

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of his license or licenses. Such license or licenses may be reinstated by the department of revenue if it shall appear to the satisfaction of said department of revenue that the licensee will comply with the provisions of this chapter and the rules and regulations promulgated thereunder.

(4) No person whose license has been suspended or revoked shall sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by him or upon other premises controlled by him or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county in and for the state of Washington. Said superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter, and the duties imposed upon the department of revenue. Said review by the superior court, and any order entered thereon by said superior court, shall be appealable under and by virtue of the procedural law of this state.

Sec. 5. Section 21, chapter 286, Laws of 1957 and RCW 19.91.910 are each amended to read as follows:

This chapter may be known and cited as the unfair cigarette sales below cost act.

NEW SECTION. Sec. 6. There is hereby appropriated for the biennium ending June 30, 1983 from the general fund the sum of seventy thousand seven hundred dollars or so much thereof as is necessary to carry out the purposes of this act.

Passed the House March 24, 1982.

Passed the Senate March 21, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.

CHAPTER 17

[House Bill No. 1145]

SEWER AND WATER DISTRICTS—MULTICOUNTY DISTRICTS— ELECTIONS

AN ACT Relating to special purpose districts; amending section 1, chapter 11, Laws of 1967 ex. sess. and RCW 56.24.070; amending section 1, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.010; amending section 24, chapter 251, Laws of 1953 and RCW 57.02-.010; amending section 1, chapter 114, Laws of 1929 and RCW 57.04.020; amending section 2, chapter 114, Laws of 1929 as amended by section 3, chapter 72, Laws of 1931 and RCW 57.04.030; amending section 3, chapter 114, Laws of 1929 as last amended by section 67, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.04.050; amending section 2,

chapter 108, Laws of 1959 and RCW 57.08.080; amending section 3, chapter 108, Laws of 1959 as amended by section 1, chapter 299, Laws of 1977 ex. sess. and RCW 57.08.090; amending section 4, chapter 18, Laws of 1959 as amended by section 39, chapter 126, Laws of 1979 ex. sess. and RCW 57.12.030; amending section 9, chapter 114, Laws of 1929 as last amended by section 13, chapter 251, Laws of 1953 and RCW 57.16.050; amending section 11, chapter 18, Laws of 1959 as last amended by section 7, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.060; amending section 12, chapter 18, Laws of 1959 and RCW 57.16.070; amending section 13, chapter 114, Laws of 1929 as last amended by section 126, chapter 81, Laws of 1971 and RCW 57.16.090; amending section 23, chapter 251, Laws of 1953 and RCW 57.16.110; amending section 1, chapter 82, Laws of 1935 as last amended by section 20, chapter 156, Laws of 1981 and RCW 57.20.030; amending section 15, chapter 18, Laws of 1959 and RCW 57.24.010; amending section 16, chapter 18, Laws of 1959 and RCW 57.24.020; amending section 2, chapter 55, Laws of 1941 and RCW 57.28.020; amending section 6, chapter 55, Laws of 1941 and RCW 57.28.060; amending section 7, chapter 55, Laws of 1941 and RCW 57.28.070; amending section 9, chapter 55, Laws of 1941 and RCW 57.28.090; amending section 10, chapter 55, Laws of 1941 and RCW 57.28.100; amending section 1, chapter 267, Laws of 1943 as amended by section 1, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.010; amending section 1, chapter 28, Laws of 1961 as amended by section 3, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.010; amending section 2, chapter 267, Laws of 1943 as amended by section 2, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.020; amending section 9, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.022; amending section 10, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.023; amending section 3, chapter 28, Laws of 1961 as amended by section 5, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.030; amending section 1, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.100; amending section 2, chapter 55, Laws of 1963 and RCW 57.90.020; adding new sections to chapter 56.02 RCW; and adding new sections to chapter 57.02 RCW.

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

NEW SECTION. Section 1. There is added to chapter 56.02 RCW a new section to read as follows:

Whenever the boundaries or proposed boundaries of a sewer district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a water district) territory in more than one county, all duties delegated by Title 56 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to RCW 56.02.050, actions subject to review and approval under RCW 56.02.060 and 56.02.070 shall be reviewed and approved by only the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signatories reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 56.08.020 shall be limited to that part of such plans within the respective counties.

NEW SECTION. Sec. 2. There is added to chapter 56.02 RCW a new section to read as follows:

All actions taken in regard to the formation, annexation, consolidation, or merger of sewer districts prior to the effective date of this act but consistent with this title, as amended, are hereby approved and ratified and shall be legal for all purposes.

Sec. 3. Section 1, chapter 11, Laws of 1967 ex. sess. and RCW 56.24-.070 are each amended to read as follows:

The territory adjoining or in close proximity to (~~and in the same county with~~) a district may be annexed to and become a part of the district in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county (~~auditor~~) election officer, who shall, within ten days, examine the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose (~~he~~) the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the (~~auditor~~) election officer shall transmit it, together with (~~his~~) a certificate of sufficiency attached thereto to the sewer commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the (~~board of~~) county (~~commissioners~~) legislative authority.

The county (~~commissioners~~) legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the sewer commissioners, at a regular or special meeting shall cause to be published for at least two weeks in two successive issues of some weekly newspaper (~~printed in the county, and~~) in general circulation throughout the territory proposed to be annexed(~~(, and in case no such newspaper is printed in the county, then in some such newspaper of general circulation therein,))~~) a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 4. Section 1, chapter 148, Laws of 1969 ex. sess. and RCW 56.36-.010 are each amended to read as follows:

Any water district, acting alone or in conjunction with any other water district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to(~~(, and in the same county with,))~~) a sewer district, may merge into the sewer district, and the sewer district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of

each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.

NEW SECTION. Sec. 5. There is added to chapter 57.02 RCW a new section to read as follows:

Whenever the boundaries or proposed boundaries of a water district include or are proposed to include by means of formation, annexation, consolidation, or merger (including merger with a sewer district) territory in more than one county, all duties delegated by Title 57 RCW to officers of the county in which the district is located shall be delegated to the officers of the county in which the largest land area of the district is located, except that elections shall be conducted pursuant to section 6 of this act, as now existing or hereafter amended, actions subject to review and approval under RCW 57.02.040 and 56.02.070 shall be reviewed and approved only by the officers or boards in the county in which such actions are proposed to occur, verification of electors' signatures shall be conducted by the county election officer of the county in which such signators reside, and comprehensive plan review and approval or rejection by the respective county legislative authorities under RCW 57.16.010 shall be limited to that part of such plans within the respective counties.

NEW SECTION. Sec. 6. There is added to chapter 57.02 RCW a new section to read as follows:

(1) Jurisdiction of any election held on the same date as a general election shall rest with the county election officer of each county in which the district or proposed district is located. Election returns of such elections shall be canvassed by the canvassing board of each county and the official results certified to the county election officer of the county in which the largest land area of the district or proposed district is located. Such county election officer shall then combine the official results from each county into a single official result.

(2) Jurisdiction of any election held on a different date than a general election shall rest with the county election officer of the county in which the largest land area of the district or proposed district is located. Election returns of such elections shall be canvassed by the canvassing board of such county and certified to the county election officer of such county.

(3) Candidates for the office of commissioner shall file declarations of candidacy with the county election officer of the county in which the largest land area of the district is located.

(4) Elections referred to in this section shall be conducted as provided by this section and by the general election laws not inconsistent with this section.

NEW SECTION. Sec. 7. There is added to chapter 57.02 RCW a new section to read as follows:

All actions taken in regard to the formation, annexation, consolidation, or merger of water districts taken prior to the effective date of this act but consistent with this title, as amended, are hereby approved and ratified and shall be legal for all purposes.

Sec. 8. Section 24, chapter 251, Laws of 1953 and RCW 57.02.010 are each amended to read as follows:

Wherever in Title 57 RCW petitions are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof:

(1) The signature of a record owner, as determined by the records of the county auditor of the county in which the real property is located, shall be sufficient without the signature of his or her spouse.

(2) In the case of mortgaged property, the signature of the mortgagor shall be sufficient.

(3) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor of the county in which the real property is located, shall be deemed sufficient.

(4) Any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation: PROVIDED, That there shall be attached to the petition a certified excerpt from the bylaws showing such authority.

(5) If any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

Sec. 9. Section 1, chapter 114, Laws of 1929 and RCW 57.04.020 are each amended to read as follows:

Water districts for the acquirement, construction, maintenance, operation, development and regulation of a water supply system and providing for additions and betterments thereto (~~within such districts~~) are (~~hereby~~) authorized to be established (~~in the various counties of this state, as in this act provided~~). Such districts may include within their boundaries one or more incorporated cities and towns.

Sec. 10. Section 2, chapter 114, Laws of 1929 as amended by section 3, chapter 72, Laws of 1931 and RCW 57.04.030 are each amended to read as follows:

For the purpose of formation of (~~such~~) water districts, a petition shall be presented to the (~~board of~~) county (~~commissioners~~) legislative authority of (~~the~~) each county in which (~~said~~) the proposed water district is located, which petition shall set forth the object for the creation of the (~~said~~) district, shall designate the boundaries thereof and set forth the further fact that (~~the~~) establishment of (~~said~~) the district will be conducive to the public health, convenience and welfare and will be of benefit to

the property included ~~((therein))~~ in the district. ~~((Said))~~ The petition shall be signed by at least twenty-five percent of the qualified electors who shall be qualified electors on the date of filing the petition, residing within the district described in the ~~((said))~~ petition. The ~~((said))~~ petition shall be filed with the county ~~((auditor))~~ election officer of each county in which the proposed district is located, who shall, within ten days examine and verify the signatures ~~((thereof and certify to the sufficiency or insufficiency thereof))~~ of the signers residing in the county; and for such purpose the county ~~((auditor))~~ election official shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed district. No person having signed such a petition shall be allowed to withdraw his name ~~((therefrom))~~ from the petition after the filing of the ~~((same))~~ petition with the county ~~((auditor))~~ election officer. The petition shall be transmitted to the election officer of the county in which the largest land area of the district is located who shall certify to the sufficiency or insufficiency of the number of signatures. If ~~((such))~~ the petition shall be found to contain a sufficient number of signatures, the county ~~((auditor))~~ election officer shall then transmit the same, together with ~~((his))~~ a certificate of sufficiency attached thereto to the ~~((board of))~~ county ~~((commissioners. If such))~~ legislative authority of each county in which the proposed district is located. Following receipt of a petition ((is)) certified to contain a sufficient number of signatures, ((then)) at a regular or special meeting ((of the board of county commissioners of such county, the said county commissioners)) the county legislative authority shall cause to be published for at least two weeks in ~~((two))~~ successive issues of ~~((some))~~ one or more weekly newspapers ~~((printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein before the time at which the same is to be printed))~~ of general circulation in the proposed district, a notice that such a petition has been presented, stating the time of the meeting at which the ~~((same))~~ petition shall be ~~((presented))~~ considered, and setting forth the boundaries of ~~((said))~~ the proposed district. When such a petition is presented for hearing, ~~((the board of))~~ each county ~~((commissioners))~~ legislative authority shall hear the ~~((same))~~ petition or may adjourn ~~((said))~~ the hearing from time to time not exceeding one month in all ~~((; and)).~~ Any person, firm, or corporation may appear before the ~~((said board of county commissioners))~~ county legislative authority and make objections to the establishment of the ~~((said))~~ district or the proposed boundary lines thereof ~~((; and)).~~ Upon a final hearing ((said board of county commissioners)) each county legislative authority shall make such changes in the proposed boundary lines within the county as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed water district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the ~~((said))~~ boundaries

of ~~((said))~~ the proposed district ~~((so established by the said board of county commissioners. PROVIDED, That))~~. No lands which will not, in the judgment of ~~((said board))~~ the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of ~~((said))~~ the district ~~((as so established and defined. AND PROVIDED FURTHER, That))~~. No change shall be made by the ~~((said board of county commissioners))~~ county legislative authority in the ~~((said))~~ boundary lines to include any territory outside of the boundaries described in the ~~((said))~~ petition, except that the boundaries of any proposed district may be extended by the ~~((board of county commissioners at such hearing))~~ county legislative authority to include other lands in ~~((said))~~ the county upon a petition signed by the owners of all of the land within the proposed extension.

Sec. 11. Section 3, chapter 114, Laws of 1929 as last amended by section 67, chapter 195, Laws of 1973 1st ex. sess. and RCW 57.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if ~~((the commissioners))~~ one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall by resolution call a special election to be held not less than thirty days from the date of the resolution, and cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the ~~((county in which the))~~ proposed district ~~((is located))~~, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

- Water District YES
- Water District NO

giving the name of the district as ~~((may be decided by the board))~~ provided in the petition.

At the same election ~~((the county commissioners shall submit))~~ a proposition shall be submitted to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the limitations provided by law, of not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

One year one dollar and twenty-five cents per thousand dollars of assessed value tax YES

One year one dollar and twenty-five cents per thousand dollars of assessed value tax NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 12. Section 2, chapter 108, Laws of 1959 and RCW 57.08.080 are each amended to read as follows:

The commissioners shall enforce collection of the water connection charges and rates and charges for water supplied against property owners connecting with the system and/or receiving such water, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either water connection charges or rates and charges for water supplied are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the ~~((district is situated))~~ real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than eight percent per year shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

Sec. 13. Section 3, chapter 108, Laws of 1959 as amended by section 1, chapter 299, Laws of 1977 ex. sess. and RCW 57.08.090 are each amended to read as follows:

The district may, at any time after the connection charges or rates and charges for water supplied and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the ~~((district is situated))~~ real property is located. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it adjudges reasonable. The action shall be in rem, and may be brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

In addition to the right to foreclose provided in this section, the district may also cut off all or part of the service after charges for water supplied are delinquent for a period of sixty days.

Sec. 14. Section 4, chapter 18, Laws of 1959 as amended by section 39, chapter 126, Laws of 1979 ex. sess. and RCW 57.12.030 are each amended to read as follows:

The general laws of the state of Washington governing the registration of voters for a general or a special city election shall govern the registration of voters for elections held under this chapter. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state. All elections in a water district shall be conducted ~~((by the canvassing board of the county within which it is located))~~ under section 6 of this 1982 act. All expenses of elections for a water district shall be paid for out of the funds of ~~((such))~~ the water district: PROVIDED, That if the voters fail to approve the formation of a water district, the ~~((county shall pay all))~~ expenses of the formation election shall be paid by each county in which the proposed district is located, in proportion to the number of registered voters in the proposed district residing in each county.

Except as in this section otherwise provided, the term of office of each water district commissioner shall be six years, such term to be computed from the first day of January following ~~((his))~~ the election, and one ~~((such))~~ commissioner shall be elected at each biennial general election, as provided in RCW 29.13.020, for the term of six years and until his or her successor is elected and qualified and assumes office in accordance with RCW 29.04-.170. All candidates shall be voted upon by the entire water district.

~~((In any water district hereafter formed,))~~ Three water district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such water district shall be formed. The commissioner ~~((residing))~~ elected in commissioner ~~((district))~~ position number one shall hold office for the term of six years; the commissioner ~~((residing))~~ elected in commissioner ~~((district))~~ position number two shall hold office for the term of four years; and the commissioner ~~((residing))~~ elected in commissioner ~~((district))~~ position number three shall hold office for the term of two years: PROVIDED, That the members of the first commission shall take office immediately upon their election and qualification. The terms of all commissioners first to be elected ~~((as above provided))~~ shall also include the time intervening between the date that the results of their election are declared in the canvass of returns thereof and the first day of January following the next general district election as provided in RCW 29.13.020.

Sec. 15. Section 9, chapter 114, Laws of 1929 as last amended by section 13, chapter 251, Laws of 1953 and RCW 57.16.050 are each amended to read as follows:

A district may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The levying, collection and

enforcement of such assessments and issuance of bonds shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class insofar as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer of the county in which the real property is located for the purposes hereof. The mode of assessment shall be determined by the water commissioners by resolution. When in the petition or resolution for the establishment of a local improvement district, and in the comprehensive plan or amendment thereto or plan providing for additions and betterments to the original plan, previously adopted, it is provided that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds, then the local improvement district shall be designated as a "utility local improvement district." No warrants or bonds shall be issued in a utility local improvement district, but the collection of interest and principal on all assessments in the utility local improvement district shall be paid into the revenue bond fund.

Sec. 16. Section 11, chapter 18, Laws of 1959 as last amended by section 7, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.060 are each amended to read as follows:

Local improvement districts or utility local improvement districts to carry out the whole or any portion of the general comprehensive plan of improvements or plan providing for additions and betterments to the original general comprehensive plan previously adopted may be initiated either by resolution of the board of water commissioners or by petition signed by the owners according to the records of the office of the applicable county auditor of at least fifty-one percent of the area of the land within the limits of the local improvement district to be created.

In case the board of water commissioners shall desire to initiate the formation of a local improvement district or a utility local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district or utility local improvement district, and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

In case any such local improvement district or utility local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners according to the records of the applicable county auditor of at least fifty-one percent of the area of

land within the limits of the local improvement district or utility local improvement district to be created. Upon the filing of such petition the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from the petition after the same has been filed with the board of water commissioners. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

Notice of the adoption of the resolution of intention, whether the resolution was adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of water commissioners. Notice of the adoption of the resolution of intention shall also be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer of the county in which the real property is located at the address shown thereon. Whenever such notices are mailed, the water commissioners shall maintain a list of such reputed property owners, which list shall be kept on file at a location within the water district and shall be made available for public perusal. The notices shall refer to the resolution of intention and designate the proposed improvement district by number. Said notices shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the date, time and place of the hearing before the board of water commissioners. In the case of improvements initiated by resolution, said notice shall also: (1) State that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of water commissioners before the time fixed for said public hearing; (2) state that if owners of at least forty percent of the area of land within the proposed district file written protests with the secretary of the board, the power of the water commissioners to proceed with the creation of the proposed district shall be divested; (3) provide the name and address of the secretary of the board; and (4) state the hours and location within the water district where the names of the property owners within the proposed district are kept available

for public perusal. In the case of the notice given each owner or reputed owner by mail, the notice shall set forth the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract, parcel of land or other property.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the applicable county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the water district to be applied thereto, adopt detailed plans of the local improvement district or utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the water district such eminent domain proceedings as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer of the county in which the real property is located its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 17. Section 12, chapter 18, Laws of 1959 and RCW 57.16.070 are each amended to read as follows:

Before approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice, within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing will be held by the commissioners on

the protests. Notice shall also be given by mailing, at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county in which the ~~((water district))~~ real property is located. At the hearing, or any adjournment thereof, the commissioners may correct, change or modify the roll, or any part thereof, or set aside the roll and order a new assessment, and may then by resolution approve it. If an assessment is raised a new notice similar to the first shall be given, after which final approval of the roll may be made. When property has been entered originally upon the roll and the assessment thereon is not raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless the objection is made in writing at, or prior, to the date fixed for the original hearing upon the roll.

Sec. 18. Section 13, chapter 114, Laws of 1929 as last amended by section 126, chapter 81, Laws of 1971 and RCW 57.16.090 are each amended to read as follows:

The decision of the water district commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said water district commission and with the clerk of the superior court in the county in which ~~((such water district))~~ the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment; and within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of ~~((said))~~ the court, a transcript consisting of the assessment roll and ~~((his))~~ the appellant's objections thereto, together with the resolution confirming such assessment roll and the record of the water district commission with reference to ~~((said))~~ the assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by ~~((such))~~ the secretary of ~~((said))~~ the water district commission ~~((and by him))~~ certified by the secretary to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in civil actions. At the time of the filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of said court, conditioned to prosecute such appeal without delay, and if unsuccessful to pay all costs to which the water district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within

three days after such transcript is filed in the superior court, (~~as afore-~~
~~said;~~) the appellant shall give written notice to the secretary of such water
district, that such transcript is filed. (~~Said~~) The notice shall state a time
(~~(t)~~), not less than three days from the service thereof(~~(t)~~), when the ap-
pellant will call up the (~~said~~) cause for hearing; and the superior court
shall, at said time or at such further time as may be fixed by order of the
court, hear and determine such appeal without a jury; and such cause shall
have preference over all civil causes pending in (~~said~~) the court, except
proceedings under an act relating to eminent domain (~~in such water dist-~~
~~trict~~) and actions of forcible entry and detainer. The judgment of the court
shall confirm, correct, modify or annul the assessment insofar as the same
affects the property of the appellant. A certified copy of the decision of the
court shall be filed with the officer who shall have custody of the assessment
roll, (~~and he~~) who shall modify and correct such assessment roll in ac-
cordance with such decision. An appeal shall lie to the supreme court or the
court of appeals from the judgment of the superior court, as in other cases:
PROVIDED, HOWEVER, That such appeal must be taken within fifteen
days after the date of the entry of the judgment of such superior court; and
the record and opening brief of the appellant in (~~said~~) the cause shall be
filed in the supreme court or the court of appeals within sixty days after the
appeal shall have been taken by notice as provided in this (~~act~~) title. The
time for filing such record and serving and filing of briefs in this section
prescribed may be extended by order of the superior court, or by stipulation
of the parties concerned. (~~And~~) The supreme court or the court of appeals
on such appeal may correct, change, modify, confirm or annul the assess-
ment insofar as the same affects the property of the appellant. A certified
copy of the order of the supreme court or the court of appeals upon such
appeal shall be filed with the officer having custody of such assessment roll,
who shall thereupon modify and correct such assessment roll in accordance
with such decision.

Sec. 19. Section 23, chapter 251, Laws of 1953 and RCW 57.16.110 are each amended to read as follows:

Whenever any land against which there has been levied any special assessment by any water district shall have been sold in part or subdivided, the board of water commissioners of such district shall have the power to order a segregation of the assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of commissioners of the water district which levied the assessment. If the water commissioners determine that a segregation should be made, they shall by resolution order the (~~county~~) treasurer of the county in which the real property is located to make segregation on the original assessment roll as directed in the resolution. The segregation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of

the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the ~~((county))~~ treasurer of the county in which the real property is located who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the board of water commissioners may require as a condition to the order of segregation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

Sec. 20. Section 1, chapter 82, Laws of 1935 as last amended by section 20, chapter 156, Laws of 1981 and RCW 57.20.030 are each amended to read as follows:

Every water district in the state is hereby authorized to create a fund for the purpose of guaranteeing, to the extent of such fund, and in the manner hereinafter provided, the payment of all of its local improvement bonds issued, subsequent to ~~((the effective date of this act))~~ June 9, 1937, to pay for any local improvement within its confines. Such fund shall be designated "Local Improvement Guaranty Fund, Water District No.," and shall be established by resolution of the board of water commissioners. For the purpose of maintaining such fund, every water district, after the establishment thereof, shall at all times set aside and pay into such a fund such proportion of the monthly gross revenues of the water supply system of such water district as the commissioners thereof may direct by resolution. This proportion may be varied from time to time as the commissioners deem expedient or necessary: PROVIDED, HOWEVER, That under the existence of the conditions set forth in subsections (1) and (2) next hereunder, then the proportion must be as therein specified, to wit:

(1) Whenever any bonds of any local improvement district have been guaranteed under this act and the guaranty fund does not have a cash balance equal to twenty percent of all bonds originally guaranteed under this act, (excluding issues which have been retired in full) then twenty percent of the gross monthly revenues derived from all water users in the territory included in said local improvement district (but not necessarily from users in other parts of the water district as a whole) shall be set aside and paid into the guaranty fund: PROVIDED, HOWEVER, That whenever, under the requirements of this subsection, said cash balance accumulates so that it is equal to twenty percent of all bonds guaranteed, or to the full amount of all bonds guaranteed, outstanding and unpaid (which amount might be less than twenty percent of the original total guaranteed), then no further monies need be set aside and paid into said guaranty fund so long as said condition shall continue.

(2) Whenever any warrants issued against the guaranty fund, as hereinbelow provided, remain outstanding and uncalled for lack of funds for six months from date of issuance thereof; or whenever any coupons or bonds guaranteed under this act have been matured for six months and have not been redeemed either in cash or by issuance and delivery of warrants upon the guaranty fund, then twenty percent of the gross monthly revenues (or such portion thereof as the commissioners of the water district determine will be sufficient to retire said warrants or redeem said coupons or bonds in the ensuing six months) derived from all water users in the water district shall be set aside and paid into the guaranty fund: PROVIDED, HOWEVER, That whenever under the requirements of this subsection all warrants, coupons, or bonds specified in this subsection above have been redeemed, no further income need be set aside and paid into said guaranty fund under the requirements of this subsection until and unless other warrants remain outstanding and unpaid for six months or other coupons or bonds default.

(3) For the purpose of complying with the requirements of setting aside and paying into the local improvement guaranty fund a proportion of the monthly gross revenues of the water supply system of any water district, as hereinabove provided, said water district shall bind and obligate itself to maintain and operate said system and further bind and obligate itself to establish, maintain and collect such rates for water as will produce gross revenues sufficient to maintain and operate said water supply system and to make necessary provision for the local improvement guaranty fund as specified by this section and RCW 57.20.080 and 57.20.090. And said water district shall alter its rates for water from time to time and shall vary the same in different portions of its territory to comply with the said requirements.

(4) Whenever any coupon or bond guaranteed by this act shall mature and there shall not be sufficient funds in the appropriate local improvement district bond redemption fund to pay same, then the applicable county treasurer shall pay same from the local improvement guaranty fund of the water district; if there shall not be sufficient funds in the said guaranty fund to pay same, then the same may be paid by issuance and delivery of a warrant upon the local improvement guaranty fund.

(5) Whenever the cash balance in the local improvement guaranty fund is insufficient for the required purposes, warrants drawing interest at a rate determined by the commissioners may be issued by the applicable county auditor (~~(of the county in which the water district is located)~~), against the said fund to meet any liability accrued against it and must be issued upon demand of the holders of any maturing coupons and/or bonds guaranteed by this (~~(act)~~) section, or to pay for any certificates of delinquency for delinquent installments of assessments as provided in subsection (6) (~~(hereunder)~~) of this section. Guaranty fund warrants shall be a first lien in their order of issuance upon the gross revenues set aside and paid into said fund.

(6) Within twenty days after the date of delinquency of any annual installment of assessments levied for the purpose of paying the local improvement bonds of any water district guaranteed under the provisions of this act, it shall be mandatory for the county treasurer of the county in which (~~said water district~~) the real property is located to compile a statement of all installments delinquent, together with the amount of accrued interest and penalty appurtenant to each of said installments. Thereupon the applicable county treasurer shall forthwith purchase (for the water district) certificates of delinquency for all such delinquent installments. Payment for all such certificates of delinquency shall be made from the local improvement guaranty fund and if there shall not be sufficient moneys in said fund to pay for such certificates of delinquency, the applicable county treasurer shall accept said local improvement guaranty fund warrants in payment therefor. All such certificates of delinquency shall be issued in the name of the local improvement guaranty fund and all guaranty fund warrants issued in payment therefor shall be issued in the name of the appropriate local improvement district fund. Whenever any market is available and the commissioners of the water district so direct, the applicable county treasurer shall sell any certificates of delinquency belonging to the local improvement guaranty fund: PROVIDED, That any such sale must not be for less than face value thereof plus accrued interest from date of issuance to date of sale.

Such certificates of delinquency, as above provided, shall be issued by the county treasurer of the county in which the (~~water district~~) real property is located, shall bear interest at the rate of ten percent per annum, shall be in each instance for the face value of the delinquent installment, plus accrued interest to date of issuance of certificate of delinquency, plus a penalty of five percent of such face value, and shall set forth:

- (a) Description of property assessed;
- (b) Date installment of assessment became delinquent;
- (c) Name of owner or reputed owner, if known.

Such certificates of delinquency may be redeemed by the owner of the property assessed at any time up to two years from the date of foreclosure of such certificate of delinquency.

If any such certificate of delinquency be not redeemed on the second occurring first day of January subsequent to its issuance, the county treasurer who issued the certificate of delinquency shall then proceed to foreclose such certificate of delinquency in the manner specified for the foreclosure of the lien of local improvement assessments, pursuant to (~~chapter 9 of the Session Laws of 1933 and amendments thereto;~~) chapter 35.50 RCW and if no redemption be made within the succeeding two years shall execute and deliver a deed conveying fee simple title to the property described in the foreclosed certificate of delinquency.

Sec. 21. Section 15, chapter 18, Laws of 1959 and RCW 57.24.010 are each amended to read as follows:

The territory adjoining or in close proximity to ~~((and in the same county with))~~ a district may be annexed to and become a part of the district in the following manner: Twenty percent of the number of registered voters residing in the territory proposed to be annexed who voted at the last election may file a petition with the district commissioners and cause the question to be submitted to the electors of the territory whether such territory will be annexed and become a part of the district. If the commissioners concur in the petition, they shall file it with the county ~~((auditor))~~ election officer of each county in which the real property proposed to be annexed is located, who shall, within ten days, examine and validate the signatures thereon and certify to the sufficiency or insufficiency thereof; and for such purpose ~~((he))~~ the county election officer shall have access to all registration books in the possession of the officers of any city or town in the proposed district. If the petition contains a sufficient number of signatures, the ~~((auditor))~~ county election officer of the county in which the real property proposed to be annexed is located shall transmit it, together with ~~((his))~~ a certificate of sufficiency attached thereto to the water commissioners of the district. If there are no electors residing in the territory to be annexed, the petition may be signed by such a number as appear of record to own at least a majority of the acreage in the territory, and the petition shall disclose the total number of acres of land in the territory and the names of all record owners of land therein. If the commissioners are satisfied as to the sufficiency of the petition and concur therein, they shall send it, together with their certificate of concurrence attached thereto to the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of each county in which the territory proposed to be annexed is located.

The county ~~((commissioners))~~ legislative authority, upon receipt of a petition certified to contain a sufficient number of signatures of electors, or upon receipt of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the water commissioners, at a regular or special meeting shall cause to be published once a week for at least two weeks in ~~((two successive issues of some weekly))~~ a newspaper ~~((printed in the county, and))~~ in general circulation throughout the territory proposed to be annexed~~((, and in case no such newspaper is printed in the county, then in some such newspaper of general circulation therein;))~~ a notice that the petition has been filed, stating the time of the meeting at which it shall be presented, and setting forth the boundaries of the territory proposed to be annexed.

Sec. 22. Section 16, chapter 18, Laws of 1959 and RCW 57.24.020 are each amended to read as follows:

When such petition is presented for hearing, the ~~((said board of county commissioners))~~ legislative authority of each county in which the territory proposed to be annexed is located shall hear the ~~((same))~~ petition or may adjourn ~~((said))~~ the hearing from time to time not exceeding one month in

all, and any person, firm, or corporation may appear before the ~~((board of))~~ county ~~((commissioners))~~ legislative authority and make objections to the proposed boundary lines or to ~~((the))~~ annexation of the territory described in the petition~~((; and))~~. Upon a final hearing ~~((the said board of))~~ each county ~~((commissioners))~~ legislative authority shall make such changes in the proposed boundary lines within the county as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation ~~((of the said territory))~~ as established by the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority to the ~~((said))~~ water district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the ~~((said))~~ water district ~~((and so established by the said board of county commissioners; PROVIDED, That))~~. No lands which will not, in the judgment of ~~((said board))~~ the county legislative authority, be benefited by inclusion therein, shall be included within the boundaries of ~~((said))~~ the territory as so established and defined~~((; AND PROVIDED FURTHER, That))~~. No change shall be made by the ~~((said board of))~~ county ~~((commissioners))~~ legislative authority in the ~~((said))~~ boundary lines, including any territory outside of the boundary lines described in the petition~~((; PROVIDED FURTHER, That))~~. No person having signed such petition ~~((as herein provided for))~~ shall be allowed to withdraw his name therefrom after the filing of the ~~((same))~~ petition with the board of water commissioners ~~((to said water district))~~.

Upon the entry of the findings of the final hearing ~~((to the said petition by the said))~~ each county ~~((commissioners of such county))~~ legislative authority, if they find the ~~((said))~~ proposed annexation ~~((of the territory to the said water district))~~ to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, ~~((they))~~ shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to ~~((said))~~ the water district for the purpose of determining whether the same shall be annexed to the ~~((said))~~ water district~~((; and such))~~. The notice shall particularly describe the boundaries established by the ~~((board of))~~ county ~~((commissioners on its final hearing of the said petition))~~ legislative authority, and shall state the name of the water district to which the ~~((said))~~ territory is proposed to be annexed, and the ~~((same))~~ notice shall be published ~~((for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such))~~ in a newspaper of general circulation ~~((therein for))~~ in the territory proposed to be annexed at least once a week for a minimum of two successive ~~((issues thereof;))~~ weeks prior to the

election and shall be posted for the same period in at least four public places within the boundaries of the ~~((district))~~ territory proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed ~~((to said water district))~~ where the ~~((said))~~ election shall be held, and ~~((shall require the voters to cast))~~ the proposition to the voters shall be expressed on ballots which ~~((shall))~~ contain the words:

For Annexation to Water District

or

Against Annexation to Water District

The ~~((said))~~ county ~~((commissioners))~~ legislative authority shall name the persons to act as judges at such election.

Sec. 23. Section 2, chapter 55, Laws of 1941 and RCW 57.28.020 are each amended to read as follows:

The petition for withdrawal shall be filed with the county ~~((auditor))~~ election officer of ~~((the))~~ each county in which ~~((such))~~ the water district is located, and after ~~((such))~~ the filing no person having signed ~~((such))~~ the petition shall be allowed to withdraw his name therefrom. Within ten days after such filing, ~~((the))~~ each county ~~((auditor))~~ election officer shall examine and verify the signatures ~~((thereon and certify to the sufficiency or insufficiency thereof and))~~ of signers residing in the county. For such purpose the county ~~((auditor))~~ election officer shall have access to all appropriate registration books in the possession of the election officers of any incorporated city or town within the water district. The petition shall be transmitted to the election officer of the county in which the largest land area of the district is located, who shall certify to the sufficiency or insufficiency of the signatures. If such petition be found by ~~((the))~~ such county ~~((auditor))~~ election officer to contain sufficient signatures, ~~((he shall transmit the same))~~ the petition, together with ~~((his))~~ a certificate of sufficiency attached thereto, shall be transmitted to the commissioners of the water district.

Sec. 24. Section 6, chapter 55, Laws of 1941 and RCW 57.28.060 are each amended to read as follows:

Within ten days after ~~((such))~~ the final hearing the commissioners of ~~((such))~~ the water district shall transmit to the county ~~((commissioners of the))~~ legislative authority of each county in which ~~((such))~~ the water district is located the ~~((said))~~ petition for withdrawal together with a copy of the findings and recommendations of the commissioners of the water district certified by the secretary of ~~((such))~~ the water district to be a true and correct copy of such findings and recommendations as the same appear on the records of ~~((such))~~ the water district.

Sec. 25. Section 7, chapter 55, Laws of 1941 and RCW 57.28.070 are each amended to read as follows:

Upon receipt of ~~((such))~~ the petition and certified copy of the findings and recommendation adopted by the water commissioners, the county

~~((commissioners))~~ legislative authority of each county in which the district is located at a regular or special meeting shall fix a time and place for hearing thereon and shall cause to be published at least once a week for ~~((at least))~~ two or more weeks in ~~((two))~~ successive issues of a ~~((weekly newspaper printed and published in said county and in general circulation throughout the said water district, and in case no newspaper is printed or published in said county, then in some))~~ newspaper of general circulation in ~~((said county and))~~ the water district, a notice that such petition has been presented to the county ~~((commissioners))~~ legislative authority stating the time and place of the hearing thereon, setting forth the boundaries of the territory proposed to be withdrawn as such boundaries are established and defined in the findings or recommendations of the commissioners of the water district.

Sec. 26. Section 9, chapter 55, Laws of 1941 and RCW 57.28.090 are each amended to read as follows:

If the ~~((said))~~ findings of ~~((the))~~ any county ~~((commissioners))~~ legislative authority answer any of such questions of fact in the negative, or if any of the findings of the county ~~((commissioners))~~ legislative authority are not the same as the findings of the water district commissioners upon the same question, then in either of such events, the petition for withdrawal shall be deemed denied. Thereupon, and in such event, the ~~((said county commissioners))~~ county legislative authority of each county in which the district is located shall by resolution cause a special election to be held not less than thirty days or more than sixty days from the date of the final hearing of ~~((the said))~~ any county ~~((commissioners))~~ legislative authority upon the ~~((said))~~ petition for withdrawal, at which election the proposition expressed on the ballots shall be substantially as follows:

"Shall the territory established and defined by the water district commissioners at their meeting held on the (insert date of final hearing of water district commissioners upon the petition for withdrawal) be withdrawn from water district (naming it).

YES NO

Sec. 27. Section 10, chapter 55, Laws of 1941 and RCW 57.28.100 are each amended to read as follows:

~~((The county commissioners shall cause))~~ Notice of such election ~~((to))~~ shall be posted and published in the same manner provided by law for the posting and publication of notice of elections to annex territory to water districts. The territory described in ~~((such))~~ the notice shall be that established and defined by the water district commissioners ~~((as above provided))~~. All qualified voters residing within ~~((such))~~ the water district shall have the right to vote at ~~((such))~~ the election. If a majority of the votes cast ~~((at such election))~~ favor the withdrawal from the water district of such territory, then within ten days after the official canvass of such election the

~~((said)) county ((commissioners))~~ legislative authority of each county in which the district is located, shall by resolution establish that ~~((such))~~ the territory has been withdrawn, and ~~((such))~~ the territory shall thereupon be withdrawn and excluded from ((such)) the water district the same as if it had never been included therein except for the lien of any taxes as herein-after set forth.

Sec. 28. Section 1, chapter 267, Laws of 1943 as amended by section 1, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.010 are each amended to read as follows:

Two or more water districts, adjoining or in close proximity to ~~((and in the same county with))~~ each other, may be joined into one consolidated water district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the water districts proposed to be consolidated may petition the board of water commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated; or the boards of water commissioners of each of the water districts proposed to be consolidated may by resolution determine that the consolidation of the districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of the districts.

Sec. 29. Section 1, chapter 28, Laws of 1961 as amended by section 3, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.010 are each amended to read as follows:

Whenever there are two water districts, the territories of which are adjoining or in close proximity to ~~((and in the same county with))~~ each other, either district, hereinafter referred to as the "merging district", may merge into the other district, hereinafter referred to as the "merger district", and the merger district will survive under its original number. The term "in proximity to" as used hereinabove shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the two districts.

Sec. 30. Section 2, chapter 267, Laws of 1943 as amended by section 2, chapter 39, Laws of 1967 ex. sess. and RCW 57.32.020 are each amended to read as follows:

If the consolidation proceedings are initiated by petition, upon the filing of such petitions with the boards of water commissioners of the water districts, the boards of water commissioners of ~~((all of said))~~ each district((s)) shall file such petitions with the ~~((county auditor))~~ election officer of each county in which any district is located who shall within ten days examine and verify the signatures ~~((thereon and certify to the sufficiency or insufficiency thereof))~~ of the signers residing in the county. The petition shall be

transmitted by the other county election officers to the county election officer of the county in which the largest land area involved in the petitions is located, who shall certify to the sufficiency or insufficiency of the signatures. If all of such petitions shall be found to contain a sufficient number of signatures, the county ~~((auditor))~~ election officer shall transmit the same, together with ~~((his))~~ a certificate of sufficiency attached thereto, to the boards of water commissioners of each of the districts proposed for consolidation. In the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, such petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent water district, and the petitions shall disclose the total number of acres of land in the said water district and shall also contain the names of all record owners of land therein.

Sec. 31. Section 9, chapter 39, Laws of 1967 ex. sess. and RCW 57.32-.022 are each amended to read as follows:

The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county ~~((auditor))~~ election officer of ~~((the))~~ each county in which the districts are located. ~~((Thereupon, the county auditor shall call))~~ A special election shall be called by the county election officer under section 6 of this 1982 act for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 32. Section 10, chapter 39, Laws of 1967 ex. sess. and RCW 57-.32.023 are each amended to read as follows:

If at the election a majority of the voters in each of the consolidating districts ~~((shall))~~ vote in favor of the consolidation, the county canvassing board shall so declare in its canvass under section 6 of this 1982 act and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No. (~~((.~~ County))", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay for the construction of any additions and betterments set forth in the comprehensive ~~((scheme and))~~ plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive ~~((scheme and))~~ plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

Sec. 33. Section 3, chapter 28, Laws of 1961 as amended by section 5, chapter 39, Laws of 1967 ex. sess. and RCW 57.36.030 are each amended to read as follows:

Whenever a merger is initiated in either of the two ways (~~hereinabove~~) provided under this chapter, the boards of water commissioners of the two districts shall enter into an agreement providing for the merger. Said agreement must be entered into within ninety days following completion of the last act (~~as hereinabove provided;~~) in initiation of the merger.

The respective boards of water commissioners (~~of said districts~~) shall certify (~~such~~) the agreement to the county (~~auditor~~) election officer of (~~the~~) each county in which the districts are located. (~~Thereupon;~~) The (~~said~~) county (~~auditor~~) election officer shall call a special election for the purpose of submitting to the voters of the merging district the proposition of whether the merging district shall be merged into the merger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Sec. 34. Section 1, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.100 are each amended to read as follows:

Any sewer district, acting alone or in conjunction with any other sewer district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to (~~and in the same county with;~~) a water district, may merge into the water district, and the water district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.

Sec. 35. Section 2, chapter 55, Laws of 1963 and RCW 57.90.020 are each amended to read as follows:

Upon the filing with the (~~board of~~) county (~~commissioners~~) legislative authority of (~~the~~) each county in which the district is located of a resolution of any governmental unit calling for the disincorporation of a special district, or upon the filing with the (~~board of~~) county (~~commissioners~~) legislative authority of each county in which the district is located of the petition of twenty percent of the qualified electors within a special district calling for the disincorporation of a special district the (~~board of~~) county (~~commissioners~~) legislative authority shall hold public hearings to determine whether or not any services have been provided within a consecutive five year period and whether the best interests of all persons concerned will be served by the proposed dissolution of the special district.

Passed the House March 24, 1982.

Passed the Senate March 21, 1982.

Approved by the Governor April 1, 1982.

Filed in Office of Secretary of State April 1, 1982.