

hold such offices, respectively, only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified.

SEC. 2. An emergency exists and this act shall take Emergency. effect immediately.

Passed by the House February 25, 1909.

Passed by the Senate March 9, 1909.

Approved March 17, 1909.

CHAPTER 186.

[S. B. 218.]

RELATING TO THE OFFICE OF STATE HIGHWAY COMMISSIONER.

AN ACT to amend chapter 149, Laws of Washington, approved March 12, 1907, entitled "An act creating a State Highway Board and the office of the State Highway Commissioner, fixing his compensation, prescribing their duties and providing for the survey, establishment, construction, maintenance and repair of state highways, and providing for the expenditure of moneys appropriated by the state or counties for the survey, establishment, construction, building, maintenance and repair of state highways, and making an appropriation therefor, and repealing sections 1, 2, 3, 4, 5, 6, 7, and 8 of chapter 174, Session Laws of 1905, approved March 13, 1905, and declaring an emergency," and declaring an emergency.

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

SECTION 1. There is hereby created the office of State Highway Commissioner and a state highway board. The said State Highway Commissioner shall be appointed by the Governor and shall hold his office for four years unless sooner removed for cause; said commissioner shall be a capable and experienced civil engineer and surveyor and shall receive an annual compensation of \$2,500 a year, and shall be allowed his actual traveling expenses while officially employed, not to exceed \$1,000 in any one year, and shall be allowed his office expenses not to exceed \$1,200 in any one year. He shall take oath of office and shall give a bond in the sum of \$5,000, conditioned for the faithful performance of his duties; the said highway

Governor to appoint.

Salary.

Bond.

board shall be composed of the State Auditor, the State Treasurer and the State Highway Commissioner. The State Auditor and State Treasurer shall each be allowed his actual traveling expenses while engaged in official duties as members of such state highway board.

Office.

SEC. 2. The commissioner shall be furnished with a suitable office in the capitol building, where his records shall be preserved, and said office shall be kept open at such times as the business of the commissioner shall require. He shall keep a record of all proceedings and orders pertaining to the matters under his direction and copies of all plans, specifications and estimates submitted to him. The commissioner shall prepare and submit, ninety days before the session of each legislature of the State of Washington, a report of the work constructed or under construction and shall make recommendation as to the needed state highways, together with the estimated cost of such needed highways.

Report.

Highway board to apportion.

SEC. 3. It shall be the duty of the state highway board to decide what portion of the amount appropriated for any state road shall be expended within the boundaries of the several counties through which it is proposed to pass.

To survey roads.

SEC. 4. Whenever any money is appropriated for the construction of a state road, the State Highway Commissioner shall, unless such road has been theretofore surveyed, cause survey to be made of the entire length of such highway, and cause the same to be mapped both in outline and profile, and shall also cause plans and specifications for the construction of such highway to be prepared. Such maps, plans and specifications shall be thereupon submitted to the state highway board, and no portion of any appropriation shall be expended upon such road until the state highway board shall have declared such road feasible and shall have approved said outline and profile maps and said plans and specifications.

Assistants.

SEC. 5. The State Highway Commissioner shall have authority to employ such civil engineers and assistants as may be necessary to carry out the provisions of section

four, and to provide for superintendence of construction and maintenance work on state roads, and the expense so incurred shall be considered a part of the cost of the road in connection with which such expense is incurred and shall be a charge against the fund appropriated for the construction of such road. He shall also have authority to employ such assistants as may be necessary to carry on the office work of the highway department.

SEC. 6. The State Highway Commissioner is hereby authorized to acquire right-of-way on behalf of the state Right-of-way. for state roads by gift, purchase or condemnation in the manner prescribed by law for the acquirement or condemnation of lands for county roads. The cost of such right-of-way shall be paid for from the fund apportioned to the state road for which such right-of-way is acquired. Whenever it is necessary to locate and construct a state road over and across any of the public lands of the State of Washington, the State Highway Commissioner shall file in the office of the State Land Commissioner a map showing the location of such road over and across each legal subdivision of such public lands, and upon the filing of such map, the easement for such right-of-way shall be reserved to the state and such subdivision of public land when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right-of-way.

SEC. 7. Upon the approval of the maps, plans and specifications as provided for in section four, it shall be Bids. the duty of the State Highway Commissioner to advertise for bids for the construction of such highway, or such sections thereof as the state highway board shall designate, according to such maps, plans and specifications. Advertisements for such bids shall be made by publication in the official county paper, and also in some daily paper of general circulation in the state to be designated by the State Highway Commissioner, for not less than three consecutive weeks prior to the time set for the opening of said bids. All bids received shall be opened by the state highway board at its office at the capitol. Said state highway board shall have the right to reject any and all bids if in

its opinion good cause exists therefor, but otherwise shall award the contract to the lowest and best bidder. The state highway board shall require a surety bond from the successful bidder in the full amount of the contract, conditioned for the faithful performance thereof according to law. Each bidder shall deposit with his bid a certified check in an amount equal to five per centum of the amount of his bid. Should the bidder to whom the contract is awarded fail to enter into a contract and furnish the bond hereinbefore provided within ten days after the notice of such award, the amount of such check shall be forfeited to the public highway fund. The checks of all unsuccessful bidders shall be returned after the contract is awarded and a bond given. Nothing in this section shall be construed to prevent the employment of convict labor when otherwise authorized by law.

Bond of bidder.

SEC. 8. The State Highway Commissioner shall examine and allow or disallow all bills for work done or materials furnished, and certify all claims allowed to the State Auditor. In the event that counties appropriate money to aid in the construction of any state road, such sum so appropriated shall be expended upon vouchers approved by the state highway board, and the county auditor is authorized to draw his warrant upon such vouchers.

Commission to pass on claims.

SEC. 9. After the completion of any road constructed or repaired by the state under this act it shall become the duty of the State Highway Commissioner to keep the same in repair at the cost of the state, such cost to be paid from the public highway fund. The word road in this act shall be deemed to include all tunnels, culverts and bridges built by the state.

State to keep in repair.

SEC. 10. All expenses of the State Highway Commissioner's office, including salary, office expenses, traveling expenses, and all expenses of the highway board shall be paid out of the public highway fund.

Expenses out of highway fund.

SEC. 11. In addition to his other powers and duties, the State Highway Commissioner shall compile statistics relative to the public highways throughout the state, and

Statistics.

shall collect all information in regard thereto deemed expedient. He shall investigate and determine upon various methods of road construction adapted to different sections of the state, and as to the best methods of construction and maintenance of roads and bridges, and such other information relating thereto as he shall deem appropriate. He may be consulted at all reasonable times by county officers having care and authority over highways and bridges, and shall advise such officers relative to the construction, repair, altering or maintenance of the same; and shall furnish such other information and advice as may be requested by persons interested in the construction and maintenance of public highways, and shall at all times lend his aid in promoting highway improvement throughout the state. He shall co-operate with all highway officers and shall assist county authorities, and, when requested by them, furnish them with plans and directions for the improvement of the public highways and bridges.

Commissioner
to give
advice.

SEC. 12. The road supervisors and the county commissioners of any county, and all other officers who now have or may hereafter have by law the care and supervision of the public highways and bridges shall, from time to time, upon the written request of the State Highway Commissioner, furnish him with all available information in connection with the building and maintenance of the public highways and bridges in their respective localities.

Other officers
to report.

SEC. 13. Sections 1, 2, 3, 4, 5, 6, 7 and 8 of chapter 174, Session Laws of 1905, are hereby repealed.

§§1-8, ch.
174, L.
'05.]

SEC. 14. An emergency exists and this act shall take effect immediately.

Emergency.

Passed by the Senate March 2, 1909.

Passed by the House March 10, 1909.

Approved March 17, 1909.