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SENATE BILL 5856

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Vognild, Nelson and Skratek

Read first time 02/18/93. Referred to Committee on Transportation.

1 AN ACT Relating to the acquisition and disposition of real property  
2 by the Washington state patrol and the department of licensing; adding  
3 new sections to chapter 43.43 RCW; and adding new sections to chapter  
4 46.01 RCW.

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

6 NEW SECTION. **Sec. 1.** (1) Whenever it is necessary to secure any  
7 real property for the purposes of locating state patrol facilities, the  
8 state patrol is authorized to acquire real property on behalf of the  
9 state by cash, real estate contract, lease, gift, or exchange in full  
10 or part consideration for land or improvements at fair market value.

11 (2) If real property and improvements purchased with moneys from  
12 the state patrol highway account of the motor vehicle fund are shared  
13 by the state patrol for activities unrelated to transportation purposes  
14 or with agencies unrelated to transportation purposes, the state patrol  
15 shall be compensated at fair market value for such usage.

16 NEW SECTION. **Sec. 2.** (1) Whenever the Washington state patrol  
17 determines that any real property owned by the state of Washington and  
18 under its jurisdiction is no longer required for state patrol use, and

1 that it is in the public interest to do so, the state patrol may, in  
2 its discretion, sell the property or exchange it in full or part  
3 consideration for land or improvements or for construction of  
4 improvements at fair market value to any of the following governmental  
5 entities or persons:

6 (a) Any other state agency;

7 (b) The city or county in which the property is situated;

8 (c) Any other municipal corporation; or

9 (d) To any person through the solicitation of written bids through  
10 public advertising once a week for two consecutive weeks, and preceding  
11 the day set for receiving and opening the bids, in not less than two  
12 newspapers of general circulation in the state. The advertisement  
13 shall state the time, place, and date for receiving and opening the  
14 bids, give the legal description of the property to be sold, and  
15 contain such special provisions or specifications as the state patrol  
16 deems necessary.

17 (2) Sales to purchasers may at the state patrol's option be for  
18 cash, by real estate contract, or exchange in full or part  
19 consideration for land or improvements at fair market value.  
20 Transactions involving the construction of improvements must be  
21 conducted under Title 39 RCW and must comply with all other applicable  
22 laws and rules.

23 (3) Conveyances made under this section shall be by deed executed  
24 by the chief of the Washington state patrol and shall be duly  
25 acknowledged.

26 (4)(a) Whenever the state patrol decides to sell real property  
27 under its jurisdiction at public auction, the state patrol shall first  
28 give notice as required under subsection (1) of this section.

29 (b) The state patrol shall sell the property at the public auction,  
30 in accordance with the terms set forth in the notice, to the highest  
31 and best bidder providing the bid is equal to or higher than the  
32 appraised fair market value of the property.

33 (c) If no bids are received at the auction or if all bids are  
34 rejected, the state patrol may, in its discretion, enter into  
35 negotiations for the sale of the property or may list the property with  
36 a licensed real estate broker. No property may be sold by negotiations  
37 or through a broker for less than the property's appraised fair market  
38 value. Any offer to purchase real property under this subsection shall

1 be in writing and may be rejected at any time prior to written  
2 acceptance by the state patrol.

3 (5) Before the state patrol approves any offer for the purchase of  
4 real property having an appraised value of more than ten thousand  
5 dollars, the state patrol shall first publish a notice of the proposed  
6 sale in a local newspaper of general circulation in the area where the  
7 property is located. The notice shall include a description of the  
8 property, the selling price, the terms of the sale, including the price  
9 and interest rate if sold by real estate contract, and the name and  
10 address of the state patrol employee or the real estate broker handling  
11 the transaction. The notice shall further state that any person may,  
12 within ten days after the publication of the notice, deliver to the  
13 designated state employee or real estate broker a written offer to  
14 purchase the property for not less than ten percent more than the  
15 negotiated sale price, subject to the same terms and conditions. A  
16 subsequent offer shall not be considered unless it is accompanied by a  
17 deposit of twenty percent of the offer in the form of cash, money  
18 order, cashiers check, or certified check payable to the Washington  
19 state treasurer, to be forfeited to the state, for deposit in the state  
20 patrol highway account of the motor vehicle fund, if the offer is  
21 accepted and the offeror fails to complete the sale. If a subsequent  
22 offer is received, the first offeror shall be informed by registered or  
23 certified mail sent to the address stated in the offer. The first  
24 offeror shall then have ten days, from the date the notice of the  
25 increased offer is mailed, in which to file with the designated state  
26 employee or real estate broker a higher offer than that of the  
27 subsequent offeror. After the expiration of the ten-day period, the  
28 state patrol shall approve in writing the highest and best offer which  
29 the state patrol then has on file.

30 (6) All moneys received under this section, less any real estate  
31 broker's commissions paid under section 4 of this act, shall be  
32 deposited in the state patrol highway account of the motor vehicle  
33 fund.

34 NEW SECTION. **Sec. 3.** When full payment for real property under  
35 section 2 of this act is received, the chief of the Washington state  
36 patrol shall execute and deliver a duly acknowledged deed to the  
37 grantee.

1        NEW SECTION.    **Sec. 4.**    The state patrol may list any available  
2 properties with any licensed real estate broker at a commission rate  
3 otherwise charged in the geographic area for such services.

4        NEW SECTION.    **Sec. 5.**    (1) Whenever it is necessary to secure any  
5 real property for the purposes of locating department of licensing  
6 facilities, the department is authorized to acquire real property on  
7 behalf of the state by cash, real estate contract, lease, gift, or  
8 exchange in full or part consideration for land or improvements at fair  
9 market value.

10        (2) If real property and improvements purchased with moneys from  
11 the highway safety fund under RCW 46.68.060 are shared by the  
12 department for activities which are unrelated to transportation  
13 purposes or with agencies unrelated to transportation, the department  
14 shall be compensated at fair market value for such usage.

15        NEW SECTION.    **Sec. 6.**    Whenever the department of licensing  
16 determines that any real property owned by the state of Washington and  
17 under its jurisdiction is no longer required for department use, and  
18 that it is in the public interest to do so, the department may, in its  
19 discretion, sell the property or exchange it in full or part  
20 consideration for land or improvements or for construction of  
21 improvements at fair market value to any of the following governmental  
22 entities or persons:

23        (a) Any other state agency;

24        (b) The city or county in which the property is situated;

25        (c) Any other municipal corporation; or

26        (d) To any person through the solicitation of written bids through  
27 public advertising once a week for two consecutive weeks, and preceding  
28 the day set for receiving and opening the bids, in not less than two  
29 newspapers of general circulation in the state. The advertisement  
30 shall state the time, place, and date for receiving and opening the  
31 bids, give a legal description of the property to be sold, and contain  
32 such special provisions or specifications as the department deems  
33 necessary.

34        (2) Sales to purchasers may at the department's option be for cash,  
35 by real estate contract, or exchange in full or part consideration for  
36 land or improvements. Transactions involving the construction of

1 improvements must be conducted under Title 39 RCW and must comply with  
2 all other applicable laws and rules.

3 (3) Conveyances made under this section shall be by deed executed  
4 by the director of the department of licensing and shall be duly  
5 acknowledged.

6 (4)(a) Whenever the department decides to sell real property under  
7 its jurisdiction at public auction, the department shall first give  
8 notice as required under subsection (1) of this section.

9 (b) The department shall sell the property at the public auction,  
10 in accordance with the terms set forth in the notice, to the highest  
11 and best bidder providing the bid is equal to or higher than the  
12 appraised fair market value of the property.

13 (c) If no bids are received at the auction or if all bids are  
14 rejected, the department may, in its discretion, enter into  
15 negotiations for the sale of the property or may list the property with  
16 a licensed real estate broker. No property may be sold by negotiations  
17 or through a broker for less than the property's appraised fair market  
18 value. Any offer to purchase real property under this subsection shall  
19 be in writing and may be rejected at any time prior to written  
20 acceptance by the department.

21 (5) Before the department approves any offer for the purchase of  
22 real property having an appraised value of more than ten thousand  
23 dollars, the department shall first publish a notice of the proposed  
24 sale in a newspaper of general circulation in the area where the  
25 property is located. The notice shall include a description of the  
26 property, the selling price, the terms of the sale, including the price  
27 and interest rate if sold by real estate contract, and the name and  
28 address of the state patrol employee or the real estate broker handling  
29 the transaction. The notice shall further state that any person may,  
30 within ten days after the publication of the notice, deliver to the  
31 designated state employee or real estate broker a written offer to  
32 purchase the property for not less than ten percent more than the  
33 negotiated sale price, subject to the same terms and conditions. A  
34 subsequent offer shall not be considered unless it is accompanied by a  
35 deposit of twenty percent of the offer in the form of cash, money  
36 order, cashiers check, or certified check payable to the Washington  
37 state treasurer, to be forfeited to the state, for deposit in the  
38 highway safety fund if the offer is accepted and the offeror fails to  
39 complete the sale. If a subsequent offer is received, the first

1 offeror shall be informed by registered or certified mail sent to the  
2 address stated in the offer. The first offeror shall then have ten  
3 days, from the date the notice of the increased offer is mailed, in  
4 which to file with the designated state employee or real estate broker  
5 a higher offer than that of the subsequent offeror. After the  
6 expiration of the ten-day period, the department shall approve in  
7 writing the highest and best offer which the department then has on  
8 file.

9 (6) All moneys received under this section, less any real estate  
10 broker's commissions paid under section 8 of this act, shall be  
11 deposited in the highway safety fund.

12 NEW SECTION. **Sec. 7.** When full payment for real property under  
13 section 6 of this act has been received, the director of the department  
14 of licensing shall execute and deliver a duly acknowledged deed to the  
15 grantee.

16 NEW SECTION. **Sec. 8.** The department of licensing may list any  
17 available properties with any licensed real estate broker at a  
18 commission rate otherwise charged in the geographic area for such  
19 services.

20 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act are each  
21 added to chapter 43.43 RCW.

22 NEW SECTION. **Sec. 10.** Sections 5 through 8 of this act are each  
23 added to chapter 46.01 RCW.

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