

in pari materia with the 1969 education code as provided herein.

Passed the House April 16, 1969
Passed the Senate April 9, 1969
Approved by the Governor April 24, 1969
Filed in office of Secretary of State April 24, 1969

CHAPTER 151
[Engrossed House Bill No. 334]
LIENS FOR LABOR, MATERIAL
AND TAXES ON PUBLIC WORKS

AN ACT Relating to liens for labor, material and taxes on public works;
and amending section 1, chapter 166, Laws of 1921 as last amended
by section 1, chapter 238, Laws of 1963 and RCW 60.28.010; and
amending section 1, chapter 91, Laws of 1957 as amended by section
26, chapter 26, Laws of 1967 1st ex. sess. and RCW 60.28.070.

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

Section 1. Section 1, chapter 166, Laws of 1921 as last amended
by section 1, chapter 238, Laws of 1963 and RCW 60.28.010 are each amended
to read as follows:

(1) Contracts for public improvements or work by the state, or any
county, city, town, district, board, or other public body, shall provide,
and there shall be reserved from the moneys earned by the contractor on
estimates during the progress of the improvement or work, a sum equal to
ten percent of the first one hundred thousand dollars and five percent for
all amounts over one hundred thousand dollars of such estimates, said sum
to be retained by the state, county, city, town, district, board, or other
public body, as a trust fund for the protection and payment of any person
or persons, mechanic, subcontractor or materialman who shall perform any
labor upon such contract or the doing of said work, and all persons who
shall supply such person or persons or subcontractors with provisions and
supplies for the carrying on of such work, and the state with respect to
taxes imposed pursuant to Title 82 which may be due from such contractor.
Said fund shall be retained for a period of thirty days following the final
acceptance of said improvement or work as completed, and every person per-
forming labor or furnishing supplies toward the completion of said improve-
ment or work shall have a lien upon said fund so reserved (~~(, provided)~~):
PROVIDED, That such notice of the lien of such claimant shall be given in

the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED ((,HOWEVER)) FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the entire contract.

(2) If the public body administering a contract, other than a contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Sec. 2. Section 1, chapter 91, Laws of 1957 as amended by section 26, chapter 26, Laws of 1967 1st ex. sess. and RCW 60.28.070 are each amended to read as follows:

Where final completion of a contract executed by (1) the Washington state highway commission for the construction of any highway building, road, bridge, street, or any part of a public highway or (2) a city or county for construction of any urban arterial project for which urban

arterial trust account moneys are to be expended is delayed by any unforeseen condition beyond the control of the contractor and the reservation of moneys earned as required herein shall work undue hardship on the contractor, then the highway commission, city or county, as appropriate, thirty days after completion of all work required under the contract other than that delayed by such unforeseen condition and no taxes having been certified as due or to become due by the department of revenue and no claims filed by any materialman or laborer, may at its discretion order funds reserved for the work actually completed paid to the contractor upon the contractor's delivering good and sufficient bond, with two or more sureties, or with a surety company, in the amount of the reserved funds then paid to the contractor, to the effect that no taxes shall be certified or claims filed for work done other than that delayed by the unforeseen condition within a period of thirty days following final acceptance of said improvement or work as completed; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

Passed the House April 16, 1969
Passed the Senate April 9, 1969
Approved by the Governor April 24, 1969
Filed in office of Secretary of State April 24, 1969

CHAPTER 152
[House Bill No. 345]
STATE PERSONNEL--ADMINISTRATION--
EMPLOYEES SUGGESTION AWARDS

AN ACT Relating to state personnel; authorizing the receipt and expenditure of federal funds, and authorizing the department of personnel to make its services available to the exempt service; providing that agencies shall reimburse the department of personnel for services rendered in administering the employees suggestions awards program; amending section 8, chapter 1, Laws of 1961 as amended by section 5, chapter 45, Laws of 1969, and RCW 41.06.080; amending section 1, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.010; amending section 2, chapter 142, Laws of 1965 ex. sess. and RCW 41.60.020; amend-