

CHAPTER CXXXVII.

[H. B. No. 245.]

TO PROHIBIT THE APPOINTMENT OF ANY SHERIFF AS
RECEIVER OR ASSIGNEE.

AN ACT to prohibit the appointment of the sheriff of any county [as] receiver or assignee in cases of insolvency or assignment.

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

SECTION 1. That it shall be unlawful for the judge of any court of record or the creditors of an insolvent debtor to appoint the sheriff of the county receiver or assignee in any case of insolvency or assignment.

SEC. 2. That all acts or parts of acts that are in conflict with this act be and the same are hereby repealed.

Approved March 21, 1893.

CHAPTER CXXXVIII.

[H. B. No. 292.]

PROVIDING FOR ERECTION OF STATE CAPITOL
BUILDING.

AN ACT to provide for the location and erection of a capitol building and providing an appropriation therefor, and declaring an emergency.

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

SECTION 1. That for the purpose of erecting and completing a state capitol building for the State of Washington on the site now owned and occupied by the State of Washington for the purpose at the city of Olympia, in said state, there is hereby created a board, to be known as the state capitol commission. Said board shall consist of five members, to be composed of the governor, state auditor and three qualified electors of the state, who shall not be citizens of the city of Olympia, and no two of whom shall be from the same county, [to] be appointed by the gov-

State capitol
commission.

error by and with the advice and consent of the senate: *Provided*, That not more than three members of said board shall belong to any one political organization. The commissioners so appointed shall hold office till the completion of said building and the acceptance thereof by the state, unless sooner removed for cause, by the governor, and shall give bond with at least two sureties to the State of Washington, in the sum of twenty thousand dollars, conditioned for the faithful performance of the duties imposed by law, to be approved by the governor and filed with the secretary of state, said sureties qualifying in double the penal obligation of said bond. The governor shall be chairman of said board, and shall have power to fill all vacancies until the next session of the senate, when any appointment to fill a vacancy shall be made by and with the advice and consent of the senate. A majority of said board shall constitute a quorum.

Term of office.

Bond.

Governor to fill vacancies.

Quorum.

SEC. 2. It shall be unlawful for any 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 capitol building, or for any work connected therewith, or for the furnishing of any supplies or material therefor, or to receive any benefit therefrom, or the promise of any benefit therefrom, either by way of commission, rebate, bonus, division of profits or otherwise; and any one of said board who shall violate this provision of this act shall be guilty of a felony, and upon conviction thereof shall be subject to a fine not to exceed one thousand dollars, and imprisonment in the penitentiary not exceeding five years, and shall forfeit his right to, and be removed from his place in said board. It shall be unlawful for said board to employ any person in the supervision or superintendence of the building of said capitol, 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 capitol building, or for the furnishing of any supplies or material therefor; and the said board of managers are hereby charged with the rigid enforcement of this provision of this act.

No member of board to be interested in contract.

Unlawful to employ in any work one who is interested in contract.

Salary of commissioners.

SEC. 3. Each of the commissioners appointed by the governor under the provisions of this act shall receive as compensation five dollars (\$5.00) a day for each and every day he is actually engaged in the performance of the duties of his office, together with mileage actually paid out while engaged in the necessary performance of his official duties, said services and expenses to be certified to the state auditor with vouchers therefor, according to the provisions of chapter 126, laws of 1891.

Compensation of secretary.

SEC. 4. Said board is authorized to appoint a secretary and remove him at pleasure. His compensation shall be such sum as the board shall deem reasonable, not exceeding one hundred and twenty-five dollars (\$125.00) per month [for] the time that he is actually employed. He shall qualify by giving a bond to be approved by a judge of a court of record in the sum of five thousand dollars (\$5,000) conditioned for the faithful performance of the duties of his office. He shall keep a true and complete record of the proceedings of the board. He shall make and keep a record of all contracts and obligations entered into by and with the board, or made or delivered to the board. He shall attest all certificates ordered by the board. He shall keep a set of books showing all expenditures on account of said board, all expenditures on account of the capitol building, and showing at all times the financial condition of said board, and of the funds appropriated for and applicable to the purposes of this act and all matters relating thereto. He shall on the first day of January of each year

Bond of secretary.

Duties of secretary.

Annual report.

prepare a financial report for the preceding year, containing an itemized and classified statement of all expenditures, and a list of all vouchers issued, showing to whom and for what purpose they were issued, which reports shall be filed in the office of the auditor of the state and published on the first day of January of each year in two newspapers to be selected by the board, and a copy transmitted by the board to the legislature at its next regular session. All contracts made with said board and all bonds required by said board shall be regularly passed upon by the board in session and if adopted and approved by a majority of said board shall be recorded in a book kept for that purpose, and a copy

Publishing of report.

Record of contracts.

of such contract shall be made out and certified by the secretary indorsed "approved," with the date of approval, and delivered to the other party to the contract. Until such delivery no contract shall be valid or binding on either party. No party required by said board to give bond shall receive any money from the public treasury, or warrant or certificate therefor, until said bond shall have been recorded as herein required. All such bonds and contracts upon being recorded shall be filed in the office of the auditor of state, by whom they shall be preserved. All other vouchers, statements, files and papers relating to the erection of said building shall be kept and preserved by said secretary. He shall perform such other duties as may be required of him by said board.

SEC. 5. It shall be the duty of said board— (1) To locate said capitol building at the place in the present capitol grounds most sightly and suitable therefor. (2) To secure the submission of plans and designs appropriate to a capitol building of the State of Washington, the reasonable cost of which shall be one million dollars and no more, and from such plans and designs as may be worthy and adequate, to secure the selection of the most desirable plan and design, and to obtain proper architectural designs, plans and specifications and details, in conformity with such plan and design. (3) To secure the erection and completion of said capitol building conforming faithfully to such plan and design.

SEC. 6. In order to procure the submission of adequate and worthy plans and designs, said board may offer and award to architects submitting plans which said board shall deem meritorious, four prizes. To the architect submitting the plan and design which shall be accepted as the plan and design of said capitol building the first prize shall be awarded, which shall consist of his selection as architect of said building, and the acceptance of his plan and design. The second prize shall consist of the sum of fifteen hundred dollars (\$1,500), and shall be awarded to the architect submitting the plan and design deemed second in merit. The third prize shall be the sum of one thousand dollars

Duties of board.

Plans, designs, etc.

First prize.

Second prize.

Third prize.

(§1,000), and shall be awarded to the architect submitting the plan and design deemed third in merit. The fourth prize shall be the sum of five hundred dollars (\$500), and shall be awarded to the architect submitting the plan and design that shall be deemed fourth in merit. No design that the commission shall not deem adequate and worthy shall receive a prize. In case no plan and design is accepted as herein provided, the board shall advertise for the submission of further plans and designs, making no award of prizes till a plan for said capitol building shall be selected. The board shall invite the submission of plans and designs by a published notice setting forth the offer of prizes, and stating the time on or before which plans and designs must be submitted to the board: *Provided*, That the architect being awarded the first prize shall satisfy the commission that he is the author of the design and plan so submitted, and that he is skilled in his profession. That notice shall be published in four daily papers, one each in Seattle, Tacoma, Spokane and Olympia, and in four papers in other localities outside of the State of Washington at least twice a week for five successive weeks, giving at least sixty days' notice after the day of the last publication of the time of said submission. The board in selecting a plan and design for said capitol building shall require the highest degree of architectural beauty and constructive excellence, and [said building] shall be fire proof.

SEC. 7. No construction or material shall be furnished except pursuant to bids advertised for, as herein provided. All lettings of construction or material exceeding in amount the sum of five hundred dollars (\$500) shall be advertised in two daily newspapers of general circulation, for not less than ten days. The bid of the lowest responsible bidder shall be accepted, saving that the board shall have the right to reject all bids. The performance of every contract shall be secured by a bond to the State of Washington, in a sum not less than one quarter of the contract price, secured by two securities, qualifying in double the amount of the bond, each of whom shall be a *bona fide* resident of this state, said

Fourth prize.

Re-advertising for plans.

Publication of notice.

Bids for construction and material.

Bond.

bond to be conditioned for the faithful performance of said contract. Each bid shall be accompanied by a similar bond conditioned for the execution and faithful performance of a contract in accordance with said bid, if the same shall be accepted by the board. 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 or the proportion that the work done or 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 payments 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 skilled and reputable architects, contractors, artists, mechanics and laborers, likewise to the satisfaction of the board.

Reservation
of right
to annul
contract.

SEC. 8. 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 shall prepare all plans, specifications, drawings and details for 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 that 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 bond to the State of Washington, in the sum of fifty thousand dollars (\$50,000) with two or more sureties, each a resident of this state, and qualifying in twice the amount of said bond, conditioned for the

Compensation
and duties
of architect.

Architect's
bond.

faithful performance by said architect, his assistants and subordinates, of his and their duties as herein prescribed.

Superintendent of capitol building.

SEC. 9. The board shall appoint a specially qualified person to act as superintendent of the construction of said capitol building. It shall be his duty to see that all contracts made with the board are faithfully performed, that all material furnished and work done shall be as required by law or the contract therefor, that all duties imposed upon the architect are faithfully performed by him and his subordinates, and that no provisions of this act are violated. To report to the board any violation of this act or of any contract, or of duty by any architect, contractor or employé of said board, and to do such other duties as may be required of him by the board. Said superintendent shall receive as his compensation such sum as the board shall deem reasonable, not exceeding eight dollars per day, for each and every day he is actually engaged in the performance of his duties. He shall be removable at the pleasure of the board.

SEC. 10. The board shall have and is hereby given power and authority where the kind of material to be used in the construction of the capitol building is not specifically fixed by law to use such material as it may deem best for said building: *Provided*, That the total cost of the erection, completion and furnishing of said capitol building, including steam heating apparatus and all other fixtures, shall not exceed the sum of one million dollars, and the board shall at all times have this object in view, and all plans accepted, and all contracts awarded shall be accepted and awarded only after the board shall be satisfied that the cost of the building when it shall be completed and furnished shall not exceed this amount.

Biennial report to legislature.

SEC. 11. It shall be the duty of said board, pending the construction of said building, to submit to the legislature at each session thereof, including the session following the completion of said building, a full statement of all work done and material furnished, and contracts for the same in the construction of said capitol building, together with a complete statement fully itemized and properly tabulated

of all moneys spent by it, and shall furnish a detailed report of its acts and doings therewith.

SEC. 12. The capitol building shall be built of stone, brick and iron, as far as practicable. All materials to be used in the construction and furnishing of the same shall be procured in the State of Washington: *Provided*, The same are the products of said state and can be procured in said state as cheaply as material of like quality in other localities. Said capitol building shall contain all chambers, rooms, corridors, halls, safes, vaults and other features and appurtenances appropriate to a capitol building. It shall be equipped with the most improved methods of heating, draining and ventilation.

Capitol to be built of stone, brick and iron.

SEC. 13. The board shall divide the expenditure for the erection and completion of said capitol building so that there shall not be expended in any one year an amount in excess of the appropriation for that one year. The entire construction and furnishing of said capitol building shall be completed by the first day of January, 1899: *Provided*, That a sufficient sum to pay for the same shall have been derived from the sale of lands granted for that purpose.

Annual expenditure not to exceed appropriation for that year.

Time for completion of building.

SEC. 14. All disbursements on account of the construction of the capitol building 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 only at regular sessions thereof, and 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 services have been rendered or material furnished, and the person therein named is entitled to a warrant on the treasury for the amount therein named. Upon the presentation of said certificate and a duplicate of the vouchers therefor as audited and approved by the board as herein provided, to the state auditor, he shall draw his warrant on the state treasury on the "state capitol building fund" for the amount stated, and to the order of the person named in said certificate: *Provided*,

Manner of making disbursements.

That no certificate shall be issued in excess of the amount appropriated for that year. All certificates issued shall be recorded in a book kept for that purpose.

Capitol building fund.

SEC. 15. In order to carry out the provisions of this act there is hereby created a fund to be known as the "[state] capitol building fund," into which fund shall be paid the proceeds of all moneys derived from the sales of lands granted to the State of Washington for the purpose of erecting public buildings at the state capital, from which fund there is hereby appropriated the sum of two hundred and twenty-five thousand dollars for the fiscal year ending March 31, 1894, and two hundred and seventy-five thousand dollars for the fiscal year ending March 31, 1895: *Provided*, That no appropriation shall be made from any fund except the fund derived from the sale of lands granted for erecting public buildings at the state capital.

Legal adviser.

SEC. 16. The attorney general shall be the legal adviser of the board.

Emergency.

SEC. 17. The state having no suitable building for capitol purposes, and a long interval necessarily elapsing after this act goes into effect before the work of construction on the capitol building can be begun, an emergency is hereby declared to exist, and this act shall take effect from and after its passage and approval by the governor.

Approved March 21, 1893.

CHAPTER CXXXIX.

[H. B. No. 295.]

PUNISHMENT FOR CRIME AGAINST NATURE.

AN ACT to provide for the punishment of the crime against nature, and declaring an emergency.

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

SECTION 1. Every person who shall commit the infamous and detestable crime against nature, either with