

SB 5201 - H COMM AMD

By Committee on Rural Development, Agriculture & Natural Resources

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

3 **"Sec. 1.** RCW 79.11.130 and 2003 c 381 s 4 and 2003 c 334 s 346
4 are each reenacted and amended to read as follows:

5 (1) The department shall give notice of the sale by advertisement
6 published not fewer than two times during a four-week period prior to
7 the time of sale in at least one newspaper of general circulation in
8 the county in which the whole, or any part of any lot, block, or
9 tract of land to be sold is situated, and by posting a copy of the
10 notice (~~(in a conspicuous place in the department's Olympia office,)~~)
11 on the department's public website and in the region headquarters
12 administering such sale(~~(, and in the office of the county auditor of~~
13 ~~such county)~~). The notice shall specify the place, date, and time of
14 sale, the appraised value of the land, describe with particularity
15 each parcel of land to be sold, and specify that the terms of sale
16 will be available in the region headquarters and the department's
17 (~~(Olympia office)~~) public website.

18 (2) The advertisement is for informational purposes only, and
19 under no circumstances does the information in the notice of sale
20 constitute a warranty that the purchaser will receive the stated
21 values, volumes, or acreage. All purchasers are expected to make
22 their own measurements, evaluations, and appraisals.

23 (3) The department shall print a list of all public lands and the
24 appraised value thereof, that are to be sold. This list should be
25 (~~(published in a pamphlet form to be issued)~~) made available at least
26 four weeks prior to the date of any sale of the lands. The list
27 should be organized by county and by alphabetical order, and provide
28 sale information to prospective buyers. The department shall retain
29 for free distribution in the (~~(Olympia office and the)~~) region
30 offices sufficient copies of the (~~(pamphlet)~~) list, to be kept in a
31 conspicuous place, and, when requested so to do, shall mail copies of

1 the (~~pamphlet~~) list as issued to any requesting applicant. The
2 department may seek additional means of publishing the information in
3 the (~~pamphlet~~) list, such as on the internet, to increase the
4 number of prospective buyers.

5 ~~((4) The sale of valuable materials appraised at an amount not
6 exceeding two hundred fifty thousand dollars, as described in RCW
7 79.01.200 and as authorized by the board of natural resources, are
8 exempt from the requirements of subsection (3) of this section.))~~

9 **Sec. 2.** RCW 79.15.070 and 2003 c 334 s 350 are each amended to
10 read as follows:

11 It is the duty of the department to fix the date, time, and place
12 of sale.

13 (1) All valuable materials shall have been appraised prior to the
14 date fixed for sale as prescribed in RCW 79.15.060.

15 (2) No sale may be conducted on any day that is a legal holiday.

16 (3) Sales must be held between the hours of 10:00 a.m. and 4:00
17 p.m. If all sales cannot be offered within this time period, the sale
18 must continue on the following day between the hours of 10:00 a.m.
19 and 4:00 p.m.

20 (4) Sales must take place(~~(÷~~

21 ~~(a) At~~) at the department's (~~(regional office)~~) region
22 headquarters having jurisdiction over the respective sale(~~(÷)~~) or

23 ~~((b) On county property designated by the board of county~~
24 ~~commissioners or county legislative authority of the county in which~~
25 ~~the whole or majority of valuable materials are situated)) at an
26 alternate location designated by the department.~~

27 **Sec. 3.** RCW 79.15.080 and 2006 c 42 s 2 are each amended to read
28 as follows:

29 (1) Sales, other than direct sales, appraised at an amount not
30 exceeding two hundred fifty thousand dollars, when such sales have
31 been authorized by the board (~~(for sale)~~), shall be advertised by
32 publishing not less than ten days prior to sale a notice of such sale
33 in either a newspaper of general circulation (~~(located nearest to the~~
34 ~~property from which the valuable material is to be sold))~~, the
35 department's public website, or another method deemed most practical
36 by the department.

1 (2) Except as provided in RCW 79.15.050, all other proposed sales
2 of valuable materials must be advertised through individual notice of
3 sale and publication of a statewide list of sales.

4 (a) The notice of sale:

5 (i) Must specify the place, date, and time of sale, the appraised
6 value thereof, and describe with particularity each parcel of land
7 from which valuable materials are to be sold. The estimated volume
8 will be identified and the terms of sale will be available in the
9 region headquarters and the department's Olympia office;

10 (ii) May prescribe that the bid deposit required in RCW 79.15.110
11 be considered an opening bid;

12 (iii) May be advertised by newspaper or by other means of
13 publishing the information such as on the ((internet)) department's
14 public website; and

15 (iv) Must be posted in a conspicuous place in ((~~the department's~~
16 ~~Olympia office and in~~)) the region headquarters administering the
17 sale((, and in the office of the county auditor of the county where
18 the material is located)).

19 (b) The department shall ((~~print~~)) make available a list of all
20 valuable material on public lands that are to be sold. The list
21 should be organized by county and by alphabetical order.

22 (i) The list should be ((~~published in a pamphlet form, issued~~))
23 made available at least four weeks prior to the date of any sale and
24 provide sale information to prospective buyers.

25 (ii) The department must retain for free distribution in ((~~the~~
26 ~~Olympia office and~~)) the region headquarters offices sufficient
27 copies of the ((~~pamphlet~~)) list, to be kept in a conspicuous place,
28 and((, when requested to do so, must mail copies of the pamphlet as
29 issued to any requesting applicant)) made available upon request.

30 (iii) The department may seek additional means of publishing the
31 information in the ((~~pamphlet~~)) list, such as on the ((internet))
32 department's public website and other means of communication, to
33 increase the number of prospective buyers.

34 (3) The department is authorized to expend any sum in additional
35 advertising of the sales as it deems necessary.

36 **Sec. 4.** RCW 79.15.150 and 2003 c 334 s 351 are each amended to
37 read as follows:

38 A sale of valuable materials that has been offered, and for which
39 there are no bids received, ((~~shall not be reoffered until it has~~

1 ~~been readvertised as prescribed in RCW 79.11.130))~~ may be reoffered
2 consistent with RCW 79.15.060 and 79.15.080(2)(a).

3 **Sec. 5.** RCW 79.11.340 and 2003 c 334 s 399 are each amended to
4 read as follows:

5 (1) Except as provided in RCW 79.10.030(2), the department shall
6 manage and control all lands acquired by the state by escheat, deed
7 of sale, gift, devise, or under RCW 79.19.010 through 79.19.110,
8 except such lands that are conveyed or devised to the state for a
9 particular purpose.

10 (2) When the department determines to sell the lands, they shall
11 initially be offered for sale either at public auction or direct sale
12 to public agencies as provided in this chapter(~~(-~~

13 ~~(3) If the lands are not sold at public auction,~~) or the
14 department may, with approval of the board, market the lands through
15 persons licensed under chapter 18.85 RCW or through other
16 commercially feasible means at a price not lower than the land's
17 appraised value.

18 ~~((4))~~ (3) Necessary marketing costs may be paid from the sale
19 proceeds. For the purpose of this subsection, necessary marketing
20 costs include reasonable costs associated with advertising the
21 property and paying commissions.

22 ~~((5))~~ (4) Proceeds of the sale shall be deposited into the
23 appropriate fund in the state treasury unless the grantor in any deed
24 or the testator in case of a devise specifies that the proceeds of
25 the sale be devoted to a particular purpose.

26 **Sec. 6.** RCW 79.11.120 and 2003 c 334 s 344 are each amended to
27 read as follows:

28 When the department decides to sell any state lands, or with the
29 consent of the board of regents of the University of Washington, or
30 by legislative directive, decides to sell any lot, block, tract, or
31 tracts of university lands, it is the duty of the department to fix
32 the date, place, and time of sale.

33 (1) No sale may be conducted on any day that is a legal holiday.

34 (2) Sales must be held between the hours of 10:00 a.m. and 4:00
35 p.m. If all sales cannot be offered within this time period, the sale
36 must continue on the following day between the hours of 10:00 a.m.
37 and 4:00 p.m.

38 (3) Sales must take place(~~(÷~~

1 ~~(a) At~~) at the department's (~~(regional office)~~) region
2 headquarters administering the respective sale(~~(or~~
3 ~~(b) On county property designated by the board of county~~
4 ~~commissioners or county legislative authority of the county in which~~
5 ~~the whole or majority of state lands are situated)~~) or at an
6 alternate location designated by the department."

7 Correct the title.

EFFECT: Modifies requirements related to the manner in which the Department of Natural Resources (DNR) publicizes sales of land.
Modifies requirements related to the manner and location in which certain lands are sold by the DNR.

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