

CHAPTER 68.

[H. B. 33.]

ARMORY AT BELLINGHAM.

AN ACT relating to the construction of an armory for the use of the National Guard of Washington, at Bellingham, appropriating money from the military fund therefor, creating a board to superintend the construction thereof.

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

Appropriation
\$75,000.

SECTION 1. That for the purpose of constructing 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 of an armory in the city of Bellingham: *Provided*, That the appropriation carried by this section shall not become available before April 1, 1910, and that a suitable site for such armory be furnished without cost to the State of Washington, and that the title to such site shall be deeded to the State of Washington.

Available,
when.

Site.

SEC. 2. The county of Whatcom of the State of Washington is hereby authorized and empowered to appropriate money for the purchase of an armory site whenever the Legislature of this state shall appropriate money for or authorize the construction of an armory therein.

Commission.

SEC. 3. That for the purpose of erecting the armory provided by this act, the Governor shall appoint a board of commissioners to be known as the Bellingham Armory Commission. The board shall consist of six members comprised as follows: The Adjutant General of the National Guard of Washington, the ranking officer of the active list of the National Guard of Washington, stationed at the city of Bellingham, the State Board of Control and the chairman of the board of county commissioners of the county of Whatcom, all of whom shall be *ex-officio* members of the board. The Adjutant General shall be chairman of said board, and the board shall elect a secretary from

among its members. The members of the board shall act as such until the completion of the armory and the acceptance thereof by the state, and shall give bond with at least two sureties, to the State of Washington, in the sum of five thousand (\$5,000.00) dollars, conditioned for the faithful performance of the duties imposed by this act, to be approved by the Governor and filed with the Secretary of State, said sureties qualifying in double the penal obligation of said bond. A majority of the board shall constitute a quorum: *Provided, however,* That no member of the board shall be allowed or shall receive any compensation for his services as a member of such board.

SEC. 4. It shall be unlawful for any members of the said board to be connected, either directly or indirectly, in any manner whatsoever, with any contract or part thereof for the erection of said armory or for any work connected therewith, or for the furnishing of any supplies or material therefor or to receive any benefit therefrom, either by way of commission, rebate, bonus, division 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 upon conviction thereof shall be subject to a fine not to exceed \$1,000.00 and imprisonment in the penitentiary not to exceed five years, and shall forfeit his right to and be removed from his place on the board by the court in which he shall have been convicted. It shall be unlawful for said board 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 of said armory, or for the furnishing of any supplies or material therefor; and the said board is hereby charged with the rigid enforcement of this provision of this act.

SEC. 5. It shall be the duty of said board to locate its armory upon the most sightly and suitable site which shall become available therefor within the said city; to secure the submission of plans and designs appropriate to an

armory to cost not more than the amount specified in this act, and such additional sum, if any, as may be donated for the purposes of this act; to select desirable site, plan and design, and to obtain proper architectural designs, plans and specifications and details, in conformity with such plan and design; to secure the erection and completion of such armory building conforming faithfully to such plan and design.

SEC. 6. No construction or material exceeding \$500.00 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 board 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 in a sum not less than one-quarter of the contract price, said bond to be conditioned for the faithful performance of said contract and to be approved by the Commission. Each bid shall be accompanied by a certified check in the sum of \$1,000.00, payable to the chairman of the Commission, which shall be forfeited to the state for the use of the military fund upon failure of the party, for a period of ten days after any contract is awarded, to enter into a proper contract and furnish satisfactory bonds as required by law. All contracts shall reserve the right of the board for good cause shown to annul the contract, without allowance for damages, and allowing only expenses incurred and labor performed, not exceeding the contract price of the proportion that the work done or the material furnished thereunder bears to the total amount contracted for. Such a per centum, not less than twenty per centum, as the board 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 the board, and the directions, plans and specifications of the work executed and carried out by

Bids.

Good faith
required.

Contract
may be
annulled.

skilled and reputable architects, artists, mechanics and laborers, likewise to the satisfaction of the board.

SEC. 7. The architect chosen by the board shall receive such compensation for his plan and design as the board shall deem reasonable. He shall be supervising architect of said building, and for all contracts for construction or material therefor. He shall see that all material furnished and work done shall be of the best quality, and all contracts with said board are faithfully performed by the parties so contracting with said board. 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 board. Neither said architect nor any of his subordinates or assistants shall be in any way connected with any work done or material 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 \$10,000.00 conditioned for the faithful performance by said architect, his assistants and subordinates, of his or their duties as herein prescribed.

SEC. 8. All disbursements on account of the construction of said armory provided for in this act shall be made pursuant to certificates issued by the board. All claims, bills and demands for labor performed, work done or material furnished, shall be presented to the board in duplicate, and shall be passed upon by said board after a careful examination of every item named. If found correct, they shall audit the same, preserving one duplicate and transmitting the other as audited and allowed to the state auditor, and shall issue a certificate to the effect that the services have been rendered or materials 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 the board herein provided, to the State Auditor, he shall draw his warrant on the state treasury upon the military fund, and the State Treas-

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

Attorney
General.

SEC. 9. The Attorney General shall be the legal adviser of the board herein constituted.

Government
of armory.

SEC. 10. The Commander-in-Chief is hereby authorized to make such rules and regulations as he may deem expedient to govern this 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 by the House February 23, 1909.

Passed by the Senate March 3, 1909.

Approved March 9, 1909.

CHAPTER 69.

[H. B. 310.]

PROVIDING FOR ERECTING A CAPITOL BUILDING.

AN ACT relating to the sale of lands granted for public buildings at the state capitol, providing for the payment of all the claims against the capitol building fund and for the erection and completion of a capitol building, and making an appropriation for the carrying out of the provisions of this act and declaring an emergency.

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

State Capitol
Commission.

SECTION 1. A State Capitol Commission is hereby created, consisting of the Governor, State Auditor, the Commissioner of Public Lands, one member of the Tax Commission to be named by the Governor as *ex-officio* member thereof and three qualified electors of the State of Washington to be appointed by the Governor, to serve until the completion of their duties under this act, unless sooner removed; and in case of any vacancy in said Commission by