

SEC. 8. This act shall not apply to cities of first or second class regulating the licensing of dogs by ordinance. Dogs licensed
by cities.

Passed the House March 5, 1917.

Passed the Senate March 7, 1917.

Sections 6, 7 and 8 approved by the Governor March 16, 1917.

Sections 1, 2, 3, 4 and 5 vetoed by the Governor March 16, 1917.

CHAPTER 162.

[H. B. 128.]

AMENDMENT OF IRRIGATION DISTRICT ACT.

AN ACT relating to the organization and government of irrigation districts, and facilitating co-operation between irrigation districts and the United States, and amending sections 6416, 6418, 6428, 6430, 6433, 6439, 6440, 6444, 6454, 6457, 6489, 6490, 6491 and 6493 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and as any or either of said sections is amended by section 2 of the Session Laws of 1913, chapter 165, or sections 1, 6, 10, 14, 15, 16, 20, 27, 28, 29 and 31 of the Session Laws of 1915, chapter 179, and providing for the organization and government of special improvement districts within the boundaries of any irrigation district for special construction or improvement in an irrigation system, including drainage, and the levy of special assessments according to benefits for payment thereof, and the issuance of warrants and bonds in the aid thereof by adding to section 6457 of Remington & Ballinger's Codes and Statutes of Washington, new sections to be known as sections 6457-1, 6457-2, 6457-3, 6457-4, 6457-5, 6457-6 and 6457-7.

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

SECTION 1. Section 6416 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 1 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6416. Whenever fifty or a majority of the holders of title to, or of evidence of title to land susceptible of "irrigation" desire to provide for the construction

Proposed
district.

of works for the irrigation of the same, or desire to provide for the reconstruction, betterment, extension, purchase, operation or maintenance of works already constructed, or for the assumption as principal or guarantor of indebtedness on account of district lands to the United States under the federal reclamation laws, they may propose the organization of an irrigation district under the provisions of this chapter, and when so organized, such district shall have the power conferred, or that may hereafter be conferred, by law upon such irrigation district.

SEC. 2. Section 6418 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 2 of the Session Laws of 1913, chapter 165, is hereby amended to read as follows:

Elections to
establish.

Section 6418. For the purposes of the election above provided for, the board of county commissioners must establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place for, 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 in the election of directors for the district.

Order
declaring
formation.

The board of county commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the returns of the votes cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast are "Irrigation district—Yes," the board shall, by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the three persons receiving the highest number of 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 any portion of the district may lie. From and after the date of the filing of such order, the organ-

ization 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 accordance with law, and shall hold office until their successors are elected and qualified.

Any person of the age of twenty-one (21) years, being a citizen of the United States and of the State of Washington and who holds title to land or evidence of title to land embraced within the boundaries of any irrigation district, or proposed irrigation 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 at all times the majority of the board of directors shall be residents of the county or counties within which the district is situated: and if at any election more than one elector residing outside of such county or counties be voted for, only that one of the non-resident candidates who receives the highest number of votes shall be considered in ascertaining and computing the result of the election: *And provided, further,* That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *Provided,* That at any election held under the provisions of this act, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing, may cast a vote on behalf of said corporation: when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this act. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct nearest his place of residence.

Qualified
electors.

SEC. 3. Section 6428 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended

by section 6 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Title to
property
vested in
district.

Section 6428. The legal title to all property acquired under the provisions of this chapter shall immediately, and by operation of law, vest in such irrigation district and shall be held by such district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this chapter; and said board is hereby authorized and empowered to hold, use, acquire, manage, occupy and possess said property as herein provided: *Provided, however,* That any property so acquired by the district may be conveyed to the United States in so far as the same may be for the benefit of the district under any contract that may be entered into with the United States pursuant to this act.

Conveyances
to United
States.

SEC. 3-A. Section 6430 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Question of
bonding
submitted
to electors.

Section 6430. For the purpose of construction, reconstruction, betterment, extension 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 must, as soon after such district has been organized as may be practicable, 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 chapter 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 election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper

Elections.

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 notices must specify the time of holding the election, the amount of bonds proposed to be issued; and 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 chapter governing the election of the 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 ballots shall contain the words "Bonds—Yes," and "Bonds—No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds—Yes," the board of directors shall immediately cause bonds in that amount to be issued. If the 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; but if contract is made or is to be made with the United States as in section 6427 provided and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words "Contract with the United States—Yes," and "Contract with the United States—No," or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare said record in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such pre-

Submission
of question
of U. S.
contracts.

Bonds,
how paid.

vious election. Said bonds shall be payable in gold coin of the United States, in ten series as follows, 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 such rate not exceeding six per cent per annum as the board of directors may determine, 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 the seal of the board of directors shall be affixed thereto: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six per cent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior. Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be numbered consecutively and bear date at the time of their 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 fac-simile. 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. The secretary shall keep a record of bonds sold, their number, the date of sale, the price re-

Form and
contents.

ceived and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be destroyed whenever lawfully in possession of said board: *Provided, further*, That the board shall have the power to provide for and agree and to include in the stipulations contained in the bonds of the district that no interest payment shall be made on said bonds during the first three (3) years after the date of the issue thereof, and that in lieu thereof the rate of interest shall be increased for a succeeding period of years sufficient to include and cover the interest for said three year period, together with interest on the deferred interest payments, but in no case shall the aggregate of interest paid on the principal exceed an average of six per cent during the entire life of the bonds.

Assessments
to meet
deficiencies.

Reissuance
of bonds.

Regulation
of interest
payments.

SEC. 4. Section 6433 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended

by section 10 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Assessments,
how and
when made.

Section 6433. Assessments made in order to carry out the purposes of this act shall be made in proportion with the benefits accruing to the lands assessed: *Provided*, That nothing herein shall be construed to affect or impair the obligation of any existing contract providing for a water supply to lands so assessed, unless the rights under such contract shall first have been acquired by said district, and in acquiring such rights the district may exercise the right of eminent domain. The secretary must, between the first Monday in March and the first Monday in June, in each year, prepare an assessment book, with appropriate headings, in which must be listed all the lands within the district. In such book must be specified, in separate columns, under the appropriate headings:

First. The name of the person to whom the property is assessed. If the name is not known to the secretary the property shall be assessed to "unknown owners;"

Second. Land by township, range, section or fractional section, and when such land is not a legal subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town.

Third. The ratio of benefits.

Fourth. Appropriate reference to contracts regarding water supply.

Fifth. The fifth column shall be left blank for the extension of the assessment.

Sixth. The ratio of benefits in improvement districts.

Seventh. The seventh column shall be left blank for the extension of improvement district assessments.

Eighth. Such other things as the board of directors may require.

Any property which may have escaped assessment for any year, shall, in addition to the assessment for the then

current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

SEC. 5. Section 6439 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 14 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6439. Except as in this section otherwise provided, on or before the first day of November the secretary must deliver the assessment book to the county treasurer of the county in which the office of the board of directors is situated, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable at the office of said county treasurer, and will become delinquent at 5 o'clock in the afternoon of the 31st day of December next thereafter, unless sixty per cent thereof shall then have been paid, and that if thus allowed to become delinquent a penalty of five per cent thereof will be added to the amount thereof and that if sixty per cent thereof be paid on or before said 31st day of December the remainder thereof will not become delinquent until April 30th next following. The notice shall be published once a week for four successive weeks, and posted for the same length of time in some public place in said district. The county treasurer must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the 31st day of December of each year, all unpaid assessments are delinquent unless sixty per cent (60%) shall have been paid as aforesaid, and thereafter the treasurer must collect thereon for the use of the district the aforesaid penalty of five per cent (5%). The district shall pay to the county from the five per cent (5%) penalties and other costs received by the treasurer in the collection of delinquent taxes, the

Collection of assessments.

Notice.

Payment of expense of collections.

amounts actually expended by the treasurer in performing the duties of *ex-officio* collector and treasurer of the district, and if said penalties and other costs shall not be sufficient therefor, the county treasurer shall certify the balance of such collection expense to the board of directors of the district and said claim shall be paid to the treasurer as other expenses of the district are paid: *Provided, however,* That in the case of districts comprising lands obligated to the United States for payments required by the federal reclamation act, and amendments thereof, the notice shall state that assessments against such lands in connection with such obligations, will become delinquent at the times and in accordance with the provisions of said statutes.

Lands under
federal reclama-
tion act.

SEC. 6. Section 6440 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 15 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6440. On or before the first day of February the county treasurer must publish the delinquency list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description in all cases where payment of sixty per cent (60%) of the assessment has not been made on or before the thirty-first day of December next preceding; likewise on or before May 15th he must publish the delinquency list of all persons delinquent in the payment of the installment of forty per cent (40%) as in this act provided. He must append to and publish with the delinquency list a notice that unless the assessments delinquent, together with costs and percentages are paid the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor

Publication
of delinquent
list.

Time and
place of
sale.

more than twenty-eight days from the first publication and the place must be at some point designated by the treasurer: *Provided, however,* That publication of the delinquency lists on amounts due the United States under the acts of congress described in section 6439 shall begin on or before the first day of the second February ensuing the publication of notice of assessment as in said section 6439 prescribed and thereafter proceedings shall be taken progressively as in this chapter provided, and in such case all delinquent assessments shall bear interest and penalties in accordance with the aforesaid acts of congress.

SEC. 7. Section 6444 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 16 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6444. A redemption of the property sold may be made by the owner or any party in interest within two years from the date of purchase, by paying the amount of such assessments and interest, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount. If the purchaser shall pay any such assessments he must file a statement thereof with the auditor of the county where the organization of such district is perfected before the property shall have been redeemed, otherwise the property may be redeemed without paying such assessment. Such statement shall be recorded by the auditor. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the treasurer he must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignee. In each report the treasurer makes to the board of directors he must name the persons entitled to redemption money and the amount due each. On receiving the certificate of sale the county auditor must file it and make an entry in a book similar to that required of the

Redemption.

treasurer. On the presentation of the receipt of the person named in the certificate, or of the treasurer for his use, of the total amount of the redemption money, the auditor must mark the word "redeemed," the date and by whom redeemed on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within two years from the sale the treasurer must make to the purchaser, or his assignee, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The treasurer shall receive from the purchaser, for the use of the district, one dollar (\$1.00) for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents (25c) and any person or district holding a duplicate certificate covering more than one tract of land, the several parcels or tracts of land mentioned in the certificate may be included in one deed.

SEC. 8. Section 6454 of Remington & Ballinger's Annotated Codes and Statutes of Washington is hereby amended to read as follows:

Section 6454. The board of directors shall each receive not to exceed five dollars (\$5.00) per day in attending the meetings, to be determined by said board, and such compensation, not exceeding five dollars (\$5.00) per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings. The board shall fix the compensation to be paid to the secretary and all other agents and employees of the district: *Provided*, That said board shall, upon the petition of at least fifty, or a majority of those having title or evidence of title to land within such district therefor, submit to the electors, at any general district election, a schedule of salaries and fees to be paid thereunder. Such petition must be presented to the board twenty days prior to a general elec-

Deed to purchaser.

Fees.

Compensation of officers.

Determination by vote of electors.

tion, and the result of such election shall be determined and declared in all respects as other elections are declared under this chapter.

SEC. 9. Section 6457 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 20 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6457. The board of directors, or other officers of the district, shall have no power to incur any debt or liability whatever, either by issuing bonds or otherwise, in excess of the express provisions of this chapter, except for the purpose of organization; and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void: *Provided*, That the board of directors shall have the power to make surveys, do engineering work and conduct a general investigation to determine the feasibility of the proposed irrigation project, and incur an indebtedness therefor, not to exceed the sum of twenty-five cents an acre, assessable against the lands within the district; and any such indebtedness heretofore incurred by any irrigation district and assessments levied and collected for such purposes, not in excess of twenty-five cents an acre, are hereby ratified and validated. In cases of emergency the board of directors may incur any indebtedness not exceeding in the aggregate a sum equal to fifteen per centum (15%) of the total amount fixed as rates, tolls, charges and assessments for the current year for the care, operation, management, repair and improvement of the irrigation works of the district pursuant to section 6452 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and may cause warrants of the district to issue therefor, bearing interest at a rate not to exceed eight per cent (8%) per annum, and shall have the power to, and shall include in their next annual levy for maintenance the amount of all such warrants issued for organization and investigation expenses and to meet

Excess indebtedness void.

Exceptions.

any such emergency and the interest accrued on said warrants at the time of payment thereof.

SEC. 10. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-1 and to read as follows:

Section 6457-1. Any desired special construction, reconstruction, betterments or improvements in an irrigation system, including drainage, which are for the special benefit of the lands tributary thereto and lying within an irrigation district, may be constructed and provision made to meet the cost thereof as follows: The holders of title or evidence of title of one quarter of the acreage proposed to be assessed, may file with the board of directors of the irrigation district their petition reciting the nature and general plan of the desired improvement and specifying the lands proposed to be specially assessed therefor. Such petition shall be accompanied by a bond in the sum of one hundred dollars (\$100.00) with surety to be approved by the said board of directors conditioned that the petitioners will pay the cost of an investigation of the project and of the hearing thereon if the same be not established. The said board may at any time require a bond in an additional sum as may be deemed advisable. Upon the filing of such petition the board of directors with the assistance of a competent engineer, shall make an investigation of the feasibility, cost and need of the proposed local improvement together with the ability of the land to pay such cost, and if same appears feasible they shall have plans and estimate of the cost thereof prepared. If the cost shall appear to the board to exceed the benefits to accrue therefrom, or if the lands proposed to be embraced within the local improvement district shall be found to be insufficient security for the return of the cost, or if a protest against the establishment of the pro-

Petition for
local im-
provement
district.

posed improvement signed by a majority of the holders of title in the proposed local improvement district be presented at or prior to the hearing herein provided for, or if in other respects the proposed local improvement district should be found infeasible, they shall hold such petition for organization for naught and dismiss the same at the expense of the petitioners.

SEC. 11. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-2 and to read as follows:

Section 6457-2. In the event that the said board shall approve such petition, the board shall fix a time and place for the hearing thereof and shall publish a notice in the same manner as prescribed in section 6417, stating that the lands within certain described boundaries are proposed to be organized as a local improvement district, stating generally the nature of the proposed improvement; that warrants for such local improvement are proposed to be issued as the warrants of the irrigation district, that the lands within said local improvement district are to be assessed for such improvement and a time and place of hearing thereon. At the time and place of hearing named in said notice, all persons interested may appear before the board and show cause for or against the formation of the proposed improvement district and the issuance of warrants as aforesaid. Upon the hearing the board shall determine as to the establishment of the proposed local improvement district. Any land owner whose lands can be served or will be benefited by the proposed improvement, may make application to the board at the time of hearing to include such lands and the board of directors in such case may, at their discretion, include such lands within such district. The board of directors

Notice and hearing.

may exclude any land specified in said notice from said district provided that in the judgment of the board the inclusion thereof will not be practicable.

SEC. 12. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-3 and to read as follows:

Section 6457-3. If decision shall be rendered in favor of the improvement, the board shall enter an order establishing the boundaries of the said improvement district and shall adopt plans for the proposed improvement and determine the number of equal annual installments not exceeding five in which the cost of said improvement shall be paid. The cost of said improvement shall be paid by the issuance of the warrants of the district, from time to time, therefor, either directly for the payment of the labor and material or for the securing of the funds for such purposes. Said warrants shall bear interest at a rate not to exceed eight per cent (8%) per annum, payable semi-annually, evidenced by coupons, and shall state upon their face that they are issued as warrants of the irrigation district for the benefit of the local improvement district within said irrigation district, that all lands within said local improvement district shall be primarily liable to assessment for the principal and interest of said warrants and that said warrants are also a general obligation of the said district. No warrant shall be issued in denomination exceeding five hundred dollars (\$500.00) and no warrant shall be sold for less than par.

Adoption
of plans.

Warrants
for cost of
improvement.

SEC. 13. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding

thereto a new section to be known as section 6457-4 and to read as follows:

Section 6457-4. The cost of said improvement shall be specially assessed against the lands within such improvement district in proportion with the benefits accruing thereto, and shall be levied and collected in the manner in this act provided for the assessments of construction costs.

Special assessments.

All provisions in this chapter contained for the assessment, equalization, levy and collection of assessments for irrigation district purposes shall be applicable to assessments for local improvements except that no election shall be required to authorize said improvement or the expenditures therefor. Assessments when collected by the county treasurer for the payment for the improvement of any local improvement district and for the maintenance thereof, shall constitute special funds to be called "Construction Fund of Local Improvement District No. . . ." and "Operation & Maintenance Fund of Local Improvement District No. . . ."

Paid into special funds.

SEC. 14. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-5 and to read as follows:

Section 6457-5. In the event of the failure of the lands within the local improvement district to furnish money sufficient for the payment of principal or interest of the warrants for such local improvement work and there shall be a default in the payment of principal and interest as aforesaid, the amount delinquent shall be paid by the general warrants of the irrigation district at large, but the lands of the local improvement district shall not thereby become released from liability for special assessment therefor. Such warrants, if issued, shall be

Payment of warrants.

redeemed as soon as there shall be available money in the construction fund of the local improvement district.

SEC. 15. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-6 and to read as follows:

Section 6457-6. It shall be lawful for any irrigation district which has issued warrants for said local improvement as in this chapter provided, to issue in place thereof an amount of bonds not in excess of such issue of warrants, and to sell the same, or any part thereof, or exchange the same or any part thereof, with the holders of such previously issued warrants for the purpose of redeeming said warrants: *Provided, however,* That all the provisions of this chapter regarding the authorization and issue of bonds shall apply: *And providing further,* That the issuance of said bonds shall not release the lands of the local improvement district or districts from liability for special assessment for the payment thereof: *And provided further,* That the lien of any issue of bonds of the district prior in point of time to the issue of bonds or warrants herein provided for, shall be deemed a prior lien.

SEC. 16. That chapter VII of title XLVIII Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by chapter 165 of the Session Laws of 1913 and by chapter 179 of the Session Laws of 1915, be and the same is hereby amended by adding thereto a new section to be known as section 6457-7 and to read as follows:

Section 6457-7. Any irrigation district may contract with the United States for local improvement work, and for such purpose may form local improvement districts as herein provided.

Bonds for
refunding
warrant debt.

Priority
of bonds.

Contracts
with U. S.
for local
improvement
work.

Authorization of warrants or of contract with the United States for local improvement work may be confirmed in the same manner as in section 6490 to 6494 inclusive provided.

SEC. 17. Section 6489 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 27 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6489. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings for organizing such district or the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds of said district whether said bonds or any of them have or have not then been sold, may be judicially examined, approved, and confirmed, or in case a contract shall have been made by any irrigation district for the payment of moneys to the United States and bonds be not deposited with the United States as in section 6427: *Provided*, The board may commence a special proceeding whereby the proceedings of said district providing for and authorizing the said contract, whether or not the same shall already have been executed, may be judicially examined, approved and confirmed.

Special proceedings to confirm bonds and U. S. contracts.

There may be combined with the proceeding for the confirmation of the organization and formation of said district, either of the other confirmation proceedings above mentioned.

SEC. 18. Section 6490 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 28 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Section 6490. The board of directors of the irrigation district shall file in the superior court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying, in effect, that the proceedings aforesaid may be examined, approved, and con-

Petition to superior court.

Allegations.

firmed by the court. The petition shall state the facts, showing the proceedings had for the organization of said district or the proceedings had for the issue and sale of said bonds, or for the authorization of contract with the United States; and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

SEC. 19. Section 6491 of Remington & Ballinger's Annotated Codes and Statutes of Washington as amended by section 29 of the Session Laws of 1915, chapter 179, is hereby amended to read as follows:

Notice of hearing.

Section 6491. The court shall fix the time for the hearing of said petition, and shall order the clerk of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district, or in the proceedings for the issue or sale of said bonds or for the authorization of contract with the United States, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of irrigation district (giving its name), praying that the proceedings for the organization of said district or the proceedings for the issue and sale of the bonds of said district, or for the authorization of contract with the United States, may be examined, approved, and confirmed by said court.

SEC. 20. Section 6493 of Remington & Ballinger's Annotated Codes and Statutes of Washington, as amended

by section 31, chapter 179 of the Session Laws of 1915, is hereby amended to read as follows:

Section 6493. Upon the hearing of such special proceedings, the court shall have full power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter from and including the petition for the organization of the district, and all other proceedings which may affect the legality of the formation of said district or the legality or validity of said bonds, and the order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of contract with the United States. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties to said special proceedings, and it may approve and confirm such proceedings, in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all of the parties, in the discretion of the court.

Power and
duty of
court.

Taxation
of costs.

Passed the House February 27, 1917.

Passed the Senate March 6, 1917.

Approved by the Governor March 16, 1917.