

CHAPTER 107.

[S. B. 46.]

PUBLIC WORKS PROJECTS BY MUNICIPALITIES.

AN ACT simplifying the procedure for the construction and financing of Public Works projects by municipalities, enabling municipalities to make and perform contracts with Federal agencies relating to the construction and financing of such projects and conferring additional powers upon municipalities.

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

SECTION 1. *Short Title.* This act may be cited as "The Municipal Emergency Procedure Act (Revision of 1937)."

SEC. 2. *Definitions.* The following terms wherever used or referred to in this act shall have the following meaning unless a different meaning appears from the context:

"Municipality."

(a) The term "municipality" shall mean the State, a County, City, Town, District or other municipal corporation or political subdivision;

"Governing body."

(b) The term "governing body" shall mean the body, a board charged with the governing of the municipality;

"Law."

(c) The term "law" shall mean any act or statute, general, special or local, of this state, including, without being limited to, the charter of any municipality;

"Bonds."

(d) The term "bonds" shall mean bonds, interim receipts, certificates, or other obligations of a municipality issued or to be issued by its governing body for the purpose of financing or aiding in the financing of any work, undertaking or project for which a loan or grant, or both, has heretofore been made or may hereafter be made by any Federal agency;

(e) The term "Recovery Act" shall mean the National Industrial Recovery Act, being the Act of the Congress of the United States of America, approved June sixteenth, nineteen hundred thirty-three, entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes," and any acts amendatory thereof, and any acts supplemental thereto, and revisions thereof, and any further Acts of Joint Resolutions of the Congress of the United States of America to reduce and relieve unemployment or to provide for the construction of public works or for work relief;

"Recovery
act."

(f) The term "Federal Agency" shall include the United States of America, the President of the United States of America, the Federal Emergency Administrator of Public Works, Reconstruction Finance Corporation, and any agency or instrumentality of the United States of America, which has heretofore been or hereafter may be designated, created or authorized to make loans or grants;

"Federal
agency."

(g) The term "public works project" shall mean any work, project, or undertaking which any municipality, is authorized or required by law to undertake or any lawful purpose for which any municipality is authorized or required by law to make an appropriation;

"Public
works
project."

(h) The term "contract" or "agreement" between a Federal agency and a municipality shall include contracts and agreements in the customary form and shall also be deemed to include an allotment of funds, resolution, unilateral promise, or commitment by a Federal agency by which it shall undertake to make a loan or grant, or both, upon the performance of specified conditions or compliance with rules and regulations theretofore or thereafter promulgated, prescribed or published by a

"Contract."
"Agreement."

Federal agency. In the case of such an allotment of funds, resolution, unilateral promise, or commitment by a Federal agency, the terms, conditions and restrictions therein set forth and the rules and regulations theretofore or thereafter promulgated, prescribed or published shall, for the purpose of this act, be deemed to constitute covenants of such a contract which shall be performed by the municipality, if the municipality accepts any money from such Federal agency.

Powers conferred.

SEC. 3. *Powers Conferred.* Every municipality shall have power and is hereby authorized:

Acceptance of grants in aid.

(a) To accept from any Federal agency grants for or in aid of the construction of any public works project;

Contracts.

(b) To make contracts and execute instruments containing such terms, provisions, and conditions as in the discretion of the governing body of the municipality may be necessary, proper or advisable for the purpose of obtaining grants or loans, or both, from any Federal agency pursuant to or by virtue of the Recovery Act; to make all other contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of any public works project and to carry out and perform the terms and conditions of all such contracts or instruments;

Compliance with recovery act.

(c) To subscribe to and comply with the Recovery Act and any rules and regulations made by any Federal agency with regard to any grants or loans, or both, from any Federal agency;

Acts performed.

(d) To perform any acts authorized under this act through or by means of its own officers, agents and employees, or by contracts with corporations, firms or individuals;

Contracts awarded.

(e) To award any contract for the construction of any public works project or part thereof upon any day at least fifteen days after one publication

of a notice requesting bids upon such contract in a newspaper of general circulation in the municipality: *Provided*, That in any case where publication of notice may be made in a shorter period of time under the provisions of existing statute or charter, such statute or charter shall govern;

(f) To sell bonds at private sale to any Federal agency without any public advertisement; Sale of bonds.

(g) To issue interim receipts, certificates or other temporary obligations, in such form and containing such terms, conditions and provisions as the governing body of the municipality issuing the same may determine, pending the preparation or execution of definite bonds for the purpose of financing the construction of a public works project; Interim receipts issued.

(h) To issue bonds bearing the signatures of officers in office on the date of signing such bonds, notwithstanding that before delivery thereof any or all the persons whose signatures appear thereon shall have ceased to be the officers of the municipality issuing the same; Bonds issued.

(i) To include in the cost of a public works project which may be financed by the issuance of bonds: (1) Engineering, inspection, accounting, fiscal and legal expenses; (2) the cost of issuance of the bonds, including engraving, printing, advertising, and other similar expenses; (3) any interest costs during the period of construction of such public works project and for six months thereafter on money borrowed or estimated to be borrowed; Cost of projects.

(j) To stipulate in any contract for the construction of any public works project or part thereof the maximum hours that any laborer, workman or mechanic should be permitted or required to work in any one calendar day or calendar week or calendar month, and the minimum wages to be paid to laborers, workmen or mechanics in connection with any public works project: *Provided*, That no such Stipulation.
Labor.

stipulation shall provide for hours in excess of or for wages less than may now or hereafter be required by any other law;

Exercise
of power.

(k) To exercise any power conferred by this act for the purpose of obtaining grants or loans, or both, from any Federal agency pursuant to or by virtue of the Recovery Act, independently or in conjunction with any other power or powers conferred by this act or heretofore or hereafter conferred by any other law;

(l) To do all acts and things necessary or convenient to carry out the powers expressly given in this act.

Construction
of act.

SEC. 4. *Construction of Act.* The powers conferred by this act shall be in addition and supplemental to and not in substitution for the powers now or hereafter conferred upon any municipality by any other law. This act is intended to aid in relieving the existing emergency by simplifying the procedure for the construction and financing of public works projects. This act is remedial in nature and the powers hereby granted shall be liberally construed. Nothing in this act shall be construed to authorize the issuance of bonds for any purpose by any municipality not authorized to issue bonds for such purpose under any other law heretofore or hereafter enacted, nor to dispense with the approval by a state department, board, officer or commission of a public works project where such approval is necessary under provisions of existing law: *Provided*, That any port district which is now indebted in an amount equal to or in excess of the indebtedness which may be contracted without a vote of the electors of the district is hereby authorized, for the purposes of this act, through its governing body, to contract a further indebtedness and borrow money for port purposes and issue general bonds therefor, as in this act provided, in an additional amount not

exceeding three-fourths of one per centum of the assessed value of the taxable property in the district, without the assent of the voters of the district: *Provided, further,* That such additional indebtedness together with the existing indebtedness of such port district shall not exceed the total indebtedness permitted to be incurred by such port district under existing laws.

SEC. 5. *Separability of Provisions.* If any provision of this act, or the application thereof to any person, body, or circumstances shall be held invalid, the remainder of the act and the application of each provision to persons, bodies, or circumstances other than those as to which it shall have been held invalid shall not be affected thereby.

Partial
invalidity.

Passed the Senate March 4, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 108.

[S. B. 77.]

FUNERAL DIRECTORS AND EMBALMERS.

AN ACT relating to and regulating the possession, transportation, treatment and disposition of dead human bodies, the licensing of funeral directors and embalmers, regulating conduct in relation thereto, providing penalties for violation thereof, and repealing sections 1, 8, 10, 11, 12, 13, 14, 16, and 17 of chapter 215 of the Laws of 1909 (sections 8313, 8317, 8319, 8320, 8321, 8322, 8323, 8325, 8326 of Remington's Revised Statutes).

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

SECTION 1. The term "funeral director" as used herein is a person engaged in the profession or business of conducting funerals and supervising or directing the burial and disposal of dead human bodies.

"Funeral
director."