

advertised for two consecutive weeks it may be postponed and the bids opened one week later.

Passed the Senate February 10, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 66

[Engrossed Senate Bill No. 2181]

### SURFACE MINING—PERFORMANCE BOND OR SECURITY

AN ACT Relating to surface mining; and amending section 13, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.120.

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

Section 1. Section 13, chapter 64, Laws of 1970 ex. sess. and RCW 78.44.120 are each amended to read as follows:

Upon receipt of an operating permit an operator other than a public or governmental agency shall not commence surface mining until the operator has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under the provisions of chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to the estimated cost of completing the reclamation plan for the area to be surface mined during the next twelve-month period and any previously surface mined area for which a permit has been issued and on which the reclamation has not been satisfactorily completed and approved. If an operator increases the area to be surface mined during the twelve month period, the department may increase the amount of the bond to compensate for the increase. The department shall have the authority to determine the amount of the bond that shall be required, and for any reason may refuse any bond not deemed adequate. In no case shall the amount of the bond be less than one hundred dollars or more than ~~((one))~~ two thousand five hundred dollars per acre or fraction thereof.

The bond shall be conditioned upon the faithful performance of the requirements set forth in this chapter and of the rules and regulations adopted pursuant thereto.

In lieu of the surety bond required by this section the operator may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

Liability under the bond shall be maintained as long as reclamation is not completed in compliance with the approved reclamation plan unless released prior thereto as hereinafter provided. Liability under the bond may be released only upon written notification from the department. Notification shall be given upon completion of compliance or acceptance by the department of a substitute bond. In no

event shall the liability of the surety exceed the amount of the surety bond required by this section.

A public or governmental agency shall not be required to post a bond under the terms of this chapter.

A blanket performance bond covering two or more surface mining operations may be submitted by an operator in lieu of separate bonds for each separate operation.

Passed the Senate February 28, 1977.

Passed the House March 7, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 67

[Engrossed Senate Bill No. 2024]

### COUNTIES EQUIPMENT RENTAL AND REVOLVING FUND

AN ACT Relating to counties; adding a new chapter to Title 36 RCW; repealing section 17, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.272; repealing section 18, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.274; repealing section 19, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.276; repealing section 20, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.278; repealing section 36.82.220, chapter 4, Laws of 1963 and RCW 36.82.220; and repealing section 1, chapter 25, Laws of 1965 ex. sess. and RCW 36.82.230.

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

**NEW SECTION.** Section 1. Every county shall establish, by resolution, an "equipment rental and revolving fund", hereinafter referred to as "the fund", in the county treasury to be used as a revolving fund for the purchase, maintenance, and repair of county road department equipment; for the purchase of equipment, materials, supplies, and services required in the administration and operation of the fund; and for the purchase or manufacture of materials and supplies needed by the county road department.

**NEW SECTION.** Sec. 2. The legislative body of any county may authorize, by resolution, the use of the fund by any other office or department of the county government or any other governmental agency for similar purposes.

**NEW SECTION.** Sec. 3. With the approval of the county legislative body, the county engineer, or other appointee of the county legislative body, shall administer the fund and shall be responsible for establishing the terms and charges for the sale of any material or supplies which have been purchased, maintained, or manufactured with moneys from the fund. The terms and charges shall be set to cover all costs of purchasing, storing, and distributing the material or supplies, and may be amended as considered necessary.

**NEW SECTION.** Sec. 4. Rates for the rental of equipment owned by the fund shall be set to cover all costs of maintenance and repair, material and supplies consumed in operating or maintaining the equipment, and the future replacement thereof. The rates shall be determined by the county engineer and shall be subject to annual review by the legislative body.

**NEW SECTION.** Sec. 5. The legislative authority of the county may, from time to time, place moneys in the fund from any source lawfully available to it and