

county board of education concerned with their school district and shall not be forced to go to different polling places on the same day when other elections are being held.

Passed the House March 2, 1961.

Passed the Senate February 28, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 131.

[H. B. 107.]

DRAINAGE DISTRICTS.

AN ACT relating to drainage districts; and adding a new chapter to Title 85 RCW.

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

New chapter.

SECTION 1. There is added to Title 85 a new chapter to read as set forth in sections 2 through 25 of this act.

Legislative declaration.

SEC. 2. The maintenance of drainage districts is essential to the economy of the state. The influx of population and changes in land use since many such districts were formed, has made obsolete and unjust the method used under existing law to provide funds for the operation of such districts and for the maintenance and expansion of its drainage systems. Also, in many instances, properties lying outside of the territorial limits of such districts, have been and are being developed in such a manner that waters therefrom, through artificial rather than natural processes, are accumulated and discharged for outlet upon lands within such districts, and the facilities of such district are used without charge to furnish service and benefit to such lands. To furnish remedy for such situations where they are found to exist

the state declares that it has an interest therein and this act is passed.

SEC. 3. As used in this act:

Definitions.

“District” means a regularly formed and established drainage district under the provisions of this title.

“District”.

“Board” means the board of commissioners of a regularly formed and established drainage district under the provisions of this title.

“Board”.

SEC. 4. The board may: (1) Make initial determination that the district’s facilities furnish benefit to improvements upon land as well as land alone within the district in protecting against and furnishing run-off for surface and/or flood waters; (2) Make initial determination that lands and improvements thereon outside of the territorial limits of the district are receiving a service from the facilities of the district, and are benefited thereby in that waters from such lands through ditches, drains, or other artificial methods, other than by natural flow or seepage, are so cast as to have outlet through the district’s facilities; (3) Determine that properties so found to be served should pay a just proportion of the operational and maintenance costs of the district; (4) In connection with so finding, cause a roll of property thus served and benefited by the district’s facilities to be prepared and filed with it, and give notice of a hearing thereon as provided in this act; (5) Hold public hearings to determine the ultimate facts and approve an ultimate roll of properties served and benefited by the facilities of the district and valuations thereof to serve as a basis against which annual millage levy may be assessed for continuous benefits furnished such properties; make revision thereof as the facts warrant from time to time; provide for the levying of such millage; and make return of such roll finally adopted by certifying and filing a copy thereof with the auditor,

Board powers.

assessor and treasurer of the county wherein the properties involved are located.

Roll of properties served—
Declaration by resolution,
contents.

SEC. 5. In the initial instance, when the board of any district, desires to use the method and procedure provided in this act, and in order that uniformity may be had, it may cause a roll of all properties within the district claimed to be benefited by its drainage system, and in addition or as a part thereof, a roll of all properties outside of the territorial limits of said district claimed to be served and benefited by the drainage systems of said district, to be prepared and filed with it. Thereupon, the board shall by resolution declare:

(1) That it has made initial determination that the district's facilities are furnishing and will furnish service and benefit to the properties, including improvements thereon, described in such roll;

(2) That such roll has been filed with it and will remain so filed and open to inspection by any party interested therein at all reasonable times;

(3) That a public hearing will be held by the board at a time and place stated to give consideration to the facts and make ultimate determination of the same and to said roll;

(4) That when said roll is finally adopted, annual millage levies will be made by the district against said properties based upon the valuation thereof as shown on said roll when ultimately adopted to raise money based on benefit and service for the continuous operation and maintenance of said district;

(5) That at the time of hearing, it will hear all objections filed and will review, adopt, modify, or revise said roll consistent with existing facts to the end that property receiving service and benefit from the facilities of the district shall pay justly and equitably therefor in proportion to benefit received and;

(6) That upon said hearing or adjournments thereof, the board will determine the ultimate facts concerning service and benefit received by all properties ultimately contained in said roll and as to such properties it will adopt the roll in final form and proceed as in this act provided.

SEC. 6. The roll of properties referred to in this act shall contain (1) a description of all properties and improvements thereon, with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county wherein the property is located, and (2) the determined value of such land and improvements thereon as last assessed and equalized by the taxing agencies of such county. Such assessed and equalized values shall be deemed prima facie as a just, fair and correct base of value for consideration by the board in its determination ultimately of the just and correct base of value in each instance against which annual millage shall be levied by the district for the operation of the district and the expansion and maintenance of its facilities.

Roll of properties, contents.

If property outside of the territorial limits of the district are upon the roll as adopted ultimately, and the district has prior indebtedness existing, the board shall set up separate millage levies for the retirement thereof until it is extinguished, which levies shall be applied solely against the properties within the territorial limits of the district. Adjustments of the roll shall be made before final adoption in such a manner that the money raised through annual millage levies for maintenance, expansion and operational costs of the district in no instance shall exceed the value of the service rendered or to be rendered and the benefit received and to be received by the property involved.

SEC. 7. When the board causes a property roll to be filed with it and a hearing to be held thereon as

Notice of hearing on property roll—
Publication—
Contents.

provided in this act, it shall give notice of such hearing in the following manner:

The notice shall be published at least three times in consecutive issues in a weekly newspaper, or once a week for three consecutive weeks in a daily newspaper, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing. The board also shall cause a copy of such notice to be mailed in regular course of the federal mail at least thirty days prior to the date of such hearing to the owner or reputed owner of such property at his address, all as shown on the tax rolls or records of the county taxing agencies of the county wherein the property is situated, such notice being deemed adequate and sufficient. The sworn affidavit of the one doing such mailing shall be deemed conclusive of the fact that such notice was mailed.

Such notice shall state the following:

(1) That the board has tentatively determined that the property of the owner or reputed owner named is receiving and will receive service and benefit from the facilities of the district;

(2) That the board has caused a tentative roll of such properties with any improvements thereon which are receiving and will receive such service and benefit to be filed with it; and that such roll shows a base of valuation thereon for said properties against which annual millage will be levied and collected in the same manner as general taxes to pay the fair value of the benefit and service received and to be received by such property through use of the facilities of the district, and to pay the annual cost of operation, development and maintenance of the district and its facilities;

(3). That on a date, time and place stated, the

board will give consideration to the facts and the roll, will hear all objections filed, will review said roll and alter, modify, or change the same consistent with facts established and with equity and fair dealing concerning the properties involved to the end that just levies will be made for service and benefits received and to be received against each property for the purposes mentioned; and at the hearing or continuance thereof, it will adopt the roll in final form and certify and file a copy thereof with the assessor and treasurer of the county wherein the property is located; and will cause annual millage to be levied against such established valuations for the purposes stated.

(4) That all persons desiring to object to the proceedings, to the proposed base valuations, or to any other thing or matter in connection with the proceedings, must file written objections with the board stating clearly the basis of such objection before the time of the hearing, or all objections will be deemed waived.

SEC. 8. Any person, owner or reputed owner having any interest in any property against which the board seeks to make a service and benefit charge under this act, may object thereto. All such objections must be in writing and filed with the board before the hearing is commenced upon the roll containing such properties and must state clearly the grounds of such objection. Objections not made within this time and in this manner shall be deemed conclusively to have been waived.

Objections
against charges
—Filing time.

SEC. 9. The board shall from time to time examine the properties within and without said district, and if it finds tentatively that property, including improvements thereon, has been omitted from the existing roll, or conditions have changed so that there are new properties or additional properties receiving benefit and service from the facilities of

Reexamination
to add to
property roll.

the district without charge, it shall cause from time to time an additional roll of such property to be filed with it and shall proceed in the same manner as provided in this act where the board causes property roll to be filed with it.

Filing of additional or supplemental property roll.

SEC. 10. When any roll or additional or supplemental roll is adopted by the board, a copy thereof shall be certified to and filed with the auditor, the assessor and the treasurer of the county wherein the property contained on said roll is situated. Where the roll is a supplemental or additional roll, it shall supplement the original roll.

Reexamination to eliminate from property roll.

SEC. 11. The board may at any time re-examine the properties on any roll, and upon request of an owner shall do so, and if it is found that the condition of such property or properties has changed so that justly such property should be eliminated from any rolls on file, or the base against which millage is levied should be lowered, it shall so determine and make a supplemental roll with reference to such property or properties. When adopted by it, the board shall certify and file a copy thereof with the auditor, assessor and treasurer of the county wherein the property is situated, and such officer shall alter and change the existing rolls accordingly.

Roll as basis for millage levied.

SEC. 12. The roll certified to the county officers as in this act provided, and any modification thereof as provided, shall serve as the base of benefits as to land, buildings and improvements furnished service and benefit by the systems of the district against which valuations millage shall be levied and collected in the same manner as general taxes from time to time for the continuing functioning of the district and its systems. The millage shall be levied in the manner required by law for millage levies by drainage districts.

SEC. 13. If any property outside of the territorial limits of the district is placed upon a roll as finally adopted, and at the time such property becomes subject to charge for service and benefit from the district's system, there is an existing outstanding indebtedness owing by the district, the board shall make a separate estimate of the revenue required to be raised to pay or apply upon such indebtedness until it is extinguished, and it shall proceed and certify the same as hereinabove provided, and no millage for raising revenue to extinguish such indebtedness shall be included in the levies made against any properties lying outside of the territorial limits of said district.

Separate assessments where district indebtedness.

When thus levied, the amount of assessment produced thereby shall be added by the general taxing authorities to the general taxes against said lands and collected therewith as a part thereof. If unpaid, any delinquencies in such assessments shall bear interest at the same rate and in the same manner as general taxes and they shall be included in and be made a part of any general tax foreclosure proceedings according to the provisions of law with relation to such foreclosures. As assessment collections are made, the county treasurer shall credit same to the funds of such district.

Delinquent assessments treated as tax delinquencies.

SEC. 14. In the case of an emergency or disaster not in contemplation at the time of making the annual estimate of costs and declared to be such by resolution of the board, the board may incur additional obligations and issue valid warrants therefor in excess of such estimate in the manner provided by law for issuance of warrants by drainage districts and the servicing thereof, and all such warrants so issued shall be valid as shown upon the then current roll of said district filed with the county auditor.

Emergency expenditures authorized.

SEC. 15. Any district choosing to operate under this act shall not use the processes provided for rais-

Act exclusive as to raising revenue.

ing revenue under any other law: *Provided*, That if for any reason it is deemed more just and advisable by the board, any such other method or process for raising revenue as provided by law may be used concurrently against properties solely within the territorial limits of the district for the sole purpose of extinguishing indebtedness incurred before the district adopts the procedure of this act, in which event no funds raised under this act shall be used to pay such prior indebtedness.

Owners of
lands charged,
elector.

SEC. 16. Whenever lands, or lands with improvements thereon, lying outside of the existing territorial limits of such district are ultimately placed upon the assessment roll of such district in the manner provided by this act so that such lands are subject to maintenance benefits as provided, the owner of such land shall be deemed to be an elector within such district, and shall have the same right to participate in all district affairs and to vote upon all matters submitted to the electors of said district, including that of electing or becoming commissioners for the district, all in the manner provided for voting and elections under existing law pertaining to drainage districts. If such owner is a corporation, one of its duly constituted officers shall be deemed to have the right as an elector to vote on behalf of such corporation.

Proceedings
conclusive
upon adoption
of roll—
Exception.

SEC. 17. Whenever any roll shall have been adopted by the board, the regularity, validity and correctness of the proceedings relating thereto shall be conclusive upon all parties and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll as provided in RCW 85.18.050 and appealing from the action of the board in confirming such roll in the manner and within the time in this act provided. No proceeding of any kind, except proceedings had through the process of appeal as

in this act provided, shall be commenced or prosecuted or may be maintained for the purpose of defeating or contesting any assessment or charge made through levies under this act, or the sale of any property to pay such charges: *Provided*, That a suit in injunction may be brought to prevent collection of charges or assessments or sale of property thereunder upon the following grounds and no other: (1) That the property charged or about to be sold does not appear upon the district roll filed with the county auditor, or (2) the charge or assessment has been paid.

SEC. 18. The decision of the board upon any objection made within the time and in the manner prescribed in this act may be reviewed by the superior court of the county wherein the property in question is located. Any person aggrieved must file his petition for writ of review with the clerk of the superior court wherein the property is located within ten days after the roll affecting such aggrieved party was adopted by resolution, and he shall serve a copy thereof upon the board. The petition shall describe the property in question, set forth the written objections which were made to the decision, give the date of filing of such objections, and shall be signed by such party or someone in his behalf. The court shall forthwith grant such petition if correct as to form and filed in accordance with this section.

Appeal to
superior court
—Procedure.

SEC. 19. Within ten days after the filing of such petition for review, the board, unless the court shall grant additional time, shall file with the clerk of such court its certified transcript containing such portion of the roll as is subject to review, any written objections thereto filed with the board by the petitioner before such roll was adopted, and a copy of the resolution adopting the roll. The filing fee

Transcript
filed by board
—Court fees—
Docketing
case.

shall be a cost recoverable by petitioner against the district.

The clerk of the court shall charge the same filing fees for petitions for review as in other civil actions. The appellant need not file any bond to cause review to be had by the superior court. The court shall, on motion of either party to the cause, with notice to the other party, set the same for hearing and trial without jury at the earliest time available.

Court determination, scope.

SEC. 20. At the trial the court shall determine whether the board has acted within its discretion and has correctly construed and applied the law. If it finds that it has, the findings and decision of the board shall be affirmed; otherwise it shall be reversed or modified. The judgment of the court may change, confirm, correct, or modify the values of the property in question as shown upon the roll, and a certified copy thereof shall be filed with the county auditor, who shall change, modify or correct as and if required.

Appeal to supreme court—Procedure.

SEC. 21. An appeal shall lie to the supreme court from the superior court as in other civil cases: *Provided*, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court on such appeal may change, confirm, correct or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court shall be filed with the county auditor having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such decision, if required.

Millage levy returns as assessments for benefits received.

SEC. 22. The millage levy returns collected from time to time under this act are solely assessments for benefits received continuously by the benefited properties, calculated in the manner specified in this act as a just and equitable way for all benefited property to share the expense of such required service.

SEC. 23. The board of any drainage district proceeding under this act shall, on or before the first day of November of each year, make an estimate of the costs reasonably anticipated to be required.

Financial estimate by board, when.

SEC. 24. The rights, powers and duties granted and imposed by this act are supplemental and in addition to any existing rights, powers and duties of drainage districts established under this title.

Act supplemental.

SEC. 25. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the House February 11, 1961.

Passed the Senate March 3, 1961.

Approved by the Governor March 16, 1961.

CHAPTER 132.

[H. B. 217.]

STATE TEACHERS' RETIREMENT SYSTEM.

AN ACT relating to the Washington State Teachers' Retirement System; and amending section 24, chapter 80, Laws of 1947, as amended by section 7, chapter 274, Laws of 1955 and RCW 41.32.240; amending section 26, chapter 80, Laws of 1947, as amended by section 8, chapter 274, Laws of 1955 and RCW 41.32.260; amending section 34, chapter 80, Laws of 1947, as amended by section 15, chapter 274, Laws of 1955 and RCW 41.32.340; amending section 30, chapter 80, Laws of 1947, as last amended by section 11, chapter 274, Laws of 1955, and RCW 41.32.300; amending section 55, chapter 80, Laws of 1947, as last amended by section 2, chapter 37, Laws of 1959 and RCW 41.32.550; amending section 59, chapter 80, Laws of 1947 and RCW 41.32.590; adding a new section to chapter 41.32 RCW; and providing an effective date.

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

SECTION 1. Section 24, chapter 80, Laws of 1947 as amended by section 7, chapter 274, Laws of 1955

RCW 41.32.240 amended.