

## ACT 238.

AN ACT to provide for carrying forward the work of the New State Capitol and making appropriations therefor, and for paying any sum which may be found due the former contractors, and for the creation and appointment of a Capitol Commission and defining its duties, and for other purposes, to carry out the provisions of this Act.

## SECTION

1. Capitol Commission created. Fixes salary of secretary.
2. Commissioners to subscribe to oath of office.
3. Capitol Commissioners to turn over to Auditor of State all books, papers, etc., belonging to said Commission.
4. Commission to certify to Auditor all claims against Commission.
5. Duties of the new Capitol Commission, etc.
6. Appropriation of \$330,000 made to complete Capitol building.
7. Duties of the Capitol Commission.
8. Appropriations made to carry out Section 7 of this Act.
9. Commission authorized to use unexpended balances for other purposes.
10. Contracts to be publicly let, etc.
11. Commission allowed to use 100 convicts on Capitol building.
12. Commission to certify to Auditor amount due contractors.
13. Designating the plans and specifications of building.
14. Tax levy for Capitol building continued.
15. Objects and purposes of Act outlined.
16. Laws in conflict repealed; Act in force from passage.

*Be It Enacted by the General Assembly of the State of Arkansas:*

SECTION 1. A Capitol Commission is hereby created to be composed of the Governor and four other citizens of the State, to be appointed by the Governor and confirmed by

the Senate; *provided*, no member of the Thirty-seventh General Assembly shall be on this board. In the event of vacancy from death, resignation, removal from the State, or mental or physical inability to serve or other cause, the commission shall declare the office vacant and certify the same to the Governor, who shall fill the same in like manner as the original appointment. Said commission shall be in the place of the Board of Capitol Commissioners created by section one (1) of the Act of April 16, 1903. The commissioners shall hold office until the completion of the capitol, unless sooner removed for cause as hereinafter provided. The commission shall have the right to remove for cause any commissioner, but the removal and cause thereof shall be stated to the Senate upon its convening and subject to its approval. Until the Senate disapproves the act of the commission in removing a commissioner, the commissioner appointed in his place shall serve. The commission shall select its chairman and shall elect a secretary. The secretary shall hold at the pleasure of the commission and at a compensation to be fixed by it, not to exceed one hundred (\$100.00) dollars per month. He shall keep a true and complete record of the proceedings of the commission and perform such other duties as the commission may require of him.

SECTION 2. Each of said commissioners, before entering upon the duties of his office, shall take and subscribe to the following oath, to be endorsed upon his commission, and to be administered by any one authorized to administer oaths, to-wit:

"I, A. B., do solemnly swear that I am not now, and will not, directly or indirectly, become interested or concerned in any manner with any contractor, or sub-contractor, material men, or any other person or persons who may be concerned in the erection of the State Capitol or any portion thereof, or in the proceeds or profits growing out of

same, or any work or labor done thereon, or materials, furnished in the erection of the same; and that I will not employ or contract with any person of kin to me in any manner in relation to said capitol building; and that I will faithfully discharge the duties of commissioner as aforesaid, to the best of my ability, so help me God."

Each commissioner, except the Governor, shall give a qualified bond to the State of Arkansas for the faithful performance of his duties in the sum of twenty-five thousand (\$25,000.00) dollars, to be approved by the Attorney General, which bond when so approved shall be filed with the Auditor of State.

Within ten days after qualification as commissioners, they shall meet at the seat of government for the completion of their organization. Each commissioner appointed under the provisions of this Act, except the Governor, shall receive a compensation of six (\$6.00) dollars per day for each and every day he is actually engaged in the duties of his office, together with mileage at five cents per mile for each mile traveled while engaged in the performance of his official duties.

SECTION 3. That immediately upon qualification of the members of said Capitol Commission and the organization of said commission, the Board of State Capitol Commissioners organized and existing under the Act of the General Assembly, approved April 16, 1903, shall turn over and deliver up to the Auditor of State all the books, papers, contracts, options, plans, profiles, drawings and every other thing now in the possession of said board, and the Auditor shall deliver the same to the commission. It being the intent of this Act to make the commission herein provided for the successor of the board provided for by the said Act of April 16, 1903.

SECTION 4. The said Capitol Commission shall certify to the Auditor of State from time to time, such sum or sums of money as may be due to such persons as may have claims

against the State under the terms of this Act, and the person or persons in whose favor such certificate is issued shall be entitled to a warrant upon the treasury for the amount therein named and the State Auditor shall draw his warrant for the same and the Treasurer shall pay the same from the State Capitol Fund, appropriated by this Act.

SECTION 5. It shall be the duty of the Capitol Commission to cause the new State capitol to be completed according to the original plans and specifications except as hereinafter provided. The commission shall so far as is safe and practicable retain the building now under construction. The said plans and specifications shall be subject to revision and alteration by the commission, and the architect shall make changes when required by the commission to do so.

SECTION 6. For the purpose of completing the work covered by the Caldwell & Drake contract, subject to the changes in this bill, the sum of three hundred and thirty thousand (\$330,000) dollars is hereby appropriated out of any funds in the treasury to the credit of the State Capitol Fund, not otherwise appropriated, or so much thereof as may be necessary. It is further provided that the funds in the State treasury derived from the sale of all land except school land, and the fees of the State Land Commissioner, and all funds from said sources for a period of two years from the passage of this Act shall be credited to the State Capitol Fund, and be available under this appropriation.

SECTION 7. The Capitol Commission is hereby directed to perform these duties:

(a) To cause to be removed all the defective work and material and to replace the same in a substantial and workmanlike manner.

(b) To change the construction of the present building so that the hallways shall be lined with white marble, with a scagliola finish on all the interior columns.

(c) To employ a competent architect and a superintendent, the architect and superintendent to be experts on such work. The superintendent, who shall be required to give a good and sufficient bond in the sum of twenty-five thousand dollars for the faithful discharge of his duties, said bond to be approved by the Attorney General and filed with the Auditor, shall be under the direction of the architect and shall devote his entire time to the inspection of said work, and report his findings to said architect and the commission.

The architect shall give bond for the faithful discharge of his duties in the sum of fifty thousand (\$50,000.00) dollars, to be approved by the commission and, his fees shall be fixed by the commission, which shall not exceed 5% of the cost of the work designed by him and caused to be done under his direction.

The commission shall fix the compensation of the superintendent, which shall not exceed two hundred (\$200) dollars per month.

The commission shall meet monthly for the purpose of considering the character of the work on the building, and such other matters as may properly come before it.

(d) To cause a proper water supply to be put in suitable places.

(e) To change the plans so as to substitute stone dome for copper dome.

SECTION 8. For the purpose of carrying out section 7 of this Act, the following additional sums are appropriated from the capital fund:

For the marble in the hallways and scagliola finish on the columns, the sum of one hundred thousand (\$100,000) dollars.

For replacing the defective work and material, one hundred and seventy-five thousand (\$175,000) dollars.

For water connections, salary and expenses of the commission, architect and superintendent, secretary of the commission, and incidental expenses, the sum of seventy thousand (\$70,000) dollars.

For substituting stone dome for copper dome, one hundred and twenty thousand (\$120,000) dollars.

That the Capitol Commissioners be and they are hereby required to file an itemized account with the Auditor showing the actual cost by items of tearing out and replacing any defective work in the new State capitol.

SECTION 9. The commission is hereby authorized to use any unexpended balance of an appropriation for any item in this Act to any other item herein where the appropriation for an item is insufficient, and such unexpended balances are hereby specifically placed in charge of the commission to use upon other items where the sum herein appropriated may prove insufficient.

SECTION 10. When the work is done under contract, said contract shall be publicly let; and notice of the letting shall be given by publication in at least one newspaper in Little Rock, one in Memphis, one in St. Louis and one in Chicago for at least twenty days prior to the letting. The Commission shall require bonds of the contractors, an amount double the amount to be received by them under such contracts, to faithfully perform their contracts and discharge all debts for material and labor incurred under their contracts.

SECTION 11. The Capitol Commission is authorized to have the use of one hundred (100) State convicts, to be selected by the commission for work upon said capitol and grounds and the officers in charge of the State convicts are required to deliver on demand of the commission the convicts required of them.

SECTION 12. The Capitol Commission is hereby required to certify to the Auditor of State the amount which may be found due Caldwell & Drake by the commission to settle the controversy between the State of Arkansas and Caldwell & Drake, created by an Act of the General Assembly, approved April . . ., 1909, known as the "Patterson Act," on account of capitol construction, should said commission find any sum due them. Sufficient money to pay the award in favor of Caldwell & Drake by said commission if it should be made is hereby appropriated out of the capitol fund.

The Auditor is required to issue his warrant on the treasurer in pursuance of the certificate of the Capitol Commission for the amount so certified, and the treasurer shall pay the same or other warrants provided by section 4 of this Act, as required to be paid.

In the event the said arbitration commission should find any sum due from Caldwell & Drake to the State, suit shall immediately be brought against them on their bond.

The commission provided for by this Act is hereby authorized to settle with George R. Mann, by arbitration or otherwise as it may deem proper. If any amount be found due him, the commission shall pay the same as provided in this Act for payment of the contractors. If it shall be found that any sum is due the State from the said George R. Mann, suit shall immediately be brought to recover the same.

SECTION 13. The original plans and specifications herein referred to shall be taken to mean the plans and specifications prescribed in section 7 of the Act of April 16, 1903, as revised by the Board of Capitol Commissioners, and under which the contract was let to Caldwell & Drake.

SECTION 14. The tax of one-half of one mill on each dollar's taxable property in this State, levied under the Act of April 29, 1901, and continued by the Act of April 16,

1903, is hereby continued and levied, and said tax shall continue to be levied and collected until the capitol building is fully completed.

SECTION 15. The object and purpose of this Act, is to complete the new capitol, except the terrace, power-house, heating and lighting, and work below basement floor line, according to the appropriations herein made and is to create a new commission in place of the Board of Capitol Commissioners and to provide for the substitution of other contractors and architect in place of Caldwell & Drake and George R. Mann, whose contracts have heretofore been canceled and are hereby canceled, set aside and held for naught, on account of their failure to comply with their respective contracts.

SECTION 16. All Acts or parts of Acts in conflict herewith are hereby repealed, and this Act to take effect and be in force from and after its passage.

Approved May 12, 1909.

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ACT 239.

AN ACT to create London Special School District in Pope County, Arkansas.

SECTION

1. Creates London Special School District.
2. Debts of Common School Districts 29 and 87 shall be paid by London Special School District.
3. District authorized to borrow money, give mortgage, etc.
4. Laws in conflict repealed; Act in force from passage.

*Be It Enacted by the General Assembly of the State of Arkansas:*