

to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond. If no bid is received on the first call the city council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform such work or improvement by day labor.

Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in the same method and under the same conditions as required herein on a call for bids for public work or improvement.

Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

Passed the House March 17, 1977.

Passed the Senate May 12, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

CHAPTER 42

[House Bill No. 580]

TELEPHONE OR TELEGRAPH—FRAUDULENT USE—PENALTY

AN ACT Relating to crimes; amending section 1, chapter 114, Laws of 1955 as last amended by section 2, chapter 160, Laws of 1974 ex. sess. and RCW 9.45.240; and providing penalties.

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

Section 1. Section 1, chapter 114, Laws of 1955 as last amended by section 2, chapter 160, Laws of 1974 ex. sess. and RCW 9.45.240 are each amended to read as follows:

(1) Every person who, with intent to evade the provisions of any order of the Washington utilities and transportation commission or of any tariff, rule, or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit, or fraudulent device, shall be guilty of a misdemeanor: PROVIDED, HOWEVER, That if the value of the telephone or telegraph service which any person obtains in violation of this section during a period of ninety days exceeds seventy-five dollars in the aggregate, then such person shall be guilty of a gross misdemeanor: PROVIDED FURTHER, That as to any act which constitutes a violation of both this subsection and ((RCW 9.26A.050)) subsection

(2) of this section the provisions of (~~(RCW 9.26A.050)~~) subsection (2) of this section shall be exclusive.

(2) Every person who:

(a) Makes, possesses, sells, gives, or otherwise transfers to another an instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message; or

(b) Sells, gives, or otherwise transfers to another plans or instructions for making or assembling an instrument, apparatus, or device described in subparagraph (a) of this subsection with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus, or device shall be guilty of a (~~(gross misdemeanor)~~) felony.

Passed the House March 31, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

CHAPTER 43

[Senate Bill No. 2002]

PENAL INSTITUTIONS—CONTROLLED SUBSTANCES, POSSESSION, ETC.— PENALTY

AN ACT Relating to penal institutions; amending section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9.94.040; and prescribing a penalty.

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

Section 1. Section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9.94.040 are each amended to read as follows:

Every person serving a sentence in any penal institution of this state who, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody of institution officials, officers, or employees, possesses or carries upon his person or has under his control any narcotic drug or controlled substance as defined in chapter 69.50 RCW, any alcoholic beverage, or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a felony punishable by imprisonment for not more than five years, which shall be in addition to the sentence being served.

Passed the Senate May 3, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.