

CHAPTER 109.

[H. B. 73.]

ARMORY AT ABERDEEN.

AN ACT relating to the construction, equipment and furnishing of an armory for the use of the National Guard of Washington and other military organizations at Aberdeen, appropriating money from the military fund therefor, creating a commission to superintend the construction, equipment and furnishing of said armory, and authorizing the promulgation of rules and regulations for the government thereof.

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

SECTION 1. That for the purpose of constructing, equipping and furnishing an armory for the use of such organization or organizations of the National Guard of Washington as may be stationed there, the sum of seventy-five thousand dollars (\$75,000.00) is hereby appropriated from the military fund for the construction, equipment and furnishing of an armory in the city of Aberdeen: *Provided*, That a suitable site for such armory be furnished without cost to the State of Washington therefor, and that title to such site shall be deeded to the State of Washington.

Appropriation
\$75,000.

Donation
of site.

SEC. 2. That for the purpose of erecting, completing, furnishing and equipping said armory, there is hereby created a commission to be known as the "Aberdeen armory commission," which said commission shall consist of three members, comprised as follows: The adjutant general of the National Guard of Washington, the chairman of the state board of control, both of whom shall be *ex-officio* members of said commission and Captain H. A. Comeau of the city of Aberdeen. In case of the death, resignation or inability to serve of the last named member, the vacancy shall be filled by the commercial bodies of the city of Aberdeen. Within ten days after the taking effect of this act the members of said commission shall meet and organize. The adjutant general shall be chairman of said commission and said commission shall elect a secretary from among its members. When a vote of said

Armory
commission.

commission shall be equally divided the adjutant general shall cast the deciding vote. The members of said commission shall act as such until the completion, acceptance, equipment and furnishing of said armory, and the consummation of all business relating thereto, and shall give bond to the State of Washington, in the sum of five thousand dollars (\$5,000.00) conditioned upon the faithful performance of the duties imposed by this act, to be approved by the governor and filed with the secretary of state, the cost of said bonds to be paid out of the money appropriated by this act. A majority of the said commission shall constitute a quorum: *Provided, however,* That no member of said commission shall be allowed or shall receive any compensation for his services as a member of such commission.

Bond of
commiss-
sioners.

SEC. 3. It shall be unlawful for any member of said commission to be connected, either directly or indirectly, in any manner whatsoever with any contract or part thereof, for the erection, equipment or furnishing of said armory or for any work connected therewith, or for the furnishing of any supplies, material or equipment therefor or to receive any benefit therefrom, either by way of commission, rebate, bonus, division or [of] profits or otherwise, and any one of said members who shall violate any of the provisions of this act shall be guilty of a felony, and shall forfeit his right to and be removed from his place on said commission by the court in which he shall have been convicted. It shall be unlawful for said commission to employ any person in the supervision or superintendence of the building of said armory, or in any work connected therewith, who may or shall become in any manner connected, directly or indirectly, with any contract for the erection, equipment or furnishing of said armory, or for the furnishing of any supplies or material therefor; and said commission is hereby charged with the rigid enforcement of this provision of this act.

Interest
in contracts
prohibited.

Penalty.

Superintend-
ent not to be
interested
in contracts.

Duties of
commission.

SEC. 4. After the organization of said commission as required by section 2 of this act, it shall be the duty of

said commission to select without delay, the most suitable site for said armory building which shall become available therefor within the said city of Aberdeen, and thereafter to erect and construct said armory building upon said site so selected, in accordance with the provisions of this act; to secure the submission of plans and designs appropriate to an armory to cost, equipped and furnished, not more than the amount specified in this act, and such additional sum, if any, as may be donated for the purpose of this act; to select the most desirable plan and design for said armory building, and for the equipment and furnishing thereof, and to obtain proper architectural drawings and specifications in conformity with such plan and design; to secure the erection, construction and completion of said armory building and the equipment and furnishing thereof, conforming faithfully to such plan and design, and said drawings and specifications: *Provided, however,* That of the amount appropriated by this act, not to exceed the sum of ten thousand dollars (\$10,000.00) thereof shall be used by said commission in the equipment and furnishing of said armory building.

Amount
devoted to
equipment.

SEC. 5. No construction, material, equipment or furnishings exceeding \$500.00 in amount shall be furnished except pursuant to bids advertised for in one daily paper for a period of ten days in said city where said armory is to be built. The bid of the lowest and best responsible bidder shall be accepted, saving that the said commission shall have the right to reject any and all bids. The performance of any contract shall be secured by a surety company bond to the State of Washington to a sum not less than one-half of the contract price, said bond to be conditioned for the faithful performance of said contract and to be approved by said commission. Each bid shall be accompanied by a certified check in the sum of five per centum of the amount bid. Said check shall be payable to the chairman of said commission, and shall be forfeited to the state for the use of the military fund upon failure of the bidder, for a period of ten days after any contract

Bids for
contracts.

Bond
securing
performance
of contract.

Annulment
of contracts.

is awarded, to enter into proper contract and furnish satisfactory bonds as required by law. Said commission shall in all contracts, reserve the right, for good cause shown, to annul such contracts and to enter upon the premises and take possession for the purpose of completing the work comprehended under such contracts, of all materials, tools and appliances thereon and to employ any other person or persons to finish said work and to provide the materials therefor. All said contracts shall further provide that in case of annulment thereof as aforesaid the contractor shall not be entitled to receive any further payment under such contracts until the work comprehended therein shall be wholly finished, at which time if the unpaid balance of the amount to be paid under said contract shall exceed the expenses incurred by the commission in finishing said work such excess shall be paid to the contractor, but if such expense shall exceed such unpaid balance, the contractor shall pay the difference to the State of Washington for the use of the military fund. Such a per centum not less than twenty per centum as the commission shall deem proper, shall be reserved from payment on monthly estimates of work done, until such work shall have been completed, inspected and accepted. All material contracted for shall be of the best quality and to the satisfaction of said commission, and the directions, plans, drawings and specifications of the work executed and carried out by skilled and reputable architects, artists, mechanics and laborers, likewise to the satisfaction of the commission.

Per centum
withheld on
monthly
estimates.

Architect,
compensation
and duties.

SEC. 6. The architect chosen by said commission shall receive such compensation for his plans, drawings, specifications and work of supervision as said commission shall deem reasonable: *Provided*, Such compensation shall in no event exceed five per centum of the cost of said armory building. He shall be supervising architect of said building and of all contracts for the construction, erection, equipment and furnishing thereof. He shall see that all material and equipment furnished and all work done is

of the best quality, and that all contracts with said commission are faithfully performed by the parties so contracting with said commission. He shall perform all other duties devolving upon him as such architect, and the supervising architect of said building, and may be removed at the pleasure of said commission. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material or equipment furnished for said building, or any contract therefor, or shall have any interest therein, directly or indirectly. He shall furnish a surety company bond to the State of Washington in the sum of ten thousand dollars (\$10,000.00) conditioned for the faithful performance by said architect, his assistants and subordinates, of his or their duties as herein prescribed.

Bond of
architect.

SEC. 7. All disbursements on account of the construction, equipment and furnishing of said armory provided for in this act shall be made pursuant to certificates issued by said commission. All claims, bills and demands for labor performed, work done or material or equipment furnished, shall be presented to the commission in triplicate, and shall be passed upon by the said commission after a careful examination of every item named. If found correct they shall audit the same, preserving one copy and transmitting the other two copies as audited and allowed, to the state auditor, and shall issue a certificate to the effect that the services have been rendered or materials or equipment furnished, and the person named therein is entitled to a warrant on the treasury for the amount therein named. Upon a presentation of said certificate and duplicate of the vouchers therefor as audited and approved by said commission as herein provided, to the state auditor, said state auditor shall draw his warrant on the state treasury upon the military fund, for the amount named in said certificate, and the state treasurer is hereby authorized to pay said warrant for the amount stated, and to the order of the person named in said certificate: *Provided*, That no certificate shall be issued in excess of

Disbursement
certificates.

Issuance and
payment of
warrants.

the amount appropriated for said armory. All certificates issued shall be recorded in a book kept by said commission for that purpose.

Legal
adviser.

SEC. 8. The attorney general shall be the legal adviser of the commission herein constituted.

Rules and
regulations.

SEC. 9. The commander-in-chief is hereby authorized to make such rules and regulations as he may deem expedient to govern said armory, but such rules and regulations shall conform to this act. When promulgated, they shall have the same force and effect as this act.

Passed the House March 2, 1917.

Passed the Senate March 5, 1917.

Approved by the Governor March 13, 1917.

CHAPTER 110.

[H. B. 256.]

LIENS ON ORCHARD LANDS.

AN ACT relating to cultivating, pruning, spraying and caring for orchard and orchard lands, and granting a lien on such land for labor done in connection therewith, and providing for the enforcement thereof.

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

Right
of lien.

SECTION 1. Any person or corporation who shall do or cause to be done any labor upon any orchard or orchard lands, in pruning, spraying, cultivating and caring for the same, at the request of the owner thereof, or his agent, shall have a lien upon such orchard and orchard lands for such work and labor so performed.

Lien
claims.

SEC. 2. Any person or corporation claiming the benefit of this chapter, must within 40 days after the close of such work or labor for each season during which such work and labor is done, file for record with the county auditor of the county in which said work and labor was performed and in which said land or part thereof is situated, a claim of lien which shall be in sub-