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**SUBSTITUTE SENATE BILL 5312**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Wood, Haugen and Prince; by request of Department of Transportation)

Read first time 02/11/97.

1 AN ACT Relating to sale of materials from department of  
2 transportation lands; and amending RCW 47.12.140.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 47.12.140 and 1981 c 260 s 12 are each amended to read  
5 as follows:

6 ~~((1) Except as otherwise provided in subsection (2) of this~~  
7 ~~section,))~~ Whenever the department ~~((shall have))~~ has acquired any  
8 lands for ~~((highway))~~ transportation purposes, except state granted  
9 lands, upon which are located any structures, timber, or other thing of  
10 value attached to the land~~((, which))~~ that the department ~~((shall))~~  
11 deems it best to sever from the land and sell as personal property, the  
12 same may be ~~((sold))~~ disposed of by one of the following means:

13 (1) The department may sell the personal property at public auction  
14 after due notice ~~((thereof shall have))~~ has been given in accordance  
15 with general ~~((regulations))~~ rules adopted by the secretary. The  
16 department may set minimum prices that will be accepted for any item  
17 offered for sale at public auction as ~~((herein))~~ provided in this  
18 section and may prescribe terms or conditions of sale ~~((and, in the~~  
19 ~~event that any)).~~ If an item ~~((shall be))~~ is offered for sale at

1 ((such)) the auction and ((for which)) no satisfactory bids ((shall  
2 be)) are received or ((for which)) the amount bid ((shall be)) is less  
3 than the minimum set by the department, ((it shall be lawful for)) the  
4 department ((to)) may sell ((such)) the item at private sale for the  
5 best price ((which)) that it deems obtainable, but ((at)) not less than  
6 the highest price bid at the public auction. The proceeds of all sales  
7 under this section ((shall)) must be placed in the motor vehicle fund.

8 (2) The department may issue permits to residents of this state to  
9 remove specified quantities of standing or downed trees and shrubs,  
10 rock, sand, gravel, or soils ((which)) that have no market value in  
11 place and ((which)) that the department desires to be removed from  
12 state-owned lands ((which)) that are under the jurisdiction of the  
13 department. An applicant for ((such)) a permit must certify that the  
14 materials so removed are to be used by ((himself)) the applicant and  
15 that they will not be disposed of to any other person. Removal of  
16 materials ((pursuant to)) under the permit ((shall)) must be in  
17 accordance with ((such regulations as)) rules adopted by the department  
18 ((shall prescribe)). The fee for a permit ((shall be)) is two dollars  
19 and fifty cents, which ((shall)) fee must be deposited in the motor  
20 vehicle fund. The department may adopt ((regulations)) rules providing  
21 for special access to limited access facilities for the purpose of  
22 removal of materials ((pursuant to)) under permits authorized in this  
23 section.

24 (3) The department may sell timber or logs to an abutting landowner  
25 for cash at full appraised value, but only after each other abutting  
26 owner (if any), as shown in the records of the county assessor, is  
27 notified in writing of the proposed sale. If more than one abutting  
28 owner requests in writing the right to purchase the timber within  
29 fifteen days after receiving notice of the proposed sale, the timber  
30 must be sold in accordance with subsection (1) of this section.

31 (4) The department may sell timber or logs having an appraised  
32 value of one thousand dollars or less directly to interested parties  
33 for cash at full appraised value without notice or advertising. In the  
34 instance where the timber is attached to state-owned land, the  
35 department is required to issue a permit to those parties interested in  
36 purchasing the timber to allow for the removal of the materials from  
37 state land. The permit fee is two dollars and fifty cents.

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