

Sec. 2. Section 77.12.440, chapter 36, Laws of 1955 as amended by section 61, chapter 78, Laws of 1980 and RCW 77.12.440 are each amended to read as follows:

The state assents to the act of congress entitled: "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes," (64 Stat. 430; 16 U.S.C. Sec. 777). The department of game and the department of fisheries shall establish, conduct, and maintain fish restoration and management projects, as defined in the act, and shall comply with the act and related rules adopted by the secretary of the interior.

NEW SECTION. Sec. 3. This act shall take effect on October 1, 1982.

Passed the House March 4, 1982.

Passed the Senate March 1, 1982.

Approved by the Governor March 12, 1982.

Filed in Office of Secretary of State March 12, 1982.

CHAPTER 27

[House Bill No. 131]

PUBLIC LAND, MATERIALS—UNADVERTISED SALE, MINIMUM VALUE REQUIREMENT—PAYMENT METHODS

AN ACT Relating to public lands; amending section 46, chapter 255, Laws of 1927 as last amended by section 2, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.184; amending section 51, chapter 255, Laws of 1927 as last amended by section 3, chapter 54, Laws of 1979 and RCW 79.01.204; and amending section 33, chapter 255, Laws of 1927 as last amended by section 1, chapter 52, Laws of 1975 1st ex. sess. and RCW 79.01.132.

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

Section 1. Section 46, chapter 255, Laws of 1927 as last amended by section 2, chapter 123, Laws of 1971 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)) area 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)) area 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 ((five hundred)) one thousand dollars or less may be sold directly to the applicant for cash at the full appraised value without notice or advertising.

Sec. 2. Section 51, chapter 255, Laws of 1927 as last amended by section 3, chapter 54, Laws of 1979 and RCW 79.01.204 are each amended to read as follows:

Sales by public auction under this chapter shall be conducted under the direction of the department of natural resources, by its authorized representative or by the county auditor of the county in which the sale is held. The 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 shall deposit with the auctioneer, in cash or by certified check, cashier's check, or postal money order payable to the order of the 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 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, 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 department the cash, certified check, cashier's check, draft, 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 department.

Sec. 3. Section 33, chapter 255, Laws of 1927 as last amended by section 1, chapter 52, Laws of 1975 1st 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 five thousand dollars appraised value shall be on the installment plan. Lump sum sales under five thousand dollars appraised value shall be paid for in cash. The initial deposits required in RCW 79.01.204, not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over five thousand dollars not less than five thousand dollars, shall be made on the day of the sale. The purchaser shall notify the department of natural resources before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the department of natural resources may require, in the amount determined by the department, advance payment for the removal, processing, and/or cutting of timber or other valuable materials, or bank letters of credit, payment bonds, or assignments of savings accounts acceptable to the department as adequate security. The amount of such advance payments and/or security shall at all times equal or exceed the value of timber cut and other valuable materials processed or removed until paid for. The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied: PROVIDED HOWEVER, That all or a portion of said initial deposit may be applied as the final payment for said materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

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 department of natural resources, the purchaser is acting in good faith and endeavoring to remove such materials, the department of natural resources 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 department of natural resources, 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 department of natural resources 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 ~~((five-hundred))~~ one thousand dollars or less may be sold directly to the applicant for cash at full appraised value without notice or advertising.

Passed the House March 4, 1982.

Passed the Senate March 1, 1982.

Approved by the Governor March 12, 1982.

Filed in Office of Secretary of State March 12, 1982.

CHAPTER 28

[Substitute House Bill No. 135]

TREES, UNAUTHORIZED DESTRUCTION—OBSOLETE PENALTY, REPEAL

AN ACT Relating to forest protection; and repealing section 11 (part), chapter 184, Laws of 1923 [RRS § 5813-1] and RCW 76.04.397.

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

NEW SECTION. Section 1. Section 11 (part), chapter 184, Laws of 1923 [RRS § 5813-1] and RCW 76.04.397 are each repealed.

Passed the House March 4, 1982.

Passed the Senate March 1, 1982.

Approved by the Governor March 12, 1982.

Filed in Office of Secretary of State March 12, 1982.

CHAPTER 29

[Substitute House Bill No. 751]

JUSTICES OF THE PEACE, PART TIME—SALARIES

AN ACT Relating to salaries of part-time justices of the peace; amending section 11, chapter 299, Laws of 1961 as last amended by section 2, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.020; and amending section 101, chapter 299, Laws of 1961 as last amended by section 9, chapter 255, Laws of 1979 ex. sess. and RCW 3.58.020.

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