

ment disability preventing the proper discharge of his duty. A vacancy shall be filled at the next general election; the vacancy in the interim to be filled by appointment by the remaining commissioners within twenty days from the date of such vacancy, or in the event the remaining commissioners do not fill the vacancy within said time then the county commissioners of the county in which said district is located shall fill said vacancy within twenty days thereafter. If more than one vacancy exists at the same time a special election shall be called by the county election supervisor upon the request of any remaining commissioner and if there is none, then by the supervisor. The election shall be held not more than forty days after the occurrence of the vacancies.

SEC. 3. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 28, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

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## CHAPTER 83.

[ S. B. 113. ]

### PUBLIC HIGHWAYS—CONTRACTS—BIDS.

AN ACT relating to public highways; prescribing procedure for the contracting of highway construction, and amending section 37, chapter 53, Laws of 1937, as amended by section 1, chapter 64, Laws of 1949, and RCW 47.28.090.

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

SECTION 1. Section 37, chapter 53, Laws of 1937, Amendment. as amended by section 1, chapter 64, Laws of 1949, and RCW 47.28.090 are each amended to read as follows:

Opening bids and awarding contracts.

At the time and place named in the call for bids the Washington state highway commission shall publicly open and read the final figure in each of the bid proposals properly filed and read only the bid items on the three lowest bids, and shall award the contract to the lowest responsible bidder unless the commission has, for good cause, continued the date of opening bids to a day certain, or rejected said bid: *Provided*, That any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and no bid shall be considered unless the deposit is enclosed therewith.

Bids to be sealed and accompanied by security.

Passed the Senate February 7, 1955.

Passed the House February 23, 1955.

Approved by the Governor March 4, 1955.

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CHAPTER 84.

[ S. B. 114. ]

DEPARTMENT OF HIGHWAYS—CONTRACTS WITH PUBLIC UTILITIES AND MUNICIPAL CORPORATIONS.

AN ACT relating to certain contracts of the state highway department with public utilities and municipal corporations, and amending section 1, chapter 100, Laws of 1953, and RCW 43.27.105.

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

Amendment.

SECTION 1. Section 1, chapter 100, Laws of 1953, and RCW 43.27.105 are each amended to read as follows:

Advertising bids and performance bonds.

It shall be lawful for the state department of highways acting through the Washington state high-