

CHAPTER 193

[House Bill No. 1319]

AIRCRAFT NOISE ABATEMENT

AN ACT Relating to aircraft noise abatement; and amending section 2, chapter 121, Laws of 1974 ex. sess. as amended by section 1, chapter 85, Laws of 1979 and RCW 53.54.020.

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

Sec. 1. Section 2, chapter 121, Laws of 1974 ex. sess. as amended by section 1, chapter 85, Laws of 1979 and RCW 53.54.020 are each amended to read as follows:

Prior to initiating programs as authorized in this chapter, the port commission shall undertake the investigation and monitoring of aircraft noise impact to determine the nature and extent of the impact. The port commission shall adopt a program of noise impact abatement based upon the investigations and as amended periodically to conform to needs demonstrated by the monitoring programs: PROVIDED, That in no case may the port district undertake any of the programs of this chapter in an area which is more than six miles beyond the paved end of any runway or more than ~~((thirty-three hundred feet))~~ one mile from the centerline of any runway or from an imaginary runway centerline extending six miles from the paved end of such runway. Such areas as determined above, shall be known as "impacted areas".

~~((A port district may not undertake any of the programs of this chapter with respect to the owner of any property, or any successor thereto, who has previously been relocated under this chapter.))~~

Passed the House February 3, 1984.

Passed the Senate March 4, 1984.

Approved by the Governor March 15, 1984.

Filed in Office of Secretary of State March 15, 1984.

CHAPTER 194

[Substitute Senate Bill No. 4343]

STATE HIGHWAY WORK—STATE FORCES—COST LIMIT INCREASED

AN ACT Relating to state highway work; amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 15, chapter 120, Laws of 1983 and RCW 47.28.030; and adding a new section to chapter 47.28 RCW.

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

Sec. 1. Section 47.28.030, chapter 13, Laws of 1961 as last amended by section 15, chapter 120, Laws of 1983 and RCW 47.28.030 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right of way purposes may be repaired or renovated pending the use of such right of way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof is less than ~~((fifteen))~~ thirty thousand dollars: PROVIDED, That when delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than ~~((twenty-five))~~ fifty thousand dollars. When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses, and minority, and women contractors to effectively compete for highway department contracts, the department may adopt rules ~~((and regulations))~~ providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed fifty thousand dollars. The rules ~~((and regulations))~~ adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but ~~((in the event such))~~ if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics, and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

NEW SECTION, Sec. 2. There is added to chapter 47.28 RCW a new section to read as follows:

The cost of any project for the purposes of RCW 47.28.030 shall be the aggregate of all amounts to be paid for labor, material, and equipment on one continuous or interrelated project where work is to be performed simultaneously. The department shall not permit the construction of any

project by state forces by dividing a project into units of work or classes of work to give the appearance of compliance with RCW 47.28.030.

Passed the Senate March 2, 1984.

Passed the House February 25, 1984.

Approved by the Governor March 15, 1984.

Filed in Office of Secretary of State March 15, 1984.

CHAPTER 195

[Senate Bill No. 4401]

PORT DISTRICT REAL PROPERTY—SALE PROCEDURE

AN ACT Relating to port district property; amending section 14, chapter 73, Laws of 1955 and RCW 53.25.140; and amending section 15, chapter 73, Laws of 1955 and RCW 53.25.150.

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

Sec. 1. Section 14, chapter 73, Laws of 1955 and RCW 53.25.140 are each amended to read as follows:

If the determination is against the sale, all proceedings thereon shall terminate. If the commission determines in favor of the sale by at least a two-thirds vote of the full commission, it shall in its discretion, either enter an order fixing a period, not less than twenty nor more than thirty days from the date of the order, during which bids will be received for the property or any part thereof, and give notice thereof in the same manner as for the hearing on the proposal to sell or negotiate the sale with an appropriate purchaser, provided that in any such negotiated sale the purchase price must not be less than the fair market value of the property which shall be determined by an average of at least two independent appraisals performed by licensed real estate brokers or professionally designated real estate appraisers as defined in RCW 74.46.020. Whether the property is sold by competitive bidding or negotiation, other real property conveyed by the purchaser to the commission may constitute all or a portion of the consideration for the sale.

Sec. 2. Section 15, chapter 73, Laws of 1955 and RCW 53.25.150 are each amended to read as follows:

If the commission chooses to sell the property through competitive bidding under RCW 53.25.140:

(1) Bids may be submitted for the property or any part of it, ~~((and))~~ shall state the use which the bidder intends to make of it~~((:))~~, and the commission may require the successful bidder to file additional information as to the intended use, and may require of him security as assurance that the property will be used for that purpose~~((:))~~;

(2) All sales shall be made to the best bidder, and in determining the best bid, the commission may also consider the nature of the proposed use