

on and full power to forfeit cash bail, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance, and pronounce judgment in accordance therewith and full power to issue all warrants and process necessary to effectuate the ordinances of the city. Such police judge shall have jurisdiction to impose a fine of not to exceed three hundred dollars (\$300.00), or imprisonment not to exceed ninety (90) days, or both such fine and imprisonment, in all cases where such penalty shall be prescribed by ordinance. In the trial of actions brought for violating any city ordinance, no jury shall be allowed. All civil or criminal proceedings before such police judge and judgment rendered by him shall be subject to review in the Superior Court of the proper county by writ of review or appeal.

Fines and imprisonment.

Passed the Senate March 8, 1923.

Passed the House March 6, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,

*Secretary of State.*

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## CHAPTER 183.

[S. B. 92.]

### PUBLIC WORKS.

AN ACT relating to public work, requiring the making and filing of plans and specifications therefor, requiring the making, keeping, certification and publication of estimates, records and accounts of costs of construction, defining certain terms, declaring certain acts to be a misdemeanor and providing a penalty therefor.

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

SECTION 1. The term state shall include the State of Washington and all departments, supervisors, commissioners and agencies thereof.

Definitions:  
State.

**Municipality.** The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

**Public work.** The term public work shall include all work, construction, alteration, repair or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair or improvement of any municipal street railway system.

**Contract.** The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid.

**Cost of superintendence.** Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof.

**Plans and specifications.** **Estimate of cost.** SEC. 2. Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans and specifications thereof and an estimate of the cost of such work to be made and filed in the office of the director, super-

visor, commissioner, trustee, board or agency having by law the authority to require such work to be done.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of twenty-five hundred dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a newspaper of general circulation in the county in which such work is to be done.

Work not  
done by  
contract.

Estimates  
published.

*Provided*, that when such work is to be done by the state, publication in a newspaper of general circulation throughout the state shall be equivalent to publication in the county where the work is to be done, *and provided, further*, that when any municipality required to make publication shall regularly issue and publish a gazette or other record of the official acts and doings of such municipality, publication in such gazette or record shall be equivalent to publication in a newspaper.

Publication.

*And provided further* that when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Emergency.

SEC. 3. Whenever plans and specifications shall have been filed the work to be done shall be executed in accordance with such plans and specifications unless supplemental plans and specifications of the alterations to be made therein shall be made and filed in the office where the original plans and specifications are filed.

Supplemental  
plans and  
specifications.

In the event that the probable cost of executing such work in accordance with the supplemental plans and specifications shall be increased or decreased from the estimated cost as shown by the original estimate to an amount in excess of ten per cent of such estimate, then a supplemental estimate shall be made of the increased or decreased cost of executing the work in accordance with the supplemental plans and specifications and filed in the office where the original estimate is filed.

Estimate  
of costs,  
contents.

SEC. 4. Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit, allowed for the completion of the work and the estimated dates of commencement and completion. Such estimates shall show in detail the estimated total cost of labor, material, provisions, supplies, equipment rentals, equipment purchases, industrial insurance and medical aid, superintendence, engineering, clerical and accounting service, the value of the use of equipment owned by the state or such municipality and other estimated expenses in the execution of such work.

Supplemental  
estimates,  
contents.

SEC. 5. Supplemental estimates shall show the estimated increase or decrease in the total quantities of each class, in the unit cost of each class, in the total cost for each class and in the total cost of the work as shown by the original estimate, together with any change in the time limit and in the estimated dates of commencing and completing the work.

Record and  
accounts.

SEC. 6. Whenever the state or any municipality shall execute any public work by any means or method other than by contract, it shall cause to be kept and preserved a full, true and accurate account and record of the costs of executing such work.

Such account and record shall show in accurately tabulated form and under appropriate headings the

totals of all classes and kinds of work performed, the total cost and unit cost of each class, together with the costs of executing such work, including, under separate headings, the costs of labor; material; equipment purchased; provisions and supplies; rental of equipment, industrial insurance and medical aid; superintendence; engineering; clerical and accounting service; the reasonable value, including depreciation, of the use of equipment owned by the state or municipality; and all other expenses incurred therein.

SEC. 7. A true copy of such account or record, duly certified by the officer or officers having by law authority to direct such work to be done, to be a full, true and accurate account of the costs of executing such work shall be filed in the office where the original plans and specifications are filed within sixty days after the completion of the work.

Copy filed.

The engineer or other officer having charge of the execution of such work shall execute a certificate which shall be attached to and filed with such certified copy, certifying that such work was executed in accordance with the plans and specifications on file and the times of commencement and completion of such work. If the work is not in accordance with such plans and specifications he shall set forth the manner and extent of the variance therefrom.

Engineer's certificate.

SEC. 8. Within thirty days after the filing of the final account or record of the cost of executing such work, the officer or officers of the state or of such municipality having authority to direct such work to be done shall, if the cost of executing such work exceeds twenty-five hundred dollars, cause a true copy of such account or record and of any supplemental estimate on file, together with a general description of such work, to be published at least once in the same newspaper or publication in which the original estimate was published.

Record of costs, published.

If the original estimate was not published a copy thereof shall be published at the time of and with the publication of the account or record of costs, and such publication may be made in any newspaper or other publication in which publication of any original estimate is authorized.

Records open  
to inspection.

SEC. 9. All plans, specifications, estimates, and copies of accounts or records and all certificates attached thereto shall, when filed, become public records and shall at all reasonable times be subject to public inspection.

Certified  
copies.

Certified copies of any estimate, account or record shall be furnished by the officer having the custody thereof to any person on demand and the payment of the legal fees for making and certifying the same.

False entries,  
penalty.

SEC. 10. Any director, supervisor, officer or employe of the state and any commissioner, trustee, supervisor, officer or employe of any municipality who shall knowingly make any false entry in any account or record required by this act or who shall knowingly certify to any false statement in any certificate required by this act, shall be guilty of a misdemeanor.

Passed the Senate March 7, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 20, 1923.