

and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor.

(6) To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission.

(7) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(8) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(9) To exercise all other powers and perform all other duties now or hereafter provided by law.

Passed the Senate April 27, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 116

[Engrossed Senate Bill No. 863]

LOCAL IMPROVEMENT DISTRICTS

AN ACT Relating to local improvement districts; amending section 1, chapter 205, Laws of 1947 as amended by section 6, chapter 20, Laws of 1963, and RCW 79.44.060; amending section 35.44.220, chapter 7, Laws of 1965 as amended by section 8, chapter 258,

Laws of 1969 ex.sess., and RCW 35.44.220; amending section 35.43.030, chapter 7, Laws of 1965 as amended by section 2, chapter 52, Laws of 1967, and RCW 35.43.030; amending section 35.43.190, chapter 7, Laws of 1965 and RCW 35.43.190; amending section 35.49.030, chapter 7, Laws of 1965 as amended by section 15, chapter 258, Laws of 1969 ex.sess., and RCW 35.49.030; amending section 35.54.010, chapter 7, Laws of 1965 and RCW 35.54.010; amending section 35.44.020, chapter 7, Laws of 1965 as amended by section 6, chapter 258, Laws of 1969 ex.sess., and RCW 35.44.020; amending section 35.44.140, chapter 7, Laws of 1965 as amended by section 11, chapter 52, Laws of 1967, and RCW 35.44.140; amending section 35.45.020, chapter 7, Laws of 1965 as last amended by section 35, chapter 56, Laws of 1970 ex.sess., and RCW 35.45.020; amending section 35.45.050, chapter 7, Laws of 1965 and RCW 35.45.050; creating a new section; repealing section 35.43.160, chapter 7, Laws of 1965, section 7, chapter 52, Laws of 1967, and RCW 35.43.160; and repealing section 35.43.170, chapter 7, Laws of 1965, section 1, chapter 58, Laws of 1965, and RCW 35.43.170.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. When real property subject to an unpaid special assessment for a local improvement levied by any political subdivision of the state authorized to form local improvement or utility local improvement districts is acquired by purchase or condemnation by the state or any political subdivision thereof, including but not limited to any special purpose district, the property so acquired shall continue to be subject to the assessment lien.

An assessment lien or installment thereof, delinquent at the time of such acquisition shall be paid at the time of acquisition, and the amount thereof, including any accrued interest and delinquent penalties, shall be withheld from the purchase price or condemnation award by the public body acquiring the property and shall be paid immediately to the county, city, or town treasurer, whichever is applicable, in payment of and discharge of such delinquent installment lien.

Any installment or installments not delinquent at the time of acquisition shall become due and payable in such year and at such date as said installment would have become due if such property had not been so acquired: PROVIDED, That where such property is acquired by the state of Washington, the balance of the assessment shall be paid in full at the time of acquisition.

For the purpose of this section, the "time of acquisition" shall mean the date of completion of the sale, date of condemnation verdict, date of the order of immediate possession and use pursuant

to RCW 8.04.090, or the date of judgment, if not tried to a jury.

Sec. 2. Section 1, chapter 205, Laws of 1947 as amended by section 6, chapter 20, Laws of 1963, and RCW 79.44.060 are each amended to read as follows:

When the chief administrative officer of an agency of state government is satisfied that an assessing district has complied with all the conditions precedent to the levy of assessments for district purposes, pursuant to this chapter against state lands occupied, used, or under the jurisdiction of his agency, he shall pay them, together with any interest thereon from any funds specifically appropriated to his agency therefor or from any funds of his agency which under existing law have been or are required to be expended to pay assessments on a current basis. In all other cases, the chief administrative officer shall certify to the budget director that the assessment is one properly chargeable to the state. The budget director shall pay such assessments from funds available or appropriated to him for this purpose.

Except as provided in section 1 of this 1971 amendatory act no lands of the state shall be subject to a lien for unpaid assessments, nor shall the interest of the state in any land be sold for unpaid assessments where assessment liens attached to the lands prior to state ownership.

Sec. 3. Section 35.44.220, chapter 7, Laws of 1965 as amended by section 8, chapter 258, Laws of 1969 ex.sess., and RCW 35.44.220 are each amended to read as follows:

At the time of filing the notice of appeal with the clerk of the superior court, the appellant shall execute and file with him a sufficient bond in the penal sum of two hundred dollars, with at least two sureties to be approved by the judge of the court, conditioned to prosecute the appeal without delay and, if unsuccessful, to pay all ~~((costs to which the city or town is put))~~ reasonable costs and expenses which the city or town incurs by reason of the appeal. Upon application therefor, the court may order the appellant to execute and file such additional bonds as the necessity of the case may require.

Sec. 4. Section 35.43.030, chapter 7, Laws of 1965 as amended by section 2, chapter 52, Laws of 1967, and RCW 35.43.030 are each amended to read as follows:

This and the following chapters relating to municipal local improvements shall supersede the provisions of the charter of any city of the first class ~~((inconsistent herewith))~~.

They shall apply to all incorporated cities and towns, including unclassified cities and towns operating under special charters.

The council of each city and town shall pass such general

ordinance or ordinances as may be necessary to carry out their provisions and thereafter all proceedings relating to local improvements shall be conducted in accordance with this and the following chapters relating to municipal local improvements and the ordinance or ordinances of such city or town.

Cities or towns may form local improvement districts or utility local improvement districts composed entirely or in part of unincorporated territory (~~adjacent to~~) outside of such city or town's corporate limits in the manner provided in this chapter.

Sec. 5. Section 35.49.030, chapter 7, Laws of 1965 as amended by section 15, chapter 258, Laws of 1969 ex.sess., and RCW 35.49.030 are each amended to read as follows:

Every city and town shall prescribe by ordinance within what time assessments or installments thereof shall be paid, and shall provide for the payment and collection of interest thereon at a rate (~~not to exceed eight and one-half percent per annum~~) as shall be fixed by the legislative body of the city or town. Assessments or installments thereof, when delinquent, in addition to such interest, shall bear such penalty not less than five percent as shall be by general ordinance prescribed.

Sec. 6. Section 35.43.190, chapter 7, Laws of 1965 and RCW 35.43.190 are each amended to read as follows:

All local improvements, the funds for the making of which are derived in whole or in part from assessments upon property specially benefited shall be made (~~either by the city or town itself or~~) by contract on competitive bids whenever the estimated cost of such improvement including the cost of materials, supplies, labor, and equipment will exceed the sum of five thousand dollars. The city or town may reject any and all bids. (~~The board, officer, or authority charged with the duty of letting contracts for local improvements shall determine whether the local improvements shall be done by contract or by the city or town itself.~~) The city or town itself may make the local improvements if all the bids received exceed by ten percent preliminary cost estimates prepared by an independent consulting engineer or registered professional engineer retained for that purpose by the city or town.

Sec. 7. Section 35.54.010, chapter 7, Laws of 1965 and RCW 35.54.010 are each amended to read as follows:

There is established in every city and town a fund to be designated the "local improvement guaranty fund" for the purpose of guaranteeing, to the extent of the fund, the payment of its local improvement bonds and warrants issued to pay for any local improvement ordered in the city or town or in any area wholly or partly outside its corporate boundaries: (1) In any city of the first class having a population of more than three hundred thousand,

subsequent to June 8, 1927; (2) in any city or town having created and maintained a guaranty fund under chapter 141, Laws of 1923, subsequent to the date of establishment of such fund; and (3) in any other city or town subsequent to April 7, 1926: PROVIDED, That this shall not apply to any city of the first class which maintains a local improvement guaranty fund under chapter 138, Laws of 1917, but any such city maintaining a guaranty fund under chapter 138, Laws of 1917 may by ordinance elect to operate under the provisions of this chapter and may transfer to the guaranty fund created hereunder all the assets of the former fund and, upon such election and transfer, all bonds guaranteed under the former fund shall be guaranteed under the provisions of this chapter.

Sec. 8. Section 35.44.020, chapter 7, Laws of 1965 as amended by section 6, chapter 258, Laws of 1969 ex.sess. and RCW 35.44.020 are each amended to read as follows:

There shall be included in the cost and expense of every local improvement for assessment against the property in the district created to pay the same, or any part thereof:

(1) The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within the street intersections;

(2) The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city or town engineer;

(3) The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

(4) The estimated cost and expense of advertising, mailing, and publishing all necessary notices;

(5) The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the city or town clerk and city or town treasurer in connection with the improvement;

(6) All cost of the acquisition of rights of way, property, easements or other facilities or rights, whether by eminent domain, purchase, gift, or in any other manner: PROVIDED, That any of the costs enumerated in this section may be excluded from the cost and expense to be assessed against the property in such local improvement district if the legislative body of such city or town so designates by ordinance at any time and may be paid from any other moneys available therefor.

(7) The cost for legal, financial, and appraisal services and any other expenses incurred by the city or town for the district or in the formation thereof, or by the city or town in connection with such construction or improvement and in the financing thereof,

including the issuance of any bonds.

Sec. 9. Section 35.44.140, chapter 7, Laws of 1965 as amended by section 11, chapter 52, Laws of 1967 and RCW 35.44.140 are each amended to read as follows:

All lands held or owned by any county in fee simple, in trust, or otherwise within the limits of a local improvement district or utility local improvement district (~~in~~) of a city or town shall be assessed and charged for their proportion of the cost of the local improvement in the same manner as other property in the district and the county commissioners are authorized to cause the assessments to be paid at the times and in the manner provided by law and the ordinances of the city or town. This section shall apply to all cities and towns, any charter or ordinance provision to the contrary notwithstanding.

Sec. 10. Section 35.45.020, chapter 7, Laws of 1965 as last amended by section 35, chapter 56, Laws of 1970 ex.sess., and RCW 35.45.020 are each amended to read as follows:

Local improvement bonds shall be issued pursuant to ordinance and shall be made payable on or before a date not to exceed thirty years from and after the date of issue, which latter date may be fixed by ordinance or resolution of the council, and bear interest at such rate or rates as authorized by the council. The council may, in addition to issuing bonds callable under the provisions of RCW 35.45.050 whenever sufficient moneys are available, issue bonds with a fixed maturity schedule or with a fixed maximum annual retirement schedule.

Sec. 11. Section 35.45.050, chapter 7, Laws of 1965 and RCW 35.45.050 are each amended to read as follows:

Except when bonds have been issued with a fixed maturity schedule or with a fixed maximum annual retirement schedule as authorized in RCW 35.45.020, the city or town treasurer shall call in and pay the principal of one or more bonds of any issue in their numerical order whenever there is sufficient money in any local improvement fund, against which the bonds have been issued, over and above sufficient for the payment of interest on all unpaid bonds of that issue. The call shall be made for publication in the city or town official newspaper in its first publication following the date of delinquency of any installment of the assessment or as soon thereafter as practicable. The call shall state that bonds No. ... (giving the serial number or numbers of the bonds called) will be paid on the day the next interest coupons on the bonds become due and that interest on those bonds will cease upon that date.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 35.43.160, chapter 7, Laws of 1965, section 7,

chapter 52, Laws of 1957, and RCW 35.43.160; and
(2) Section 35.43.170, chapter 7, Laws of 1965, section 1,
chapter 58, Laws of 1965, and RCW 35.43.170.

Passed the Senate April 30, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 117

[Engrossed Senate Bill No. 865]

"COUNTY COMMISSIONERS"--

TERM AS APPLIED TO CHARTER COUNTIES--
POWERS AS TO LAWMAKING IN CERTAIN FIELDS

AN ACT Relating to counties; adding a new section to chapter 36.32
RCW; and adding a new section to Title 36 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to Title 36 RCW a new
section to read as follows:

The term "county commissioners" when used in this Title or any
other provision of law shall include the governmental authority
empowered to so act under the provisions of a charter adopted by any
county of the state.

NEW SECTION. Sec. 2. There is added to chapter 36.32 RCW as
new section to read as follows:

Nothing in this chapter shall permit the counties to adopt, by
reference or by ordinance, regulations relating to the subject matter
contained in chapters 19.28, 43.22, 70.79, or 70.87 RCW.

Passed the Senate May 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 19, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 118

[Engrossed Substitute Senate Bill No. 866]

STATE RESIDENTIAL SCHOOLS

AN ACT Relating to state institutions; amending section 72.33.180,
chapter 28, Laws of 1959 as last amended by section 2, chapter
75, Laws of 1970 ex. sess. and RCW 72.33.180; amending section
2, chapter 141, Laws of 1967 and RCW 72.33.655; amending