

the application of the provision to other persons or circumstances is not affected.

Passed the Senate May 10, 1979.

Passed the House May 9, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 189

[Substitute Senate Bill No. 2957]

DEPARTMENT OF TRANSPORTATION—PROPERTY SALES, EXCHANGE AGREEMENTS

AN ACT Relating to transportation; amending section 2, chapter 177, Laws of 1973 1st ex. sess. as amended by section 6, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.290; amending section 3, chapter 257, Laws of 1961 as last amended by section 72, chapter 151, Laws of 1977 ex. sess. and RCW 47.56.254; amending section 6, chapter 257, Laws of 1961 and RCW 47.56.257; amending section 47.60.130, chapter 13, Laws of 1961 as amended by section 5, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.60.130; adding new sections to chapter 47.12 RCW; repealing section 1, chapter 177, Laws of 1973 1st ex. sess., section 1, chapter 37, Laws of 1977 ex. sess. and RCW 47.12.280; repealing section 6, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.310; repealing section 1, chapter 25, Laws of 1961 and RCW 47.56.252; providing an effective date; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows:

(1) Whenever the department of transportation determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for highway purposes and that it is in the public interest to do so, the department may, in its discretion, sell the property under RCW 47.12.063 or under subsections (2) through (6) of this section.

(2) Whenever the department determines to sell real property under its jurisdiction at public auction, the department shall first give notice thereof by publication on the same day of the week for two consecutive weeks, with the first publication at least two weeks prior to the date of the auction, in a legal newspaper of general circulation in the area where the property to be sold is located. The notice shall be placed in both the legal notices section and the real estate classified section of the newspaper. The notice shall contain a description of the property, the time and place of the auction, and the terms of the sale. The sale may be for cash or by real estate contract.

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

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

(5) Before the department shall approve any offer for the purchase of real property having an appraised value of more than ten thousand dollars, pursuant to subsection (4) of this section, the department shall first publish a notice of the proposed sale in a local newspaper of general circulation in the area where the property is located. The notice shall include a description of the property, the selling price, the terms of the sale, including the price and interest rate if sold by real estate contract, and the name and address of the department employee or the real estate broker handling the transaction. The notice shall further state that any person may, within ten days after the publication of the notice, deliver to the designated state employee or real estate broker a written offer to purchase the property for not less than ten percent more than the negotiated sale price, subject to the same terms and conditions. A subsequent offer shall not be considered unless it is accompanied by a deposit of twenty percent of the offer in the form of cash, money order, cashier's check, or certified check payable to the Washington state treasurer, to be forfeited to the state (for deposit in the motor vehicle fund) if the offeror fails to complete the sale if the offeror's offer is accepted. If a subsequent offer is received, the first offeror shall be informed by registered or certified mail sent to the address stated in his offer. The first offeror shall then have ten days, from the date of mailing the notice of the increased offer, in which to file with the designated state employee or real estate broker a higher offer than that of the subsequent offeror. After the expiration of the ten day period, the department shall approve in writing the highest and best offer which the department then has on file.

(6) All moneys received pursuant to this section, less any real estate broker's commissions paid pursuant to RCW 47.12.320, shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 2. There is added to chapter 47.12 RCW a new section to read as follows:

The department of transportation is hereby authorized to enter into an exchange agreement with the owner of real property required for highway purposes to convey to such owner real property, owned by the state and under the department's jurisdiction, as full or part consideration for property to be acquired for highway purposes. Such an exchange agreement may relate back and apply to any exchange of property previously agreed to and partially executed (pursuant to an earlier exchange agreement found to be void for want of a governor's deed as required by prior law), and shall be

subject to such agreed terms and conditions as are authorized by RCW 47.12.063(3) as now existing or hereafter amended. Any conveyance from the state of Washington made pursuant to this section shall be by deed executed by the secretary of transportation, which shall be duly acknowledged.

Sec. 3. Section 2, chapter 177, Laws of 1973 1st ex. sess. as amended by section 6, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.290 are each amended to read as follows:

When full payment for real property agreed to be sold as authorized by ~~((RCW 47.12.280))~~ section 1 of this 1979 act has been received, the ~~((director of highways))~~ secretary of transportation shall execute the deed which shall be duly acknowledged and deliver it to the grantee.

Sec. 4. Section 3, chapter 257, Laws of 1961 as last amended by section 72, chapter 151, Laws of 1977 ex. sess. and RCW 47.56.254 are each amended to read as follows:

If the secretary of transportation determines that any real property (including lands, improvements thereon, and any interests or estates) ~~((held by the department))~~ originally acquired for toll facility purposes is no longer required for purposes of the department, the department shall offer it for sale as authorized by RCW ~~((47.56.252 or 47.12.280))~~ 47.12.063 or section 1 of this 1979 act. The department may adopt rules further implementing this section.

Sec. 5. Section 6, chapter 257, Laws of 1961 and RCW 47.56.257 are each amended to read as follows:

Any moneys received pursuant to the provisions of RCW ~~((47.56.252))~~ 47.56.253 through 47.56.256 shall be deposited into the separate and proper trust fund with the state treasurer established for the respective toll facility.

Sec. 6. Section 47.60.130, chapter 13, Laws of 1961 as amended by section 5, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.60.130 are each amended to read as follows:

Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the ~~((authority))~~ department of transportation may determine, and such ferry system together with any toll bridge hereafter constructed by the ~~((authority))~~ department upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The ~~((authority))~~ department is empowered to rent, lease, or charter any property acquired under this chapter. If the ~~((authority))~~ department determines that any real property (including lands, improvements thereon, and any interests or estates) ~~((held by the authority))~~ originally acquired for the ferry system is no

longer required for the purposes of the ferry system, the ~~((authority))~~ department shall offer it for sale in the manner and with the authority authorized to the ~~((state highway commission))~~ department by RCW ~~((47.12.280))~~ 47.12.063 or section 1 of this 1979 act. The ~~((authority))~~ secretary of transportation may adopt rules further implementing this section ~~((as granted to the highway commission by RCW 47.12.280))~~. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 177, Laws of 1973 1st ex. sess., section 1, chapter 37, Laws of 1977 ex. sess. and RCW 47.12.280;
- (2) Section 6, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12-.310; and
- (3) Section 1, chapter 257, Laws of 1961 and RCW 47.56.252.

NEW SECTION. Sec. 8. This 1979 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 July 1, 1979.

Passed the Senate April 2, 1979.

Passed the House May 9, 1979.

Approved by the Governor May 17, 1979.

Filed in Office of Secretary of State May 17, 1979.

CHAPTER 190

[House Bill No. 650]

UNEMPLOYMENT COMPENSATION PENALTIES

AN ACT Relating to unemployment compensation penalties; amending section 93, chapter 35, Laws of 1945 as last amended by section 9, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.050; amending section 95, chapter 35, Laws of 1945 and RCW 50.24.070; amending section 96, chapter 35, Laws of 1945 and RCW 50.24.080; amending section 97, chapter 35, Laws of 1945 and RCW 50.24.090; amending section 98, chapter 35, Laws of 1945 as amended by section 20, chapter 214, Laws of 1949 and RCW 50.24.100; amending section 99, chapter 35, Laws of 1945 as amended by section 20, chapter 215, Laws of 1947 and RCW 50.24.110; amending section 15, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.24.115; amending section 100, chapter 35, Laws of 1945 as last amended by section 5, chapter 266, Laws of 1959 and RCW 50.24.120; amending section 15, chapter 3, Laws of 1971 and RCW 50.24.125; amending section 101, chapter 35, Laws of 1945 as last amended by section 10, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.24.130; amending section 102, chapter 35, Laws of 1945 and RCW 50.24.140; amending section 103, chapter 35, Laws of 1945 as amended by section 19, chapter 8, Laws of 1953 ex. sess. and RCW 50.24.150; amending section 106, chapter 35, Laws of 1945 and RCW 50.24.180; amending section 7, chapter 286, Laws of 1955 and RCW 50.24.190; amending section 8, chapter 286, Laws of 1955 and RCW 50.24.200; adding a new section to chapter 50.12 RCW; and prescribing penalties.

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