

performance of the duties imposed upon them by this act.

Penalties.

SEC. 15. Violation of any of the provisions of this act shall constitute a gross misdemeanor.

Invalid in part not to affect remainder.

SEC. 16. If any section, clause or part of this act shall be adjudged to be invalid or unconstitutional for any reason, such adjudication shall not affect the remaining portions of this act.

Repeals conflicting acts.

SEC. 17. All acts or parts of acts in conflict herewith are hereby repealed.

Passed the Senate February 9, 1931.

Passed the House March 4, 1931.

Approved by the Governor March 12, 1931.

CHAPTER 41.

[H. B. 44.]

IRRIGATION DISTRICTS.

AN ACT relating to directors and secretaries of irrigation districts, to the powers of districts failing to provide district officers, validating the functions performed by officers later provided for such districts, amending Section 4 of an act entitled "An act providing for the organization and government of irrigation districts and the sale of bonds arising therefrom, and declaring an emergency," pages 671 to 706 of the Laws of 1889-90, approved March 20, 1890, and providing that this act shall take effect immediately.

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

Amends § 4, p. 673, Laws of 1889-90; § 4, ch. 129, Laws of 1921; § 7421, Rem. Comp. Stat.

SECTION 1. That section 4 on page 673 of the Laws of 1889-90, as amended by section 4 of chapter 129 of the Laws of 1921 (section 7421 of Remington's Compiled Statutes) be amended to read as follows:

Board of directors, annual election.

Section 4. There shall be elected in each organized irrigation district of this state, a board of directors who are electors of the district. An annual election to the office of director shall be held on the

second Tuesday of December of each and every year, and the term of each director shall be three years from and after the first Tuesday of January next succeeding his election: *Provided*, That the directors elected at any organization election called by the board of county commissioners shall serve until their successors have been elected and have qualified; and at the first annual election occurring thirty days or more after the date of the order of the county board canvassing the results of the organization election and establishing the district there shall be elected to succeed the directors chosen at the organization election three directors, if the board consists of three directors, and the candidate receiving the highest number of votes shall serve a term of three years next succeeding such election, the candidate receiving the next highest number of votes shall serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve a term of one year next succeeding such election, and when a board of five directors exists, the two candidates receiving the highest number of votes shall each serve a term of three years next succeeding such election, the two candidates receiving the next highest number of votes shall each serve a term of two years next succeeding such election, and the candidate receiving the next highest number of votes shall serve for a term of one year next succeeding such election, or until a successor is elected and qualified. Whenever a district now organized desires to increase the number of its board of directors, such question shall be submitted to the electors at a regular election, and at the same time two directors shall be elected to serve as such in the event the electors by majority of votes cast at such election increase the number of said board. The person receiving the highest number of votes for the office of

Time for holding.

Term.

Increase number of directors.

Term.

director at said election shall serve for the three-year term next succeeding and the person receiving the next highest number of votes shall serve for a term of two years.

Decrease
number of
directors.

The number of directors may be decreased to three substantially in the same manner as that provided for the increase of directors, and at subsequent annual elections beginning with the next annual election thereafter, only a sufficient number of directors shall be elected to fulfill the requirements of the reduced size of the membership of the district board: *Provided*, That the intent of the law that in case of a board of directors of three members, the term of one director only shall expire annually, shall at all times be preserved.

Vacancy in
board,
appointment

In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until his successor has been elected and has qualified. At the next annual election of directors occurring thirty days or more after the date of said appointment, a successor shall be elected who shall take office on the first Tuesday in January following his election and shall serve for the remainder of the unexpired term.

Successor
elected.

Vacancy
after expira-
tion of term.

In instances where a director is appointed by the board of county commissioners to fill a vacancy occurring after the expiration of the term of office of any director, such appointee shall serve until his successor has been elected and has qualified. At the next annual election of directors occurring thirty days or more after said appointment a successor shall be elected, who shall take office on the first Tuesday in January following his election and shall serve for the term for which he was elected. The term of such successor shall be one, two or three

years, as the case may be, in order to preserve the intent of the law that one or more of the terms of directors shall expire each year in the order in which the same were established at the first annual election, or as established by any subsequent election increasing or decreasing the number of directors of the district.

Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute an official bond to the district in the sum of one thousand dollars (\$1,000), conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was effected, and said oath and bond shall be recorded in the office of the county clerk of said county and filed with the secretary of the board of directors. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than one thousand dollars (\$1,000), to be fixed by the board of directors, and which said bond shall be approved and filed as in the case of the bond of a director: *Provided*, That in case any irrigation district is appointed fiscal agent of the United States, or is authorized by the United States in connection with any irrigation project in which the United States is interested, to make collections of money for or on behalf of the United States, such secretary and each such director and the county treasurer shall each execute a further additional official bond in such sum, respectively, as the secretary of the interior may require, conditioned for the faithful discharge of the duties of his respective office, and the faithful discharge by the district of its duties as fiscal or other agent of the United States in such appointment or authorization; such additional bonds to be approved, recorded and filed as herein pro-

Director's
oath.

Bond.

Secretary,
oath, bond.

Fiscal agent
for U. S.

Additional
bonds.

vided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by the failure of such officer or the district to fully, promptly and completely perform their respective duties; the bonds executed by the said officers shall be secured at the cost of the district.

Failure to
hold election.

The failure on the part of any irrigation district in this state heretofore or hereafter to hold one or more annual elections for selection of officers, or otherwise to provide officers, for the district shall not for that reason dissolve the district or impair its powers, where later officers for said district shall be appointed or elected and shall qualify as such and shall exercise the duties of their respective offices in the manner provided by law and all proceedings had and functions performed by such officers in behalf of the district for any and all district purposes in accordance with the law.

Act
effective
immediately.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the House March 2, 1931.

Passed the Senate March 4, 1931.

Approved by the Governor March 18, 1931.