

CHAPTER 174.

(H. Sub. B. No. 25)

CREATING THE OFFICE OF HIGHWAY COMMISSIONER.

AN ACT creating the office of and providing for the appointment of a highway commissioner and state highway board, and for the survey, establishment and repair of certain State highways, providing for the expenditure by the county commissioners of the counties through which portions of the said highways run, all moneys for the improvement of such highways, making an appropriation therefor, and repealing sections one, two, three, four, five, six and eight of an act entitled, "An act providing for the survey, establishment and repair of certain State highways and making an appropriation therefor," passed by the House of Representatives March 11, 1903, and by the Senate March 12, 1903, vetoed by the Governor and passed notwithstanding the veto of the Governor by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905.

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

SECTION 1. There is hereby created the office of highway commissioner and a state highway board. The said highway commissioner shall be appointed by the governor ^{Governor to appoint.} and shall hold his office for two years unless sooner removed for cause; said commissioner shall be a capable and experienced civil engineer and surveyor and shall receive an annual compensation of \$2,500 a year, and shall be allowed ^{Salary.} his actual traveling expenses while officially employed not to exceed \$1,000 in any one year, and shall be allowed his office expenses not to exceed \$1,500 in any one year; he shall take oath of office and shall give a bond in the sum ^{Bond.} of \$5,000 conditioned for the faithful performance of his duties; the said state highway board shall be composed of the state auditor, the state treasurer and the state highway commissioner.

SEC. 2. The commissioner shall be furnished with a suitable office in the capitol building in connection with the state land commissioner where his records shall be pre- ^{Office with land commissioner.} served, and which said office shall be kept open at such times as the business of the commissioner shall require. He shall

Records.

keep a record of all proceedings and orders pertaining to the matters under his direction and copies of all plans, specifications and estimates submitted to him. The commissioner shall prepare and submit, ninety days before the session of each Legislature of the State of Washington, a report of the work constructed or under construction and shall make recommendation as to the needed State highways together with the estimated cost of such needed highways.

Report to legislature.

Apportionment of amount Appropriated.

SEC. 3. Immediately upon the appointment of said commissioner said highway board shall decide what portion of the amount appropriated for each of the roads described in an act entitled, "An act providing for the survey, establishment and repairs of certain State highways, and making an appropriation therefor," passed by the House of Representatives on March 11, 1903, and by the Senate on March 12, 1903, which said act was vetoed by the governor March 21, 1903, and was passed notwithstanding the governor's veto by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905, shall be expended within the boundaries of the several counties through which it is proposed to pass and shall so notify the county commissioners of the several counties.

Survey by county commissioners.

SEC. 4. Upon receipt of said notice the county commissioners of each of the said counties shall, unless such highway has been theretofore surveyed, direct a survey to be made of the entire length of said highway in said county, and they shall have the same mapped, both in outline and in profile and shall also have plans and specifications prepared for the construction of the repair of said highway. Such maps, plans and specifications shall be thereupon submitted to the highway commissioner and no portion of the appropriation hereinafter made shall be expended upon said road until the said highway board shall have declared said road feasible and the highway commissioner shall have approved said outline and profile maps and said plans and specifications for the entire length of said road in said county; nor until the county commissioners of said county secure the dedication or condemnation of such right-of-way for said highway the highway board shall designate, and shall upon all State roads and highways for which appropriations have heretofore been made and for which appropriations may hereafter or herein be made, provide for the

expenditure upon said road within said county from the county funds of a sum equal to one-half the amount of the said appropriations to be expended by the State, exclusive of expenses incurred in connection with the survey, the preparation of maps, plans and specifications and the supervision and inspection of said highway; it being the intention of this act that the entire amount appropriated for the highways and an amount equal to one-half of each appropriation shall be expended in actual construction work under contract on said road.

SEC. 5. Upon the approval of the above mentioned maps, plans and specifications, it shall be the duty of said county commissioners to call for bids for the construction of said highway or such sections thereof as the highway board shall designate, according to maps, plans and specifications heretofore mentioned. Calls for said bids shall be made by publication in the official county paper, and also in some daily paper of general circulation in the state to be designated by the said highway commissioner, for not less than three consecutive weeks prior to the time set by the said commissioners for the opening of said bids. The said highway commissioner shall meet with the said county commissioners on the occasion of the opening of said bids and no contract entered into for the construction of said road shall be binding upon the State without the approval of said commissioner. The said highway commissioner or the county commissioners shall have the right to reject any and all bids if in their opinion good cause exists therefor, but otherwise shall award the contract to the lowest bidder. The highway commissioner shall require a bond from the successful bidder in the full amount of the contract conditioned for the faithful performance of the contract according to law. Each bidder shall deposit with his bid a certified check in an amount equal to ten per centum of the amount of his bid. Should the bidder to whom the contract is awarded fail to enter into a contract and furnish the bond hereinbefore provided within five days after the notice of such award, the amount of such check shall be forfeited to the road and bridge fund of said county.

SEC. 6. The respective boards of county commissioners shall examine and allow or disallow all bids and shall certify all claims to the highway commissioner who shall examine and approve or disapprove same, and certify all

Bids for construction—
how called,
let, etc.

Bond of
successful
bidder.

Claims, allowance of.

claims to the state auditor, and the county auditor who upon receipt of same are hereby authorized to draw their several warrants on the state auditor for two-thirds the amount of, and the County Auditor for one-third of each claim so approved by the highway commissioner, and the state and county treasurers upon presentation are hereby respectively authorized to pay said warrants: *Provided*, That no indebtedness shall be incurred in the building or repair of any said above described roads.

Appropriation,
for salaries
and expenses.

SEC. 7. For the purpose of carrying into effect the provisions of this act there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of ten thousand dollars for salary and expenses of said highway commissioner as herein provided; this appropriation shall be in lieu of the appropriation provided for salary and expenses for said highway commissioner provided for in section seven of the act entitled, "An act providing and making the appropriations therefor," passed by the House of Representatives March 11, 1903, and by the Senate March 12, 1903, and which said act was vetoed by the governor March 21, 1903, and was passed notwithstanding the governor's veto by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905.

County to
keep road in
repair.

SEC. 8. After the completion of all roads constructed or repaired by the State under this act it shall become the duty of the boards of county commissioners of the respective counties in which said road or any portion thereof extends to keep the same within the boundaries of their respective Counties in repair at the cost of said County.
counties in repair at the cost of said county.

SEC. 9. Sections one, two, three, four, five, six and eight of an act entitled, "An act providing for the survey, establishment and repairs of certain State highways and making an appropriation therefor," passed by the House of Representatives March 11, 1903, by the Senate March 12, 1903, vetoed by the governor and was passed notwithstanding the governor's veto by the House of Representatives on the 24th day of January, 1905, and by the Senate on the 26th day of January, 1905, be and the same are hereby repealed.

Repeal.

SEC. 10. There shall be laid out, surveyed, established, constructed and maintained for the use of the public and State a wagon road in the manner provided in this act, be-

ginning at Marble Mount, Skagit County, Washington, running thence in a northeasterly direction up the Skagit river or by the most feasible and practicable route to make connection with the present wagon road near the mouth of Mill Creek in Whatcom County, Washington.

Marble Mount road.

SEC. 11. For the purpose of carrying into effect the provisions of this act for the survey, establishment, construction and maintenance of the said road from Marble Mount to Mill creek as aforesaid, there is hereby appropriated out of the State highway fund the sum of twenty-four thousand dollars, or so much thereof as shall be necessary to be expended upon said road.

Appropriation for above road.

SEC. 12. There shall be laid out, surveyed, established, created and maintained for the use of the public and State, a wagon road in the manner provided in this act, beginning at a point on the west bank near the mouth of the Methow river, in Okanogan County, Washington, thence up the Methow river valley, following as nearly as practicable the county road near the Methow river to Winthrop, thence up the south fork of the Methow river valley and over the summit of the mountain, the most practicable route to Barron, in the County of Whatcom, Washington. And for the purpose of carrying into effect the provisions of this act for the survey, establishment, construction and maintenance of said road there is hereby appropriated out of the State highway fund the sum of ten thousand dollars (\$10,000): *Provided further*, That the construction of said highway shall begin at a point on the west bank near the mouth of the Methow river and continue as described in this section.

Appropriation for road in Okanogan and Whatcom counties.

Passed the House March 7, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.