

Section 1. Section 36.48.090, chapter 4, Laws of 1963 as amended by section 8, chapter 126, Laws of 1973 and RCW 36.48.090 are each amended to read as follows:

Whenever any person has in his custody as clerk of the superior court any funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds, and in case any interest is paid upon any such "clerk's trust fund" so deposited, it shall be paid to the beneficiary of such trust upon the termination thereof. However, the clerk may invest the funds in any of the investments authorized by RCW 36.29.020. The clerk shall place the income from such investments in the county current expense fund to be used by the county for general county purposes unless (1) the funds being held in trust in a particular matter are two thousand dollars or more, and (2) a litigant in the matter has filed a written request that such investment be made of the funds being held in trust and the income be paid to the beneficiary. In such an event, any income from such investment shall be paid to the beneficiary of such trust upon the termination thereof: PROVIDED, That five percent of the income shall be deducted by the clerk as an investment service fee and placed in the county current expense fund to be used by the county for general county purposes.

Litigants who have appeared in matters where funds being held in trust are two thousand dollars or more shall be entitled to written notice of the provisions of this section from the clerk, if they have made no written request as stated in this section within thirty days of receipt of the funds by the clerk, and if such litigants have not previously received such notice.

Passed the Senate March 7, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 64

[Senate Bill No. 2123]

### FIRE COMMISSIONERS—OFFICE VACANCY—FILLING

AN ACT Relating to fire protection district commissioners; and amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 17, Laws of 1974 ex. sess. and RCW 52.12.050.

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

Section 1. Section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 17, Laws of 1974 ex. sess. and RCW 52.12.050 are each amended to read as follows:

In case of vacancy occurring in the office of fire commissioner, such vacancy shall, within thirty days, be filled by appointment of a resident elector of the district by ~~((the county legislative authority))~~ a vote of the remaining fire commissioners and the person appointed shall serve until his successor has been elected or appointed and has qualified. If there should be at the same time such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, the county legislative authority shall within thirty days of such

vacancies appoint the required number to create a majority as prescribed by law to fill the vacancies ad interim through the next general election. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner as herein provided, after the filling of any vacancy in such office as aforesaid, there shall be elected a fire commissioner to serve for the remainder of the unexpired term. If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board his office shall be declared vacant by the board of county commissioners and such vacancy shall be filled as provided for in this section but provided that no such action shall be taken unless he is notified by mail after two consecutive unexcused absences that his position will be declared vacant if he is absent without being excused from the next regularly scheduled meeting.

Passed the Senate February 7, 1977.

Passed the House March 4, 1977.

Approved by the Governor March 25, 1977.

Filed in Office of Secretary of State March 25, 1977.

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## CHAPTER 65

[Engrossed Senate Bill No. 2124]

### STATE HIGHWAY PROJECTS—CALL FOR BIDS—ADVERTISEMENT—OPENING

AN ACT Relating to highway projects; and amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 2, chapter 116, Laws of 1973 and RCW 47.28.050.

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

Section 1. Section 47.28.050, chapter 13, Laws of 1961 as last amended by section 2, chapter 116, Laws of 1973 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 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: **PROVIDED FURTHER**, That after a bid call has been