

HOUSE BILL REPORT

SHB 3085

As Passed Legislature

Title: An act relating to technical corrections to public lands statutes.

Brief Description: Making technical corrections to certain public lands statutes.

Sponsors: By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Blake, Kretz, B. Sullivan, Orcutt, Haler and Ericks).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 1/26/06, 1/31/06 [DPS].

Floor Activity:

Passed House: 2/10/06, 98-0.

Passed Senate: 3/1/06, 45-0.

Passed Legislature.

Brief Summary of Substitute Bill

- Changes the maximum dollar amount allowed for the Department of Natural Resources (DNR) to directly sell valuable materials from \$20,000 to \$25,000, consistent with legislation enacted in 2003.
- Allows valuable materials sales that are appraised at less than \$250,000 to be excluded from the DNR's pamphlet of sales, consistent with legislation enacted in 2003.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Chandler, Dickerson, Eickmeyer, Hunt, Kagi and Orcutt.

Staff: Jeff Olsen (786-7157).

Background:

The Department of Natural Resources (DNR) has authority to sell timber and other valuable resources from state lands. Most sales conducted by the DNR must be done at public auction to the highest bidder. Before valuable materials can be sold, the sale must be properly

advertised so that the maximum number of potential buyers are aware of the pending sale. However, the DNR does have the authority to offer a direct sale without notice or advertising for sales appraised at \$20,000 or less.

For sales other than direct sales, the DNR is required to publish a notice in newspapers no less than twice within the four-week period leading up to a sale. For valuable materials sales over \$100,000, the DNR is required to provide notice by an individual notice of sale and by publishing a statewide list of sales. The list must be published in a pamphlet and arranged alphabetically by county.

In 2003, the Legislature enacted Substitute Senate Bill 5751 (Chapter 381, Laws of 2003), which contains policy changes regarding valuable materials sales. Chapter 381, Laws of 2003, changes the maximum dollar amount for directly sold valuable materials from \$20,000 to \$25,000, and excludes valuable materials sales that are appraised at less than \$250,000 from the requirement for an individual notice of sale and inclusion in the statewide pamphlet of sales.

In 2003, the Legislature also enacted Engrossed House Bill 1252 (Chapter 334, Laws of 2003), consolidating and updating Title 79 RCW, which governs DNR public land statutes, without making substantive policy changes. However, Chapter 334, Laws of 2003, repealed the sections amended in Chapter 381, Laws of 2003, and recodified them into new sections. If during any session of the Legislature two or more acts amend the same section of laws without reference to each other, each act shall be given effect to the extent that the amendments do not conflict in purpose.

Summary of Substitute Bill:

Chapter 381, Laws of 2003, is repealed and policy changes from the act are incorporated into the current statute. Changes include increasing the direct sales cap from \$20,000 to \$25,000 and exempting sales up to \$250,000 in value from the pamphlet publication requirements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Passage of both a recodification bill and a policy bill in 2003 lead to duplicate sections and confusion. Making these corrections will clarify state law and uphold the intent of the Legislature.

Testimony Against: None.

Persons Testifying: Gretchen Nichols, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: Howard Thronson, Department of Natural Resources.