

at the next general election held in the district, or at a special election called by the commissioners for that purpose. If a special election is called, it shall be held under the jurisdiction of the county auditor, acting as county supervisor of elections, and the returns of such special election shall be canvassed by the county canvassing board. A special election shall be conducted under the procedure set forth in RCW 29.13.030, 29.13.040 and 29.13.080, as such sections are amended from time to time.

Passed the House February 10, 1955.

Passed the Senate February 21, 1955.

Approved by the Governor March 1, 1955.

CHAPTER 57.

[H. B. 16.]

IRRIGATION DISTRICTS—ELECTIONS—VOTING RIGHTS.

AN ACT relating to changes in voting rights in irrigation districts comprising two hundred thousand or more acres, providing a procedure whereby certain of such changes in voting rights may be made applicable to irrigation districts comprising less than two hundred thousand acres, and amending section 3, chapter 129, Laws of 1921, as last amended by section 1, chapter 122, Laws of 1953, and RCW 87.01.070 through 87.01.090, and adding new sections thereto.

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

Division and
amendment.

SECTION 1. Section 3, chapter 129, Laws of 1921 as last amended by section 1, chapter 122, Laws of 1953, (heretofore codified as RCW 87.01.070 through 87.01.090) is divided and amended as set forth in sections 2 through 4 of this act.

Enacted
without
amendment.

SEC. 2. (RCW 87.01.070) The board of county commissioners shall establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place

and appoint the necessary election officers for each precinct; which precincts may thereafter be changed by the district board. The election shall be conducted as nearly as practicable in the manner provided for the election of directors. Where a non-assessable area is situated in a district, any notice, delinquent list, or other announcement required by this title to be posted, may be posted in the area and any election may be held therein.

SEC. 3. (RCW 87.01.080) The board of county commissioners shall meet on the second Monday after the election and canvass the returns, and if it appears that at least two-thirds of all the votes cast are in favor of the district the board shall by an order declare the district duly organized and shall declare the qualified persons receiving the highest number of votes to be duly elected directors, and shall cause a certified copy of the order to be filed for record in the offices of the auditor and assessor of each county in which any portion of the district is situated. From the date of the filing the organization of the district shall be complete and the directors may, upon qualifying, enter immediately upon the duties of their office, and shall hold office until their successors are elected and qualified. Upon filing the order, the county assessor shall write the name of the district on the permanent tax roll in a column provided for that purpose opposite each description of land in the district. Such column shall be carried forward each year on the current tax roll. In the event of a change in the boundaries of a district, the assessor shall note it in the column upon the tax roll.

Enacted
without
amendment.

SEC. 4. (RCW 87.01.090) A person twenty-one years old, being a citizen of the United States and a resident of the state and who holds title or evidence of title to land in the district or proposed district shall be entitled to vote therein, except that any such person shall only be entitled to vote in a district com-

Voting
qualifications.

prising two hundred thousand or more acres, or in any other district to which this exception is made applicable as hereinafter provided, if he holds title or evidence of title to land other than land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes, in which event, in a district comprising two hundred thousand or more acres, he shall be entitled to one vote for the first ten acres of said land or fraction thereof and one additional vote for all of said land over ten acres. Lands platted or subdivided into residence or business lots shall not be considered as being used for agricultural or horticultural purposes unless (1) used exclusively for such purposes (2) by the holder of title or evidence of title who shall reside thereon and (3) cultivate said lands as a farmer, gardener, or horticulturist. A majority of the directors shall be residents of the county or counties in which the district is situated and all shall be electors of the district. If more than one elector residing outside the county or counties is voted for as director, only that one who receives the highest number of votes shall be considered in ascertaining the result of the election. Where land is community property both the husband and wife may vote if otherwise qualified. An agent of a corporation owning land in the district, duly authorized in writing, may vote on behalf of the corporation by filing with the election officers his instrument of authority. An elector resident in the district shall vote in the precinct in which he resides, all others shall vote in the precinct nearest their residence. No director shall be qualified to take or retain office unless he is the owner of five acres or more of land within the district subject to assessments by the irrigation district: *Provided*, That this additional qualification for the office of director shall not apply in any irrigation district where more than fifty percent of the total acreage of the district sub-

Directors' qualifications.

Community property.

Corporate property.

Polling places.

Additional qualifications of directors.

ject to assessment is owned in individual ownerships of less than five acres, or more than fifty percent of the owners of lands in the district subject to assessment have individual ownerships of less than five acres.

SEC. 5. Whenever twenty or more electors of a district comprising less than two hundred thousand acres desire to make the exception on voting rights made for districts comprising two hundred thousand or more acres in section 4 of this act applicable to their district, they may file a petition with the board of directors praying for an order providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections.

Change of voting rights in districts comprising less than 200,000 acres; petition.

SEC. 6. The board shall fix a time and place for a hearing on the petition which shall be not less than thirty nor more than forty-five days from the date of filing, and shall cause notice of hearing to be published in three consecutive weekly issues of the official newspaper of each county in which any of the land is situated. The notice shall be signed by the secretary, and shall state the filing of the petition, describe the exception in voting rights to be made, state the prayer of the petition, and shall notify all persons affected to appear at the time and place named in the notice, and show cause in writing why the exception in voting rights should not be granted.

Fixing time and place of hearing.

Notice of hearing.

SEC. 7. At the hearing or at such other time to which the hearing may be adjourned, the board shall hear the petition and any objections thereto. Failure to show cause shall be deemed as an assent to the petition. If the board deems it not for the best interests of the district to grant the petition, it shall order the petition rejected. But if it deems it for the best interests of the district that the petition be granted,

Conduct of hearing.

and if no person affected shows cause in writing why the petition should not be granted, or if having shown cause withdraws the same, the board shall enter an order providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections.

Resolution.

SEC. 8. If any person affected shall show cause as aforesaid why the petition should not be granted and shall not withdraw the same, and if the board nevertheless deems it for the best interests of the district that the petition be granted, the board shall adopt a resolution to that effect. Upon the adoption of the resolution, the board shall order an election held within the district on whether an order should be entered providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections, and shall fix the time thereof and cause notice to be published. The notice shall be given and the election conducted in the manner as for special elections on a bond issue of the district. The notice shall describe the proposed exception in voting rights in such manner that it can be readily understood.

Election.

Order affirm-
ing or denying
petition.

SEC. 9. If a majority of the votes cast are against the exception in voting rights, the board shall order the petition denied. If a majority of the votes favor the exception in voting rights, the board shall enter an order providing that the holders of title or evidence of title to land platted or subdivided into residence or business lots and not being used for agricultural or horticultural purposes shall not be entitled to vote in district elections. A copy of the order certified by the president and secretary of the board shall be filed with the auditor of each county in

which any of the lands of the district are situated, and thereupon the exception in voting rights shall be complete and effective.

Passed the House February 4, 1955.

Passed the Senate February 23, 1955.

Approved by the Governor March 2, 1955.

CHAPTER 58.

[H. B. 17.]

IRRIGATION DISTRICTS—ASSESSMENTS—SALES OF LAND.

AN ACT relating to sales of land for delinquent irrigation district assessments and amending section 4, chapter 171, Laws of 1939 and RCW 87.32.160, 87.32.170 and 87.32.180, and section 5, chapter 171, Laws of 1939 and RCW 87.32.210.

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

SECTION 1. Section 4, chapter 171, Laws of 1939, (heretofore codified as RCW 87.32.160, 87.32.170 and 87.32.180) is divided and amended as set forth in sections 2, 3 and 4 of this act.

Division and amendment.

SEC. 2. (RCW 87.32.160) The treasurer shall sell the property to the highest and best bidder for cash. If the property is sold for more than the amount of the assessment, interest, and costs, the excess shall, after the deed has been delivered, be refunded, on application therefor, to the record owner of the property as of the date of the sale. In the event no claim for said excess is received by the treasurer within three years after the delivery of the deed, he shall, at the expiration of the three-year period, remit the excess to the district.

Foreclosure; sale by bids.

Proceeds exceeding assessment, interest and costs.

The purchaser, in addition to the purchase price, shall pay one dollar to the treasurer for a duplicate of the certificate of sale. The treasurer shall account to the district for the one dollar. If the purchaser does not pay the purchase price before ten o'clock

Fee for copy of certificate of sale.

Failure of purchaser to pay.