

seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the hearing officer or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds shall be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs;

(3) request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) forward it to the Bureau for disposition.

((f)) (g) Controlled substances listed in Schedule I, II, III, IV and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

((g)) (h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

((h)) (i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

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CHAPTER 78

[Engrossed Senate Bill No. 2365]

HIGHWAYS—ACQUISITION, OWNERSHIP, DISPOSITION, OF PROPERTY

AN ACT Relating to highways; amending section 36.75.090, chapter 4, Laws of 1963 and RCW 36.75.090; amending section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.24.020, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1967 and RCW 47.24.020; amending section 47.52.090, chapter 13, Laws of 1961 as amended by section 11, chapter 108, Laws of 1967 and RCW 47.52.090; adding new sections to chapter 47.12 RCW; adding a new section to chapter 47.52 RCW; repealing section 47.12.060, chapter 13, Laws of 1961, section 1, chapter 96, Laws of 1975

1st ex. sess. and RCW 47.12.060; and repealing section 47.12.070, chapter 13, Laws of 1961, section 2, chapter 91, Laws of 1969, section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070.

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

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows:

(1) Whenever the department of highways determines that any real property owned by the state of Washington and under the jurisdiction of the highway commission is no longer required for highway purposes and that it is in the public interest to do so, the department may sell the property 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 of highways 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 47.12.280.

(2) Sales to purchasers may at the department's option be for cash or by real estate contract.

(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 highway commission 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 director of highways 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. There is added to chapter 47.12 RCW a new section to read as follows:

(1) The department of highways may sell at fair market value, or lease at rental value (economic rent), materials or other personal property to any United States agency or to any municipal corporation, political subdivision, or another agency of the state and may provide services to any United States agency or to any municipal corporation, political subdivision, or another agency of the state at actual cost, including a reasonable amount for indirect costs.

(2) The department may sell at fair market value materials or other personal property to any private utility company regulated by the utilities and transportation commission for the purpose of making emergency repairs to utility facilities or to

protect such facilities from imminent damage upon a finding in writing by the director of highways that an emergency exists.

(3) The proceeds of all sales and leases under this section shall be placed in the motor vehicle fund.

NEW SECTION. Sec. 3. There is added to chapter 47.52 RCW a new section to read as follows:

(1) Whenever the highway commission adopts a plan for a limited access highway to be constructed within the corporate limits of a city or town which incorporates existing city or town streets, title to such streets shall remain in the city or town and the provisions of RCW 47.24.020 as now or hereafter amended shall continue to apply to such streets until such time that the highway is operated as either a partially or fully controlled access highway. Title to and full control over that portion of the city or town street incorporated into the limited access highway shall be vested in the state upon a declaration by the highway commission that such highway is operational as a limited access facility, but in no event prior to the acquisition of right of way for such highway including access rights, and not later than the final completion of construction of such highway.

(2) Upon the completion of construction of a state limited access highway within a city or town, the highway commission may relinquish to the city or town streets constructed or improved as a functional part of the limited access highway, slope easements, landscaping areas, and other related improvements to be maintained and operated by the city or town in accordance with the limited access plan. Title to such property relinquished to a city or town shall be conveyed by a deed executed by the director of highways and duly acknowledged. Relinquishment of such property to the city or town may be expressly conditioned upon the maintenance of access control acquired by the state and the continued operation of such property as a functional part of the limited access highway.

Sec. 4. Section 36.75.090, chapter 4, Laws of 1963 and RCW 36.75.090 are each amended to read as follows:

All public highways in this state which have been a part of the route of a state highway and have been or may hereafter be no longer necessary as such, if situated outside of the limits of incorporated cities or towns, shall, upon certification thereof by the state highway commission to the board of the county in which any portion of such highway is located, be and become a county road of such county, and if situated within the corporate limits of any city or town shall upon certification thereof by the state highway commission to the mayor of the city or town in which any portion of such highway is located be and become a street of such city or town (~~and upon such certification the state highway commission may certify to the governor the abandonment of such highways, giving a description thereof and the governor may execute and the secretary of state shall attest and deliver to the county or city as the case may be a deed of conveyance on behalf of the state to such abandoned highways or portions thereof~~) Upon such certification the director of highways shall execute a deed, which shall be duly acknowledged, conveying such abandoned highway or portion thereof to the county or city as the case may be.

Sec. 5. Section 47.12.080, chapter 13, Laws of 1961 as amended by section 3, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.080 are each amended to read as follows:

~~((Whenever in the construction, reconstruction, location or improvement of any state highway it may become necessary to))~~ The highway commission may transfer and convey to the United States, its agencies or instrumentalities, to any other state agency, to any ((municipal subdivision)) county or city or port district of this state, or to any public utility company, any unused state ((highway right of way or)) owned real property((, and)) under the jurisdiction of the highway commission, when in the judgment of the highway commission and the attorney general, such transfer and conveyance is consistent with public interest((, the highway commission may enter into agreements accordingly)). Whenever the highway commission shall make ~~((any such))~~ an agreement for any such transfer or conveyance, and ~~((together with the attorney general;))~~ certifies to the director of highways that such agreement has been made setting forth in such certification a description of the lands or premises involved, the director of highways shall execute and deliver unto the ~~((United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company;))~~ grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

Sec. 6. Section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, whenever the state highway department shall have acquired any lands, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, which the state highway commission shall deem it best to sever from the land and sell as personal property, the same may be sold by the department of highways at public auction after due notice thereof shall have been given in accordance with general regulations prescribed by the state highway commission. The state highway commission may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the commission, it shall be lawful for the commission to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

(2) The department of highways may issue permits to residents of this state to remove specified quantities of standing or downed trees and shrubs, rock, sand, gravel, or soils which have no market value in place and which the department desires to be removed from state owned lands which are under the jurisdiction of the highway commission. An applicant for such a permit must certify that the materials so removed are to be used by himself and that they will not be disposed of to any other person. Removal of materials pursuant to permit shall be in accordance

with such regulations as the department shall prescribe. The fee for a permit shall be two dollars and fifty cents which shall be deposited in the motor vehicle fund. The highway commission may adopt regulations providing for special access to limited access facilities for the purpose of removal of materials pursuant to permits authorized in this section.

Sec. 7. Section 47.24.020, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1967 and RCW 47.24.020 are each amended to read as follows:

The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the state highway commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes: PROVIDED, That within incorporated cities and towns the title to a state limited access (~~facility, after purchase and construction by the state alone,~~) highway shall vest in the state, and, notwithstanding any other provision of this section, the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility as provided in chapter 47.52 RCW, as amended;

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway: PROVIDED, That in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: PROVIDED FURTHER, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary

in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway commission and the governing body of the city or town;

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: **PROVIDED**, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto shall be subject to the approval of the state highway commission before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the state highway commission heretofore or within one year after March 21, 1963;

(12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

(13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board: **PROVIDED**, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the state census board shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all such rights of way ~~((so acquired shall vest in the city or town. PROVIDED, That))~~ acquired by a city or town shall immediately vest in the city or town. Title to all rights of way acquired by the state shall remain in the state until actually used for construction or other street purpose. Upon completion of such construction, the rights of way actually used for street purposes shall be conveyed to the city or town by deed executed by the director of highways and duly acknowledged. No vacation, sale, or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation, or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town shall fail to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the state highway commission for the maintenance of a city or town street forming part of the route of a state highway, the state highway commission may notify the mayor of such town to perform such necessary maintenance within thirty days. If the city or town within such thirty days shall fail to perform such maintenance or fail to authorize the state highway commission to perform such maintenance as provided by RCW 47.24.050, the state highway commission may perform such maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to such city or town.

Sec. 8. Section 47.52.090, chapter 13, Laws of 1961 as amended by section 11, chapter 108, Laws of 1967 and RCW 47.52.090 are each amended to read as follows:

The highway authorities of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of such facility by street cars, trains or other vehicles forming a part of an urban public transportation system and for the erection, construction and maintenance thereon of structures and facilities of such a system including facilities for the receipt and discharge of passengers: PROVIDED, That within incorporated cities and towns the title to ~~((such))~~ every state limited access ((facility, after purchase and construction by the state alone,)) highway shall vest in the state, and, notwithstanding any other provision of this section, the Washington state highway commission shall exercise full jurisdiction, responsibility, and control to, and over, such ((facilities)) highway from the time it is declared to be operational as a limited access facility by the state highway commission: PROVIDED, FURTHER, That:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.61.430 and all regulations adopted shall be subject to

approval of the state highway commission before becoming effective. Nothing herein shall preclude the state patrol, any county, or city or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city or town or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and shall have the right to construct such additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as such facilities do not interfere with the use of the right of way for limited access highway purposes, and the city or town shall have the right to maintain any municipal utility and the right to open the surface of such highway, and the construction, maintenance until permanent repair is made, and permanent repair of such facilities shall be done in a time and manner authorized by permit to be issued by the state highway commission or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of such relocation shall be paid by the state.

(3) Cities and towns shall have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as such franchises are not inconsistent with the use of the right of way for limited access facility purposes: PROVIDED, That such franchises are not in conflict with state laws: PROVIDED FURTHER, That the state highway commission shall be authorized to enforce, in an action brought in the name of the state, any condition of any franchise which a city or town shall have granted: AND PROVIDED FURTHER, That no franchise for transportation of passengers in motor vehicles shall be granted on such highways without the approval of the state highway commission, except cities and towns shall not be required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not to exceed eight miles outside of such corporate limits for public transportation on such facilities, but such vehicles may not stop on the limited access portion of such facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping and acceleration space is provided for such vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by permit to be issued by the state highway commission, or its authorized representative.

(4) The state highway commission shall have the right to utilize all storm sewers which are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with

the governing policy entered into between the state highway commission and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the Washington state highway commission and the association of Washington cities.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 47.12.060, chapter 13, Laws of 1961, section 1, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.060; and

(2) Section 47.12.070, chapter 13, Laws of 1961, section 2, chapter 91, Laws of 1969, section 2, chapter 96, Laws of 1975 1st ex. sess. and RCW 47.12.070.

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CHAPTER 79

[Engrossed Senate Bill No. 2443]

BOARD OF ELECTRICAL EXAMINERS—DUTIES

AN ACT Relating to electrical inspections; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 62, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.123.

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

Section 1. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 62, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.123 are each amended to read as follows:

There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor. It shall be the purpose and function of this board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full time or part time employment basis. Meetings of the board shall be held quarterly on the first Monday of February, May, August and November of each year. Each member of the board shall be paid twenty-five dollars for each day or portion thereof that the board is in session and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, which