

After having made the investigation herein described, the commission is authorized and directed to issue the necessary order or orders declaring the operations or acts to be subject to, or not subject to, the provisions of this Title. In the event the operations or acts are found to be subject to the provisions of this Title, the commission is authorized and directed to issue cease and desist orders to all parties involved in the operations or acts.

In proceedings under this section no person or corporation shall be excused from testifying or from producing any book, waybill, document, paper or account before the commission when ordered to do so, on the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person or corporation shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

NEW SECTION. Sec. 16. Section 81.80.180, chapter 14, Laws of 1961 and RCW 81.80.180 are each hereby repealed.

Passed the Senate February 19, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 116

[Engrossed Senate Bill No. 2464]

HIGHWAY CONSTRUCTION--SMALL BUSINESS AND MINORITY CONTRACTORS--
BID ASSISTANCE

AN ACT Relating to the construction and maintenance of highways; amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 78, Laws of 1971 ex. sess. and RCW 47.28.030; and amending section 47.28.050, chapter 13, Laws of 1961 as amended by section 1, chapter 180, Laws of 1969 ex. sess. and RCW 47.28.050.

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

Section 1. Section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 78, Laws of 1971 ex. sess. and RCW 47.28.030 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or

improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars: PROVIDED, 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 day labor when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. ((The state highway commission may authorize any district engineer of the department of highways to publish calls for bids and award contracts for work not exceeding a cost of fifteen thousand dollars. All such awards shall follow the same procedures as are prescribed for other highway commission contracts except as provided in this section:

Whenever the work to be performed is repair or maintenance of an existing highway; surveying; test drilling; or other exploratory engineering on an existing or proposed highway)) To enable a larger number of small businesses and minority contractors to effectively compete for highway department contracts, the state highway commission 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 ((seven thousand five hundred)) twenty-five thousand dollars((; and delay of performance thereof would jeopardize a state highway or inconvenience the traveling public; the state highway commission may negotiate without a call for bids a contract for the furnishing of any equipment with operator and/or materials and supplies required for performance of the work; and in such instances the contractor furnishing such equipment; and/or materials and supplies need not be prequalified pursuant to RCW 47.28.070 nor furnish a bid deposit or performance bond)). 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 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 sub-contractors 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.

Sec. 2. Section 47.28.050, chapter 13, Laws of 1961 as amended by section 1, chapter 180, Laws of 1969 ex. sess. and RCW 47.28.050 are each amended to read as follows:

Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the commission deems necessary: PROVIDED, That when the estimated cost of any contract to be awarded is less than twenty-five thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: PROVIDED FURTHER, That when the estimated cost of a contract to be awarded is ~~((five thousand))~~ seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids.

Passed the Senate March 2, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 117

[Engrossed Senate Bill No. 2559]

COUNTY AGRICULTURAL FAIRS--LEASEHOLD

TAX EXEMPTIONS

AN ACT Relating to agricultural fairs; amending section 1, chapter 85, Laws of 1969 and RCW 15.76.165; and declaring an emergency.

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

Section 1. Section 1, chapter 85, Laws of 1969 and RCW 15.76.165 are each amended to read as follows:

Any county which owns or leases property from another governmental agency and provides such property for area or county and district agricultural fair purposes may apply to the director for