

SHB 2321 - S COMM AMD

By Committee on Natural Resources, Energy & Water

ADOPTED 03/05/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART 1

4 TITLE 43 AMENDMENTS

5 **Sec. 101.** RCW 43.30.700 and 1986 c 100 s 50 are each amended to
6 read as follows:

7 (1) The department may:

8 (a) Inquire into the production, quality, and quantity of second
9 growth timber to ascertain conditions for reforestation; and

10 (b) Publish information pertaining to forestry and forest products
11 which it considers of benefit to the people of the state.

12 (2) The department shall:

13 (a) Collect information through investigation by its employees, on
14 forest lands owned by the state, including:

15 (i) Condition of the lands;

16 (ii) Forest fire damage;

17 (iii) Illegal cutting, trespassing, or thefts; and

18 (iv) The number of acres and the value of the timber that is cut
19 and removed each year, to determine which state lands are valuable
20 chiefly for growing timber;

21 (b) Prepare maps of each timbered county showing state land
22 therein; and

23 (c) Protect (~~state land~~) forested public land, as defined in RCW
24 79.02.010, as much as is practical and feasible from fire, trespass,
25 theft, and the illegal cutting of timber.

26 (3) When the department considers it to be in the best interest of
27 the state, it may cooperate with any agency of another state, the
28 United States or any agency thereof, the Dominion of Canada or any

1 agency or province thereof, and any county, town, corporation,
2 individual, or Indian tribe within the state of Washington in:

- 3 (a) Forest surveys;
- 4 (b) Forest studies;
- 5 (c) Forest products studies; and
- 6 (d) Preparation of plans for the protection, management, and
7 replacement of trees, wood lots, and timber tracts.

8 **PART 2**

9 **TITLE 79 AMENDMENTS**

10 **Sec. 201.** RCW 79.02.010 and 2003 c 334 s 301 are each amended to
11 read as follows:

12 The definitions in this section apply throughout this title unless
13 the context clearly requires otherwise.

14 (1) "Aquatic lands" means all state-owned tidelands, shorelands,
15 harbor areas, and the beds of navigable waters as defined in chapter
16 79.90 RCW that are (~~managed~~) administered by the department.

17 (2) "Board" means the board of natural resources.

18 (3) "Commissioner" means the commissioner of public lands.

19 (4) "Community and technical college forest reserve lands" means
20 lands managed under RCW 79.02.420.

21 (5) "Department" means the department of natural resources.

22 (6) (~~("Improvements," when referring to state lands,)~~)
23 "Improvements" means anything considered a fixture in law placed upon
24 or attached to (~~such~~) lands administered by the department that has
25 changed the value of the lands or any changes in the previous condition
26 of the fixtures that changes the value of the lands.

27 (7) "Land bank lands" means lands acquired under RCW 79.19.020.

28 (8) "Person" means an individual, partnership, corporation,
29 association, organization, cooperative, public or municipal
30 corporation, or agency of a federal, state, or local governmental unit,
31 however designated.

32 (9) "Public lands" means lands of the state of Washington (~~and~~
33 ~~includes lands belonging to or held in trust by the state, which are~~
34 ~~not devoted to or reserved for a particular use by law. They include~~)
35 administered by the department including but not limited to state

1 lands, (~~tidelands, shorelands, and harbor areas as defined in chapter~~
2 ~~79.90 RCW, and the beds of navigable waters belonging to the~~) state
3 forest lands, and aquatic lands.

4 (10) "State forest lands" means lands acquired under RCW 79.22.010,
5 79.22.040, and 79.22.020.

6 (11) "State lands" includes:

7 (a) School lands, that is, lands held in trust for the support of
8 the common schools;

9 (b) University lands, that is, lands held in trust for university
10 purposes;

11 (c) Agricultural college lands, that is, lands held in trust for
12 the use and support of agricultural colleges;

13 (d) Scientific school lands, that is, lands held in trust for the
14 establishment and maintenance of a scientific school;

15 (e) Normal school lands, that is, lands held in trust for state
16 normal schools;

17 (f) Capitol building lands, that is, lands held in trust for the
18 purpose of erecting public buildings at the state capital for
19 legislative, executive, and judicial purposes;

20 (g) Institutional lands, that is, lands held in trust for state
21 charitable, educational, penal, and reformatory institutions; and

22 (h) (~~All public lands of the state, except tidelands, shorelands,~~
23 ~~harbor areas, and the beds of navigable waters~~) Land bank, escheat,
24 donations, and all other lands, except aquatic lands, administered by
25 the department that are not devoted to or reserved for a particular use
26 by law.

27 (12) (~~"Valuable materials," when referring to state lands or state~~
28 ~~forest lands,~~) "Valuable materials" means any product or material on
29 the lands, such as forest products, forage or agricultural crops,
30 stone, gravel, sand, peat, and all other materials of value except
31 mineral, coal, petroleum, and gas as provided for under chapter 79.14
32 RCW.

33 **Sec. 202.** RCW 79.02.040 and 2003 c 334 s 432 are each amended to
34 read as follows:

35 The department may review and reconsider any of its official acts
36 relating to (~~state~~) public lands until such time as a lease,

1 contract, or deed shall have been made, executed, and finally issued,
2 and the department may recall any lease, contract, or deed issued for
3 the purpose of correcting mistakes or errors, or supplying omissions.

4 **Sec. 203.** RCW 79.02.050 and 2003 c 334 s 365 are each amended to
5 read as follows:

6 (1) Any sale, transfer, or lease (~~(of state lands)~~) in which the
7 purchaser, transfer recipient, or lessee obtains the sale or lease by
8 fraud or misrepresentation is void, and the contract of purchase or
9 lease shall be of no effect. In the event of fraud, the contract,
10 transferred property, or lease must be surrendered to the department,
11 but the purchaser, transfer recipient, or lessee may not be refunded
12 any money paid on account of the surrendered contract, transfer, or
13 lease.

14 (~~{(2)}~~) (2) In the event that a mistake is discovered in the sale
15 or lease (~~(of state lands)~~), or in the sale of valuable materials (~~(on~~
16 ~~state lands)~~), the department may take action to correct the mistake in
17 accordance with RCW 79.02.040 if maintaining the corrected contract,
18 transfer, or lease is in the best interests of the affected trust or
19 trusts.

20 **Sec. 204.** RCW 79.02.160 and 2003 c 334 s 308 are each amended to
21 read as follows:

22 In case any person interested in any tract of land heretofore
23 selected by the territory of Washington or any officer, board, or agent
24 thereof or by the state of Washington or any officer, board, or agent
25 thereof or which may be hereafter selected by the state of Washington
26 or the department, in pursuance to any grant of (~~public~~) lands made
27 by the United States to the territory or state of Washington for any
28 purpose or upon any trust whatever, the selection of which has failed
29 or been rejected or shall fail or shall be rejected for any reason,
30 shall request it, the department shall have the authority and power on
31 behalf of the state to relinquish to the United States such tract of
32 land.

33 **Sec. 205.** RCW 79.02.280 and 2003 c 334 s 377 are each amended to
34 read as follows:

1 All contracts of purchase(~~(7)~~) or leases(~~(7, of state lands)~~) issued
2 by the department shall be assignable in writing by the contract holder
3 or lessee and the assignee shall be subject to and governed by the
4 provisions of law applicable to the assignor and shall have the same
5 rights in all respects as the original purchaser, or lessee, of the
6 lands, provided the assignment is approved by the department and
7 entered of record in its office.

8 **Sec. 206.** RCW 79.02.290 and 2003 c 334 s 363 are each amended to
9 read as follows:

10 Whenever the holder of a contract of purchase (~~(of any state~~
11 ~~lands,7)~~) or the holder of any lease (~~(of any such lands)~~), except for
12 mining of valuable minerals or coal, or extraction of petroleum or gas,
13 shall surrender the same to the department with the request to have it
14 divided into two or more contracts, or leases, the department may
15 divide the same and issue new contracts, or leases, but no new
16 contract, or lease, shall issue while there is due and unpaid any
17 interest, rental, or taxes or assessments on the land held under such
18 contract or lease, nor in any case where the department is of the
19 opinion that the state's security would be impaired or endangered by
20 the proposed division. For all such new contracts, or leases, a fee as
21 provided under this chapter, shall be paid by the applicant.

22 **Sec. 207.** RCW 79.02.300 and 2003 c 334 s 435 are each amended to
23 read as follows:

24 (1) Every person who, without authorization, uses or occupies
25 public lands, removes any valuable material as defined in RCW
26 (~~(79.01.038)~~) 79.02.010 from public lands, or causes waste or damage to
27 public lands, or injures publicly owned personal property or publicly
28 owned improvements to real property on public lands, is liable to the
29 state for treble the amount of the damages. However, liability shall
30 be for single damages if the department determines, or the person
31 proves upon trial, that the person, at time of the unauthorized act or
32 acts, did not know, or have reason to know, that he or she lacked
33 authorization. Damages recoverable under this section include, but are
34 not limited to, the market value of the use, occupancy, or things
35 removed, had the use, occupancy, or removal been authorized; and any

1 damages caused by injury to the land, publicly owned personal property
2 or publicly owned improvement, including the costs of restoration. In
3 addition, the person is liable for reimbursing the state for its
4 reasonable costs, including but not limited to, its administrative
5 costs, survey costs to the extent they are not included in damages
6 awarded for restoration costs, and its reasonable attorneys' fees and
7 other legal costs.

8 (2) This section does not apply in any case where liability for
9 damages is provided under RCW 64.12.030, 4.24.630, 79.02.320, or
10 79.02.340.

11 (3) The department is authorized and directed to investigate all
12 trespasses and wastes upon, and damages to, public lands of the state,
13 and to cause prosecutions for, and/or actions for the recovery of the
14 same to be commenced as is provided by law.

15 **Sec. 208.** RCW 79.02.340 and 2003 c 334 s 504 are each amended to
16 read as follows:

17 It shall be unlawful for any person to enter upon (~~any of the~~
18 ~~state~~) public lands(~~, including all land under the jurisdiction of~~
19 ~~the department,~~) or upon any private land without the permission of
20 the owner thereof and to cut, break, or remove therefrom for commercial
21 purposes any evergreen trees, commonly known as Christmas trees,
22 including fir, hemlock, spruce, and pine trees. Any person cutting,
23 breaking, or removing or causing to be cut, broken, or removed, or who
24 cuts down, cuts off, breaks, tops, or destroys any of such Christmas
25 trees shall be liable to the state, or to the private owner thereof,
26 for payment for such trees at a price of one dollar each if payment is
27 made immediately upon demand. Should it be necessary to institute
28 civil action to recover the value of such trees, the state in the case
29 of (~~state~~) public lands, or the owner in case of private lands, may
30 exact treble damages on the basis of three dollars per tree for each
31 tree so cut or removed.

32 **Sec. 209.** RCW 79.10.060 and 2003 c 334 s 544 are each amended to
33 read as follows:

34 The department may comply with county or municipal zoning

1 ordinances, laws, rules, or regulations affecting the use of ((state))
2 public lands ((~~under the jurisdiction of the department~~)) where such
3 regulations are consistent with the treatment of similar private lands.

4 **Sec. 210.** RCW 79.10.100 and 2003 c 334 s 534 are each amended to
5 read as follows:

6 The legislature hereby directs that a multiple use concept be
7 utilized by the department in the ((~~management and~~)) administration of
8 ((~~state owned~~)) public lands ((~~under the jurisdiction of the~~
9 ~~department~~)) where such a concept is in the best interests of the state
10 and the general welfare of the citizens thereof, and is consistent with
11 the applicable ((~~trust~~)) provisions of the various lands involved.

12 **Sec. 211.** RCW 79.11.100 and 2003 c 334 s 328 are each amended to
13 read as follows:

14 In no case shall any lands granted to the state be offered for sale
15 under this chapter unless the same shall have been appraised by the
16 board within ninety days prior to the date fixed for the sale. A
17 purchaser of state lands may not rely upon the appraisal prepared by
18 the department or made by the board for purposes of deciding whether to
19 make a purchase from the department. All purchasers are required to
20 make their own independent appraisals.

21 **Sec. 212.** RCW 79.13.380 and 2003 c 334 s 491 are each amended to
22 read as follows:

23 The department has the power, and it is its duty, to adopt, from
24 time to time, reasonable rules for the grazing of livestock on such
25 tracts and areas of the indemnity or lieu ((~~public~~)) lands of the state
26 contiguous to national forests and suitable for grazing purposes, as
27 have been, or shall be, obtained from the United States under the
28 provisions of RCW 79.02.120.

29 **Sec. 213.** RCW 79.15.030 and 2003 c 334 s 339 are each amended to
30 read as follows:

31 All sales of valuable materials ((~~upon state lands and state forest~~
32 ~~lands~~)) shall be made subject to the right, power, and authority of the
33 department to prescribe rules or procedures governing the manner of the

1 sale and removal of the valuable materials. Such procedures shall be
2 binding when contained within a purchaser's contract for valuable
3 materials and apply to the purchaser's successors in interest and shall
4 be enforced by the department.

5 **Sec. 214.** RCW 79.15.055 and 2003 c 334 s 309 are each amended to
6 read as follows:

7 For the purposes of this chapter, "appraisal" means an estimate of
8 the market value of (~~land or~~) valuable materials. The estimate must
9 reflect the value based on market conditions at the time of the sale or
10 transfer offering. The appraisal must reflect the department's best
11 effort to establish a reasonable market value for the purpose of
12 setting a minimum bid at auction or transfer. A purchaser of (~~state
13 lands or~~) valuable materials may not rely upon the appraisal prepared
14 by the department for purposes of deciding whether to make a purchase
15 from the department. All purchasers are required to make their own
16 independent appraisals.

17 **Sec. 215.** RCW 79.19.030 and 2003 c 334 s 527 are each amended to
18 read as follows:

19 The department, with the approval of the board, may:

20 (1) Exchange property held in the land bank for any other
21 (~~public~~) lands of equal value administered by the department,
22 including any lands held in trust.

23 (2) Exchange property held in the land bank for property of equal
24 or greater value which is owned publicly or privately, and which has
25 greater potential for natural resource or income production or which
26 could be more efficiently managed by the department, however, no power
27 of eminent domain is hereby granted to the department; and

28 (3) Sell property held in the land bank in the manner provided by
29 law for the sale of state lands without any requirement of platting and
30 to use the proceeds to acquire property for the land bank which has
31 greater potential for natural resource or income production or which
32 would be more efficiently managed by the department.

33 **Sec. 216.** RCW 79.22.300 and 2003 c 334 s 213 are each amended to
34 read as follows:

1 Whenever the board of county commissioners of any county shall
2 determine that state forest lands, that were acquired from such county
3 by the state pursuant to RCW 79.22.040 and that are under the
4 administration of the department, are needed by the county for public
5 park use in accordance with the county and the state outdoor recreation
6 plans, the board of county commissioners may file an application with
7 the board for the transfer of such state forest lands.

8 Upon the filing of an application by the board of county
9 commissioners, the department shall cause notice of the impending
10 transfer to be given in the manner provided by RCW 42.30.060. If the
11 department determines that the proposed use is in accordance with the
12 state outdoor recreation plan, it shall reconvey said state forest
13 lands to the requesting county to have and to hold for so long as the
14 state forest lands are developed, maintained, and used for the proposed
15 public park purpose. This reconveyance may contain conditions to allow
16 the department to coordinate the management of any adjacent (~~state~~
17 ~~owned~~) public lands with the proposed park activity to encourage
18 maximum multiple use management and may reserve rights of way needed to
19 manage other (~~state-owned~~) public lands in the area. The application
20 shall be denied if the department finds that the proposed use is not in
21 accord with the state outdoor recreation plan. If the land is not, or
22 ceases to be, used for public park purposes the land shall be conveyed
23 back to the department upon request of the department.

24 **Sec. 217.** RCW 79.36.330 and 2003 c 334 s 228 are each amended to
25 read as follows:

26 In the event the department should determine that the property
27 interests acquired under the authority of this chapter are no longer
28 necessary for the purposes for which they were acquired, the department
29 shall dispose of the same in the following manner, when in the
30 discretion of the department it is to the best interests of the state
31 of Washington to do so, except that property purchased with educational
32 funds or held in trust for educational purposes shall be sold only in
33 the same manner as are (~~public~~) state lands (~~of the state~~):

34 (1) Where the state property necessitating the acquisition of
35 private property interests for access purposes under authority of this
36 chapter is sold or exchanged, the acquired property interests may be

1 sold or exchanged as an appurtenance of the state property when it is
2 determined by the department that sale or exchange of the state
3 property and acquired property interests as one parcel is in the best
4 interests of the state.

5 (2) If the acquired property interests are not sold or exchanged as
6 provided in subsection (1) of this section, the department shall notify
7 the person or persons from whom the property interest was acquired,
8 stating that the property interests are to be sold, and that the person
9 or persons shall have the right to purchase the same at the appraised
10 price. The notice shall be given by registered letter or certified
11 mail, return receipt requested, mailed to the last known address of the
12 person or persons. If the address of the person or persons is unknown,
13 the notice shall be published twice in an official newspaper of general
14 circulation in the county where the lands or a portion thereof is
15 located. The second notice shall be published not less than ten nor
16 more than thirty days after the notice is first published. The person
17 or persons shall have thirty days after receipt of the registered
18 letter or five days after the last date of publication, as the case may
19 be, to notify the department, in writing, of their intent to purchase
20 the offered property interest. The purchaser shall include with his or
21 her notice of intention to purchase, cash payment, certified check, or
22 money order in an amount not less than one-third of the appraised
23 price. No instrument conveying property interests shall issue from the
24 department until the full price of the property is received by the
25 department. All costs of publication required under this section shall
26 be added to the appraised price and collected by the department upon
27 sale of the property interests.

28 (3) If the property interests are not sold or exchanged as provided
29 in subsections (1) and (2) of this section, the department shall notify
30 the owners of land abutting the property interests in the same manner
31 as provided in subsection (2) of this section and their notice of
32 intent to purchase shall be given in the manner and in accordance with
33 the same time limits as are set forth in subsection (2) of this
34 section. However, if more than one abutting owner gives notice of
35 intent to purchase the property interests, the department shall
36 apportion them in relation to the lineal footage bordering each side of
37 the property interests to be sold, and apportion the costs to the

1 interested purchasers in relation thereto. Further, no sale is
2 authorized by this section unless the department is satisfied that the
3 amounts to be received from the several purchasers will equal or exceed
4 the appraised price of the entire parcel plus any costs of publishing
5 notices.

6 (4) If no sale or exchange is consummated as provided in
7 subsections (1) through (3) of this section, the department shall sell
8 the properties in the same manner as state lands are sold.

9 (5) Any disposal of property interests authorized by this chapter
10 shall be subject to any existing rights previously granted by the
11 department.

12 **Sec. 218.** RCW 79.36.355 and 2003 c 334 s 396 are each amended to
13 read as follows:

14 The department may grant to any person such easements and rights in
15 (~~state lands or state forest~~) public lands, not otherwise provided in
16 law, as the applicant applying therefor may acquire in privately owned
17 lands (~~through proceedings in eminent domain~~). No grant shall be
18 made under this section until such time as the full market value of the
19 estate or interest granted together with damages to all remaining
20 property of the state of Washington has been ascertained and safely
21 secured to the state.

22 **Sec. 219.** RCW 79.36.380 and 1982 1st ex.s. c 21 s 168 are each
23 amended to read as follows:

24 Every grant, deed, conveyance, contract to purchase or lease made
25 since (~~the fifteenth day of~~) June 15, 1911, or hereafter made to any
26 person, firm, or corporation, for a right of way for a private
27 railroad, skid road, canal, flume, watercourse, or other easement, over
28 or across any (~~state~~) public lands for the purpose of, and to be used
29 in, transporting and moving timber, minerals, stone, sand, gravel, or
30 other valuable materials of the land, shall be subject to the right of
31 the state, or any grantee or lessee thereof, or other person who has
32 acquired since (~~the fifteenth day of~~) June 15, 1911, or shall
33 hereafter acquire, any lands containing valuable materials contiguous
34 to, or in proximity to, such right of way, or who has so acquired or
35 shall hereafter acquire such valuable materials situated upon (~~state~~)

1 public lands or contiguous to, or in proximity to, such right of way,
2 of having such valuable materials transported or moved over such
3 private railroad, skid road, flume, canal, watercourse, or other
4 easement, after the same is or has been put in operation, upon paying
5 therefor just and reasonable rates for transportation, or for the use
6 of such private railroad, skid road, flume, canal, watercourse, or
7 other easement, and upon complying with just, reasonable and proper
8 rules and regulations relating to such transportation or use, which
9 rates, rules, and regulations, shall be under the supervision and
10 control of the utilities and transportation commission.

11 **Sec. 220.** RCW 79.36.390 and 1982 1st ex.s. c 21 s 169 are each
12 amended to read as follows:

13 Any person, firm, or corporation, having acquired such right of way
14 or easement since (~~the fifteenth day of~~) June 15, 1911, or hereafter
15 acquiring such right of way or easement over any (~~state~~) public lands
16 for the purpose of transporting or moving timber, mineral, stone, sand,
17 gravel, or other valuable materials, and engaged in such business
18 thereon, shall accord to the state, or any grantee or lessee thereof,
19 having since (~~the fifteenth day of~~) June 15, 1911, acquired, or
20 hereafter acquiring, from the state, any (~~state~~) public lands
21 containing timber, mineral, stone, sand, gravel, or other valuable
22 materials, contiguous to or in proximity to such right of way or
23 easement, or any person, firm, or corporation, having since (~~the~~
24 ~~fifteenth day of~~) June 15, 1911, acquired, or hereafter acquiring, the
25 timber, mineral, stone, sand, gravel, or other valuable materials upon
26 any (~~state~~) public lands contiguous to or in proximity to the lands
27 over which such right of way or easement is operated, proper and
28 reasonable facilities and service for transporting and moving such
29 valuable materials, under reasonable rules and regulations and upon
30 payment of just and reasonable charges therefor, or, if such right of
31 way or other easement is not then in use, shall accord the use of such
32 right of way or easement for transporting and moving such valuable
33 materials, under reasonable rules and regulations and upon the payment
34 of just and reasonable charges therefor.

1 **Sec. 221.** RCW 79.38.010 and 2003 c 334 s 499 are each amended to
2 read as follows:

3 In addition to any authority otherwise granted by law, the
4 department shall have the authority to acquire lands, interests in
5 lands, and other property for the purpose of affording access by road
6 to public lands (~~((or state forest lands))~~) from any public highway.

7 **Sec. 222.** RCW 79.38.020 and 1981 c 204 s 1 are each amended to
8 read as follows:

9 To facilitate the carrying out of the purpose of this chapter, the
10 department (~~((of natural resources))~~) may:

11 (1) Grant easements, rights of way, and permits to cross public
12 lands (~~((and state forest lands))~~) to any person in exchange for similar
13 rights over lands not under its jurisdiction;

14 (2) Enter into agreements with any person or agency relating to
15 purchase, construction, reconstruction, maintenance, repair,
16 regulation, and use of access roads or public roads used to provide
17 access to public lands (~~((or state forest lands))~~);

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

21 **Sec. 223.** RCW 79.38.030 and 2003 c 334 s 500 are each amended to
22 read as follows:

23 Purchasers of valuable materials from public lands (~~((or state
24 forest lands))~~) may use access roads or public roads for the removal of
25 such materials where the rights acquired by the state will permit, but
26 use shall be subject to the right of the department:

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

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

32 **Sec. 224.** RCW 79.38.050 and 2003 c 334 s 502 are each amended to
33 read as follows:

34 The department shall create, maintain, and administer a revolving

1 fund, to be known as the access road revolving fund in which shall be
2 deposited all moneys received by it from users of access roads as
3 payment for costs incurred or to be incurred in maintaining, repairing,
4 and reconstructing access roads, or public roads used to provide access
5 to public lands (~~(or state forest lands)~~). The department may use
6 moneys in the fund for the purposes for which they were obtained
7 without appropriation by the legislature.

8 **Sec. 225.** RCW 79.38.060 and 2003 c 334 s 503 are each amended to
9 read as follows:

10 All moneys received by the department from users of access roads
11 that are not deposited in the access road revolving fund shall be paid
12 as follows:

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

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

21 **Sec. 226.** RCW 79.64.020 and 2003 c 334 s 520 are each amended to
22 read as follows:

23 A resource management cost account in the state treasury is created
24 to be used solely for the purpose of defraying the costs and expenses
25 necessarily incurred by the department in managing and administering
26 (~~(public)~~) state lands and aquatic lands and the making and
27 administering of leases, sales, contracts, licenses, permits,
28 easements, and rights of way as authorized under the provisions of this
29 title. Appropriations from the resource management cost account to the
30 department shall be expended for no other purposes. Funds in the
31 resource management cost account may be appropriated or transferred by
32 the legislature for the benefit of all of the trusts from which the
33 funds were derived.

1 **Sec. 227.** RCW 79.64.040 and 2003 c 334 s 522 and 2003 c 313 s 8
2 are each reenacted and amended to read as follows:

3 The board shall determine the amount deemed necessary in order to
4 achieve the purposes of this chapter and shall provide by rule for the
5 deduction of this amount from the moneys received from all leases,
6 sales, contracts, licenses, permits, easements, and rights of way
7 issued by the department and affecting ((public)) state lands and
8 aquatic lands, provided that no deduction shall be made from the
9 proceeds from agricultural college lands. Moneys received as deposits
10 from successful bidders, advance payments, and security under RCW
11 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which
12 have not been subjected to deduction under this section are not subject
13 to deduction under this section. The deductions authorized under this
14 section shall in no event exceed twenty-five percent of the moneys
15 received by the department in connection with any one transaction
16 pertaining to ((public)) state lands and aquatic lands other than
17 second class tide and shore lands and the beds of navigable waters, and
18 fifty percent of the moneys received by the department pertaining to
19 second class tide and shore lands and the beds of navigable waters.

20 In the event that the department sells logs using the contract
21 harvesting process described in RCW 79.15.500 through 79.15.530, the
22 moneys received subject to this section are the net proceeds from the
23 contract harvesting sale.

24 **Sec. 228.** RCW 79.70.040 and 1972 ex.s. c 119 s 4 are each amended
25 to read as follows:

26 The department is further authorized to purchase, lease, set aside,
27 or exchange any public ((land or state owned trust)) lands which are
28 deemed to be natural areas: PROVIDED, That the appropriate state land
29 trust receives the fair market value for any interests that are
30 disposed of: PROVIDED, FURTHER, That such transactions are approved by
31 the board of natural resources.

32 An area consisting of public land ((or state owned trust lands))
33 designated as a natural area preserve shall be held in trust and shall
34 not be alienated except to another public use upon a finding by the
35 department of natural resources of imperative and unavoidable public
36 necessity.

1 **PART 3**
2 **MISCELLANEOUS**

3 NEW SECTION. **Sec. 301.** A new section is added to chapter 79.02
4 RCW under the subchapter heading "general provisions" to read as
5 follows:

6 The provisions of this act are not intended to affect the trust
7 responsibilities or trust management by the department for any trust
8 lands granted by the federal government or legislatively created
9 trusts. The trust obligations relating to federally granted lands,
10 state forest lands, community and technical college forest reserve
11 lands, and university repayment lands shall not be altered by the
12 definition clarifications contained in this act. The rights,
13 privileges, and prerogatives of the public shall not be altered in any
14 way by this act, and no additional or changed authority or power is
15 granted to any person, corporation, or entity.

16 NEW SECTION. **Sec. 302.** Part headings used in this act are not any
17 part of the law."

SHB 2321 - S COMM AMD
By Committee on Natural Resources, Energy & Water

ADOPTED 03/05/2004

18 On page 1, beginning on line 2 of the title, after "statutes;"
19 strike the remainder of the title and insert "amending RCW 43.30.700,
20 79.02.010, 79.02.040, 79.02.050, 79.02.160, 79.02.280, 79.02.290,
21 79.02.300, 79.02.340, 79.10.060, 79.10.100, 79.11.100, 79.13.380,
22 79.15.030, 79.15.055, 79.19.030, 79.22.300, 79.36.330, 79.36.355,
23 79.36.380, 79.36.390, 79.38.010, 79.38.020, 79.38.030, 79.38.050,
24 79.38.060, 79.64.020, and 79.70.040; reenacting and amending RCW
25 79.64.040; adding a new section to chapter 79.02 RCW; and creating a
26 new section."

--- END ---