

not to extend to any portion of said section 16, township 25 north, range 4 east., W. M., and blocks 7 and 8 of Lake Washington shore lands.

Passed the Senate February 5, 1913.

Passed the House February 21, 1913.

Approved by the Governor March 3, 1913.

CHAPTER 25.

[S. B. 63.]

AUTHORIZING COUNTY ROAD BONDS.

(For county road bonds generally, see Rem.-Bal. § 5094 et seq.; Pierce's Code, 1912, 421 § 19 et seq.)

AN ACT authorizing county commissioners to issue county road bonds for constructing and improving public ways, and for aiding in so doing, both within and without the limits of incorporated cities and towns, prescribing the method of expending the proceeds thereof, validating elections and other proceedings heretofore held or had relating thereto, and authorizing certain incomplete proceedings to be completed under this act.

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

SECTION 1. The board of county commissioners of any county may, whenever a majority thereof shall so decide, submit to the voters of their county at an election the question whether the said board shall be authorized to issue negotiable coupon road bonds of the county to the amount not to exceed five per centum of the taxable property in said county for the purpose of constructing a new road or roads, or improving established roads within said county, or for aiding in so doing, as prescribed in this act. The word "improvement" wherever employed in this act shall be deemed to embrace any undertaking for any or all of said purposes. The word "road" wherever employed in this act shall be deemed to embrace all highways, roads, streets, avenues, bridges, and other public ways. The provisions of this act shall apply not only to roads which are or shall be under the general control of the county, but also to all parts of state roads in such county and to all roads which are situated or are to be con-

Bonds may be issued.

Limitation.

Definitions.

Application of act.

structed wholly or partly within the limits of any incorporated city or town therein, provided the board of county commissioners finds that the same form or will become a part of the public highway system of such county, and will connect with existing roads in such county. Such finding may be made by the board of county commissioners at any stage of the proceedings before the actual delivery of the bonds. The constructing or improving of any and all such roads, or the aiding therein, is hereby declared to be a county purpose. The question of the issuance of bonds for any undertaking which relates to a number of different roads or parts thereof, whether intended to supply the whole expenditure or to aid therein, may be submitted to the voters as a single proposition in all cases where such course is consistent with the provisions of the state constitution. If the county commissioners in submitting any such proposition relating to different roads or parts thereof find that such proposition has for its object the furtherance and accomplishment of the construction of a system of public and county highways in such county, and constitutes and has for its object a single purpose, such finding shall be presumed to be correct, and upon the issuance of the bonds such presumption shall become conclusive. No proposition for bonds shall be submitted which proposes that more than forty per cent. of the proceeds thereof shall be expended within any city or town or within any number of cities and towns.

City streets included.

County purpose.

Manner of submitting to vote.

Limit of expenditures within city.

SEC. 2. Such election may be held at the times and in the manner provided for holding general elections in this state, or it may be held as a special election at such time as the board of county commissioners may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No." If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in the last section shall be in favor of bonds, the said commissioners must issue such negotiable bonds in due and legal form, and negotiate or float the same in such manner as they may deem to the best advantage for

Time of election.

Form of ballots.

the county, at not less than par value. The bonds authorized by this act shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall be payable either (1) to some person or corporation (named therein) or the bearer, of (2) simply to the bearer, at such time as shall be stated therein, not more than twenty years after the date of issue, and bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; they may be made payable in any city in the United States containing a national bank; they shall bear the signature of the chairman of the board of county commissioners, and be countersigned by the county auditor of the county with the seal of the county thereunto attached; and the interest coupons shall be signed by said chairman and said county auditor, and each bond so issued must be registered in the office of the county treasurer in a book provided for that purpose, which must show the date, number and amount of the bond, date of maturity, rate of interest, and the name and address of the person to whom the same is issued: *Provided*, That it shall be lawful, in case the county commissioners shall so order, for the coupons to bear lithographed or engraved fac-similes of the signatures of the chairman and county auditor instead of their original signatures. The county seal need not be affixed to the coupons. Each coupon must show the number of the bond to which it belongs. Such bonds and coupons shall be printed, engraved or lithographed on good bond paper.

Denomina-
tion of
bonds.

Interest.

(See also,
section 4
infra.)

Bonds
registered.

Lithograph
signatures
allowed on
coupons.

Tax levy
for interest.

Sinking fund
levy.

SEC. 3. The county commissioners must ascertain and levy annually a tax sufficient to pay the interest on all such bonds whenever the same becomes due. At least five years prior to the maturity of such bonds and thenceforward in each year until their maturity, the county commissioners must ascertain and levy a tax sufficient to accumulate during such series of years a fund equal to the principal sum of all such bonds then remaining outstanding and unpaid, and the amount of such tax as collected shall be by the county treasurer credited to a

special fund for the payment of the principal of such bonds, which shall be designated "Road Bonds of Sinking Fund," (The blank to be filled by inserting the year in which the bonds are issued), and no part of said fund shall be diverted to any other purpose than the payment of such principal. But such fund or any accumulated part thereof may be invested at any time or times in such manner and under such safeguards as may hereafter be provided by the statutes of this state, in which case all interest or premiums that may be realized on any such investment, as well as the principal thereof, shall be credited to such fund. All such taxes levied either for interest or for the sinking fund shall be a lien upon all property within the county and must be collected in the same manner as other taxes are collected. The county treasurer must pay out of any money belonging to the fund accumulated from the taxes levied to pay the interest as aforesaid, the interest upon all such bonds when the same becomes due upon presentation at the place of payment of the proper coupon, all coupons so paid must be reported to the county commissioners at their first meeting thereafter. Whenever the coupons are payable at any place other than the city in which the county treasurer keeps his office, it shall be the duty of the county treasurer seasonably to remit to a suitable fiscal agent (which shall be either a fiscal agent appointed by the State of Washington or some responsible fiscal agent approved by the county commissioners) at the place of payment the amount of money required for the payment of any coupons which are about to fall due. When any such bonds or coupons are paid, the county treasurer shall suitably and indelibly cancel the same.

Investment
of sinking
fund.

Taxes to be
lien.

Interest
payments.

Fiscal agent
to pay
interest.

SEC. 4. The commissioners must give notice in some newspaper having a general circulation in said county for a period of at least four (4) weeks next preceding the date of the election, setting forth the proposition as to amount and duration of the bonds to be issued, and the rate of interest thereon which is not to be exceeded, and stating in such notice the road or roads to be built or im-

Notice of
election.

Designation
of roads.

proved. Such notice need not describe the road or roads with particularity, but it shall be sufficient either to describe the same by termini and with a general statement as to the course of the same, or to use any other appropriate language sufficient to show the purpose intended to be accomplished. The commissioners may, at their option, give such other or further notice as they may deem advisable. When the bonds are issued they may be made to bear the rate of interest stated in the notice or any less rate.

Proceeds of
bonds, how
used.

SEC. 5. When such bonds are sold, the money arising therefrom shall be immediately paid into the treasury of the county, and shall be drawn only for the improvement for which they were issued, under the general direction of the county commissioners; *Provided*, That if such improvement includes in whole or in part the constructing or improving of one or more roads, or any part or parts thereof, within the limits of any incorporated city or town and if the county commissioners shall find that the amount of the proceeds of such bonds intended to be expended for any such improvements within such corporate limits will probably not be sufficient to defray the entire expense of such improvement therein, and if they further find it to be equitable that such city or town should bear the remainder of such expense, they shall have power to postpone any expenditure therefor from the proceeds of such bonds until such city or town shall have made provision by ordinance for proceeding with such improvement within its corporate limits at its own expense so far as concerns the cost thereof over and above the amount of such bond proceeds available therefor. In such case it shall be lawful for the county commissioners to consent, under such general directions as they shall impose, that the proper authorities of such city or town shall have actual charge of making the proposed improvement within such corporate limits, such city or town acquiring any needed property or rights and doing the work by contract or otherwise in accordance with the charter or laws governing such

City to
assist.

City to
super-
vise
work.

city or town, but the same shall be subject to the approval of the county commissioners so far as concerns any payment therefor from the proceeds of such bonds. In such case, as the work progresses and money is needed to pay therefor, the county commissioners shall, from time to time, by proper order or orders, specifying the amount and purpose, direct the county treasurer to turn over to the city or town treasurer such part or parts of the proceeds of the bonds as may be justly applicable to such improvement or part thereof within such city or town, and any money so received by such city or town treasurer shall be inviolably applied to the purpose so specified. When that portion of the entire improvement which lies within any such city or town can readily be separated into parts, the procedure authorized by this section may be pursued separately as to any one or more of such parts of the general improvement. Nothing contained in this act shall be construed to render the county liable for any greater part of the expense of any improvement or part thereof within any city or town than the proper amount of the proceeds of such bonds, or to prevent such city or town from raising any part of the cost of any such improvement or part of improvement, over and above the amount arising from the proceeds of such bonds, by assessment upon property benefited, or by contribution from any of its general or special funds in accordance with the provisions of the charter or laws governing such city or town. The provisions of this section, other than the direction for the payment into the county treasury of the money arising from the sale of the bonds, need not be complied with until after the issuance of the bonds and the validity of the bonds shall not be dependent upon such compliance.

County to pay city.

Improvement may be divided.

Limitation of expenditures by county within city.

Validity of bonds.

SEC. 6. In case at any election in any county the question of incurring any such indebtedness or issuing any such bonds has been submitted to the voters of such county by the county commissioners at any time within one year next prior to the day when this act shall take effect, and substantially in conformity herewith, and the vote at

Validating provisions.

such election was such as would have authorized, by sufficient majority of votes, the incurring of such indebtedness and the issuance of such bonds had this act been in force, and had such vote been taken pursuant to the provisions of this act, then in that case such election and vote and all the proceedings in connection therewith had or taken in manner and form aforesaid, and the bond issue intended to be authorized by such proceedings and vote, be and the same are hereby validated and confirmed, with the same effect as if this act had been in force during all such time, and the county commissioners of such county are authorized and empowered to proceed with the matter of incurring such indebtedness and issuing such bonds by sale thereof and completing all proceedings in the manner provided by this act, and to expend the money arising from such bonds and to proceed with the improvement, whether within or without the limits of any city or town, in the manner provided by this act.

SEC. 7. This act shall not be construed as repealing or affecting any other act relating to the issuance of bonds for road or other purposes, but shall be construed as conferring additional power and authority; *Provided*, That any proceedings which may have been begun under any other act but which are in substantial conformity with the provisions of this act may be completed under the provisions of this act, with the same effect as if this act had been in force when such other proceedings were begun.

Passed by the Senate, January 30, 1913.

Passed by the House February 17, 1913.

Approved by the Governor March 3, 1913.

This act
concurrent.