

Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee may for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by a public proclamation at the time and place fixed for sale in the notice of sale or, alternatively, by giving notice of the time and place of the postponed sale in the manner and to the persons specified in RCW 61.24.040(1) (b), (c), (d), and (e) and publishing a copy of such notice once in the newspaper(s) described in RCW 61.24.040(3), more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under RCW 61.24.040(1), if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured.

Passed the Senate February 10, 1989.

Passed the House April 13, 1989.

Approved by the Governor May 12, 1989.

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CHAPTER 362

[Substitute House Bill No. 1569]

FOREST FIRE PROTECTION COSTS—FUNDING

AN ACT Relating to forest protection; amending RCW 76.04.610 and 76.04.630; and adding a new section to chapter 43.88 RCW.

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

Sec. 1. Section 35, chapter 100, Laws of 1986 as amended by section 3, chapter 273, Laws of 1988 and RCW 76.04.610 are each amended to read as follows:

(1) If any owner of forest land within a forest protection zone, or any owner of forest land located where fire protection responsibility has not been

mutually agreed upon as provided in RCW 76.04.165(2), neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection, notwithstanding the provisions of RCW 76.04.630, at a cost to the owner of not to exceed ~~((twenty-one))~~ twenty-two cents an acre per year ~~((on lands west of the summit of the Cascade mountains and seventeen cents an acre per year on lands east of the summit of the Cascade mountains))~~ for assessments levied after December 31, 1989: PROVIDED, That ~~((a))~~ there shall be no assessment on any parcel of privately owned lands of less than two acres ~~((or on any parcel of tax-exempt lands of less than ten acres; (b) for lands not exempt under (a) of this proviso;))~~. Assessors may, at their option, collect the assessment on any tax exempt lands less than ten acres. If the assessor elects not to collect the assessment, the department may bill the landowner directly. The ~~((cost))~~ minimum assessment for any ownership parcel ~~((containing less than thirty acres))~~ subject to the assessment shall ~~((not))~~ be ~~((less than five))~~ ten dollars ~~((and ten cents east of the Cascade mountains and six dollars and thirty cents west of the Cascade mountains; and (c))~~ for assessments levied in collection year 1990 and fourteen dollars for each year thereafter.

(2) An owner of two or more parcels per county, each containing less than ~~((thirty))~~ fifty acres, may obtain a refund of the assessments paid on all such parcels over one by applying therefor within the year the assessment was due to the department, in such form as the department may require. Verification that all assessments and property taxes on the property have been paid shall be provided to the department by the owner. If the total acreage of the parcels exceeds ~~((thirty))~~ fifty acres, the per-acre rate shall apply and the refund shall be computed accordingly. Application for the refund may be made by mail.

~~((2))~~ (3) Beginning January 1, 1991, under the administration and at the discretion of the department up to two hundred thousand dollars per year of this assessment shall be used in support of those rural fire districts assisting the department in fire protection services on forest lands.

(4) For the purpose of this chapter, the ~~((supervisor))~~ department may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Any amounts paid or contracted to be paid by ~~((the supervisor of))~~ the department ~~((of natural resources))~~ for protection of ~~((these))~~ forest lands from any funds at ~~((the supervisor's))~~ its disposal shall be a lien upon the property protected, ~~((and))~~ unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred ~~((, on which date the supervisor of))~~. The department ~~((of natural resources))~~ shall be prepared to make statement thereof, upon request, to any forest owner whose own

protection has not been previously approved (~~(by the supervisor as adequate, shall be reported by the supervisor of)~~) as to its adequacy, the department (~~(of natural resources)~~) shall report the same to the assessor of the county in which the property is situated (~~(who)~~). The assessor shall extend the amounts upon the tax rolls covering the property, (~~(or the county assessor shall)~~) and upon authorization from the (~~(supervisor of the)~~) department (~~(of natural resources)~~) shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records (~~(and)~~). The assessor may then segregate on (~~(his or her)~~) the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

~~((3))~~ (5) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable. Upon the collection of such assessments the county treasurer shall transmit them to the department. Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend any sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

~~((4))~~ (6) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall forthwith remit to the department the amount of the outstanding forest protection assessments.

~~((5))~~ (7) All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from any available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided. Unpaid assessments shall not be a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department and shall be subject to interest charges at the legal rate.

~~((6))~~ (8) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, shall be liable for the costs of suppression incurred by the department or its agent and shall not be entitled to reimbursement of any costs incurred by the public body in the suppression activities.

~~((7) The supervisor of the department of natural resources shall furnish the surety company bond under RCW 43.30.170(6), conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general:~~

(8)) (9) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

Sec. 2. Section 37, chapter 100, Laws of 1986 and RCW 76.04.630 are each amended to read as follows:

There is created a landowner contingency forest fire suppression account which shall be a separate account in the state treasury. ~~((This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires:))~~ Moneys in the account may be spent only as provided in this section. Disbursements from the account shall be on authorization of the commissioner of public lands or the commissioner's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

The department may expend from this account such amounts as may be available and as it considers appropriate for the payment of emergency fire costs resulting from a participating landowner fire. The department may, when moneys are available from the landowner contingency forest fire suppression account, expend moneys for summarily abating, isolating, or reducing an extreme fire hazard under RCW 76.04.660. All moneys recovered as a result of the department's actions, from the owner or person responsible, under RCW 76.04.660 shall be deposited in the landowner contingency forest fire suppression account.

When a determination is made that the fire was started by other than a landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from such general fund appropriations as may be available for emergency fire suppression costs. ~~((Moneys spent from this account shall be by appropriation:))~~ The department shall ~~((transmit to the state treasurer for))~~ deposit in the landowner contingency forest fire suppression account any moneys paid out of the account which are later recovered, less reasonable costs of recovery ~~((, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation)).~~

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating landowners at a rate(s) to be established by the department, but not to exceed ~~((ten))~~ fifteen cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance in the account of ~~((two))~~ three million dollars ~~((PROVIDED, That))~~. The department may establish a minimum assessment for ownership parcels ((containing less than thirty acres)) identified in RCW 76.04.610 as paying the minimum assessment. The maximum assessment for these parcels shall not exceed the fees levied on a thirty-acre parcel. There shall be no assessment on each parcel of privately owned lands of less than two acres ~~((or on each parcel of tax exempt lands of less than ten acres))~~. The assessments ~~((with respect to forest lands in western and eastern Washington))~~ may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made~~((;))~~ and may be collected as directed by the department in the same manner as forest ~~((fire))~~ protection assessments. This account shall be held by the state treasurer, who is authorized to invest so much of the account as is not necessary to meet current needs. Any interest earned on moneys from the account shall be deposited in and remain a part of the account~~((;))~~ and shall be computed as part of ~~((the))~~ same in determining the balance thereof. Interfund loans to and from this account are authorized at the ~~((then))~~ current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.495 or other laws.

When the department determines that a forest fire was started in the course of or as a result of a landowner operation, it shall notify the forest fire advisory board of the determination. The determination shall be final, unless, within ninety days of the notification, the forest fire advisory board or any interested party~~((;))~~ serves a request for a hearing before the department. The hearing shall constitute ~~((a contested case))~~ an adjudicative proceeding under chapter ~~((34.04))~~ 34.05 RCW, the Administrative Procedure Act, and any appeal ~~((therefrom))~~ shall be ~~((to the superior court of Thurston county))~~ in accordance with RCW 34.05.510 through 34.05.598.

NEW SECTION. Sec. 3. A new section is added to chapter 43.88 RCW to read as follows:

Based on schedules submitted by the director of financial management, the state treasurer shall transfer from the general fund—state, or such other funds as the state treasurer deems appropriate, to the Clarke-McNary fund such amounts as are necessary to meet unbudgeted forest fire fighting expenses. All amounts borrowed under the authority of this section

shall be repaid to the appropriate fund, together with interest at a rate determined by the state treasurer to be equivalent to the return on investments of the state treasury during the period the amounts are borrowed.

Passed the House April 20, 1989.

Passed the Senate April 14, 1989.

Approved by the Governor May 12, 1989.

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CHAPTER 363

[House Bill No. 1618]

PUBLIC HOUSING AUTHORITIES—REVISED PROVISIONS

AN ACT Relating to public housing authorities; amending RCW 35.82.020, 35.82.070, 35.82.080, 35.82.090, and 39.04.010; and adding a new section to chapter 35.82 RCW.

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

Sec. 1. Section 35.82.020, chapter 7, Laws of 1965 as last amended by section 1, chapter 225, Laws of 1983 and RCW 35.82.020 are each amended to read as follows:

The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) "Authority" or "Housing authority" shall mean any of the public corporations created by RCW 35.82.030.

(2) "City" shall mean any city, town, or code city. "County" shall mean any county in the state. "The city" shall mean the particular city for which a particular housing authority is created. "The county" shall mean the particular county for which a particular housing authority is created.

(3) "Governing body" shall mean, in the case of a city, the city council or the commission and in the case of a county, the county legislative authority.

(4) "Mayor" shall mean the mayor of the city or the officer thereof charged with the duties customarily imposed on the mayor or executive head of the city.

(5) "Clerk" shall mean the clerk of the city or the clerk of the county legislative authority, as the case may be, or the officer charged with the duties customarily imposed on such clerk.

(6) "Area of operation": (a) in the case of a housing authority of a city, shall include such city and the area within five miles from the territorial boundaries thereof: PROVIDED, That the area of operation of a housing authority of any city shall not include any area which lies within the territorial boundaries of some other city, as herein defined; (b) in the case of a housing authority of a county, shall include all of the county except that