

CHAPTER 123

[House Bill No. 237]

PUBLIC LANDS AND STATE FOREST LANDS

AN ACT Relating to public lands and state forest lands; amending section 33, chapter 255, Laws of 1927 as last amended by section 2, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.132; amending section 46, chapter 255, Laws of 1927, as last amended by section 3, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.184; amending section 50, chapter 255, Laws of 1927, as last amended by section 4, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.200; and amending section 7, chapter 154, Laws of 1923, as last amended by section 1, chapter 116, Laws of 1955 and RCW 76.12.120.

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

Section 1. Section 33, chapter 255, Laws of 1927, as last amended by section 2, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.132 are each amended to read as follows:

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, it may be sold as a lump sum sale or as a scale sale: PROVIDED, That upon the request of the purchaser, any lump sum sale over ~~((two))~~ five thousand dollars appraised value shall be on the installment plan. Lump sum sales under ~~((two))~~ five thousand dollars appraised value shall be paid for in cash. A total deposit of not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over ~~((two))~~ five thousand dollars not less than ~~((two))~~ five thousand dollars, shall be made on the day of the sale, as provided in RCW 79.01.204, and the operator shall notify the commissioner before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the commissioner may require additional payment. The amount of such additional payments shall at all times equal or exceed the value of timber cut and other valuable materials processed or removed and said deposit shall be maintained until all valuable materials are removed: AND PROVIDED FURTHER, That said deposit may be applied as the final payment for said materials.

In all cases where timber, fallen timber, stone, gravel, or other valuable material is sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: PROVIDED, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed twenty years: PROVIDED FURTHER, That in all cases where, in the judgment of the

commissioner of public lands, the purchaser is acting in good faith and endeavoring to remove such material, the commissioner may extend the time for the removal thereof for any period not exceeding twenty years from the date of purchase for the stone, sand, fill material or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material, upon payment to the state of a sum to be fixed by the commissioner, based on the estimated loss of income per acre to the state resulting from the granting of the extension but in no event less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale and the maximum extension payment shall be set forth in the contract. The method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The commissioner shall pay into the state treasury all sums received for such extension and the same shall be credited to the fund to which was credited the original purchase price of the material so sold: AND PROVIDED FURTHER, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of ~~((one))~~ five hundred dollars or less ~~((in which the purchaser is the user thereof))~~ may be sold directly to the applicant for cash at full appraised value without notice or advertising.

Sec. 2. Section 46, chapter 255, Laws of 1927, as last amended by section 3, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.184 are each amended to read as follows:

When the department of natural resources shall have decided to sell any public lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract or tracts of university lands, or the timber, fallen timber, stone, gravel or other valuable material thereon it shall be the duty of the department to forthwith fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement published once a week for four weeks next before the time it shall name in said notice, in at least one newspaper published and of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the district headquarters administering such sale and in

the office of the county auditor of such county, which notice shall specify the place and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and in case of material sales the estimated volume thereof, and specify that the terms of sale will be posted in the district headquarters and the department's Olympia office: PROVIDED, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of ((one)) five hundred dollars or less ((in which the purchaser is the user thereof)) may be sold directly to the applicant for cash at the full appraised value without notice or advertising.

Sec. 3. Section 50, chapter 255, Laws of 1927, as last amended by section 4, chapter 14, Laws of 1969 ex. sess. and RCW 79.01.200 are each amended to read as follows:

All sales of land shall be at public auction, and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the terms prescribed by law and as specified in the notice hereinbefore provided, and no land or materials shall be sold for less than its appraised value: PROVIDED, That on public lands granted to the state for educational purposes sealed bids may be accepted for sales of timber or stone only: PROVIDED FURTHER, That when valuable material has been appraised at an amount not exceeding ((two)) five thousand dollars, the commissioner of public lands, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the commissioner may prescribe, after said commissioner shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to property to be sold: AND PROVIDED FURTHER, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of ((one)) five hundred dollars or less ((in which the purchaser is the user thereof)) may be sold directly to the applicant for cash without notice or advertising.

Sec. 4. Section 7, chapter 154, Laws of 1923 as last amended by section 1, chapter 116, Laws of 1955 and RCW 76.12.120 are each amended to read as follows:

All land, acquired or designated by the board as state forest land, shall be forever reserved from sale, but the timber and other products thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state granted land if the board finds such sale or lease to be in the best interests of the state and approves the terms and conditions thereof. ((The board may prescribe the manner in which timber and other products, valued at not more than two thousand dollars in any one

sale, shall be sold. However, if the timber or other products to be sold are reasonably valued at more than twenty-five dollars, then at least ten days' notice of the sale must be given by publication in a newspaper of general circulation located near the property.

The board may approve sales for Christmas trees and may approve leases for a period of ten years or less for the purposes of harvesting Christmas trees, huckleberry brush, salal, sword fern, cascara and other minor forest products.)

All money derived from the sale of timber or other products, or from lease, or from any other source from the land, except where the Constitution of this state or RCW 76.12.030 requires other disposition, shall be disposed of as follows:

(1) Fifty percent shall be placed in the forest development fund.

(2) Fifty percent shall be paid to the county in which the land is located to be paid, distributed, and prorated to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

Passed the House March 12, 1971.

Passed the Senate May 1, 1971.

Approved by the Governor May 18, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 124

[House Bill No. 242]

ELECTION OFFICERS--

INSTRUCTION AS TO VOTING MACHINES OR VOTING DEVICES--

FEES

AN ACT Relating to elections; amending section 29.33.220, chapter 9, Laws of 1965 and RCW 29.33.220; and amending section 29.45.120, chapter 9, Laws of 1965 and RCW 29.45.120.

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

Section 1. Section 29.33.220, chapter 9, Laws of 1965 and RCW 29.33.220 are each amended to read as follows:

Before each election at which voting machines or voting devices are to be used, the custodian shall instruct all inspectors and judges of election who are to serve thereat in the use of the machine or voting device and their duties in connection therewith. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine or voting device a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the