

CHAPTER 239.

[H. B. 412.]

ACCESS TO STATE TIMBER.

AN ACT authorizing the state to acquire private property for access to state timber; providing for the sale or use of the same; and declaring an emergency.

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

SECTION 1. Whenever the Commissioner of Public Lands, the Board of State Land Commissioners, the Director of Conservation and Development or any other state officer, body or agency authorized to care for or sell timber, standing or fallen, on any of the public lands of the State of Washington, shall find it to be for the best interests of the State of Washington to acquire any property in private ownership for the purpose of affording access to said state timber from any public highway by road, or to acquire the use of a private road, the acquisition of such private property, or use thereof, is hereby declared to be necessary for the public use of the State of Washington, and any such state officer, body or agency is hereby authorized to acquire such lands by gift, purchase or condemnation.

Access to
state timber.

SEC. 2. The Attorney General of the State of Washington is hereby required and authorized to condemn any lands, or use thereof, found to be necessary for the public purposes of the State of Washington, as provided in section 1 of this act, and upon being furnished with a certified copy of the resolution of any state officer, body or agency, referred to in section 1 of this act, describing any lands found to be necessary for access by road to any state timber, the Attorney General shall immediately take steps to acquire said property by exercising the state's right of eminent domain under the provisions of sections 891 to 900, inclusive, of Remington's Re-

Condemna-
tion of right
of way.

vised Statutes, also Pierce's Perpetual Code 34-1 to -19, and in any condemnation action herein authorized, the certificate so describing the lands found to be necessary for access to any state timber shall be conclusive as to the public use and real necessity for the acquisition of said lands for a public purpose and said lands shall be awarded to the state without the necessity of either pleading or proving that the state officer, body or agency, as the case may be, was unable to agree with the owner or owners of said private property for its purchase. Any condemnation action herein authorized shall have precedence over all actions, except criminal actions, and shall be summarily tried and disposed of.

Public purpose.

Precedence over actions.

Surveys.

SEC. 3. In the event the state officer, body or agency should determine it to be to the best interests of the state to acquire the fee title to any property for the purpose of affording access to any state timber, rather than the use of any private road, said state agency shall notify the Director of Highways of the State of Washington, who shall immediately make such surveys as may be necessary and furnish said state agency with a legal description of sufficient property for the establishment, construction and maintenance of a road sufficient for all logging purposes, which description shall form a part of the certificate of the state agency heretofore referred to and shall be conclusive as to the necessity of the property so described.

Property acquired.

Public highway.

In the event the Director of Highways shall require the property described, as provided in this section, and acquired, as provided in this act, for public highway purposes, he shall so notify the agency of the state requiring the acquisition of said property and the property so acquired shall become a part of the state highway system and be maintained as such by and through the Director of Highways, subject to any proper use for logging purposes.

In the event the Director of Highways shall not require the property described, as provided in this section, and acquired, as provided in this act, for public highway purposes, said property shall be sold by the state officer, body or agency authorizing the acquisition of such property, either with or without any state timber, when in the discretion of the agency charged with the duty of selling the timber, it is to the best interests of the State of Washington to do so.

When
property
may be sold.

SEC. 4. The state officer, body or agency acquiring any private property under the provisions of this act, either by purchase or condemnation, is hereby authorized to pay for the same out of any monies appropriated for the use of said state officer, body or agency which may be available, or with any monies which may be donated to the state officer, body or agency, as the case may be, for such purpose or provided for said state officer, body or agency, from any emergency fund, by the Governor of the State of Washington or otherwise for such purpose, and the total cost of acquiring such property or the use thereof shall be added to the selling price of any timber to which access has been afforded by means of the property acquired.

Payment for
purchase.

SEC. 5. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect immediately.

Effective im-
mediately.

Passed the House March 3, 1945.

Passed the Senate March 7, 1945.

Approved by the Governor March 16, 1945.