

may be accepted for sales of timber or stone only: PROVIDED FURTHER, That when valuable material has been appraised at an amount not exceeding ~~((five))~~ ten thousand dollars, the commissioner of public lands, 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 commissioner may prescribe, after said commissioner 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 of an appraised value of five hundred dollars or less may be sold directly to the applicant for cash without notice or advertising.

NEW SECTION. Sec. 2. This 1975 amendatory 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 immediately.

Passed the House March 28, 1975.

Passed the Senate May 6, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 46

[Senate Bill No. 2024]

HIGHWAYS—FRANCHISE GRANTS AND RENEWALS—PROCEDURE

AN ACT Relating to public highways; amending section 47.44.010, chapter 13, Laws of 1961 as last amended by section 7, chapter 108, Laws of 1967 and RCW 47.44.010; and amending section 47.44.020, chapter 13, Laws of 1961 and RCW 47.44.020.

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

Section 1. Section 47.44.010, chapter 13, Laws of 1961 as last amended by section 7, chapter 108, Laws of 1967 and RCW 47.44.010 are each amended to read as follows:

The highway commission or such persons as it may designate shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the highway commission, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such ~~((application a time and place for hearing the same shall be fixed and))~~ applications, a notice ~~((thereof))~~ of the filing shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed ~~((notices in three public places))~~ notice in a public place at the

county seat of such county or counties (~~for at least twenty days before the day fixed for such hearing~~;) and by publishing a like notice in (~~three successive weekly~~) two successive issues of a newspaper having a general circulation in such county or counties(~~the last publication to be at least five days before the day fixed for the hearing~~); which notice shall state the name or names of the applicant or applicants, and a description of the state highway or part thereof over which the franchise is applied for(~~and the time and place of such hearing~~). It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published upon receipt and to file proof of such posting and publication with the highway commission.

Sufficient copies of the notice required by this section shall be sent directly to the county auditor of the respective counties (~~at least forty-five days prior to the date fixed for the hearing~~).

Sec. 2. Section 47.44.020, chapter 13, Laws of 1961 and RCW 47.44.020 are each amended to read as follows:

~~(The hearing shall be conducted by the highway commission or such person as it may designate, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.~~

~~After the hearing,)~~ When fourteen days have elapsed after the notice has been posted and published as required in RCW 47.44.010 as now or hereafter amended and if the highway commission or such persons as it may designate deems it to be for the public interest, ((it may grant)) the franchise may be granted in whole or in part, with or without hearing under such regulations and conditions as ((it)) the commission may prescribe, with or without compensation, but not in excess of the reasonable cost ((to the commission)) for investigating, handling and granting the franchise. The commission or such persons as it may designate may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

If a hearing is held, it shall be conducted by the commission or such persons as it may designate, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise shall be by application and notice posted and published, and a hearing may or may not be conducted in the same manner as an original application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable

condition for travel. No franchise shall be granted for a longer period than fifty years, and no exclusive franchise or privilege shall be granted.

Passed the Senate March 14, 1975.

Passed the House May 8, 1975.

Approved by the Governor May 15, 1975.

Filed in Office of Secretary of State May 15, 1975.

CHAPTER 47

[Engrossed Senate Bill No. 2218]

PORT DISTRICTS—WORK AND MATERIALS PROCUREMENT BIDS—SMALL WORKS ROSTER

AN ACT Relating to port district contracts for labor and material; and amending section 2, chapter 348, Laws of 1955 and RCW 53.08.120.

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

Section 1. Section 2, chapter 348, Laws of 1955 and RCW 53.08.120 are each amended to read as follows:

All material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such contracts for work, the estimated cost of which exceeds thirty thousand dollars, shall be let at public bidding upon notice published in a newspaper in the district at least ten days before the letting, calling for sealed bids upon the work, plans and specifications for which shall then be on file in the office of the commission for public inspection. The same notice may call for bids on such work or material based upon plans and specifications submitted by the bidder.

Each port district shall maintain a small works roster which shall be comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in the state of Washington.

Whenever work is done by contract, the estimated cost of which is thirty thousand dollars or less, the managing official of the port district shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

When awarding such a contract for work, the estimated cost of which is thirty thousand dollars or less, the managing official shall give weight to the contractor submitting the lowest and best proposal, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster.

Passed the Senate April 16, 1975.

Passed the House May 8, 1975.

Approved by the Governor May 15, 1975.

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