

Passed the House May 8, 1971.  
Passed the Senate May 5, 1971.  
Approved by the Governor May 18, 1971.  
Filed in Office of Secretary of State May 20, 1971.

-----

CHAPTER 146  
[Engrossed House Bill No. 567]  
WATER AND SEWER DISTRICTS--  
MERGERS

AN ACT Relating to water and sewer districts; providing for the merger of sewer districts into water districts and water districts into sewer districts; amending section 3, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.030; and adding new sections to chapter 57.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 57.40 RCW a new section 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.

NEW SECTION. Sec. 2. There is added to chapter 57.40 RCW a new section to read as follows:

A merger of one or more sewer districts into a water district may be initiated in any one of the following ways:

(1) Whenever the board of commissioners of the water district, on the one hand, and the board of commissioners of the sewer district or of the respective sewer districts seeking to merge into the water district, on the other hand, each determine by resolution that the merger of such sewer district or sewer districts into the water district shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such district so desiring to merge.

(2) Whenever ten percent of the qualified electors residing within each of the water districts and the sewer district or districts involved petition the board of commissioners of their respective districts for a merger of such district into the water district.

(3) Whenever ten percent of the qualified electors residing within the water district petition the board of water commissioners for such a merger, and the board of sewer commissioners of the district or each sewer district to be merged determines by resolution that the merger of such district into the water district will be conducive to the public health, welfare and convenience of the two districts.

NEW SECTION. Sec. 3. There is added to chapter 57.40 RCW a new section to read as follows:

Whenever a merger is initiated in any of the three ways provided in section 2 of this 1971 act, the boards of the water and sewer commissioners of the respective districts involved shall enter into an agreement providing for the merger. The agreement must be entered into within ninety days following completion of the last act required for initiation of the merger by any one of the means above specified, as provided in section 2 of this 1971 act. Where two or more sewer districts seek to merge into a water district at or about the same time, there need be but one agreement of merger signed by the water district and such two or more sewer districts if the parties so agree.

Upon entry of such agreement, the boards of the water and sewer commissioners shall file a notice of intention to merge together with a copy of said agreement with the boundary review board, if any, of the county and the board shall review the proposed merger under the provisions of RCW 36.93.150 through 36.93.180.

The respective boards of water and sewer commissioners of such districts shall certify such agreement to the county auditor of the county in which the districts are located within twenty days from date of execution of such agreement, with a certified copy thereof filed with the clerk of the board of county commissioners of such county. Thereupon, unless the boundary review board has disapproved the proposed merger the county auditor shall call a special election for the purpose of submitting to the voters of the sewer district or of each of the two or more sewer districts involved the proposition of whether the sewer district shall be merged into the water district. Notice of the election shall be given, and the election conducted, in accordance with the general election laws.

NEW SECTION. Sec. 4. There is added to chapter 57.40 RCW a new section to read as follows:

If at such election a majority of the voters in the sewer district or all or either of the sewer districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the water district and

each sewer district in which the majority of voters voted in favor of the merger, and each such sewer district shall cease to exist and shall become a part of the water district. The sewer commissioners of any sewer district so merged shall cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of water commissioners of the water district.

NEW SECTION. Sec. 5. There is added to chapter 57.40 RCW a new section to read as follows:

All funds, rights and property, real and personal, of any sewer district merging into a water district shall vest in and become the property of the water district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owned by the sewer district, shall remain the obligation of and, as applicable, a lien upon the land, assets and/or revenue of the original district. The board of commissioners of the water district shall make such levies, assessments or charges upon said land or the sewer or water users therein as are necessary to pay any indebtednesses of the merged sewer districts as and when the same mature.

NEW SECTION. Sec. 6. There is added to chapter 57.40 RCW a new section to read as follows:

Following merger, the water district and the board of commissioners thereof shall have all powers granted sewer districts by Title 56 RCW. The water district shall have the power to issue revenue bonds to which are pledged sewer revenue, water revenue, or both sewer and water revenue, as well as the power to levy assessments against property specially benefited in the manner levied by utility local improvement districts, for improvements to the sewer system or the water system or both.

Sec. 7. Section 3, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.030 are each amended to read as follows:

Whenever a merger is initiated in any of the three ways provided in RCW 56.36.020, the boards of the sewer and water commissioners of the respective districts involved shall enter into an agreement providing for the merger. The agreement must be entered into within ninety days following completion of the last act required for initiation of the merger by any one of the means above specified, as provided in RCW 56.36.020. Where two or more water districts seek to merge into a sewer district at or about the same time, there need be but one agreement of merger signed by the sewer district and such two or more water districts if the parties so agree.

Upon entry of such agreement, the boards of the water and sewer commissioners shall file a notice of intention to merge together with a copy of said agreement with the boundary review board, if any, of the county and the board shall review the proposed

merger under the provisions of RCW 36.93.150 through 36.93.180.

The respective boards of sewer and water commissioners of such districts shall certify such agreement to the county auditor of the county in which the districts are located within twenty days from date of execution of such agreement, with a certified copy thereof filed with the clerk of the board of county commissioners of such county. Thereupon, unless the boundary review board has disapproved the proposed merger, the county auditor shall call a special election for the purpose of submitting to the voters of the water district or of each of the two or more water districts involved the proposition of whether the water district shall be merged into the sewer district. Notice of the election shall be given, and the election conducted, in accordance with the general election laws.

Passed the House March 31, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 19, 1971.

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

CHAPTER 147

[Engrossed House Bill No. 620]

JUSTICES OF THE PEACE

AN ACT Relating to justices of the peace; amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 23, Laws of 1970 ex. sess. and RCW 3.34.010; and amending section 13, chapter 299, Laws of 1961 and RCW 3.34.040.

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

Section 1. Section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 23, Laws of 1970 ex. sess. and RCW 3.34.010 are each amended to read as follows:

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, ~~((two))~~ one; Ferry, two; Franklin, one; Garfield, one; Grant, ~~((three))~~ one; Grays Harbor, ~~((four))~~ two; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, one; Lincoln, two; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six.

Sec. 2. Section 13, chapter 299, Laws of 1961 and RCW