

4.24.200 and 4.24.210 limits or expands in any way the doctrine of attractive nuisance; AND PROVIDED FURTHER, That the usage by members of the public is permissive and does not support any claim of adverse possession.

Passed the House March 7, 1979.
 Passed the Senate March 2, 1979.
 Approved by the Governor March 19, 1979.
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CHAPTER 54

[Senate Bill No. 2159]

PUBLIC LANDS AND MATERIALS—SALES AND EXCHANGES

AN ACT Relating to public lands and materials; amending section 2, chapter 107, Laws of 1975 1st ex. sess. and RCW 79.08.015; amending section 50, chapter 255, Laws of 1927 as last amended by section 1, chapter 45, Laws of 1975 1st ex. sess. and RCW 79.01.200; amending section 51, chapter 255, Laws of 1927 as last amended by section 4, chapter 73, Laws of 1961 and RCW 79.01.204; and declaring an emergency.

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

Section 1. Section 2, chapter 107, Laws of 1975 1st ex. sess. and RCW 79.08.015 are each amended to read as follows:

~~((At least ten days but not more than twenty-five days))~~ Before the department of natural resources presents a proposed exchange to the board of natural resources involving an exchange of any lands under the administrative control of the department of natural resources, the department shall hold a public hearing on the proposal in the county where the state land or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the department shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the board's consideration when reviewing the department's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

Sec. 2. Section 50, chapter 255, Laws of 1927 as last amended by section 1, chapter 45, Laws of 1975 1st 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 (~~heretofore~~) 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 ~~(ten)~~ twenty thousand dollars, the ~~(commissioner of public lands)~~ department of natural resources, 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)~~ department may prescribe, after ~~(said commissioner)~~ the department 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 ~~(five hundred)~~ one thousand dollars or less may be sold directly to the applicant for cash without notice or advertising.

Sec. 3. Section 51, chapter 255, Laws of 1927 as last amended by section 4, chapter 73, Laws of 1961 and RCW 79.01.204 are each amended to read as follows:

~~(Such)~~ Sales by public auction under this chapter shall be conducted under the direction of the ~~(commissioner of public lands)~~ department of natural resources, by ~~(his)~~ its authorized representative or by the county auditor of the county in which the sale is held. The ~~(commissioner's)~~ department's representative and the county auditor are hereinafter referred to as auctioneers. On or before the time specified in the notice of sale each bidder ~~(must)~~ shall deposit with the auctioneer, ~~(either)~~ in cash or by certified check, cashier's check, or ~~(by)~~ postal money order ~~(;)~~ payable to the order of the ~~(commissioner of public lands)~~ department of natural resources, or by bid guarantee in the form of bid bond acceptable to the department, an amount equal to the deposit specified in the notice of sale. The deposit shall include a specified amount of the appraised price for the land or valuable materials offered for sale, together with any fee required by law for the issuance of contracts, deeds, or bills of sale. Said deposit may, when prescribed in notice of sale, be considered an opening bid of an amount not less than the minimum appraised price established in the notice of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due ~~(;)~~ shall on the day of the sale be paid in cash, certified check, cashier's check, draft, postal

money order, or by personal check made payable to the ~~((commissioner))~~ department. If a bid bond is used, the share of the total deposit due guaranteed by the bid bond shall, within ten days of the day of sale, be paid in cash, certified check, cashier's check, draft, or postal money order payable to the department. Other deposits, if any, ~~((will))~~ shall be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser~~(;)~~ a memorandum of his purchase containing a description of the land~~(;)~~ or materials~~(;)~~ purchased, the price bid, and the terms of the sale. The auctioneer shall at once send to the ~~((commissioner such))~~ department the cash ~~((or))~~, certified check, cashier's check, draft ~~((or))~~, postal money order, or bid guarantee received from the purchaser, and a copy of the memorandum delivered to the purchaser, together with such additional report of his proceedings with reference to such sales as may be required by the ~~((commissioner))~~ department.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 5, 1979.

Passed the House March 2, 1979.

Approved by the Governor March 19, 1979.

Filed in Office of Secretary of State March 19, 1979.

CHAPTER 55

[Substitute Senate Bill No. 2376]

LOCAL IMPROVEMENT GUARANTY FUNDS—GENERAL FUND TRANSFERS

AN ACT Relating to local improvement guaranty funds; and adding a new section to chapter 35.54 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.54 RCW a new section to read as follows:

(1) Any city or town maintaining a local improvement guaranty fund under this chapter, upon certification by the city or town treasurer that the local improvement guaranty fund has sufficient funds currently on hand to meet all valid outstanding obligations of the fund and all other obligations of the fund reasonably expected to be incurred in the near future, may by ordinance transfer assets from such fund to its general fund. The net cash of the local improvement guaranty fund may be reduced by such transfer to an amount not less than ten percent of the net outstanding obligations guaranteed by such fund.

(2) If, at any time within five years of any transfer of assets from the local improvement guaranty fund to the general fund of a city or town, the