 of section 29, the north half of the north half of section 28, and government lot 1 of section 27, all in township 13 north, range 11 west, W.M. in Pacific county; the northeast quarter of the southwest quarter and the south half of the southwest quarter of section 24, township 2 north, range 6 east, W.M., in Skamania county; and the southeast quarter of section 15, the south half of the northwest quarter and the southwest quarter of section 14, the southwest quarter of section 11, the west half of section 23, the southeast quarter, the west half and the northeast quarter of the northeast quarter of section 22, the northwest quarter of section 26, and the northeast quarter of section 27, all in township 28 north, range 45 east, W.M. in Spokane county; the southwest quarter and the west half of the southeast quarter of section 16, the east half of the east half of section 20, the northeast quarter of the northeast quarter of section 29, the northwest quarter, the west half of the southwest quarter and government lots 1, 2, 3, 4 and 5 of section 21, including tidelands and government lots 1 and 2 of section 28, including tidelands, all in township 25 north, range 2 west, W.M. in Jefferson county. The (~~commissioner~~) department shall, with the advice and approval of the attorney general, execute such agreements, writings, or relinquishments and certify to the governor such deeds as are necessary or proper to effect such exchanges. When such exchanges have been

effected, the lands so acquired in exchange shall be reserved by the (~~commissioner of public lands~~) department for state park purposes in accordance with RCW 79.08.102, 79.08.104 and 79.08.106.

Sec. 62. Section 7, chapter 69, Laws of 1909 as last amended by section 76, chapter 57, Laws of 1985 and RCW 79.24.030 are each amended to read as follows:

The board of natural resources and the (~~state capitol committee~~) department of natural resources may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests of the state in carrying out the provisions of (~~this act~~) RCW 79.24.010 through 79.24.085, and all expenses incurred by the board and (~~committee~~) department, and all claims against the capitol building construction account shall be audited by the (~~state capitol committee~~) department and presented in vouchers to the state treasurer, who shall draw a warrant therefor against the capitol building construction account as herein provided or out of any appropriation made for such purpose.

Sec. 63. Section 1, chapter 102, Laws of 1913 and RCW 79.28.010 are each amended to read as follows:

For the purpose of obtaining from the United States indemnity or lieu lands for such lands granted to the state for common schools, educational, penal, reformatory, charitable, capitol building or other purposes, as have been or may be lost to the state, or the title to or use or possession of which is claimed by the United States or by others claiming by, through or under the United States, by reason of any of the causes entitling the state to select other lands in lieu thereof, the inclusion of the same in any reservation by or under authority of the United States, or any other appropriation or disposition of the same by the United States, whether such lands are now surveyed or unsurveyed, the (~~commissioner of public lands~~) department of natural resources, with the advice and approval of the (~~board of state land commissioners and the~~) attorney general, is authorized and empowered to enter into an agreement or agreements, on behalf of the state, with the proper officer or officers of the United States for the relinquishment of any such lands and the selection in lieu thereof, under the provisions of RCW 79.28.010 through 79.28.030, of lands of the United States of equal area and value.

Sec. 64. Section 2, chapter 102, Laws of 1913 and RCW 79.28.020 are each amended to read as follows:

Upon the making of any such agreement, the board of (~~state land commissioners~~) natural resources shall be empowered and it shall be (~~their~~) its duty to cause such examination and appraisal to be made as will determine the area and value, as nearly as may be, of the lands lost to the state, or the title to, use or possession of which is claimed by the United States by reason of the causes mentioned in RCW 79.28.010, and proposed

to be relinquished to the United States, and shall cause an examination and appraisal to be made of any lands which may be designated by the officers of the United States as subject to selection by the state in lieu of the lands aforesaid, to the end that the state shall obtain lands in lieu thereof of equal area and value.

Sec. 65. Section 6, chapter 312, Laws of 1927 and RCW 79.36.290 are each amended to read as follows:

Any person, firm or corporation shall have a right of way over public lands, subject to the provisions of RCW 79.36.230 through 79.36.290, when necessary, for the purpose of hauling or removing timber, stone, mineral, or other natural products or the manufactured products thereof of the land. Before, however, any such right of way grant shall become effective, a written application for and a plat showing the location of such right of way, with reference to the adjoining lands, shall be filed with the ~~((state land commissioner))~~ department of natural resources, and all timber on said right of way, together with the damages to said land, shall be appraised and paid for in cash by the person, firm or corporation applying for such right of way. The ~~((state land commissioner))~~ department of natural resources shall then cause to be issued in duplicate to such person, firm or corporation a right of way certificate setting forth the conditions and terms upon which such right of way is granted. Whenever said right of way shall cease to be used, for a period of two years, for the purpose for which it was granted, it shall be deemed forfeited, and said right of way certificate shall contain such a provision: PROVIDED, That any right of way for logging purposes heretofore issued which has never been used, or has ceased to be used, for a period of two years, for the purpose of which it was granted, shall be deemed forfeited and shall be canceled upon the records ~~((in the office of the commissioner of public lands))~~ of the department. One copy of each certificate shall be filed ~~((in the office of the commissioner of public lands))~~ with the department and one copy delivered to the applicant. The forfeiture of said right of way, as herein provided, shall be rendered effective by the mailing of notice of such forfeiture to the grantee thereof to his last known post office address and by stamping the copy of said certificate in the ~~((office of the commissioner of public lands))~~ department canceled and the date of such cancellation. For the issuance of such certificate the same fee shall be charged as provided in the case of certificates for railroad rights of way.

Sec. 66. Section 1, chapter 87, Laws of 1937 as amended by section 1, chapter 225, Laws of 1955 and RCW 79.40.070 are each amended to read as follows:

It shall be unlawful for any person to enter upon any of the state lands, including all land under the jurisdiction of the ~~((state forest board))~~ department of natural resources, or upon any private land without the permission of the owner thereof and to cut, break or remove therefrom for commercial purposes any evergreen trees, commonly known as Christmas

trees, including fir, hemlock, spruce, and pine trees. Any person cutting, breaking or removing or causing to be cut, broken or removed, or who cuts down, cuts off, breaks, tops, or destroys any of such Christmas trees shall be liable to the state, or to the private owner thereof, for payment for such trees at a price of one dollar each if payment is made immediately upon demand. Should it be necessary to institute civil action to recover the value of such trees, the state in the case of state lands, or the owner in case of private lands, may exact treble damages on the basis of three dollars per tree for each tree so cut or removed.

Sec. 67. Section 1, chapter 130, Laws of 1939 as amended by section 1, chapter 123, Laws of 1941 and RCW 79.60.010 are each amended to read as follows:

The ~~((state forest board))~~ department of natural resources with regard to state forest board lands ~~((, and the commissioner of public lands with regard to))~~ and state granted lands ~~((, are))~~ is hereby authorized to enter into cooperative agreements with the United States of America, Indian tribes, and private owners of timber land providing for coordinated forest management, including time, rate and method of cutting timber and method of silvicultural practice on a sustained yield unit. ~~((Wherever applicable in this chapter, it shall be understood that the state forest board shall have complete authority over state forest board lands and the commissioner of public lands complete authority over state granted land.))~~

Sec. 68. Section 2, chapter 130, Laws of 1939 and RCW 79.60.020 are each amended to read as follows:

The ~~((state forest board and the commissioner of public lands are))~~ department of natural resources is hereby authorized and directed to determine, define and declare informally the establishment of a sustained yield unit, comprising the land area to be covered by any such cooperative agreement and include therein such other lands as may be later acquired by the ~~((state forest board))~~ department and included under the cooperative agreement.

Sec. 69. Section 3, chapter 130, Laws of 1939 and RCW 79.60.030 are each amended to read as follows:

The state shall agree that the cutting from combined national forest and state lands will be limited to the sustained yield capacity of these lands in the management unit as determined by the contracting parties and approved by the ~~((state forest board and the))~~ commissioner of public lands for state granted lands and the board of natural resources for state forest board lands. Cooperation with the private contracting party or parties shall be contingent on limitation of production to a specified amount as determined by the contracting parties and approved by the ~~((state forest board and the))~~ commissioner of public lands for state granted lands and the

board of natural resources for state forest board lands and shall comply with the other conditions and requirements of such cooperative agreement.

Sec. 70. Section 2, chapter 123, Laws of 1941 and RCW 79.60.040 are each amended to read as follows:

The private contracting party or parties shall enjoy the right of easement over state forest board lands and state granted lands included under said cooperative agreement for railway, road and other uses necessary to the carrying out of the agreement. This easement shall be only for the life of the cooperative agreement and shall be granted without charge with the provision that payment shall be made for all merchantable timber cut, removed or damaged in the use of such easement, payment to be based on the contract stumpage price for timber of like value and species and to be made within thirty days from date of cutting, removal and/or damage of such timber and appraisal thereof by the ~~((commissioner of public lands and the state forest board))~~ department of natural resources.

Sec. 71. Section 4, chapter 130, Laws of 1939 and RCW 79.60.050 are each amended to read as follows:

During the period when any such cooperative agreement is in effect, the timber on the state lands which the ~~((state forest board and the commissioner of public lands))~~ department of natural resources determines shall be included in the sustained yield unit may, from time to time, be sold at not less than its appraised value as approved by the ~~((state forest board and the))~~ commissioner of public lands for state granted lands and the board of natural resources for state forest board lands, due consideration being given to existing forest conditions on all lands included in the cooperative management unit and such sales may be made in the discretion of the ~~((state forest board and the commissioner of public lands))~~ department and the contracting party or parties in the cooperative sustained yield agreement. These sale agreements shall contain such provisions as are necessary to effectually permit the ~~((state forest board and the commissioner of public lands))~~ department to carry out the purpose of this section and in other ways afford adequate protection to the public interests involved.

Sec. 72. Section 5, chapter 130, Laws of 1939 and RCW 79.60.060 are each amended to read as follows:

The sale of timber upon state forest board land and state granted land within such sustained yield unit or units shall be made for not less than the appraised value thereof as heretofore provided for the sale of timber on state lands: PROVIDED, That, if in the judgment of the ~~((state forest board or the commissioner of public lands))~~ department, it is to the best interests of the state to do so, said timber or any such sustained yield unit or units may be sold on a stumpage or scale basis for a price per thousand not less than the appraised value thereof. The ~~((state forest board and the commissioner of public lands))~~ department shall reserve the right to reject any

and all bids if the intent of this chapter will not be carried out. Permanency of local communities and industries, prospects of fulfillment of contract requirements, and financial position of the bidder shall all be factors included in this decision.

Sec. 73. Section 3, chapter 123, Laws of 1941 and RCW 79.60.080 are each amended to read as follows:

No transfer or assignment by the purchaser shall be valid unless the transferee or assignee is acceptable to the ~~((commissioner of public lands and the state forest board))~~ department of natural resources and the transfer or assignment approved by ~~((them))~~ it in writing.

Sec. 74. Section 7, chapter 130, Laws of 1939 as amended by section 4, chapter 123, Laws of 1941 and RCW 79.60.090 are each amended to read as follows:

The purchaser shall, at the time of executing the contract, deliver a performance bond or sureties acceptable in regard to terms and amount to the ~~((commissioner of public lands and the state forest board))~~ department of natural resources, but such performance bond or sureties shall not exceed ten percent of the estimated value of the timber purchased computed at the stumpage price and at no time shall exceed a total of fifty thousand dollars. The purchaser shall also be required to make a cash deposit equal to twenty percent of the estimated value of the timber purchased, computed at the stumpage bid. Upon failure of the purchaser to comply with the terms of the contract, the performance bond or sureties may be forfeited to the state upon order of the ~~((forest board or the commissioner of public lands))~~ department of natural resources.

At no time shall the amount due the state for timber actually cut and removed exceed the amount of the deposit as hereinabove set forth. The amount of the deposit shall be returned to the purchaser upon completion and full compliance with the contract by the purchaser, or it may, at the discretion of the purchaser, be applied on final payment on the contract.

Sec. 75. Section 2, chapter 246, Laws of 1927 and RCW 89.12.150 are each amended to read as follows:

From and after the date that the consent of the United States shall be given thereto by act of congress, the ~~((said commissioner of public lands))~~ department of natural resources is authorized, upon request from the secretary of the interior, to cause an appraisal to be made by the board of ~~((state land commissioners))~~ natural resources of state lands in any division of any federal reclamation project which the secretary of the interior shall advise the ~~((commissioner of public lands))~~ department that he desires to have subdivided into farm units of class referred to in RCW 89.12.140, and also to cause to be appraised by the board of ~~((state land commissioners))~~ natural resources such public lands of the United States on the same project, or elsewhere in the state of Washington, as the secretary of the interior may

propose to exchange for such state land, and when the secretary of the interior shall have secured from congress authority to make such exchange the ~~((commissioner of public lands))~~ department is authorized to exchange such state lands in any federal reclamation project for public lands of the United States on the same project or elsewhere in the state of Washington of approximately equal appraised valuation, and in making such exchange is authorized to execute suitable instruments in writing conveying or relinquishing to the United States such state lands and accepting in lieu thereof such public land of approximately equal appraised valuation.

Sec. 76. Section 17, chapter 286, Laws of 1971 ex. sess. as amended by section 6, chapter 47, Laws of 1979 ex. sess. and RCW 90.58.170 are each amended to read as follows:

A shorelines hearings board sitting as a quasi judicial body is hereby established within the environmental hearings office under RCW 43.21B-.005. The shorelines hearings board shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the ~~((state land))~~ commissioner of public lands or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. The members of the shorelines appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 77. RCW 43.30.070, 43.30.080, 43.30.090, 43.30.110, 43.30.120, 43.30.190, 43.30.220, 43.30.230, 43.30.240, 76.12.085, 79.01.040, and 79.01.900 are each decodified.

EXPLANATORY NOTE

The division of forestry of the department of conservation and development, the board of state land commissioners, the state forest board, and all state sustained yield forest committees were abolished and their powers and duties were transferred to the newly created department of natural resources by 1957 c 38. The forestry powers and duties of the director of conservation and development in Title 76 RCW were also transferred to the department by 1957 c 38. In addition, the powers of the capitol committee under RCW 79.24.010 through 79.24.087 were transferred to the department by 1957 c 38. Of the duties transferred to the department from the board of state land commissioners, the state forest board, and the capitol committee, the board of natural resources was to perform the appraisal, appeal, approval, and hearing functions. See RCW 43.30.130. This act corrects references to these obsolete agencies to refer to the department or board of natural resources or the commissioner of public lands, as appropriate.

Passed the Senate March 7, 1988.

Passed the House March 3, 1988.

Approved by the Governor March 18, 1988.

Filed in Office of Secretary of State March 18, 1988.