

shall designate the hospital and medical services available to such sick or disabled policeman.

Passed the Senate February 23, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 192.

[S. B. 153.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts; amending section 1, chapter 13, Laws of 1939 and RCW 87.04.010; amending section 2, chapter 13, Laws of 1939 and RCW 87.04.020; amending section 3, chapter 13, Laws of 1939 and RCW 87.04.030; amending section 4, chapter 13, Laws of 1939 and RCW 87.04.040; amending section 7, chapter 13, Laws of 1939 and RCW 87.04.050; amending section 5, chapter 13, Laws of 1939 and RCW 87.04.060; amending section 6, chapter 13, Laws of 1939 and RCW 87.04.070; amending section 8, chapter 13, Laws of 1939 and RCW 87.04.080; amending section 9, chapter 13, Laws of 1939 and RCW 87.04.090; amending section 10, chapter 13, Laws of 1939 and RCW 87.04.100; amending section 11, chapter 13, Laws of 1939 (uncodified); amending section 1, chapter 122, Laws of 1953, as last amended by section 4, chapter 57, Laws of 1955, and RCW 87.01.090; and amending section 4, page 673, Laws of 1890, as last amended by section 1, chapter 41, Laws of 1931, and RCW 87.01.100, 87.01.120 and 87.01.130.

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

SECTION 1. Section 1, chapter 13, Laws of 1939 and RCW 87.04.010 are each amended to read as follows:

An irrigation district comprising two hundred thousand or more acres, or irrigation districts comprising less than two hundred thousand acres which have followed the optional procedure specified in this amendatory act, shall be divided into divisions of as nearly equal area as practical, consistent with being fair and equitable to the electors of the dis-

RCW 87.04.010 amended.

Irrigation districts' director divisions.
Created—
Election of directors.

trict. The number of divisions shall be the same as the number of directors, which shall be numbered first, second, third, etc. One director, who shall be an elector of the division, shall be elected for each division of the district by the electors of his division. A district elector shall be considered an elector of the division in which he holds title to or evidence of title to land. An elector holding title to or evidence of title to land in more than one division shall be considered an elector of the division nearest his place of residence.

RCW 87.04.020
amended.

SEC. 2 Section 2, chapter 13, Laws of 1939 and RCW 87.04.020 are each amended to read as follows:

Vacancies,
how filled.

Vacancies in the representation of director divisions on the board of directors of the irrigation district shall be filled by appointment of an elector of the division concerned, in the same manner and for the same time as provided by law for the filling of vacancies on the board of directors of irrigation districts generally.

RCW 87.04.030
amended.

SEC. 3. Section 3, chapter 13, Laws of 1939 and RCW 87.04.030 are each amended to read as follows:

New district
to be divided
by county
commissioners,
when—
Division as
election
proposition.

When a new irrigation district comprising more than two hundred thousand acres has been authorized, pursuant to law, the board of county commissioners shall, within thirty days from the canvassing of the returns, divide the district into director divisions equal to the number of directors, and in the resolution organizing the district, they shall include an order designating the director divisions and describing the boundaries thereof. When a petition for the formation of a new irrigation district comprising less than two hundred thousand acres has been filed pursuant to law and said petition includes a request that the district be divided into director divisions, the board of county commissioners shall divide the district into director divisions as provided in this section unless objections to director

divisions are made at the hearing held pursuant to RCW 87.01.040; and in the event objections to director divisions are made and not withdrawn, the board of county commissioners may deny the request for director divisions or if it determines that it is to the best interests of the district that director divisions be established, it may, in its order calling an election for organization of the district, include a separate proposition on the question of director divisions; and if a majority of the votes cast on said proposition are in favor of director divisions, then the resolution organizing the district shall include an order designating the director divisions and describing the boundaries thereof.

SEC. 4. Section 4, chapter 13, Laws of 1939 and RCW 87.04.040 are each amended to read as follows:

RCW 87.04.040
amended.

Proceedings to divide or redivide a district comprising less than two hundred thousand acres into director divisions, or to redivide the director divisions heretofore established for districts comprising more than two hundred thousand acres, may be initiated by a petition filed with the county commissioners of the county in which the principal office of the district is situated. The petition shall designate the name of the district and pray that it be divided into director divisions, or that existing director divisions be redivided, and shall be signed by at least two-thirds of the directors of the district or in lieu thereof by at least twenty electors of the district. A petition to divide or redivide a district shall not be filed more than once in each five-year period except for redivisions necessitated by reason of a change in the total number of directors of the district.

Petition to
divide or
redivide.

SEC. 5. Section 7, chapter 13, Laws of 1939 and RCW 87.04.050 are each amended to read as follows:

RCW 87.04.050
amended.

If the number of directors is changed for a district which is divided into director divisions, a peti-

Redivision
when number
of directors
changed.

tion for redivision shall be filed with the board of county commissioners by the directors of the district and all proceedings thereon shall be conducted as provided in sections 6 and 7 of this amendatory act: *Provided*, That even if objections are filed at the hearing on said petition, no election shall be held but the board of county commissioners shall make such division that they determine to be fair and equitable to the electors of the district.

RCW 87.04.060
amended.

SEC. 6. Section 5, chapter 13, Laws of 1939 and RCW 87.04.060 are each amended to read as follows:

Time for
hearing on
petition—
Notice.

Upon the filing of the petition the board of county commissioners shall fix a time and place for hearing thereon, which shall be not less than thirty days nor more than forty-five days from the date of filing, and shall cause notice thereof, stating the time, place, and general purpose of the hearing, to be published in a newspaper of general circulation in each county in which any of the lands of the district are situated, in at least three consecutive weekly issues; if there is no such newspaper published in a county, then in a newspaper of general circulation therein, designated by the county commissioner. The notice shall state the filing of the petition and its prayer, but need not describe with particularity the boundaries of the divisions recommended in the petition, and shall notify all electors of the district to appear at the time and place named in the notice to show cause, if any they have, why the district should not be divided or redivided into director divisions.

RCW 87.04.070
amended.

SEC. 7. Section 6, chapter 13, Laws of 1939 and RCW 87.04.070 are each amended to read as follows:

Hearing—
Order—
Election on
division or
redivision
—Notice of.

At the hearing or adjournments thereof, which shall not be for more than sixty days in all, the board of county commissioners shall consider the petition and shall hear electors of the district for or against the division or redivision of director divisions and recommendations for the manner in which division

should be made. If the board deems is against the best interests of the district to divide the district into director divisions or to redivide existing divisions, it shall order the petition rejected, but if it deems it for the best interests of the district that the petition be granted, and if no elector of the district files cause in writing at said hearing why the petition should not be granted, or if having filed said cause in writing withdraws the same, the board shall enter an order dividing or redividing the district into the same number of director divisions as there are directors of the district, and designating the divisions and describing the boundaries thereof. The division to be made shall be such as the commissioners consider fair and equitable to the electors of the district. A copy of the commissioners' order shall be filed for record, without charge, with the auditor of each county in which any part of the district is situated, and thereafter the directors shall be elected or appointed as provided in this chapter. If any elector shall appear in person at said hearing and shall file cause in writing 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 and shall order an election held within the district on whether the district should be divided into director divisions or its existing director divisions be redivided, 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 state the general plan of division or redivision but need not describe with particularity the boundaries of the proposed division or redivision. Such boundaries shall be described on the ballot. If the majority of votes cast at the election are in favor of dividing or redividing the district into di-

rector divisions, the board of county commissioners shall enter an order dividing or redividing the district into the same number of director divisions as there are directors of the district, and designating the divisions and designating the boundaries thereof. If a majority of the votes cast are against division or redivision into director districts, the board shall order the petition denied.

RCW 87.04.080
amended.

SEC. 8. Section 8, chapter 13, Laws of 1939 and RCW 87.04.080 are each amended to read as follows:

Election of
directors—
Terms.

At the next general election of directors of a district which has been divided into director divisions, the electors of the first division shall select the director then to be elected on the board, and if more than one director is to be selected, the second division shall select one, and so on in numerical order, until, as the terms of incumbent directors expire, all the divisions are represented on the board, and thereafter directors shall be elected from the divisions in rotation, as their respective terms of office expire: *Provided*, That if following the numerical order of director divisions will result in any year in one division having more than one director and one division having no director, then the numerical order of the divisions shall not be followed for the year or years in question but the electors of the next highest numbered division without representation on the board of directors shall select the director then to be elected on the board. If such a district is organized but has not yet held an annual election of officers, it shall, at its next annual election, select directors for three, two and one-year terms respectively, and if the district is managed by a board of three directors, the first division shall select a director for the three-year term, the second division shall select one for the two-year term, and the third division shall select one for the one-year term, and thereafter their successors shall

be elected for three-year terms respectively. If the district has five directors, the first and second divisions shall each select a director for the three-year term, the third and fourth divisions shall each select one for the two-year term, and the fifth division shall select one for the one-year term, and thereafter their successors shall be elected for three-year terms respectively. If the district has seven directors, the first, second and third divisions shall each select a director for the three-year term, the fourth and fifth divisions shall each select a director for the two-year term, and the sixth and seventh divisions shall each select a director for the one-year term, and thereafter their successors shall be elected for three-year terms respectively.

SEC. 9. Section 9, chapter 13, Laws of 1939 and RCW 87.04.090 are each amended to read as follows:

Lands in a district so divided into director divisions, which are to receive water from a system of works to be constructed by the federal government or under a contract between the district and the federal government, shall not be assessed more than two cents an acre in any one calendar year until the Secretary of the Interior announces that water is ready for delivery to the land: *Provided*, That this section shall not be applicable to districts comprising less than two hundred thousand acres.

RCW 87.04.090 amended.

Limit of levy until water is received, where applicable.

SEC. 10. Section 10, chapter 13, Laws of 1939 and RCW 87.04.100 are each amended to read as follows:

Lands in such a district, which are designated as excess lands under the act of congress of May 27, 1937, and which have been subscribed by the owner thereof to the excess land contract, shall not be assessed more than above specified until after the date fixed in the contract for the sale of such excess lands, unless they have been sooner sold or the owner has sooner called for water thereon: *Provided*, That this section shall not be applicable to

RCW 87.04.100 amended.

Excess lands, assessments against, where applicable.

districts comprising less than two hundred thousand acres.

1939 c 13 § 11 amended.

SEC. 11. Section 11, chapter 13, Laws of 1939 (uncodified) is amended to read as follows:

Construction, general repeal.

Sections 1 through 11 of this amendatory act are intended, and shall be construed, to be supplemental to and shall become a part of the law relating to irrigation districts, and any act or part of the same inconsistent or in conflict with the provisions of this act or any part thereof are hereby repealed.

RCW 87.01.090 amended.

SEC. 12. Section 1, chapter 122, Laws of 1953, as last amended by section 4, chapter 57, Laws of 1955, and RCW 87.01.090 are each amended to read as follows:

Irrigation district organization. Qualifications of voters and directors.

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 comprising 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 holds title or evidence of title to five acres or more of land within the 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 is owned in individual ownerships of less than five acres.

SEC. 13. Section 4, page 673, Laws of 1890, as last amended by section 1, chapter 41, Laws of 1931 (heretofore divided and codified as RCW 87.01.100, 87.01.120 and 87.01.130) is divided and amended to read as set forth in sections 14 through 16 of this act.

SEC. 14. (RCW 87.01.100) An election of directors in an irrigation district shall be held on the second Tuesday of December of each year, and the term of each director shall be three years from the first Tuesday of January following his election. The directors elected at the organization election shall serve until their successors are elected and qualified. At the first annual election occurring thirty days or more after the date of the order establishing the district, there shall be elected directors to succeed those chosen at the organization election. If the board consists of three directors the candidate receiving

RCW 87.01.100
amended.
Directors.
Election—
Terms—
Increase and
decrease.

the highest number of votes shall serve a term of three years; the next highest, two years; and the next highest, one year. In case of five directors, the two candidates receiving the highest number of votes shall each serve a term of three years; the next two highest, two years; and the next highest, one year; or until successors are elected and qualified. In case of seven directors, the three candidates receiving the highest number of votes shall each serve a term of three years, the next two highest, two years, and the next two highest, one year, or until their successors are elected and qualified. Whenever a district with three directors desires to increase the number of its directors to five directors or whenever a district with five directors desires to increase the number of its directors to seven directors, the board of directors, acting on its own initiative or on the written petition of at least twenty electors of the district, shall submit the question to the electors of the district at a regular or special district election. In the event the electors by a majority of the votes cast favor an increase in the number of directors, there shall be elected at the next annual district election two additional directors. The person receiving the highest number of votes shall serve for a three year term, and the next highest, a two year term.

The number of directors may be decreased to five or three, as the case may be, substantially in the same manner as that provided for the increase of directors. In case of three directors the term of one director only shall expire annually.

RCW 87.01.120
enacted
without
amendment.

SEC. 15. (RCW 87.01.120) A vacancy in the office of director shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had. At the next annual election occurring thirty days or more after the date of the

appointment, a successor shall be elected who shall take office on the first Tuesday in January following and shall serve for the remainder of the unexpired term.

A director appointed to fill the vacancy occurring after the expiration of the term of a director shall serve until his successor is elected and qualified. At the next election of directors occurring thirty days or more after the appointment, a successor shall be elected who shall take office on the first Tuesday in January next and shall serve for the term for which he was elected.

Failure on the part of any irrigation district to hold one or more annual elections for selection of officers, or otherwise to provide district officers shall not dissolve the district or impair its powers where later officers for the district are appointed or elected and qualify as such and exercise the powers and duties of their offices in the manner provided by law.

SEC. 16. (RCW 87.01.130) Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute a bond to the district in the sum of one thousand dollars, conditioned for the faithful discharge of his duties, which shall be approved by the judge of the superior court of the county where the district was organized, and the oath and bond shall be recorded in the office of the county clerk of that county and filed with the secretary of the board of directors. The secretary shall take and subscribe a written oath of office and execute a bond in the sum of not less than one thousand dollars to be fixed by the directors, which shall be approved and filed as in the case of the bond of a director. If a district is appointed fiscal agent of the United States to collect money for it, the secretary and directors and the district treasurer shall each execute such additional bonds as the secretary of the interior may

RCW 87.01.130
enacted
without
amendment.

require, conditioned for the faithful discharge of their duties which shall be approved, recorded, and filed as other official bonds. All such bonds shall be secured at the cost of the district.

Passed the Senate February 27, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 193.

[S. B. 164.]

STATE INSTITUTIONS—INTERTRANSFERS
OF PROPERTY.

AN ACT relating to the department of institutions; authorizing the director to transfer equipment, supplies and livestock between institutions within the department without the necessity of reimbursement; providing notice to the director of the department of general administration of the transfer of capital items and amending chapter 28, Laws of 1959 and chapter 72.01 RCW by adding a new section thereto.

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

New section.

SECTION 1. Chapter 28, Laws of 1959 and chapter 72.01 RCW are each amended by adding a new section thereto to read as follows:

Property transfers between state institutions without reimbursement authorized.

The director of the department of institutions, notwithstanding any provision of law to the contrary, is hereby authorized to transfer equipment, livestock and supplies between the several institutions within the department without reimbursement to the transferring institution excepting, however, any such equipment donated by organizations for the sole use of such transferring institutions. Whenever transfers of capital items are made between institutions of the department, notice thereof shall be given to the director of the department of general administration accompanied by a full description of such items with