

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1353

Chapter 240, Laws of 1997

55th Legislature
1997 Regular Session

SALE OF MATERIALS FROM DEPARTMENT OF TRANSPORTATION LANDS

EFFECTIVE DATE: 7/27/97

Passed by the House April 19, 1997
Yeas 89 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 11, 1997
Yeas 43 Nays 0

BRAD OWEN
President of the Senate

Approved May 1, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1353** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 1, 1997 - 11:14 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 1353

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington 55th Legislature 1997 Regular Session

By Representatives Buck, Fisher, K. Schmidt, Mitchell and Wensman; by request of Department of Transportation

Read first time 01/23/97. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to sale of materials from department of
2 transportation lands; and amending RCW 47.12.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 47.12.140 and 1981 c 260 s 12 are each amended to read
5 as follows:

6 (~~((1) Except as otherwise provided in subsection (2) of this~~
7 ~~section,)) Whenever the department (~~(shall have))~~ has acquired any
8 lands for (~~(highway))~~ transportation purposes, except state granted
9 lands, upon which are located any structures, timber, or other thing of
10 value attached to the land(~~(, which))~~ that the department (~~(shall))~~
11 deems it best to sever from the land and sell as personal property, the
12 same may be (~~(sold))~~ disposed of by one of the following means:~~

13 (1) The department may sell the personal property at public auction
14 after due notice (~~(thereof shall have))~~ has been given in accordance
15 with general (~~(regulations))~~ rules adopted by the secretary. The
16 department may set minimum prices that will be accepted for any item
17 offered for sale at public auction as (~~(herein))~~ provided in this
18 section and may prescribe terms or conditions of sale (~~(and, in the~~
19 ~~event that any)).~~ If an item (~~(shall be))~~ is offered for sale at

1 ((such)) the auction and ((for which)) no satisfactory bids ((shall
2 be)) are received or ((for which)) the amount bid ((shall be)) is less
3 than the minimum set by the department, ((it shall be lawful for)) the
4 department ((to)) may sell ((such)) the item at private sale for the
5 best price ((which)) that it deems obtainable, but ((at)) not less than
6 the highest price bid at the public auction. The proceeds of all sales
7 under this section ((shall)) must be placed in the motor vehicle fund.

8 (2) The department may issue permits to residents of this state to
9 remove specified quantities of standing or downed trees and shrubs,
10 rock, sand, gravel, or soils ((which)) that have no market value in
11 place and ((which)) that the department desires to be removed from
12 state-owned lands ((which)) that are under the jurisdiction of the
13 department. An applicant for ((such)) a permit must certify that the
14 materials so removed are to be used by ((himself)) the applicant and
15 that they will not be disposed of to any other person. Removal of
16 materials ((pursuant to)) under the permit ((shall)) must be in
17 accordance with ((such regulations as)) rules adopted by the department
18 ((shall prescribe)). The fee for a permit ((shall be)) is two dollars
19 and fifty cents, which ((shall)) fee must be deposited in the motor
20 vehicle fund. The department may adopt ((regulations)) rules providing
21 for special access to limited access facilities for the purpose of
22 removal of materials ((pursuant to)) under permits authorized in this
23 section.

24 (3) The department may sell timber or logs to an abutting landowner
25 for cash at full appraised value, but only after each other abutting
26 owner (if any), as shown in the records of the county assessor, is
27 notified in writing of the proposed sale. If more than one abutting
28 owner requests in writing the right to purchase the timber within
29 fifteen days after receiving notice of the proposed sale, the timber
30 must be sold in accordance with subsection (1) of this section.

31 (4) The department may sell timber or logs having an appraised
32 value of one thousand dollars or less directly to interested parties
33 for cash at the full appraised value without notice or advertising. If
34 the timber is attached to state-owned land, the department shall issue
35 a permit to the purchaser of the timber to allow for the removal of the
36 materials from state land. The permit fee is two dollars and fifty
37 cents.

Passed the House April 19, 1997.
Passed the Senate April 11, 1997.
Approved by the Governor May 1, 1997.
Filed in Office of Secretary of State May 1, 1997.