

CHAPTER 143.

[S. B. No. 172.]

PROVIDING FOR RIVER IMPROVEMENT DISTRICTS.

AN ACT providing for the organization and government of river improvement districts, the levying of a tax and the sale of bonds arising therefrom and declaring an emergency.

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

River im-
provement
districts—
organization.

SECTION 1. Whenever fifty electors and resident taxpayers desire to provide for the deepening, widening, or otherwise improving the channel of any navigable river in this State or on the border thereof they may by petition propose the organization of a river improvement district under the provisions of this act; and when so organized such district shall have the powers conferred, or that may thereafter be conferred by law upon such river improvement district.

Petition—
what to
contain.

SEC. 2. Such petition shall first be presented to the Board of County Commissioners in the county in which the improvements are proposed to be made, which petition shall set forth and particularly describe the proposed boundaries of such district, and the nature, character and extent of the proposed improvements, and shall pray that the same may be organized under the provisions of this act. The petitioners must accompany the petition with a good and sufficient bond, to be approved by the commissioners, in double the amount of the probable cost of organizing such district, conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Such petition shall be presented at a regular meeting of the said board of commissioners and shall be published for at least two weeks before the time at which the same is to be presented, in some newspaper printed and published in the county where said petition is presented, together with a notice stating the time of meeting at which the same will be presented. When such petition is presented the said board of commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in

Bond.

Hearing.

all; and on the final hearing may make such changes in the proposed boundaries as they may find proper, and shall establish and define such boundaries. Said board of commissioners shall then order an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act, and for the election of a board of directors consisting of five members. Said board of commissioners shall cause notice to be given of such election. The notice shall describe the boundaries so established, the character, nature and extent of the proposed improvements, and the election of five directors to serve until their successors are elected and qualified, and shall designate a name for such proposed district, and the notice shall be published for at least three weeks prior to such election in a newspaper published in said county and having a general circulation in the proposed district. Such notice shall require the electors to cast ballots which shall contain the words "RIVER IMPROVEMENT DISTRICT— YES," and "RIVER IMPROVEMENT DISTRICT— NO," or words equivalent thereto; and to vote for five persons to constitute the board of directors.

Notice of election—
what to show.

SEC. 3. Such election shall be conducted in accordance with the general election laws of the State, except that no particular form of ballot shall be required. The voting precincts shall be the same unless changed by the commissioners.

Election—
how conducted.

SEC. 4. No person shall be entitled to vote at any election held under the provisions of this act, unless he is a qualified elector of the district and possesses all the qualifications required of electors under the laws of the State.

Qualified electors only can vote.

SEC. 5. The board of county commissioners shall meet on the first Monday next succeeding such election and proceed to canvass the votes cast thereat; and if upon such canvass it appear that at least a majority of all votes cast are "River Improvement District—Yes," the said board shall, by an order entered in their minutes, declare such territory duly organized as a "River Improvement District" under the name and style theretofore designated, and shall declare the five persons receiving respectively the highest number of votes for directors, to be duly elected direc-

Canvass, by Board of County Commissioners.

Oath of directors.

tors. From the making of such order the organization of such district shall be complete, and the board of directors elected at such election shall be entitled to enter upon the duties of their office upon their taking and subscribing to an oath that they will faithfully and impartially and to the best of their ability perform the duties of directors of said district.

Term of office of directors.

SEC. 6. The board of directors elected at the first election held under the provisions of this act, shall hold office until the second Monday in January the year succeeding the January next succeeding their election, and until their successors are elected and qualified.

Bi-ennial elections.

SEC. 7. Bi-ennial elections for the election of a board of directors shall be held on the second Tuesday of December. The board of directors shall prescribe voting precincts for such elections. The general law governing the election of officers of cities of the third class as far as applicable shall be followed in the election of directors. The polls shall be opened at one o'clock p. m. and closed at six o'clock p. m. The form of ballot prescribed by the general law need not be adopted. The returns of the election shall be delivered to the secretary of the board. The board of directors shall meet on the first Monday following the election and canvass the returns, and declare the result of the election.

Voting precincts—polls.

Election returns.

Term of office of directors.

SEC. 8. The board of directors elected at the bi-ennial election shall hold office for two years from the second Monday in January next succeeding their election and until the election and qualification of their successors. Before entering upon the duties of their office the directors shall take and subscribe to an oath that they will faithfully and impartially and to the best of their ability perform the duties of directors of said district.

Oath of office.

Eligibility of directors.

SEC. 9. None but qualified electors residing within the said district shall be eligible to hold the office of director. In case of a vacancy in the membership of the board of directors, such vacancy shall be filled by appointment by the remaining members of the board, and such appointee shall hold the office until the next general election for the election of directors and until his successor is elected and qualified.

Vacancies, how filled.

SEC. 10. The board of directors elected at the first election held under the provisions of this act shall meet on the second Monday following the election and organize the said board, elect a president from their number, and appoint a secretary who shall hold his respective office during the pleasure of the board of directors. Organization of first board.

SEC. 11. The board of directors shall consist of five members, and they shall have power and it shall be their duty to manage and conduct the business and affairs of the district, make and execute all necessary contracts, employ such agents, officers and employees as may be required, and make and adopt such rules and by-laws as may be deemed necessary for carrying into effect the provisions of this act. Duties and powers of directors.

SEC. 12. Regular meetings of the board shall be held at such times as the board may designate. Special meetings may be held whenever a majority of the board deems it advisable, but no special meeting shall be held unless personal notice is given to all the members of the board of the time and place of meeting. All meetings of the board must be public, and three members shall constitute a quorum for the transaction of business, but on all questions requiring a vote, there shall be a concurrence of at least three members of said board. Regular and special meetings. Quorum.

SEC. 13. For the purpose of carrying into effect the provisions of this act, the board of directors are empowered to levy a tax upon the taxable property within the district, in the manner hereinafter provided, and they are authorized when directed by a vote of the people of the district in the manner hereinafter specified to sell the bonds of the district to raise funds to carry on the work. The money derived from the sale of bonds shall be used exclusively in making public improvements for the benefit of the people of the district, said improvements to consist of deepening, widening or otherwise improving the channel of any navigable river within or adjacent to any district organized under the provisions of this act and to be for the purpose of extending and aiding navigation and commerce on such river in the interest and for the benefit of the people in such district. Levy of tax and sale of bonds.

SEC. 14. Whenever the board of directors deem it necessary or expedient to raise money for the purposes specified in section 13 of this act, they shall call a special election to raise money. Special election to raise money.

Notice—
when given
and what to
contain.

determine whether the district shall issue bonds. At such election there shall be submitted to the electors of said district possessing the qualifications prescribed in this act the question whether or not the bonds of said district in the amount so determined shall be issued. Notice of such election must be given by posting notices in three public places in each precinct in said district for at least twenty days, and also by publication of such notice in some newspaper published in the county where the district is situated and having a general circulation therein, for at least three successive weeks. Such notice must specify the time of holding the election and the amount of bonds proposed to be issued. Said election must be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act applicable to the holding of elections for the election of directors. *Provided,* That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds, Yes" and "Bonds, No," or words equivalent thereto. If a majority of the votes cast are "Bonds, Yes," the board may then issue bonds in the amount authorized. If the majority of the votes cast are "Bonds, No," the result shall be entered in the records of the board, but no bonds shall be issued unless a majority vote is cast in favor of such issuance. Whenever thereafter said board, in its judgment, deems it for the best interests of the district that the question of the issuance of bonds for said amount or any amounts shall be submitted to said electors, it shall so declare said record in its minutes and may thereupon submit such questions to said electors in the same manner and with like effect as at such previous election. Said bonds shall be payable in gold coin of the United States and shall be issued in denominations of not less than one hundred or more than one thousand dollars, shall be numbered from one up consecutively, shall bear the date of their issue, shall be payable not more than twenty years from date, and redeemable at any time after the expiration of ten years; shall bear interest not exceeding six per cent. per annum, payable semi-annually, with interest coupons attached, and the principal and interest

Ballots—
what to
contain.

Issuance of
bonds.

shall be payable at such place as may be designated in such bonds. The bonds and each coupon shall be signed by the president of the board and attested by the secretary of the board. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of the issue of which such bonds are a part. The secretary shall keep a record of the bonds sold, their number, the date of sale, the price received, and the name of the purchaser. Record of bonds sold.

SEC. 15. The board may sell the bonds authorized to be issued, from time to time, in such quantities as may be necessary and most advantageous to raise money for the purpose mentioned in section 13 of this act. The board shall at a meeting, by resolution, declare its intention to sell a specified amount of bonds and the day and hour and place of sale, and shall cause publication thereof at least twenty days in such newspapers as they may deem most advantageous. The notice shall state that sealed proposals will be received by the board at their office, for the purchase of the bonds, till the day and hour named in the resolution. At the time appointed the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, and may reject all bids. *Provided, however,* That the board shall have the right to sell such bonds, or any of them, at private sale whenever they deem it for the best interest of the district so to do. *Provided, further,* That such bonds shall not be sold for less than their face value. Sale of bonds. Proposals for purchase of bonds. May be sold at private sale.

SEC. 16. Said bonds and interest thereon shall be paid by revenue derived from any annual assessment upon all the taxable property of the district, and all taxable property within the district shall be and remain liable to be assessed for such payments as hereinafter provided. Payment of bonds.

SEC. 17. The total indebtedness authorized to be incurred under the provisions of this act shall never exceed two and one half per cent. of the taxable property within the district as ascertained by the last assessment for State and county purposes, and any debts contracted in excess of such limitation shall be invalid and void. Limit of indebtedness.

SEC. 18. Five years before said bonds shall become due the directors of the district are authorized and required annually to levy an assessment sufficient to liquidate said Assessment to cover bonds at maturity.

bonds at maturity, such assessment shall be levied and collected as other taxes authorized by this act are collected, but the money arising therefrom shall be retained by the county treasurer until the maturity of bonds. Whenever the treasurer has upon hand two thousand dollars of the special fund for the payment of said bonds, he shall notify the holders of such bonds for the presentation to him of the bonds issued under the provisions of this act as he may be able to pay with the funds in his hands, to be paid in numerical order of said bonds, beginning with number one, until all of said bonds are paid: *Provided*, That thirty days after the giving of such notice if said bonds are not presented the interest thereon shall cease.

County
Treasurer to
pay same.

Interest to
cease.

Levy for in-
terest on
bonds.

SEC. 19. It shall be the duty of the directors annually to levy an assessment sufficient for the payment of interest coupons hereinbefore mentioned as they fall due.

Sinking
Fund.

Taxes—
limit of, and
collection.

SEC. 20. The board of directors shall determine the amount to be raised to pay the interest on the bonds outstanding, and whatever sum the board deems advisable to raise for the purpose mentioned in section 13 of this act, and when necessary to provide for a sinking fund and shall determine the rate necessary to raise such sums based upon the totals of the taxable property within the district as equalized and determined by the county board of equalization. The rate so determined shall be certified to the County Auditor of the county in which the district is located, and by him extended upon the tax rolls of the county, in a separate column. The rate so determined shall in no event exceed two and one half mills on the dollar on the taxable property within the district for any one year. The Auditor shall certify the same to the County Treasurer as other taxes are certified; and the Treasurer shall collect the taxes, keeping them separate from other taxes, and shall pay therefrom said interest coupons as they mature and said bonds as they may be called.

What laws
to apply.

SEC. 21. All of the laws governing the assessment and collection of taxes for general State and county purposes shall apply to the assessment and collection of taxes levied under the provisions of this act, except that the taxes collected under the provisions of this act shall be kept separate, and separate certificates of delinquency issued. The cer-

tificate of delinquency issued for delinquent taxes levied under this act may be foreclosed as other certificates, and the general law applicable thereto shall govern the certificates issued for taxes delinquent under this act. Foreclosure of certificate of delinquency.

SEC. 22. The board of directors shall receive no salary for services performed under the provisions of this act, nor shall they be interested directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officers shall be deemed guilty of a misdemeanor and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, and the said contract in which said director was interested shall be void. Directors not to receive salary or have interest in contracts. Penalty.

SEC. 23. An emergency exists and this act shall take effect immediately. Emergency.

Passed the Senate February 25, 1903.

Passed the House March 9, 1903.

Approved by the Governor March 16, 1903.

CHAPTER 144.

[S. B. No. 98.]

MAKING UNKNOWN HEIRS PARTIES DEFENDANT IN CERTAIN ACTIONS.

AN ACT authorizing the making, of unknown heirs of deceased persons, and unknown persons, parties defendant in actions pertaining to real estate, and providing for service on such unknown defendant.

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

SECTION 1. That when the heirs of any deceased person are proper parties defendant to any action relating to real property in this State, and when the names and residences of such heirs are unknown, such heirs may be proceeded Procedure against unknown heirs, etc.