

NEW SECTION. Sec. 5. Population determinations for the purposes of sections 3 and 4 of this act shall be made by the office of financial management.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are added to chapter 36.69 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 21, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 17, 1979.

Filed in Office of Secretary of State April 17, 1979.

CHAPTER 12

[Engrossed Substitute Senate Bill No. 2194]

INSTITUTIONS OF HIGHER EDUCATION—PUBLIC WORKS—PUBLIC BID REQUIREMENT

AN ACT Relating to institutions of higher education; amending section 1, chapter 258, Laws of 1971 ex. sess. as amended by section 14, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.350; and amending section 28B.50.330, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.330.

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

Section 1. Section 1, chapter 258, Laws of 1971 ex. sess. as amended by section 14, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.350 are each amended to read as follows:

When the cost to The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling, or demolition other than ordinary maintenance or equipment repairs will equal or exceed the sum of (~~ten~~) seventeen thousand five hundred dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED, That when the estimated cost of such building, construction, renovation, remodeling, or demolition equals or exceeds the sum of (~~ten~~) seventeen thousand five hundred dollars, such project shall be deemed a public works and "the prevailing rate of wage(~~(ⁿ);~~)," under chapter 39.12 RCW shall be applicable thereto: PROVIDED FURTHER, That when

such building, construction, renovation, remodeling, or demolition involves one trade or craft area and the estimated cost exceeds ten thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be put out for public bids, and the contract shall be awarded to the lowest responsible bidder if in accordance with the bid specifications: PROVIDED FURTHER, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to The Evergreen State College, any regional university, or state university of any building, construction, renovation, remodeling, or demolition is less than seventeen thousand five hundred dollars, the publication requirements of RCW 39.04.020 and 39.04.090 shall be inapplicable.

In the event of any emergency when the public interest or property of The Evergreen State College, regional university, or state university would suffer material injury or damage by delay, the president of such college or university may declare the existence of such an emergency and reciting the facts constituting the same may waive the requirements of this section with reference to any contract in order to correct the condition causing the emergency: PROVIDED, That an "emergency(~~(²)~~)," for the purposes of this section, means a condition likely to result in immediate physical injury to persons or to property of (~~(the institution of higher education)~~) such college or university in the absence of prompt remedial action or a condition which immediately impairs the institution's ability to perform its educational obligations.

Sec. 2. Section 28B.50.330, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.330 are each amended to read as follows:

The boards of trustees of community college districts are empowered in accordance with the provisions of this chapter to provide for the construction, reconstruction, erection, equipping, demolition, and major alterations of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements, or appurtenances for the use of the aforementioned colleges as authorized by the college board in accordance with RCW 28B.50.140; to be financed by bonds payable out of special funds from revenues hereafter derived from income received from such facilities, gifts, bequests, or grants, and such additional funds as the legislature may provide, and payable out of a bond retirement fund to be established by the respective district boards in accordance with rules and regulations of the state board. With respect to building, improvements, or repairs, or other work, (~~(the trustees shall have and be subject to the same powers or duties as are authorized and imposed upon school directors by the provisions of RCW 28A.58.135 as now or hereafter amended)~~) where the estimated cost exceeds five thousand dollars, complete plans and specifications for such work shall be prepared and such work shall be prepared and such work shall be put out for public bids and the contract shall be awarded to the lowest

responsible bidder if in accordance with the bid specifications: PROVIDED, That any project regardless of dollar amount may be put to public bid.

Where the estimated cost to any community college of any building, improvements, or repairs, or other work, is less than five thousand dollars, the publication requirements of RCW 39.04.020 and 39.04.090 shall be inapplicable.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 22, 1979.

Passed the House April 9, 1979.

Approved by the Governor April 17, 1979.

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CHAPTER 13

[Substitute Senate Bill No. 2306]

FRANCHISE INVESTMENT PROTECTION—ENFORCEMENT— INVESTIGATIVE, SUBPOENA POWER—CEASE AND DESIST ORDERS

AN ACT Relating to franchises; amending section 21, chapter 252, Laws of 1971 ex. sess. as amended by section 13, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.210; and adding new sections to chapter 252, Laws of 1971 ex. sess. and to chapter 19.100 RCW.

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

Section 1. Section 21, chapter 252, Laws of 1971 ex. sess. as amended by section 13, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.210 are each amended to read as follows:

(1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful (~~and~~). Upon a proper showing, a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Every person who shall violate the terms of any injunction issued as in this chapter provided shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars.

Every person who violates RCW 19.100.020, 19.100.080, 19.100.150 and 19.100.170 as now or hereafter amended shall forfeit a civil penalty of not more than two thousand dollars for each violation.

For the purpose of this section the superior court issuing an injunction shall retain jurisdiction and the cause shall be continued and in such cases