

## CHAPTER 147.

[H. B. 142.]

## PUBLIC UTILITIES OF CITIES AND TOWNS.

AN ACT relating to public utilities of cities and towns; amending section 2, chapter 150, Laws of 1909, as amended, with respect to ratification by voters of ordinances relating to such utilities, and validating certain bonds and warrants issued therefor.

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

SECTION 1. That section 2, chapter 150, Laws of 1909, as amended, (section 9489 of Remington's Revised Statutes; section 1215 of Pierce's Code) be amended to read as follows: Amendments.

Section 2. Whenever the City Council or other corporate authorities of any such city or town shall deem it advisable that the city or town of which they are officers shall purchase, acquire or construct any public utility mentioned in section 1 hereof or make any additions and betterments thereto or extensions thereof, the common council or other corporate authorities shall provide therefor by ordinance, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said city at the general or special election, except in the following cases where no submission shall be necessary: Cities and towns may have utility.

(1) When the work proposed is an addition to, or betterment of, or extension of, or an increased water supply for, existing waterworks, or an addition, betterment or extension of an existing system or plant of any other public utility mentioned in section 1 hereof, for which no general indebtedness is to be incurred by such city or town. Any unpaid bonds or warrants heretofore issued by any city or town in payment for any addition, betterment or extension Ordinance.  
Submitted to vote.  
Exceptions.  
Betterments or extensions of existing systems.

Outstanding  
revenue  
bonds vali-  
dated.

of an existing system or plant of any public utility mentioned in section 1 hereof, which bonds or warrants are not a general obligation of such city or town but are payable solely out of the revenues of such utility and which are of doubtful validity because such addition, betterment or extension was not authorized at an election of voters of such city or town, are hereby validated and ratified;

Where char-  
ter provides  
for acquisi-  
tion.

(2) Where in any charter of any city or town in the State of Washington heretofore or hereafter adopted by a vote of the people, an article or provision has been adopted authorizing the City Council or other corporate authorities of such city to provide by ordinance for acquiring, opening or operating any of said public utilities, for which no general indebtedness is to be incurred by such city or town; or

Sewage dis-  
posal system  
when danger  
to health.

(3) When in the judgment of the City Council, or other corporate authority of any such city or town, the public health is being endangered by the discharge of raw or untreated sewage into any river or stream in this state, and the danger to the public health may be abated by the construction and maintenance of a sewage disposal plant or plants, for which no general indebtedness shall be incurred by such city or town responsible for such contamination.

Must be sub-  
mitted to  
vote if gen-  
eral obliga-  
tion incurred.

If a general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid and such proposition shall be adopted and assented to by three-fifths of the qualified voters of the said city or town voting at said election. If no general indebtedness is to be incurred such proposition may be adopted by a majority vote. Ten days' notice of such election shall be given in the newspaper doing the city or town printing, by publication in each issue of said paper during said time. Whenever a proposition has been adopted as aforesaid, or in the cases mentioned in subdivisions first, second and third of this section

Necessary  
vote.

Notice of  
election.

where no submission shall be necessary, the common council or other corporate authorities of such city or town shall have power to proceed forthwith to purchase, construct and acquire the public utility contemplated or to make additions, betterments and extensions thereto and to make payment therefor as hereinafter provided in section 3 and 4 hereof.

Procedure  
when no  
election.

Passed the House February 27, 1941.

Passed the Senate March 11, 1941.

Approved by the Governor March 21, 1941.

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## CHAPTER 148.

[H. B. 152.]

### DISQUALIFICATION OF JUDGES OF SUPERIOR COURTS.

AN ACT relating to the disqualification of Judges of the Superior Courts, amending section 2 of chapter 145 of the Laws of 1927 (section 209-2 Remington's Revised Statutes).

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

SECTION 1. That section 2 of chapter 145 of the Laws of 1927, page 129 (section 209-2 of Remington's Revised Statutes), be amended to read as follows:

Amend-  
ments.

Section 2. Any party to or any attorney appearing in any action or proceeding in a Superior Court, may establish such prejudice by motion, supported by affidavit that the Judge before whom the action is pending is prejudiced against such party or attorney, so that such party or attorney cannot, or believes that he cannot, have a fair and impartial trial before such Judge: *Provided*, That such motion and affidavit is filed and called to the attention of the Judge before he shall have made any ruling whatsoever in the case, either on the motion of the party making the affidavit, or on the motion of any other party to the action, of the hearing of which the party

Affidavit of  
prejudice.

Proviso.