

to register before the first day of February in any year shall be deemed to have forfeited his rights as an attorney and counselor at law of this state from such date until such registration shall have been made and the fee paid, but such forfeiture shall not be construed to affect the rights of litigants or others for whom such delinquent shall have acted. All fees collected as in this section provided shall be paid in to the county treasury into a fund to be known as the county law library fund to be used for the purchase of law books for a bar library for such county.

Violations
of act.

SEC. 24. Any violation of the provisions of this act or of the rules which shall be made in conformity therewith are hereby declared to be unlawful.

Repealing
clause.

SEC. 25. Sections 119, 120, 121, 122, 123, 124, 125 and 126 of Remington and Ballinger's Annotated Codes and Statutes of Washington and of the supplement (1913) thereof are hereby repealed.

Passed the House March 5, 1917.

Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.

CHAPTER 116.

[H. B. 316.]

INDEPENDENT HIGHWAY DISTRICTS FOR TRUNK-LINE HIGHWAYS.

AN ACT relating to the establishment of independent highway districts, organization and administration thereof, the construction and maintenance of trunk line highways, the issuance and sale of bonds, and the assessment and collection of taxes therefor.

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

Authority to
organize.

SECTION 1. Whenever twenty-five or more persons who are the owners of lands so situated that the most feasible means of affording transportation to market from such lands would be the construction of a trunk line highway

leading from the neighborhood of said lands to a connection with navigable water or existing lines of railway or existing highways connecting therewith, and the lands bordering upon the route of said proposed highway are of such character or value, or so situated with reference to said proposed highway, that no considerable portion of the cost of said highway can be assessed against the lands bordering thereon on account of benefits thereto, and the lands belonging to said persons, and other lands, are so situated that they will be specially benefited by the construction and maintenance of said highway, and the owners of such lands shall desire to provide for the construction and maintenance of such trunk line highway, they may propose the organization of a highway district under the provisions of this act; and when so organized, such district shall have the power conferred, or that may hereafter be conferred by law, upon such highway district.

SEC. 2. For the purpose of organizing a highway district under the provisions of this act, a petition, signed by twenty-five or more holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall set forth and particularly describe the proposed boundaries of such district, and the route and termini of the proposed highway, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as a highway district under the provisions of this act. The petition shall be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of probable cost of organizing the district, and condition [conditioned] that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the board of county commissioners, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks before the time at which the

Petition to
county com-
missioners.

Publication
of notice.

same is to be presented, in the official county newspaper of the county where such petition is to be presented, together with a notice by the petitioners stating the time of the meeting at which the same will be presented, and if any portion of the lands within said proposed district lie within another county or counties, then the petition and notice shall be published for the time above provided in the official county newspaper printed and published in each of the said counties. When the petition is presented, the board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as it may find to be proper and just, and shall establish and define the boundaries of the district: *Provided*, That said board shall not modify the boundaries to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, so situated as to be easily accessible to the proposed highway by the existing public highways or so situated that it is feasible to construct public highways leading from the said territory to the proposed highway; nor shall any lands which, in the judgment of said board, will not be benefited, be included within such district. The board of county commissioners, as soon as it has established the boundaries of said proposed district, shall enter an order establishing and defining such boundaries, and ordering that three directors for said district be elected from the district at large, and calling 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 purpose of electing three directors at large, and designating the number of the proposed district, being the serial number in the order of time of its formation among the highways districts of the county formed under this act, and thereafter such district shall be designated as "Independent Highway District No., of county." The clerk of the board of county commissioners shall then

Hearings.

Establishment of boundaries of district.

Organization election.

give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, shall be published once a week, for at least two weeks prior to said election, in the official county newspaper published in the county where the petition aforesaid was presented; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in a like manner in the official newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Independent Highway District—Yes," and "Independent Highway District—No," and also the names of persons to be voted for as directors of the district, nominated by the petitioners. Notice.

SEC. 3. For the purposes of the election above provided for, the board of county commissioners shall establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place and appoint the necessary election officers for each of said precincts, but said precincts may thereafter be changed by the board of directors of said district. Such election shall be conducted as nearly as may be practicable in the manner provided by law for conducting school district elections, and the election officers of the various precincts shall make and file returns of the votes cast at said election with the clerk of the board of county commissioners. The board of county commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the returns of the vote cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast were for "Independent Highway District—Yes," the board shall, by an order entered on its minutes, declare said territory duly organized as an independent highway district, under the name and style theretofore designated, and shall declare the three persons receiving the highest number of Election precincts.

Mode of conducting election.

Canvass of votes.

votes, to be duly elected directors of such district, and shall cause a copy of such order, duly certified, to be filed for record in the office of the county clerk of each county in which a portion of the district may lie. From and after the date of filing of such order, the organization of the district shall be complete and the directors thereof shall be entitled to enter immediately upon the duties of their office, upon qualifying in the manner hereinafter provided, and shall hold office until their successors are elected and qualified. Any person of the age of twenty-one years, being a citizen of the United States, and a resident for ninety (90) days of the county in which any of the lands of the district may lie, and who holds title to land or evidence of title to land embraced within the boundaries of the district, or proposed district in the case of an election for the organization thereof, shall be entitled to vote at any election held therein, called for any purpose. Additional qualifications for voting, required by the general election laws of the state shall not apply: *Provided*, There shall be no denial of the right to vote on account of sex.

Voting qualifications.

Tenure of office of directors.

SEC. 4. The directors elected at the election for the organization of an independent highway district shall hold office until, and for the term of one, two and three years respectively, from and after the first Monday in April in the year following their election, and one member of the board of directors shall be elected for the term of three years at an annual election to be held in the district on the first Monday in March in the year following the organization of the district. 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 the next annual election of directors, when an election by the district shall be had to fill the vacancy for the remainder of the unexpired term. Each director shall take and subscribe an official oath to faithfully discharge the duties of his office and shall exe-

Oath and bond of directors and secretary.

cute an official bond to the district in the sum of twenty-five hundred dollars (\$2,500.00) 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 the said county and filed with the secretary of the board of directors. The secretary of the board shall take and subscribe a written oath of office and execute an official bond in the sum of twenty-five hundred dollars (\$2500.00), which said bond shall be approved and filed as in the case of the bond of the director.

SEC. 5. Fifteen days before any election held under the provisions of this act, subsequent to the organization of any district, the secretary of the board of directors shall cause notices to be posted in three public places in each election precinct, of the time and place of holding the election, and shall also post a general notice of the same in the office of said board, which shall be established and kept at some fixed place, to be determined by said board, specifying the polling places for each precinct. Prior to the time for posting the notices, the board shall appoint for each precinct, from the electors thereof, one inspector and two judges, who shall constitute a board of election for such precinct. If the board fail to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that time may appoint the board, or supply the place of any absent member thereof. The board of directors shall, in its order appointing the board of election, designate the house or place within the precinct where the election shall be held; and all elections shall be held and the votes cast thereat canvassed and returned to the board of directors in the same manner, as near as may be, as is provided by law for holding school district elections.

Elections
subsequent to
organization.

Notice.

Election
officers.

Polling
places.

SEC. 6. The board of directors shall meet at its usual place of meeting on the first Monday after each election

Canvass of
returns.

to canvass the returns and, having made the canvass, shall declare the result thereof, and the secretary of the board of directors shall, as soon as the result is declared, enter in the records of the board a statement of such result, which statement shall show:

- (1) The whole number of votes cast in the district;
- (2) The names of the persons voted for;
- (3) The office to fill which each person was voted for;
- (4) The number of votes given in each precinct to each of such persons;
- (5) The number of votes given in each precinct for or against any proposition voted for.

The board of directors shall declare elected the person having the highest number of votes cast for each office. The secretary shall immediately make out, and deliver to such person a certificate of election signed by him and authenticated by the seal of the district.

SEC. 7. The board of directors shall elect a president from among their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the board and principal place of business of the district shall be at some place in the county in which the organization was effected, to be designated by the board. The board of directors shall hold a regular monthly meeting, at its office, on the first Tuesday of every month, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings may be called at any time by a majority of the board, but in case the three members of the board do not join in said order, the secretary shall give the member not joining five days' notice of such meeting. The order or notice calling another meeting shall specify what business shall be transacted and none other than that specified shall be transacted at such meeting. All meetings of the board shall be public. Two members of the board shall constitute a quorum for the transaction of business but in all matters requiring action by the board, there shall be a concurrence of at least two members. All records of the board shall

Office of
board.

Meetings.

be open to the inspection of any elector of the district during business hours. The board shall have power, and it shall be its duty, to adopt a seal of the district, to handle and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary, and prescribe their duties, to establish equitable by-laws, rules and regulations for the government and management of the district, and shall have power to adopt, publish and enforce regulations for traffic on the highway of the district, not inconsistent with general laws, and for a consideration, may grant a common carrier franchise on and over the highway of the district, which may be exclusive, for the purpose of providing adequate transportation facilities, and may realize a revenue therefrom for the maintenance of the highway, and shall have power in the name of the district to enter into contracts for the construction and maintenance of the highway and to acquire lands for the right of way of such highway, or the right to damage lands not taken, by purchase or condemnation in the manner provided by law for the appropriation of lands, real estate or other property by private corporations: *Provided*, That the district, at its option, pursuant to resolution to that end duly passed by its board of directors, may unite in a single action or proceeding for the acquisition and condemnation of different tracts of land, and the court may, on the motion of any party, consolidate into a single action, separate suits, for the condemnation of lands whenever, from motives of economy or expediting of business, it appears desirable so to do: *Provided further*, That there shall be a separate finding of the court or jury as to each tract held in separate ownership.

Inspection
of records.

Powers
and duties
of board.

Consolidation
of
actions to
condemn.

SEC. 8. The board of directors shall have power to take conveyances or other assurances of all property acquired by it under the provisions of this act, in the name of the district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary

Power of
board to
take deeds,
sue and
defend.

or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof; and in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by attorney, and in the name of the district.

Bond Issue
election.

SEC. 9. For the purposes of construction, reconstruction, betterment or acquisition of the necessary property and rights therefor, and otherwise carrying out the provisions of this chapter, the board of directors of any such district shall, as soon after such district has been organized as may be practical and whenever thereafter the fund for any such purpose has been exhausted by, or shall appear to be inadequate to meet, the expenditures herein authorized therefrom, and the board deems it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district, in the amount so determined, shall be issued. Notice of such election shall be given by posting notices in three public places in each election precinct in said district for at least twenty (20) days prior to the election, and also by publication of such notice in the official county newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week 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; and said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers: *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 ballot

Notice.

Law
governing
election.

shall contain the words "Bonds—Yes," and "Bonds—No," or words equivalent thereto. If the majority of the votes cast are for "Bonds—Yes," the board of directors shall immediately cause bonds in that amount to be issued. If a majority of the votes cast at any bond election are "Bonds—No," the result of such election shall be so declared and entered of record. Said bonds shall be payable in gold coin of the United States, in ten series, to-wit: At the expiration of eleven years, five per cent of the whole number of bonds; at the expiration of twelve years, six per cent; at the expiration of thirteen years, seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fifteen years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration of seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent, and shall bear interest at the rate of not to exceed six per cent per annum, to be determined by the board of directors upon competitive bids therefor, payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred nor more than five hundred dollars; shall be negotiable in form, signed by the president and secretary, and sealed with the seal of the board of directors. Each issue shall be numbered consecutively as issued and the bonds of each issue shall be numbered consecutively and bear date of issue. Coupons for the interest shall be attached to each bond signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. 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 issue of which such bonds are a part. Immediately upon the authorization of an issue of bonds at an election held as

Bond
requisites.

Sale of
bonds.

Call for bids.

provided in this section, the board of directors shall advertise said bonds for sale and that the same will be sold to the best bidder therefor for cash who shall bid the lowest amount of interest for the whole or any portion of the issue, to be stated in the advertisement. Such advertisement shall be published once each week for four successive weeks in the official county newspaper of general circulation in the county where the district is situated and in a newspaper published and of general circulation in each of the cities of Seattle, Tacoma and Spokane, and any such financial journals as the board of directors may determine, and shall state the amount of the issue of bonds offered for sale and the respective amounts less than the whole for which bids will be received, and that sealed bids, stating the rate of interest bid and accompanied by certified checks for ten per cent of the amount of the bonds bid for, will be received by the secretary on or before, and opened by the board on a date to be fixed in said advertisement. On the date fixed in the advertisement, the board of directors shall meet at the place designated in the advertisement and shall open the bids and award the sale of the bonds to the best bidders therefor, and in case any bidder or bidders shall fail, for ten days after the opening of the bids, to accept the bonds awarded and pay the face value thereof, shall forfeit to the district the certified check accompanying the bid of such bidder and award the bonds to the next best bidder therefor, and when the bonds shall have been accepted and paid for, shall return to the unsuccessful bidders their respective certified checks accompanying their bids. The secretary shall keep a record of all bonds sold, their number, the date of sale, the price received and the name of the purchaser.

Levy of tax to pay bonds and interest.

SEC. 10. For the purpose of carrying out the provisions of this act and the payment of bonds and interest thereon issued under the provisions of this act, as the same shall fall due, the board of directors shall, between the first Monday in March and the first Monday in June of each year, determine the amount of money necessary to

be raised by taxation for the ensuing year, by resolution entered upon the minutes of the board, shall, on or before the first day of July, cause the secretary of the board to file a certified copy of such resolution with the county assessor of the county in which such district is organized, and in case any portion of said district shall live [lie] within another county or counties, shall cause a like certified copy of such resolution filed with the county assessor of each of such counties, and in that case shall also by resolution determine the proportionate amount of the sum to be raised by taxation, which shall be raised in each of said counties, in proportion to the assessed value of the lands within the boundaries of the district situated in each of said counties; and it shall be the duty of the county assessor with whom any such resolution or resolutions are filed, to levy and assess against the land in the district lying within his respective county, the amount of money required to be raised by taxation for the purposes aforesaid, in proportion to the taxable value of the lands, and to extend said taxes so levied and assessed upon the general tax rolls of the county, and such taxes shall be a lien upon the lands against which the same are assessed and be collected in the manner provided by law for the collection of general county taxes, and when collected shall be expended under the direction of the board of directors of the district upon warrants drawn upon the county treasurer, signed by the president of the board and attested by the secretary under the seal of the district.

SEC. 11. Whenever the estimated cost of the construction of any highway as provided for in this act, or of any repair of [or] betterment thereto, shall exceed the sum of one thousand dollars (\$1,000), such construction, betterment or repair shall be performed by contract and such contract shall be let to the lowest and best responsible bidder therefor, after the adoption by the board of directors of plans and specifications prepared by the engineer of the district.

Bids for
construction.

SEC. 12. Any person to whom a contract may have been awarded for the construction or repair of any such highway, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond, with good and sufficient surety to be approved by the board of directors, payable to said district for its use, for the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work and as may be required by the resolution of the board. All work shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Whenever, in the construction or repair of the highway, or any portion thereof, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of said work or the furnishing of said materials, a notice calling for sealed proposals shall be published in the official county newspaper in the county in which the office of the board is situated, and in any other newspaper which may be designated by the board, and for such length of time, not less than two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let said work or the contract for the purchase of materials, either in portion or as a whole, to the lowest responsible bidder, or the board may reject any and all bids and re-advertise, or may proceed to construct the work under its own superintendence: *Provided*, That the provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material.

Contractor's
bond.

Call for bids.

Duties of
county
treasurer
as district
treasurer.

SEC. 13. The county treasurer of the county in which is located the office of any highway district, shall be and is hereby constituted *ex-officio* district treasurer of said district, and said county treasurer shall be liable upon his official bond and to criminal prosecution for malfeasance

and misfeasance, or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases as county treasurer. It shall be his duty to collect and receipt for all assessments and taxes levied as in this act provided. There shall be deposited with such county treasurer all sums collected for the defraying of the expenses of the district and they shall be placed by the county treasurer in the expense fund of the district. The said county treasurer shall also keep such other funds as may be required by law governing independent road districts, or provided by this act, and shall place therein moneys collected for said funds. The county treasurer shall pay out the moneys received or deposited with him, or any portion thereof, upon warrants drawn upon the several funds, signed by the president and countersigned by the secretary of the district, except the sums to be paid out of the bond fund upon the coupons and bonds presented to the treasurer. The said treasurer shall report, in writing, on the first Monday in each month, to the board of directors of the district, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board. The secretary shall also report to the board, in writing, on the first Monday in each month, the amount deposited with the county treasurer belonging to the district during the preceding month, the amount of receipts for the month preceding and the amount and items of expenditure during the preceding month, and said report shall be filed in the office of the board.

SEC. 14. The board of directors shall each receive three dollars per day and mileage at the rate of 5 cents per mile in attending the meetings, and actual and necessary expenses paid while engaged in official business under order of the board. The board shall fix the compensation to be paid the secretary, to be paid out by warrant drawn

Per diem and
mileage of
directors.

Salary of
secretary.

on the county treasurer out of funds belonging to said district on deposit with the treasurer of said county.

Director's
interest in
contracts.

SEC. 15. No director or any other officer named in this act shall in any manner 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 officer 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 fine and imprisonment.

Penalty.

Special
elections to
authorize
special
assessments.

SEC. 16. The board of directors may at any time when in their judgment it may be advisable, call a special election and submit to the qualified electors of the district the question whether or not a special assessment shall be levied for the purpose of raising money to be applied to the improvement or maintenance of the highway. Such election shall be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions for holding bond elections. The notice must specify the amount of money proposed to be raised and the purpose for which it is intended to be used. At such election the ballot shall contain the words "Assessment, Yes," and "Assessment, No." If a majority of the votes cast are "Assessment, Yes" the board, at the time of the annual levy thereunder, shall levy an assessment to raise the amount voted. The assessment so levied shall be assessed, extended and collected at the same time and in the same manner as other assessments provided for herein, and when collected shall be paid into the county treasury of the county to the credit of the district for the purposes specified in the notice of such special election.

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Passed the Senate March 7, 1917.

Approved by the Governor March 14, 1917.