

CHAPTER 107.

[S. B. 299.]

PUBLIC WORKS PROJECTS.

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; and declaring an emergency.

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

SECTION 1. This act may be cited as "The Municipal Emergency Procedure Act of 1935." Name of Act.

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

(a) The term "municipality" shall mean a county, city, town, district or other municipal corporation or political subdivision. "Municipality."

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

(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. "Law."

(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. "Bonds."

(e) The term "recovery act" shall mean the National Industrial Recovery Act, being the act of "Recovery Act."

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 or 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.

"Federal
Agency."

(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.

"Public
Works
project."

(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.

"Contract"
or
"Agreement."

(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 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.

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

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

(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. Making of contracts.

(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. Compliance with Federal Agencies or Acts.

(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. Performance of acts.

(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 con- Fifteen days.

tract in a newspaper of general circulation in the municipality.

(f) To sell bonds at private sale to any federal agency without any public advertisement.

Temporary obligations.

(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 definitive bonds for the purpose of financing the construction of a public works project.

Issuance of bonds

(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.

Included in costs of project.

(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.

Obtaining grants or loans.

(j) 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.

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

SEC. 4. The powers conferred by this act shall be in addition and supplemental to and not in sub-

stitution 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.

Powers
supple-
mental.Remedial
act.

Approval.

SEC. 5. If any provision of this act, or the application thereof to any person, body, or circumstances shall be held invalid, the remainder of this act, or the application of such provision to persons, bodies, or circumstances other than those as to which it is held invalid shall not be affected thereby.

Partial
invalidity.

SEC. 6. Except in pursuance of any contract or agreement theretofore entered into by and between any municipality and any federal agency, no municipality shall exercise any of the powers conferred by this act after June 30, 1937.

Time limit.

SEC. 7. 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.

Effective
immediately.

Adopted by the Senate March 10, 1935.

Adopted by the House March 13, 1935.

Approved by the Governor March 20, 1935.