

indebtedness incurred for such purpose, the limits upon municipal indebtedness imposed by the State Constitution shall apply. No additional indebtedness shall be incurred by any city of the second class for the purpose last above mentioned without the assent of three-fifths of the qualified voters of such city voting thereon at an election to be held therein for that purpose under and pursuant to the provisions of Sections 9538 to 9548, inclusive, of Remington's Compiled Statutes of Washington. Any such additional indebtedness so incurred shall not thereafter be taken into consideration in computing the limitation of indebtedness of such city under the provisions of this act.

Passed the Senate February 9, 1923.

Passed the House February 21, 1923.

Approved by the Governor March 2, 1923.

Rem. Comp.
Stat.
§§ 9538 to
9548;
Pierce's Code
§§ 5446 to
5455.

CHAPTER 46.

[S. B. 141.]

DIKES, DRAINAGE AND SEWERAGE.

AN ACT relating to the improvement of lands and other property by diking, drainage and sewerage, providing for certain protection of the lien of drainage, diking and sewerage improvement district assessments in the foreclosure of general taxes, and amending Sections 4405, 4406, 4407, 4411, 4412, 4415, 4422, 4431, 4435, 4438, 4439, 4445, 4446, 4449, 4451, 4459 of Remington's Compiled Statutes and declaring that this act shall take effect immediately.

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

SECTION 1. That Section 4405 of Remington's Compiled Statutes be amended to read as follows:

Section 4405. Whenever four or more persons whose lands will be benefited thereby desire to have improvements constructed for the drainage or protection from overflow, or both, of any contiguous

Amends Rem.
Comp. Stat.
§ 4405;
Pierce's Code
§ 1945-57.

Owners of
lands
benefited
desire
improvement.

body of lands situated in the same county, whether wholly or partly within the limits of any incorporated city or town, or shall desire to have improvements constructed for the sewerage of any such lands situated outside the corporate limits of any city or town, proceedings for the construction of such improvements may be had as provided in this act.

SEC. 2. That Section 4406 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 4406:
Pierce's Code
§ 1945-58.

Section 4406. "System," "improvement," and "system of improvement," as used in this act, shall be held to include a dike, ditch, drain or water course, or sewer, and any side, lateral, spur or branch dike, ditch, drain or water course, or sewer, or other structure, necessary to secure the object of the improvement. Any number of dikes, ditches, drains or water courses, or sewers, with their laterals, spurs, and branches with separate outlets, or in the case of sewers with one or more septic tanks, may constitute one system for the protection or reclamation of the land included in any district. But no system shall be established or constructed unless sufficient outlet or outlets, or in the case of sewers, sufficient septic tank or tanks, are provided for any drainage or sewerage of such district. Such outlet or outlets, or septic tank or tanks, may be either within or without the boundaries of the improvement district hereinafter provided for. Any natural water course may be improved in accordance with the provisions of this act.

Definitions.

"Damages," as used in this act, shall be held to include the value of the property taken and injury to property not taken, or either, as the case may be. "Property benefited" and "property damaged," as used in this act, shall be held to include land, platted or unplatted, whether subject to or exempt from general taxation, and roads other than public roads. "Public roads," as used in this act, shall be held to

include state and county roads, streets, alleys and other public places; and "other roads," as used in this act shall be held to include railroads, street railroads, interurban railroads, logging roads, tramways and private roads and the right-of-way, roadbeds and tracks thereof.

"Public utilities," as used in this act, shall be held to include irrigation, power and other canals, flumes, conduits and ditches, telegraph, telephone and electric transmission and pole lines, and oil, gas and other pipe lines. "County engineer," as used in this act, shall be held to include any engineer specially employed by the board of county commissioners or the board of supervisors to report upon and prepare plans for or to superintend the construction of a system or the maintenance thereof under the provisions of this act. "Prosecuting attorney," as used in this act, shall be held to include any attorney specially employed by the board of county commissioners in connection with the carrying out of the provisions of this act to advise or carry on proceedings in court with reference to a system of improvement initiated and constructed under the provisions of this act.

SEC. 3. That Section 4407 of Remington's Compiled Statutes be amended to read as follows:

Section 4407. Application for any such improvement shall be made by petition to the board of county commissioners of the county in which such proposed system of improvement is located signed by four or more of the owners of property which will be benefited thereby. The petition shall be filed with the clerk of the board of county commissioners, and shall set forth the necessity for the improvement and shall describe with reasonable certainty the location, route and terminal thereof; and there shall be filed therewith a bond payable to the county commissioners, in a sum of not less than two hundred

Amends Rein.
Comp. Stat.
§ 4407;
Pierce's Code
§ 1945-59.

Application
for im-
provement.

dollars (\$200.00), conditioned for the payment of all expenses which may have been incurred in the proceedings, in case the prayer of the petition be not granted or the petition be dismissed for any cause. If at any time it shall appear to the board of county commissioners that the bond filed with the petition is not sufficient in amount to cover the expenses which will be necessarily incurred in the proceedings, the board may order an additional bond in such an amount as it shall direct to be given.

SEC. 4. That Section 4411 of Remington's Com-
 piled Statutes be amended to read as follows:

Amends Rem.
 Comp. Stat.
 § 4411;
 Pierce's Code
 § 1945-62.

Section 4411. If the report of the county en-
 gineer shall be in favor of said improvement, the
 board of county commissioners shall give the im-
 provement district a number, being its serial number
 in the order of time of its formation among the im-
 provement districts of the county formed under this
 act, beginning with the next number following the
 last serial number of any drainage, diking or sewer-
 age district organized and existing in said county,
 if any, and thereafter such district shall be desig-
 nated as drainage (or diking or sewerage) improve-
 ment district number..... of.....
 county, and the board shall cause to be entered on
 its journal an order directing the county engineer
 to go upon the lines described in the petition, or as
 changed by him in his report, and survey, and take
 levels on the same and set a stake at every hundred
 feet, numbering the same consecutively, and note the
 intersection of property lines and boundaries, town-
 ship, city and county lines, and road crossings, and
 make such other investigations as he may deem
 necessary, and make a report, profile and plat of the
 same; also to make an estimate of the cost of con-
 struction of such system itemized so as to be reason-
 ably specific as to the various parts thereof: *Pro-
 vided*, That such estimate of the cost shall be held

Improvement
 district.

to be preliminary only, and shall not be binding as a limit on the amount that may be expended in constructing such system. The clerk of the board shall prepare and keep a special index in which he shall note all proceedings had and all papers filed in connection with such improvement district.

Amends Rem.
Comp. Stat.
§ 4412;
Pierce's Code
§ 1945-63.

SEC. 5. That Section 4412 of Remington's Compiled Statutes be amended to read as follows:

Schedule of
property
benefited,
damaged.

Section 4412. The board shall also by order entered on the journal, direct the county engineer to make and return a schedule and estimate of all property that will be damaged, or both damaged and benefited by the proposed improvement, and to estimate and report the total number of acres that will be benefited by the proposed improvement and to specify the manner in which the proposed improvement is to be made and the number, kind, location and dimensions of all waterways, ditches, outlets, septic tanks, flood gates, and all other artificial appliances, bridges and crossings. Schedules of property to be damaged or damaged and benefited shall be arranged in parallel columns, with appropriate headings, and shall show the description of the property, and if land, given the legal subdivision, section, township and range, and number of acres; and if platted, the name of the plat and lot and block numbers; the name of the owner or owners or reputed owner or owners; the estimated gross damages 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."

SEC. 6. That Section 4415 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.
Comp. Stat.
§ 4415;
Pierce's Code
§ 1945-66.

Section 4415. On the date set for said hearing the board of county commissioners shall meet at the place designated in the notice, and if it appear that due notice of such hearing has been given, shall proceed with the hearing on the report of the county engineer, and any objections thereto, and may adjourn said hearing from time to time and from place to place. At said hearing the board shall hear all pertinent evidence, including any evidence offered concerning the probable cost of the system and the probable benefits to accrue therefrom, and may change, add to or modify the plans for such system of improvement and the boundaries of the improvement district, and change the estimate of damages and benefits in any case, and may review, change and modify any of the findings and estimates of the county engineer, 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 county engineer, and may adjourn said hearing and await such report; or may discontinue proceedings in regard to the proposed improvement, at the cost of the petitioners therefor, if the board shall determine that the construction of the proposed improvement is not warranted by the benefits to be derived therefrom. If at said hearing the board shall find that the plan of improvement proposed or as modified by them at said hearing, is feasible and economical, and that the benefits to be derived from said improvement by the lands within the proposed district exceed the cost thereof, it shall make its written finding to that effect and shall pass a resolution establishing the district and describing the boundaries thereof and fixing the plans for the improvement. In case the board shall determine to enlarge the boundaries of the district, a date shall

Hearing on
report
county
engineer.

Boundaries
of district
enlarged.

be fixed for a new hearing and notice therefor shall be given and such hearing shall be held as provided for the hearing on the report of the county engineer. In case any change in the plans of the proposed improvement is made at said hearing, and such change will cause additional damage to any property, or will damage any property not damaged under the original plans, the county engineer shall prepare and file a schedule, showing the estimated damages and the benefits under such changed plans, and notice of the filing of such schedule shall be served upon the owners of the properties affected, and settlements made as hereinafter provided. The board of county commissioners may at said meeting appoint the board of appraisers provided for in Section 4430.

Amends Rem.
Comp. Stat.
§ 4422;
Pierce's Code
§ 1945-73.

SEC. 7. That Section 4422 of Remington's Compiled Statutes be amended to read as follows:

Cost of
improvement,
how paid.

Section 4422. The cost of improvement shall be paid by assessment upon the property benefited, said assessment to be levied and apportioned as hereinafter prescribed, and all the lands included within the boundaries of the district and assessed for the improvement shall be and remain liable for the costs of the improvement until the same are fully paid. At the hearing provided for in Section 4415, the board of county commissioners shall determine in what manner and within how many years said assessment shall be paid, and shall also at such hearing determine whether the evidence of indebtedness for the cost of said improvement shall be bonds or warrants. If bonds, it shall fix either ten or fifteen annual installments for the payment of said assessment. If warrants, it shall fix not to exceed five annual installments for the payment of said assessment. In case bonds are to be issued and the board shall determine on ten annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

Bonds,
warrants.

For the 1st year.....	5%
For the 2nd year.....	5%
For the 3rd year.....	5%
For the 4th year.....	10%
For the 5th year.....	10%
For the 6th year.....	10%
For the 7th year.....	10%
For the 8th year.....	15%
For the 9th year.....	15%
For the 10th year.....	15%

In case bonds are to be issued and the board shall determine of fifteen annual installments for the payment of said assessment, the installments thereof shall become due and collectible as follows:

For the 1st year.....	5%
For the 2nd year.....	5%
For the 3rd year.....	5%
For the 4th year.....	5%
For the 5th year.....	6%
For the 6th year.....	6%
For the 7th year.....	6%
For the 8th year.....	6%
For each succeeding year.....	8%

In case warrants are to be issued, no annual installments shall be less than one-tenth nor more than one-half of the entire assessment.

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 (\$25.00) or less, such assessment shall become due and payable at the time the first general taxes next after the date of the levy shall become due, and the terms of this act relating to the payment of assessments in installments shall not apply to such assessments. The bonds shall be of such denomination, not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00) as the county commissioners shall by resolution prescribe. The interest thereon shall be payable semi-annually and the bonds shall be numbered consecutively, be coupon in form, and shall recite that they are secured to be paid by assessments upon

Assessment,
when payable.

Bonds, de-
nominations.

Interest
payable
when.

Bonds payable when.

the property of drainage (or diking or sewerage) improvement district number of county, and that they are not a general obligation of such county. They shall be payable in their serial order, on any semi-annual coupon date, on the call of the treasurer whenever there shall be sufficient money in the bond redemption fund of the district against which they are issued, over and above that necessary for the payment of interest on all outstanding bonds, to pay the principal of one or more bonds at the next coupon date: *Provided*, That the proportionate amount of the entire issue of bonds called in the respective years shall not be in excess of the following bond redemption schedule:

First, in case the assessment is payable in ten annual installments:

For the 1st year	10%
For the 2nd year	10%
For the 3rd year	10%
For the 4th year	10%
For the 5th year	10%
For the 6th year	10%
For the 7th year	10%
For the 8th year	15%
For the 9th year	15%

Second, in case the assessment is payable in fifteen annual installments:

For the 1st year	10%
For the 2nd year	6%
For the 3rd year	6%
For the 4th year	6%
For the 5th year	6%
For the 6th year	6%
For the 7th year	5%
For the 8th year	5%
For the 9th year	10%
For the 10th year	10%
For the 11th year	10%
For the 12th year	10%
For the 13th year	10%

Call for payment.

The treasurer shall give notice of such call by publication in the county official newspaper once each week for two consecutive weeks, the first publication

of which notice shall be at least fifteen days prior to the next coupon date, stating that bonds No. (giving their serial number or numbers) will be paid on the date the next interest coupons on said bonds shall become due, and interest upon such bonds shall thereupon cease upon such date. Each warrant and bond shall bear the date of its issuance and recite that it is payable on or before the first day of January of the third year after the last installment of the assessment upon which it is based shall become due. Each bond shall state on its face that bonds of the district can not be called for payment at an earlier maturity than in accordance with the schedule therefor applicable thereto as herein provided, which schedule shall be printed on the face of the bonds. Each warrant and bond shall be signed by a majority of the board of county commissioners and attested by the county auditor under his seal, and each coupon shall have printed thereon a facsimile of the signature of such officers. Interest coupon No. 1 on such bonds shall be for the amount of interest due from the date of the issuance of said bonds to the 1st day of July in the year in which the first installment of the assessment becomes due and payable. The county treasurer shall register said bonds and warrants before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of said county commissioners and the county auditor, and that the seal attached is the seal of the county auditor. Neither bonds nor warrants shall be issued until after the expiration of the thirty days from the first publication of the notice given by the treasurer as provided in Section 4435 and shall not be issued in any amount in excess of that portion of the assessment remaining unpaid after the expiration of such thirty-day period.

Bonds and
warrants
registered.

Amends Rem.
Comp. Stat.
§ 4431;
Pierce's Code
§ 1945-81.

SEC. 8. That Section 4431 of Remington's Compiled Statutes be amended to read as follows:

Public road
benefitted.

Costs
apportioned.

Road district
funds.

Amends Rem.
Comp. Stat.
§ 4435;
Pierce's Code
§ 1945-85.

Schedule of
apportion-
ment.

Section 4431. Whenever any system of improvement constructed under the provisions of this act will drain, protect or otherwise improve the whole or any part of any public road, roadbed or track thereof, or where any such system of improvement will furnish an outlet for or facilitate the construction or maintenance of any sewer system in any city or town, there shall be apportioned against the state, in the case of state primary and secondary highways, and against the county in which any other such state or county road outside of any incorporated city or town is located, or against the city or town in which any such public road is located, or against any such other road or part thereof so drained, protected or otherwise improved, or against the city or town for which an outlet for sewage will be furnished or wherein the construction or maintenance of a sewer system will be facilitated, the proper amount of the total sum to be apportioned. The board of county commissioners may pay such portion as they deem proper of the amount assessed against the county on account of the drainage, protection or improvement of the roads, out of the funds of the road district in which such drainage, protection or improvement is made. The amount assessed against the state shall be paid out of the appropriate fund of the state.

SEC. 9. That Section 4435, Remington's Compiled Statutes be amended by dividing same into four sections to be known as Sections 4435-1, 4435-2, 4435-3 and 4435-4, as follows:

Section 4435-1. Upon the filing of the schedule of apportionment, the board of county commissioners shall fix the time and place for a hearing thereon which time shall be not more than 60 days from the date of the filing thereof and notice of such hearing

shall be given in the manner provided for giving notice of hearing in Section 4414. Said notice shall fix the time and place of hearing on said roll, and shall state that the schedule of apportionment showing the amount of the cost of the improvement apportioned to each county, city, town and piece of property benefited by the improvement is on file in the office of the board of county commissioners and open to public inspection, and shall notify all persons who may desire to object thereto that they may make such objections in writing and file the same with the clerk of the board of county commissioners at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times and places as the hearing may be continued to, the board of county commissioners will sit as a board of equalization for the purpose of considering such schedule and at such hearing or hearings will also consider any objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such schedule, or any part thereof, or set aside such schedule and order that such apportionment be made *de novo* as to such body shall appear just and equitable, and that at said hearing the board will confirm said schedule as finally approved by them and will levy an assessment against the property described thereon for the amounts as fixed by them. The board of county commissioners shall serve by mail, at least ten days before such hearing, upon the commissioner of public lands of the State of Washington a like notice, in duplicate, showing the amount of the cost of the improvements apportioned against all state, school, granted, or other lands owned by the State of Washington in such district, also a like notice upon the state supervisor of highways showing the amount apportioned against any state primary or secondary highways. Upon receipt of such notice the commissioner of

Amends Rem.
Comp. Stat.
§ 4414;
Pierce's Code
§ 1945-65.

Hearing.

Levy of
assessment.

State, school
or granted
lands.

public lands and (or) the state supervisor of highways shall endorse thereon a statement either that he elects to accept or that he elects to contest such apportionment, and shall return the same, so endorsed, to the board of county commissioners. At or prior to such hearing any person interested may file with the clerk of the board written objections to any item or items of said apportionment.

Amends Rem.
Comp. Stat.
§ 4435;
Pierce's Code
§ 1945-85.

Schedule
approved,
corrected or
modified.

Section 4435-2. At such hearing, which may be adjourned from time to time and from place to place, until finally completed, the board of county commissioners shall carefully examine and consider said schedule and any objections filed or made thereto and shall correct, revise, raise, lower, change or modify such schedule or any part thereof, or strike therefrom any property not benefited, or set aside such schedule and order that such apportionment be made *de novo*, as to such body shall appear equitable and just. The board shall cause the clerk of the board to enter on such schedule all such additions, cancellations, changes, modifications and reapportionments, all credits for damages allowed or awarded to the owner of any piece of property benefited, but not paid, as provided in Section 4419; also a credit in favor of the county on any apportionment against the county, of all sums paid on account of said improvement, as provided in Section 4420; and all sums allowed the county on account of services rendered by the county engineer or prosecuting attorney, as provided in Section 4430; and all credits allowed to property owners constructing crossings as provided in Section 4429. When the board of county commissioners shall have finally determined that the apportionment as filed or as changed and modified by the board is a fair, just and equitable apportionment, and that the proper credits have been entered thereon, the members of the board approving the same shall sign the schedule and cause

Rem. Comp.
Stat. § 4419;
Pierce's Code
§ 1945-70.

Rem. Comp.
Stat. § 4420;
Pierce's Code
§ 1945-71.

Rem. Comp.
Stat. § 4430;
Pierce's Code
§ 1945-80.

Rem. Comp.
Stat. § 4429;
Pierce's Code
§ 1945-79.

the clerk of the board to attest their signature under his seal, and shall enter an order on the journal approving the final apportionment and all proceedings leading thereto and in connection therewith, and shall levy the amounts so apportioned against the property benefited, and the determination by the board of county commissioners in fixing and approving such apportionment and making such levy shall be final and conclusive.

The board of county commissioners shall also at said hearing, levy, in the manner hereinafter provided for the levy of maintenance assessments, such assessment as they shall deem necessary to provide funds for the maintenance of the system of improvement until the first annual assessment for maintenance shall fall due.

Maintenance
assessment.

Section 4435-3. Upon the approval of said roll the county auditor shall immediately prepare a completed assessment roll which shall contain, first, a map of the district showing each separate description of property assessed; second, an index of the schedule of apportionments; third, an index of the record of the proceedings had in connection with the improvement; fourth, a copy of the resolution of the board of county commissioners fixing the method of payment of assessments; fifth, the warrant of the auditor authorizing the county treasurer to collect assessments; and sixth, the approved schedule of apportionments of assessments; and shall charge the county treasurer with the total amount of assessment and turn the roll over to the treasurer, for collection in accordance with the resolution of the board of county commissioners fixing the method of payment of assessments. As soon as the assessment roll has been turned over to the treasurer for collection, he shall publish a notice in the official newspaper of the county for once a week for at least two consecutive weeks, that the said roll is in his hands

Amends Rem.
Comp. Stat.
§ 4435;
Pierce's Code
§ 1945-55.
Assessment
roll.

for collection and that any assessment thereon or any portion of any such assessment may be paid at any time on or before a date stated in such notice, which date shall be thirty days after the date of the first publication, without interest, and the treasurer shall accept such payment as in said notice provided. Upon the expiration of such thirty-day period the county treasurer shall certify to the county auditor the total amount of assessments so collected by him and the total amount of assessments remaining unpaid upon said roll.

Amends Rem.
Comp. Stat.
§ 4435;
Pierce's Code
§ 1945-85.

Payment of
assessments.

Section 4435-4. After the expiration of said thirty-day period, payment of assessments in full, with interest to the next coupon date which is more than thirty days from the date of such payment, may be made at any time; *Provided*, That the aggregate amount of such advance payments in any year, together with the total amount of the assessments due at the beginning of said year, shall not exceed the total amount of the bonds which may be called in that year according to the applicable bond redemption schedule. The treasurer shall accept payments of assessments in advance, in the order tendered, until the limit herein set forth has been reached.

Interest on
assessments

The assessments contained in the assessment roll shall bear interest from the expiration of the thirty-day period at the rate of eight per cent per annum and interest upon the entire assessment then unpaid shall be due and payable at the time each of said installments becomes due and payable as a part thereof: *Provided*, That if the bonds or warrants be sold at a lower rate of interest than eight per cent then said assessments shall bear interest at the same rate borne by such bonds or warrants.

Assessment
lien.

The assessments contained in said assessment roll shall be liens upon the property assessed, such lien shall be of equal rank with other liens assessed against the property for local improvements and

paramount to all other liens except the lien of general taxes, and shall relate back to and take effect as of the date when the board of county commissioners determined to proceed with the construction of the improvement as provided in Section 4421.

SEC. 10. That Section 4438 of Remington's Compiled Statutes be amended to read as follows:

Section 4438. Any judgment that heretofore has been obtained or that hereafter may be obtained against a county on account of any contract lawfully made by its officials for or on behalf of any drainage, diking, or sewerage improvement district, or on account of the construction or maintenance of any drainage, diking, or sewerage system of a drainage, diking, or sewerage improvement district shall be collected and reimbursed to the county from said improvement district, and the amount of such judgment shall be included in the construction costs of said district: *Provided*, That if such judgment be recovered after the assessment to pay the construction costs shall have been levied, then the county commissioners are hereby empowered and they shall make a supplemental levy upon the lands of the district, and from the funds collected under such levy said reimbursements shall be made.

SEC. 11. That Section 4439 of Remington's Compiled Statutes be amended and divided into six sections to be known as Sections 4439-1, 4439-2, 4439-3, 4439-4, 4439-5, and 4439-6 to read as follows:

Section 4439-1. There shall be established in the county treasury of any county in which any drainage or diking or sewerage improvement is established under the provisions of this act, appropriate funds as follows:

(1) The construction fund, into which shall be paid the proceeds of all bonds or warrants sold and the proceeds of all assessments paid prior to the sale

Amends Rem.
Comp. Stat.
§ 4438;
Pierce's Code
§ 1945-85c.

Judgments
against
county.

Amends Rem.
Comp. Stat.
§ 4439;
Pierce's Code
§ 1945-86.

Construction
fund.

of bonds or warrants. In case no bonds have been issued or warrants have been sold, the proceeds of all assessments levied to pay the cost of construction shall be paid into such fund. All warrants including temporary warrants, issued in payment of cost of construction shall be paid out of such fund.

Bond and
warrant
redemption
fund.

(2) A fund for the redemption of all bonds issued or warrants sold, to be known as the redemption fund, into which shall be paid all proceeds derived from assessments levied to pay cost of construction which shall not have been paid prior to the sale of bonds or warrants, in case bonds have been issued or warrants sold, and also all moneys, if any, remaining in the construction fund after the payment of all warrants drawn against it as above provided. The redemption fund shall be applied, first, to the payment of the interest due upon all such outstanding bonds issued or warrants sold and, second, to the payment of the principal thereof. After the payment of the principal and interest of all such bonds or warrants, the balance, if any, remaining in such fund shall be applied to the payment of any warrants outstanding, including temporary warrants, which may have been issued in payment of cost of construction which for any reason may remain unpaid. Any balance, if any, thereafter remaining shall be paid into the maintenance fund.

Maintenance
fund.

(3) The maintenance fund, into which shall be paid the proceeds of all assessments for maintenance, and all other funds received by the district which are not required by the provisions of this act to be paid into the construction fund or the redemption fund.

Amends Rem.
Comp. Stat.
§ 4439;
Pierce's Code
§ 1945-86.

Assessments,
collection,
delinquency.

Section 4439-2. The respective installments of assessments for construction or maintenance of improvements made under the provisions of this act, shall be collected in the same manner and shall become delinquent at the same time as general taxes,

certificates of delinquency shall be issued, and the lien of the assessment shall be enforced by foreclosure and sale of the property assessed, as in the case of general taxes, all according to the laws in force on January 1st, 1923, except as hereinafter specifically provided.

The rate of interest thereon after delinquency, also the rate of interest borne by certificates of delinquency, shall be ten per cent per annum. Certificates of delinquency for any assessment or installment thereof shall be issued upon demand and payment of such delinquent assessment and the fee for the same at any time after the expiration of twelve months after the date of delinquency thereof. In case no certificate of delinquency be issued after the expiration of four years from date of delinquency, certificates of delinquency shall be issued to the county, and foreclosure thereof shall forthwith be effected in the manner provided in Sections 11292 to 11317 inclusive, Remington's Compiled Statutes.

The holder of a certificate of delinquency for any drainage, diking, or sewerage improvement district or consolidated district assessment or installment thereof may pay any delinquent general taxes upon the property described therein, and may redeem any certificate of delinquency for general taxes against said property and the amount so paid together with interest thereon at the rate provided by law shall be included in the lien of said certificate of delinquency.

The expense of foreclosure proceedings by the county shall be paid by the districts whose liens are foreclosed: costs of foreclosure by the county or private persons as provided by law, shall be included in the judgment of foreclosure.

Section 4439-3. The purchaser, upon the foreclosure of any certificate of delinquency for any assessment or installment thereof, shall acquire title to such property subject to the installments of the as-

Interest after delinquency.

Certificate of delinquency.

Foreclosure.

Amends Rem. Comp. Stat. § 4439; Pierce's Code § 1945-56.

Purchaser at foreclosure sale.

assessment not yet due at the date of the decree of foreclosure, and the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state.

General tax
certificate
of delin-
quency.

The holder of any certificate of delinquency for general taxes may, before commencing any action to foreclose the lien of such certificate, pay in full all drainage or diking or sewerage improvement district assessments or any installment thereof due and outstanding against the whole or any portion of the property included in such certificate of delinquency and the amount of all assessments so paid together with interest at ten per cent per annum thereon shall be included in the amount for which foreclosure may be had; or, if he elect to foreclose such certificate without paying such assessments in full, the purchaser at such foreclosure sale shall acquire title to such property subject to all such drainage or diking or sewerage improvement district assessments. Any property in any drainage or diking or sewerage improvement district sold under foreclosure for general taxes shall remain subject to the lien of all drainage and diking or sewerage improvement district assessments or installments thereof not yet due at the time of the decree of foreclosure and the complaint, decree of foreclosure, order of sale, sale, certificate of sale and deed shall so state.

Amends Rem.
Comp. Stat.
§ 4439;
Pierce's Code
§ 1945-86.

Resale by
county.

Section 4439-4. Property subject to a drainage or diking or sewerage improvement district assessment, acquired by a county pursuant to a foreclosure and sale for general taxes, when offered for sale by the county, shall be offered for the amount of the general taxes for which the same was struck off to the county, together with all drainage or diking or sewerage improvement district assessments or installments thereof, due at the time of such resale, including maintenance assessments, and supplemental assessments levied pursuant to the provisions

of Section 4439-6, coming due while the property was held in the name of the county; and the property shall be sold subject to the lien of all drainage or diking or sewerage improvement district assessments or installments thereof not yet due at the time of such sale, and the notice of sale and deed shall so state. *Provided*, That the county board may in its discretion, sell said property at a lesser sum than the amount for which the property is offered in the notice of sale. The proceeds of such sale shall be applied first to discharge in full the lien or liens for general taxes for which said property was sold, and the remainder, or such portion thereof as may be necessary, shall be applied toward the discharge of all drainage or diking or sewerage improvement district assessment liens upon such property, and the surplus, if any, shall be applied toward the payment of any delinquent or due local assessments or local assessment installments outstanding against the property levied by any authority other than that of the county, taking them in the order of their maturities, beginning with the earliest; after which if any money remains the treasurer shall hold the same for the person whose interest in the property entitles him thereto. If there be no purchaser, the property shall again be offered for sale within one year thereafter, and shall be successively offered for sale each year until a sale thereof be effected.

Property struck off to or bid in by a county may be leased pursuant to resolution of the county commissioners on such terms as the commissioners shall determine for a period ending not later than the time at which such property shall again be offered for sale as required by law. Rentals received under such lease shall be applied in the manner hereinabove provided for the proceeds of sale of such property.

All statements of general state taxes where drainage, diking or sewer improvement district assess-

County
may lease.

Tax
statements.

ments against the land described therein are due shall include a notation thereon or be accompanied by a statement showing such fact.

Amends Rem.
Comp. Stat.
§ 4439;
Pierce's Code
§ 1945-86.

Section 4439-5. Whenever any improvement, any extension or betterment thereof shall have been constructed in whole or in part, either heretofore in a district established or attempted to be established under and by virtue of chapter 66 of the Laws of 1901, or in a district heretofore or hereafter established or attempted to be established under this act, and the assessment therefor or any part thereof shall be invalid by reason of any omission, irregularity or defect in any proceeding whatever, a reassessment shall be made upon the property benefited by the improvement to provide a fund for the payment of the costs thereof, and any bonds or warrants issued therefor in the following manner:

See Rem.
Comp. Stat.
§ 4405 for
law super-
seding Ch. 66,
L. 1901;
Pierce's Code
§ 1945-57.

Re-assessment.

The board of county commissioners shall by order cause the clerk of the board to compile and file with the board an itemized statement of the total cost of the improvement in the manner prescribed by Section 4430. Upon the filing of such statement the same proceedings shall be had assessing the costs of of said improvement against the lands benefited thereby and the counties, cities and towns within the district, as are prescribed by Section 4430 and subsequent sections of this act. In case no bonds have been issued or warrants sold to pay the costs of said improvement, the same may be issued and sold and disposed of as hereinbefore provided. In case an assessment for such improvement shall have been theretofore made or attempted, and any payment has been made thereon, proper credit for the amount of such payment shall be made upon the reassessment.

Rem. Comp.
Stat. § 4430;
Pierce's Code
§ 1945-80.

Rem. Comp.
Stat. § 4430;
Pierce's Code
§ 1945-80.

Section 4439-6. If upon the foreclosure of the assessment upon any property the same shall not sell for enough to pay the assessment against it, or if any

Amends Rem.
Comp. Stat.
§ 4439;
Pierce's Code
§ 1945-86.

property assessed was not subject to assessment, or if any assessment made shall have been eliminated by foreclosure of a tax lien or made void in any other manner, the board of county commissioners shall cause a supplemental assessment to be made on the property benefited by the improvement, including property upon which any assessment shall have been so eliminated or made void, and against the county, cities and towns chargeable therewith in the manner provided for the original assessment, to cover the deficiency so caused in the original assessment.

Supplemental assessment.

If by inadvertence or for any cause the assessment levied shall be found to be insufficient to meet the entire cost of construction, a supplemental assessment shall be made by the board of county commissioners upon the lands of the district in the same proportion as the original assessment is levied, same being spread over not to exceed three years as the commissioners may determine.

Duplicate assessments or other errors that may by inadvertence be found to have been incorporated in the assessment roll may be corrected by order of the county commissioners upon same being certified to them by the treasurer and the engineer.

Duplicate assessments.

SEC. 12. That Section 4445 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 4445; Pierce's Code § 1945-92.

Section 4445. The board of supervisors of each district shall make reasonable rules and regulations whereby any owner of land in the district may make connection for drainage, or sewerage purposes, with any drainage, or sewerage system thereof. They shall also maintain and keep efficient the system of improvement of the district.

Rules and regulations for connections.

SEC. 13. That Section 4446 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 4446; Pierce's Code § 1945-94.

Section 4446. When a drainage, diking or sewerage system is proposed which will require a location,

or the assessment of lands, in more than one county, application therefor shall be made to the board of county commissioners in each of said counties, and the county engineers shall make preliminary reports for their respective counties. The lines of such proposed improvement shall be examined by the county engineers of the counties wherein said improvements will lie, jointly. The hearings in regard to such improvements, provided for by Sections 4414 and 4435 shall be had by the boards of county commissioners of the two counties in joint sessions, and all other matters required to be done by the county commissioners in regard to such improvement and the improvement district shall be had and done by the boards of county commissioners of the counties wherein such system of improvements shall lie, either in joint session at such place as the said board shall order, or by concurrent order entered into by the said boards at their respective offices. Notice of the hearings shall be given by the auditors of both counties jointly by publication in the official paper of each of said counties. The county engineer of the county wherein the greatest length of drainage, diking or sewerage system will lie, shall have charge of the engineering work and be *ex-officio* a member of the boards in this act provided for. The schedule of apportionment shall be prepared in separate parts for the land in the respective counties; and that part of said roll containing the assessments upon the lands in each respective county shall be transmitted to the treasurer thereof, and the treasurer of said county shall give notice of said assessments as provided in Section 4435, and shall collect the assessments therein contained and shall also extend and collect the annual maintenance levies of said district upon the lands of said district lying in his county. The auditor of the county in which the greater length

Joint
County
districts.

Rem. Comp.
Stat. §§ 4414,
4435;
Pierce's Code
§§ 1945-66,
1945-65.

Notice of
hearing.

Rem. Comp.
Stat. § 4435;
Pierce's Code
§ 1945-65.

of the drainage, diking or sewerage system shall lie shall act as clerk of the joint session of the boards of county commissioners, and shall issue the warrants of the improvement district, and shall attest the signatures of the two boards of county commissioners on the bonds. He shall furnish to the auditor of the other county duplicate copies of the records of proceedings of such joint sessions. Duplicate records of all proceedings had and papers filed in connection with such improvements shall be kept, one with the auditor of each county. Protests or other papers filed with the auditor who is not clerk of the joint sessions shall be forwarded forthwith by him to the auditor who acts as clerk of such joint sessions. The treasurer of said county shall register and certify and pay the warrants and the bonds, and shall have charge of the funds of the district; and to him, the treasurer of the county in which the lesser portion of such system of improvements lie, shall remit semi-annually, in time for the semi-annual warrant and bond calls, all such collections made in such other county. A drainage, diking or sewerage improvement district lying in more than one county shall be designated "joint drainage (or diking) or sewerage improvement district No.....of.....and.....counties." All proceedings in regard to joint drainage, diking improvement districts, which have heretofore been had and done substantially in accordance with the amendatory provisions of this act are hereby approved and declared to be valid.

Protests.

Designation and number.

SEC. 14. That Section 4449 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem. Comp. Stat. § 4449; Pierce's Code § 1945-100.

Section 4449. Whenever it shall appear to the board of county commissioners that the consolidation of two or more diking, drainage or sewerage improvement districts established under the provi-

Consolidated districts.

sions of this chapter will result in economy of the maintenance of such districts, they shall by resolution declare their intention to order such consolidation, and shall fix a time and place for hearing objections to such consolidation. The time so fixed shall not be less than thirty nor more than sixty days from the date of adoption of such resolution, and the place fixed may be the county seat or other place more convenient to the districts which it is proposed to consolidate.

SEC. 15. That Section 4451 of Remington's Compiled Statutes be amended to read as follows:

Section 4451. The board of county commissioners shall meet at the time and place fixed in such notice, and may adjourn such meeting from time to time and from place to place. If objections are offered to the proposed consolidation, they shall hear and consider the same and may refuse to proceed further with the consolidation or may enter an order declaring any two or more of such districts consolidated, and that the territory included in such districts shall thereafter constitute and be known as "Consolidated Drainage, Diking or Sewerage Improvement District No.....of.....County," giving to such consolidated district its consecutive number in the order of the establishment of such districts in the county.

SEC. 16. That Section 4459 of Remington's Compiled Statutes be amended to read as follows:

Section 4459. Every person who shall wilfully damage or interfere with the operation of any dikes, drains, ditches, sewerage or other improvements of any diking, drainage or sewerage improvement district shall be guilty of a misdemeanor.

Amends Rem.
Comp. Stat.
§ 4451;
Pierce's Code
§ 1945-102.

Hearing.

Designation
and number.

Vetoed
L. F. H.

SEC. 17. This act is necessary for the immediate preservation of the public health and shall take effect immediately. Emergency.

Passed the Senate February 10, 1923.

Passed the House February 21, 1923.

Approved by the Governor, with the exception of Section 16, which is vetoed March 2, 1923.

Veto sustained by the Senate March 3, 1923.

CHAPTER 47.

[H. B. 3.]

NARCOTICS.

AN ACT providing for the regulation, sale, disposal, possession and use of narcotic drugs; providing penalties for violation thereof; providing for the quarantine and treatment of narcotic drug addicts and the promulgation of rules and regulations governing the same; and repealing Sections 2509, 2510 and 2511 of Remington's Compiled Statutes (Sections 8850 and 8851, 8852 Pierce's Code), and declaring an emergency.

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

SECTION 1. That the habitual use of opium, morphine, cocaine, alkaloid cocaine, cocoa leaves or alpha or beta eucaine, their derivatives and other habit-forming drugs hereinafter named is detrimental and dangerous to the individual and to public safety, health and morals. Habitual
use.

SEC. 2. The term narcotic drugs wherever used in this act shall be deemed and construed to mean and include opium, morphine, cocaine, alkaloid cocaine, cocoa leaves, or alpha or beta eucaine, heroin, codeine, dionin, cannabis americana, cannabis indica and other salts, derivatives, mixtures or preparations of any of them. Definition.

The term narcotic addict whenever used in this act shall be deemed and construed to mean and in-