

Any sale of revenue bonds or warrants of port districts heretofore made, whether at public or private sale and whether at par or less than par as authorized herein, and any terms, conditions, and covenants of any revenue bonds or warrants of port districts heretofore issued, are hereby declared to be valid, legal, and binding in all respects: *Provided, however,* That this section shall not be construed to exonerate any officer or agent of any such district from any liability for any acts which were committed fraudulently or in bad faith.

Prior sales
validated.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety and for the immediate support of the state government and its existing institutions and political subdivisions, and shall take effect immediately.

Emergency.

Passed the House March 10, 1959.

Passed the Senate March 9, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 184.

[H. B. 611.]

LIMITED ACCESS HIGHWAYS—PARKING FACILITIES.

AN ACT relating to limited access highways and freeways; authorizing the lease of air space over and under limited access highways and freeways for private motor vehicle parking areas and development of parking facilities; and adding a new chapter to Title 47 RCW.

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

SECTION 1. There is added to Title 47 RCW a new chapter to read as set forth in sections 2 through 13 of this act.

New chapter.

SEC. 2. The state highway commission may rent or lease to any person, partnership, association, corporation or municipal corporation desiring the use

Lease of air-
space for
parking
facilities
authorized.

of any part thereof, including the right of way adjoining the paved portion, the air space over, under, or above any part of a limited access highway or freeway, and the space over or under any ramp or interchange, for constructing thereon, thereunder, and in said air space parking lots or other parking facilities for the use of motor vehicles, so long as the use by the lessee in no manner interferes with the freeway.

Lease period—
Ownership re-
verts to state.

SEC. 3. Any lease entered into under authority granted by this chapter shall be for a period not to exceed fifty years, and may be for such lesser period as the state highway commission shall determine. All improvements placed within the air space over or above or under the freeway or any ramp or interchange thereof by the lessors shall, upon expiration of the lease, revert to and become the property of the state to the same extent that the freeway and its appurtenances are state property.

Required
covenant in
lease.

SEC. 4. Any lease entered into must include in its provisions requirements that the use of and improvements made or constructed in the leased air space be primarily for the good of the public and for no purpose other than the construction and operation of parking lots or facilities as set forth in section 2 of this chapter.

Lease to mu-
nicipal
corporation.

SEC. 5. The state highway commission may lease any available air space over, under or above any part of a limited access highway or freeway, within the limits of a municipal corporation, to such municipal corporation, for the purpose of constructing and operating parking facilities, upon such terms and conditions as the commission and proper authorities of such municipal corporation deem reasonable and fair, without the necessity for advertisement or order of court and without the necessity of first calling for bids from private persons or firms.

The provisions of sections 6 through 12 shall not apply to any such lease to a municipal corporation. The lease may authorize the municipal corporation to sublease such space to any person, partnership, association or corporation desiring to construct and operate parking facilities providing such sublease is made in the manner provided in sections 6 through 12. Any city renting or leasing the lands or interests in lands described in section 2 hereof may develop, construct or improve parking facilities thereon: *Provided, however,* That no city with a population of more than one hundred thousand shall operate any such parking space and/or facilities until after it has called for sealed bids from responsible, private bidders for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation and shall specify a minimum rental upon which such a lease will be made by the city. The minimum rental may be on a weekly or monthly flat fee basis or may be based upon a weekly or monthly percentage of gross income, but it shall in any event be sufficient to cover all of the city's cost in acquiring and/or constructing or improving the facility to be leased, including interest charges and debt retirement. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this act shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall be-

Sublease
authorized.

Cities over
one hundred
thousand
population,
bids for
private
operation.

come the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received meet the minimum rental specified, the legislative body of the city may reject all bids, in the latter case, and in both situations may readvertise the facility for lease or may operate the facility itself. If the city elects to operate the parking facility itself, it shall at least once in every three years again readvertise for bids in the same manner as provided above.

Call for
bids.

SEC. 6. Whenever the state highway commission determines that air space is available for lease to any person, partnership, association or corporation it shall publish a call for bids thereon at least once each week for two consecutive weeks, the first publication to be not less than forty-five days preceding the day set for receiving and opening the bids. Said publication shall be made in at least one newspaper of general circulation in the county wherein the air space to be leased is located, and shall state the time, place, and date for receiving and opening the bids, give the location of the air space to be leased, the term of the lease which may be granted and contain such other information as the highway commission may deem of value or assistance to prospective bidders.

Type of bids—
Deposit.

SEC. 7. Each person, firm, corporation, or other association bidding for the lease of air space shall enclose with written bids a comprehensive analysis of plans for the improvement of the air space by the development of motor vehicle parking facilities, and shall set forth the amount of the bid in a manner which will clearly indicate to the commission the total rental to be received by the state over the full term of the lease. All bids shall be under sealed cover and accompanied by deposit in cash, certified

check, cashier's check, or surety bond, in an amount not less than the rental for one year as computed from the average annual rental for the full term of the lease, and no bid shall be considered unless the deposit is enclosed therewith.

SEC. 8. At the time and place named in the call for bids the state highway commission shall publicly open all bids and read the total of all rentals to be paid for the full term of the lease, as shown on each bid properly filed. Within thirty days after the opening of bids the commission shall notify all bidders by mail of the date and place, not less than seven nor more than fourteen days after mailing of the notice, when the lease will be awarded. Prior to said notification and award, the commission shall give full consideration to the improvements proposed to be made by each bidder and the value thereof upon reversion to the state, and said value shall be considered with the rentals to be paid in determining the successful bid.

Reading of bids—Notice of award.

SEC. 9. If in the opinion of the commission the acceptance of the bid of the best responsible bidder or bidders, or on prior failure thereof, the acceptance of a bid of any of the remaining best responsible bidder or bidders, will not be for the best interest of the state, it may reject all bids or all remaining bids and republish call for bids in the same manner as for an original publication thereof.

Bids may be rejected—Call republished.

SEC. 10. If the successful bidder fails to enter into the lease and furnish bond satisfactory to the commission within thirty days from the award, exclusive of the day of award, his deposit shall be forfeited to the state and the commission may award the lease to the second best bidder. If the second best bidder fails to enter into the lease and furnish bond within thirty days after the award to him, forfeiture of his deposit shall also be made and the

Forfeiture of deposit upon delay—Time extension authorized.

lease may be awarded to the third best bidder, and in like manner until the lease and bond are executed by a responsible bidder to whom the award is made, or further bid proposals are rejected, or the number of bid proposals exhausted: *Provided*, That if the lease is not executed and bond furnished within the time required, and there appear circumstances which are deemed by the commission to warrant an extension of time, the commission may extend the time for execution of the lease or furnishing bond for not to exceed thirty additional days. After awarding the lease the deposits of unsuccessful bidders shall be returned: *Provided*, That the commission may retain the deposits of the next best responsible bidder or bidders as he desires until such time as the lease is entered into and satisfactory bond provided by the bidder to whom award was ultimately made.

Bond upon
award of
lease.

SEC. 11. The bond required to be furnished by a successful bidder, upon the awarding of the lease, shall be conditioned upon the full performance of the lease for the full term thereof, including completion of all improvements proposed to be constructed by the lessee in the bid submitted, and conditioned further upon the lessee's operation of the leased air space without obstruction or hindrance to the freeway or highway facilities appurtenant thereto.

Bond sureties
to qualify.

SEC. 12. The commission may at any time require any or all sureties on a lessee's bond to appear and qualify themselves. If it deems that the surety or sureties on such bond have become insufficient it may demand in writing that the lessee furnish additional sureties or a further bond, in an amount the commission deems necessary, but not in excess of that originally required at the time of making the award.

SEC. 13. The state highway commission may adopt such rules as are reasonably necessary to implement the purpose of this chapter, and may require covenants and conditions in any lease executed under the authority of this chapter as are deemed necessary to protect the freeway and appurtenant highway facilities and to the fulfillment of the lease by the lessee or lessees. Whenever any air space over, under or above any part of a limited access highway or a freeway is leased to a private person or firm or such space is leased to a municipal corporation authorizing a sublease of such space to a private person or firm, the state highway commission shall reserve to itself or to the municipal corporation subleasing such space, continuing control of parking rates to be charged the public by the lessee or sublessee: *Provided, however,* That nothing herein contained shall prohibit the state highway commission or a municipal corporation, when leasing or subleasing such air space to a private person or firm, from covenanting to permit any private lessee or sublessee to charge rates for parking during the term of the lease or sublease, adequate to pay costs of operation and maintenance, the cost of construction of parking facilities over a reasonable period of time and to return a fair profit to such private lessee or sublessee.

Implementing
rules
authorized.

Control of
parking rates
reserved.

SEC. 14. All money received under this chapter, whether proceeds from a lease, forfeiture of bid deposits, or otherwise, shall be delivered to the state treasurer for deposit in the motor vehicle fund.

Disposition
of moneys
received.

SEC. 15. The provisions of this chapter are intended to supersede any laws of the state inconsistent herewith, and to effect repeal thereof where they have application only to situations as herein set forth and to no other business or affairs of the state, and if any provisions of this chapter, or its application to any person or circumstance is held invalid,

Construction
—Severability.

the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

Passed the House March 7, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 18, 1959.

CHAPTER 185.

[H. B. 122.]

BANKS, TRUST COMPANIES—INVESTMENTS.

AN ACT relating to banks and trust companies and mutual savings banks; adding a new section to chapter 33, Laws of 1955 and to chapter 30.04 RCW; and adding a new section to chapter 13, Laws of 1955 and to chapter 32.20 RCW.

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

New section. SECTION 1. There is added to chapter 33, Laws of 1955 and to chapter 30.04 RCW a new section to read as follows:

Purchase of stock authorized. Any bank, or trust company, or bank under the supervision of the supervisor may purchase and hold for its own investment account stock in small business investment companies licensed and regulated by the United States, as authorized by the Small Business Act, Public Law 85-536, 72 Statutes at Large 384, in an amount not to exceed one percent of its paid-in capital and surplus.

New section. SEC. 2. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

Purchase of stock authorized. A savings bank may purchase and hold for its own investment account stock in small business investment companies licensed and regulated by the United States, as authorized by the Small Business Act, Public Law 85-536, 72 Statutes at Large 384, in