

5, chapter 58, Laws of 1955, section 9, chapter 209, Laws of 1981 and RCW 87.03.355;

(11) Section 6, chapter 171, Laws of 1939, section 10, chapter 209, Laws of 1981 and RCW 87.03.360;

(12) Section 30, page 687, Laws of 1889-90, section 17, chapter 165, Laws of 1895, section 1, chapter 101, Laws of 1935, section 1, chapter 256, Laws of 1943, section 1, chapter 131, Laws of 1945, section 11, chapter 209, Laws of 1981 and RCW 87.03.370;

(13) Section 1, chapter 194, Laws of 1933, section 12, chapter 209, Laws of 1981 and RCW 87.03.375;

(14) Section 2, chapter 194, Laws of 1933, section 1, chapter 171, Laws of 1939, section 13, chapter 209, Laws of 1981 and RCW 87.03.380;

(15) Section 3, chapter 194, Laws of 1933, section 14, chapter 209, Laws of 1981 and RCW 87.03.385;

(16) Section 4, chapter 194, Laws of 1933, section 15, chapter 209, Laws of 1981 and RCW 87.03.390;

(17) Section 5, chapter 194, Laws of 1933 and RCW 87.03.395;

(18) Section 6, chapter 194, Laws of 1933 and RCW 87.03.400;

(19) Section 7, chapter 194, Laws of 1933 and RCW 87.03.405;

(20) Section 8, chapter 194, Laws of 1933, section 170, chapter 81, Laws of 1971 and RCW 87.03.410;

(21) Section 9, chapter 194, Laws of 1933 and RCW 87.03.415; and

(22) Section 32, page 688, Laws of 1889-90 and RCW 87.03.425.

NEW SECTION. Sec. 16. Sections 1 through 12 of this act shall constitute a new chapter in Title 87 RCW.

Passed the House March 7, 1988.

Passed the Senate February 26, 1988.

Approved by the Governor March 18, 1988.

Filed in Office of Secretary of State March 18, 1988.

CHAPTER 135

[Substitute House Bill No. 1469]

PROPERTY EXCHANGE BY THE DEPARTMENT OF TRANSPORTATION—LAND OR IMPROVEMENTS

AN ACT Relating to exchange of property by the department of transportation; amending RCW 47.12.063; and repealing RCW 47.12.130.

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

Sec. 1. Section 1, chapter 78, Laws of 1977 ex. sess. as amended by section 125, chapter 3, Laws of 1983 and RCW 47.12.063 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for ((highway)) transportation purposes and that it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or improvements or for construction of improvements at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
- (b) The city or county in which the property is situated;
- (c) Any other municipal corporation;
- (d) The former owner of the property from whom the state acquired title;
- (e) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state; ((and))

(f) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(g) To any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.28.050; or

(h) To any other owner of real property required for transportation purposes.

~~((2))~~ (3) Sales to purchasers may at the department's option be for cash ((or)), by real estate contract, or exchange of land or improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

~~((3) The department may agree with the owner of real property required for highway purposes to convey to such owner real property under the jurisdiction of the department which is no longer required for highway purposes as all or part consideration for the property to be acquired for highway purposes:))~~

(4) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) All moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 2. Section 47.12.130, chapter 13, Laws of 1961, section 4, chapter 96, Laws of 1975 1st ex. sess., section 51, chapter 151, Laws of 1977 ex. sess. and RCW 47.12.130 are each repealed.

Passed the House March 9, 1988.

Passed the Senate March 5, 1988.

Approved by the Governor March 18, 1988.

Filed in Office of Secretary of State March 18, 1988.

CHAPTER 136

[Substitute House Bill No. 1562]

PUBLIC LANDS—VALUABLE MATERIALS—DIRECT SALES

AN ACT Relating to direct sales of valuable materials from public lands; and amending RCW 79.01.200, 79.01.132, and 79.01.184.

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

Sec. 1. Section 50, chapter 255, Laws of 1927 as last amended by section 2, chapter 54, Laws of 1979 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 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 twenty thousand dollars, the 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 department may prescribe, after 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~~) valuable materials of an appraised value of one thousand dollars or less may be sold directly to the applicant for cash without notice or advertising.

Sec. 2. Section 16, chapter 2, Laws of 1983 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