

state penitentiary or state reformatory for a term of not less than six months nor more than fifteen years: *Provided, however,* That this section shall not apply to an officer, agent or employe of a common carrier for anything done in the line of duty, nor to a person who through necessity brings or aids in bringing an insane person into the state without an intent to make such person a permanent charge upon the State of Washington.

Passed the House, February 17, 1921.

Passed the Senate, March 2, 1921.

Approved by the Governor March 21, 1921.

CHAPTER 159.

[H. B. 253.]

HIGHWAY IMPROVEMENT AT EXPENSE OF LAND BENEFITED.

AN ACT relating to highway improvements, and amending sections 6092, 6094, 6100, 6105, 6106, and 6108 Pierce's Code and adding thereto new sections numbered 6110A, 6110B, 6110C, 6110D and 6110E.

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

SECTION 1. That section 6092 Pierce's Code (Laws 1917 P. 238) be amended to read as follows:

Section 6092. The appraisers shall, within sixty days after the date of entering upon their duties, file a report of their findings, together with the engineer's report and all other papers to them delivered, with the clerk of the board of county commissioners, which report shall contain a schedule and estimate of all property that will be damaged, or benefited, or both damaged and benefited by the proposed improvement. Such schedule and estimate shall be arranged in parallel columns, with appro-

Appraisers'
report,
notice of
hearing on.

priate headings, and shall show the description of the property, and if land, give legal subdivisions, section, township and range and number of acres; and if platted, the name of the plat and the lot and block number; the name of the owner or owners or reputed owner or owners; the estimated gross damages that will be sustained by reason of the proposed improvement; the estimated gross benefits that will accrue; and the right-hand column of the schedule shall be sufficiently wide for the signature of the owner, and shall bear the heading: "I, the undersigned owner of the property opposite which I have signed my name, accept and agree to the estimated amount of benefits and damages that will accrue to my property by reason of the proposed improvement;" and the appraisers shall make and file with their report an itemized bill of all costs made in the proper discharge of their duties under this chapter; and in such bill the appraisers shall not charge for services in excess of six dollars per day for each appraiser for the time actually employed, and no extra compensation shall be allowed for mileage; upon the filing of such report the clerk shall without delay fix a date for the hearing of the reports of the engineer and appraisers; which date shall be not less than fifteen nor more than thirty days from the date of filing said reports, and shall prepare a notice in writing, directed to all owners of land, road districts or township, affected by the improvement, setting forth the pendency, substance and prayer of petition, and enumerating the townships or road districts and the several sections of land, according to the United States survey, which shall lie wholly or partially within the proposed improvement district, and a tabular statement of the assessments of benefits and awards of damages as made by the appraisers in their report, and stating the time and place of the hearing thereon. Such

notice shall be published in the official newspaper of the county for at least two consecutive weeks before the day set for the hearing, which publication shall be proved by the affidavit of the printer or publisher of such newspaper and filed with the clerk on or before the date of hearing.

SEC. 2. That section 6094 of Pierce's Code (Section 5742 Rem. & Bal. Code) be amended to read as follows:

Section 6094. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the improvement and the probable benefits to accrue therefrom, and may change, add to or modify, the plans for such improvement, and change the estimate of damages or benefits in any case, and may review, change and modify any of the findings and estimates of the engineer or the appraisers, and may, in its discretion, employ another engineer to make separate findings on any or all of the matters hereinbefore required to be included in the report of the engineer and may adjourn said hearing and await such report. In case any change in the plans of the proposed improvements is made at said hearing, and such change will cause additional damages to any property, or will damage any property not damaged under the original plans, the engineer and appraisers shall prepare and file a schedule showing the estimated damages and benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected, and settlement made as hereinafter provided, and shall then confirm the same by resolution.

Hearing,
change of
plans.

SEC. 3. That section 6100 Pierce's Code (Laws 1917 P. 238) be amended to read as follows:

Section 6100. At any time after the expiration of five days from the entry of the resolution of the

Vetoed
L. F. H.

board of county commissioners ordering an improvement under the provisions of this act, the board of county commissioners may fix a time for the receiving and opening of sealed bids for the construction of the proposed improvement, and if in the opinion of the board of county commissioners the interests of the public will be advanced thereby, they may divide the improvement into sections of a more or less number of lineal feet, and call for bids on each of said sections, or they may call for bids for each kind of work to be done or material to be furnished or any one or more of such kinds of labor and material, as they may believe to be advisable. If after receiving and considering such bids, it shall appear to the board of county commissioners that the cost of constructing the proposed improvement by contract will be excessive, or that it will exceed the cost of constructing the proposed improvement by day labor, the board may if in its opinion the public will be benefited thereby, reject all bids and by resolution entered in its journal, cause the proposed improvement to be made by day labor. If the improvement is made by day labor as provided in this section, the board may purchase all materials to be used in the same in the open market, or it may call for bids as herein provided and contract for all or any part of such materials, and the work shall be done under the control of the board of county commissioners who may place the county engineer or constructing engineer, if one be employed, in direct charge of the same, subject to the control of the board of county commissioners. The county commissioners shall cause notice to be given as hereinafter provided of the time and place of awarding contracts, and shall direct the engineer who made the survey and estimate, or other competent engineer, to attend at the time and place of opening bids. The board of county commissioners

Vetoed
L. F. H.

shall superintend and conduct the same, receive all bids for the construction of the improvement, and enter into agreements in the name of the county. The notice of bids shall state the location and general nature of the improvements to be done, and where the plans and specifications are filed for examination, and shall be signed by the clerk of the board of county commissioners by order of the board. The notice shall be published for at least two consecutive weeks previous to the date of receiving and opening bids, in one or more daily or weekly newspapers published and of general circulation in the county, and in such other manner as the board may see fit to direct.

Vetoed
L. F. H.

SEC. 4. That section 6105 of Pierce's Code (Section 5760 Rem. & Bal. Code) be amended to read as follows:

Section 6105. There shall be included in the cost and expense of such improvement the estimated cost and expense of all engineering and surveying necessary for said improvement, ascertaining the ownership of the lots, tracts or parcels of land included in the improvement district, the cost of publishing notices required to be published, accounting and clerical labor, books and blanks expended or used in connection with said improvement.

Costs of
improve-
ment,
collection.

When the appraiser's report shall be confirmed, the clerk of the board of county commissioners shall prepare, certify to and file with the county treasurer, an assessment roll for each such improvement on which the estimated cost of such improvement shall be entered against the persons and property as shown on the schedule of appraisal, first deducting from any assessment against a person, company or corporation to whom awards of damages have been made the amount of the same, and in case of any excess of damages over the assessment, a warrant shall be drawn on the county treasurer

in favor of the person, company or corporation to whom such damage has been awarded for the balance due after deducting the assessment.

From and after the filing of such assessment roll with the county treasurer, the charge on the respective lots, tracts and parcels of land and other property for the purpose of special assessments on account of such improvement shall be a lien on the property assessed, paramount and superior to any other lien or incumbrance whatsoever, theretofore or thereafter created, except a lien for assessments for general taxes.

Each year when an installment is payable, the clerk of the board of county commissioners shall extend the amount of the same together with interest on the deferred payments at the bond rate upon such assessment roll.

Special taxes shall be levied, become delinquent, and be collected as other general taxes sufficient to pay the next accruing portions of the cost and expense of any such improvement chargeable to the county and to the road district or township respectively, including interest thereon at the bond rate to the next annual installment payment date on such bonds. After delinquency the interest upon such special taxes shall be the same as upon general taxes.

No segregation shall be made so that the unpaid principal against any segregated description shall be less than twenty-five dollars, except upon payment thereof.

SEC. 5. That section 6106 Pierce's Code (Laws 1919 Chapter 95) be amended to read as follows:

Section 6106. When the petition shall so request, the portion of the cost of the improvement chargeable to the improvement district shall be paid for in equal annual installments. The petition shall set forth "that the improvement be paid for on the..... years installment plan," and the number

of years shall not be more than ten. When the improvement is done under the provisions of this section the board of county commissioners shall by resolution direct the county treasurer to open an account to be known as "The..... road improvement fund." The clerk of the board of county commissioners shall divide the total estimated cost of the improvement and apportion the same in accordance with the findings and report of the board of appraisers and those portions of the expense to be borne by the county, township or road districts shall be levied and collected as other taxes, after the awarding of the contract for said improvement: *Provided*, That the board of county commissioners shall, if the petitioners so request, arrange that the portion of the expense to be borne by the road districts or townships be paid in not to exceed ten equal annual installments and the board may in its discretion provide that the portion of the expense to be borne by the county be paid in not to exceed ten equal annual installments, and shall divide that portion of the expense to be borne by the county, road districts or townships, and also the lots and land lying within the proposed improvement boundaries and found to be specially benefited, into as many equal parts as there are installments. In the event that the entire assessment upon any single tract or parcel of land, or contiguous tracts or groups of tracts belonging to the same owner is twenty-five dollars or less, such assessment shall be paid in cash and the terms of this act relating to the payment of assessments in installments shall not apply to such assessments: *Provided further*, That the levy of such taxes against road districts or road and bridge funds for any improvement heretofore made shall not be affected by any limitation of law as to tax levies against such road districts or road and bridge funds.

SEC. 6. That section 6108 Pierce's Code (Laws 1917 P. 238) be amended to read as follows:

Bond issue
authorized.

Section 6108. That whenever the board of county commissioners shall have provided for the payment of said assessment in installments, as afore-said, it may, if it shall deem it necessary or proper, issue bonds of the county, payable from the said road improvement fund, not to exceed twelve years after the date of the issuance thereof, with such option to redeem as shall be advisable, in an amount not exceeding the cost of such improvement, and said bonds shall bear interest at a rate not greater than seven per cent per annum, and shall be sold at not less than par, by the board of county commissioners in such manner as they shall deem advisable: *Provided*, That should there not be sufficient money in said improvement fund to make payment of any installment of interest, or the bonds when due, said interest or bonds may be paid out of the general road and bridge fund or the current expense fund of the county, as may be directed by the board of county commissioners, and such fund shall be reimbursed from said improvement fund from time to time as monies are paid therein. The county treasurer shall pay the interest on the bonds authorized to be issued by this act out of the respective improvement funds from which they are payable.

SEC. 7. That there be added to Pierce's Code a new section numbered 6110A to read as follows:

Vetoed
L. F. H.

Section 6110A. That all lands held or owned by the State of Washington in fee simple (in trust or otherwise) situated within the limits of any such improvement district may be assessed and charged for special benefits for any such improvements specially benefiting such lands. The interest of the state in such property shall not be sold to satisfy the lien of such assessment, but only such interest

or contract or other right therein as may be in private ownership shall be subject to such sale. All proceedings relating to such assessment of state lands and the collection thereof shall be in accordance with the provisions of Chapter 154, Laws of 1909.

Vetoed
L. F. H.

SEC. 8. That there be added to Pierce's Code a new section numbered 6110B to read as follows:

Assessments,
how payable.

Section 6110B. The owner of any lot, tract or parcel of land or other property charged with any such assessments may redeem the same from all or any portion of the liability for the contract price of such improvement by paying the entire assessment or any portion thereof charged against such lot or parcel of land, without interest, within thirty days after notice to him of such assessment. Assessments certified to the county treasurer for collection in due time therefor shall become due and payable during the thirty day period ending May 31st or November 30th respectively. Such notice shall be given by the county treasurer by publication in the official newspaper of the county in two consecutive weekly issues, that the assessment roll is in his hands for collection and that any assessment thereon or any portion thereof may be paid at any time without penalty, interest or costs during such payment period, and that any assessment in the sum of \$25.00 or less must be paid in cash. The bonds herein provided for shall not be issued prior to twenty days after the expiration of the thirty days above mentioned, but may be issued at any time thereafter. Whenever any assessment shall be payable in installments, each installment shall become due and payable annually thereafter, during like thirty day periods as in case of original payments upon such assessments. The owner of any such lot, tract or parcel of land may redeem the same from all liability for the unpaid amount of said as-

assessment at any time after said thirty day period for original payment by paying the entire installments of said assessment remaining unpaid and charged against such lot, tract or parcel of land at the time of such payment with interest thereon to the end of the next thirty day payment period. Assessments or installments thereof not paid, within the time herein prescribed shall become delinquent. Assessments or installments thereof, when delinquent shall in addition to interest, have a penalty of five per cent (5%) upon both principal and interest and shall be collected as other general taxes are collected.

SEC. 9. That there be added to Pierce's Code a new section numbered 6110C to read as follows:

Section 6110C. In all cases of special assessments for local improvements, wherein said assessments have failed to be valid in whole or in part for want of form or insufficiency, informality or irregularity or non-conformance with the provisions of law, governing such assessments, or for insufficiency in the assessment, or that property specially benefited was omitted, in any county, the board of county commissioners of such county shall have power by resolution to re-assess such assessments and to enforce their collection in like manner as in original assessments.

All the provisions of this act relating to the filing of appraiser's reports, time and place of hearing thereon, notice of such hearing, the hearing thereon, and the confirmation thereof, the preparation, certification and filing of a re-assessment roll, the time when such assessments shall become a lien upon the property assessed, the method of collecting such assessments and all proceedings for enforcing the lien thereof shall be had and conducted the same in the case of re-assessments as in the case of an original assessment.

Grounds for
re-assess-
ment.

SEC. 10. That there be added to Pierce's Code a new section numbered 6110D to read as follows:

Section 6110D. The board of county commissioners shall pass such resolution or resolutions as may be necessary to carry out the provisions of this act. Thereafter all proceedings relating to such improvements shall be had and conducted in accordance with this act and such resolutions.

Resolutions
of board.

SEC. 11. That there be added to Pierce's Code a new section numbered 6110E to read as follows:

Section 6110E. Whenever the sinking fund for such improvement shall, over and above the amount necessary for the payment of interest on all unpaid bonds, be sufficient to pay the principal of one or more bonds, the county treasurer shall designate sufficient bonds, bearing the lowest numbers among those outstanding, to absorb the amount of said fund on hand, as near as may be, and he shall call such bonds by publishing a notice, giving the numbers of the bonds so called for payment, and fixing a day, not less than fifteen days after the first publication of the notice, when the bonds will be paid with accrued interest at the place of payment of said bonds, which notice shall be published in a daily newspaper published in the county seat once in each week for two consecutive weeks. And in case the bonds so called for payment are not presented on the day fixed therefor in such notice, interest thereon shall thereupon cease: *Provided*, The money for the payment thereof shall at all times thereafter be retained at the place of payment of the bonds, in readiness for payment of the same on presentation, until such bonds are presented for payment. All bonds and coupons received by the county treasurer under the provisions of this section shall be at once cancelled by him and filed as vouchers with

Payment of
bonds from
sinking
fund.

the county auditor as *ex-officio* clerk of the board of county commissioners.

Passed the House March 3, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor with the exception of sections 3 and 7, which are vetoed, March 21, 1921.

CHAPTER 160.

[H. B. 175.]

DRAINAGE AND DIKING IMPROVEMENT DISTRICTS.

AN ACT relating to the improvement of lands and other property by diking and drainage, amending sections 1945-57, 1945-60, and 1945-66 Pierce's Code, providing for the establishment of improvement districts wholly or partly within the limits of any incorporated city or town, and providing for the investigation, survey and report of the state reclamation board on such improvements in certain cases and that the cost of the same be taxed against the lands to be benefited by said improvement; and providing that drainage ditches of any drainage improvement districts may be constructed and maintained along any public highway, street or road within the limits of any drainage district.

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

SECTION 1. That section 1945-57 of Pierce's Code (Laws 1917 P. 521) be amended to read as follows:

Section 1945-57: Whenever one or more persons whose land will be benefited thereby shall desire to have improvements constructed for the drainage or protection from overflow, or both, of any continuous body of lands situated in the same county, whether wholly or partly within the limits of any incorporated city or town, proceedings for the construction of such improvements may be had as provided in this act.

Authorized
improvement
without
organization.