

## CHAPTER 81.

[S. B. 36.]

## INDEPENDENT HIGHWAY DISTRICTS.

AN ACT relating to Independent Highway Districts, equalization of assessments, levy and collection of assessments and amending Sections 8, 9, 11, 12, 13, and repealing Section 10 of Chapter 116 of the Session Laws of 1917, and further amending said act by adding thereto new sections to be known as sections 9a, 9b, 9c, 9d, 9e and 16a and declaring an emergency.

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

SECTION 1. That section 8 of chapter 116 of the Session Laws of 1917 be amended to read as follows:

Section 8. The board of directors shall have power to take conveyances or other assurances of all property acquired by it under the provisions of this act, in the name of the district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this act, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof; and in all courts, actions, suits or proceedings, the said board may sue, appear and defend in person or by attorney, and in the name of the district. Any highway constructed under the provisions of this act may be constructed over and upon any right of way heretofore or hereafter acquired for highway purposes after securing the consent of the county commissioners of any county through which such highway may pass or into which it may extend and the county commissioners of any such county are hereby given

Powers of board.

Transfer of county rights of way to independent district.

full authority to make all necessary orders granting any right of way acquired for highway purposes to any independent highway district.

SEC. 2. That section 9 of chapter 116 of the Session Laws of 1917 be amended to read as follows:

Section 9. For the purposes of construction, reconstruction, betterment or acquisition of the necessary property and rights therefor, and to pay all necessary expenses in connection with the organization of any highway district authorized by this act, and otherwise carrying out the provisions of this chapter, the board of directors of any such district shall, as soon after such district has been organized as may be practical and whenever thereafter the fund for any such purpose has been exhausted by, or shall appear to be inadequate to meet, the expenditures herein authorized therefrom, and the board deems it necessary or expedient to raise additional money for said purpose, estimate and determine the amount of money to be raised and shall immediately thereafter call a special election. At such election shall be submitted to the electors of said district possessing the qualifications prescribed by this act, the question whether or not the bonds of said district, in the amount so determined, shall be issued. Notice of such election shall be given by posting notices in three public places in each election precinct in said district for at least twenty days prior to the election, and also by publication of such notice in the official county newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least three successive weeks. Such notice must specify the time of holding the election, and the amount of bonds proposed to be issued; and said election shall be held and the result thereof determined and declared in all respects as nearly as practicable in con-

Special  
election  
for bonding  
purposes.

Notice.

Law  
governing  
election.

formity with the provisions of this act governing the election of officers: *Provided*, that no informality in conducting such election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election the ballot shall contain the words "Bonds—Yes", and "Bonds—No" or words equivalent thereto. If the majority of the votes cast are for "Bonds—Yes" the board of directors shall proceed to call for bids for the sale of the whole or any part of the amount of bonds so authorized. If a majority of the votes cast at any bond election are "Bonds—No", the result of such election shall be so declared and entered of record. Each issue of said bonds shall be payable in gold coin of the United States, in ten series, to-wit: At the expiration of eleven years five per cent of the whole number of bonds issued; at the expiration of twelve years, six per cent; at the expiration of thirteen years, seven per cent; at the expiration of fourteen years, eight per cent; at the expiration of fifteen years, nine per cent; at the expiration of sixteen years, ten per cent; at the expiration of seventeen years, eleven per cent; at the expiration of eighteen years, thirteen per cent; at the expiration of nineteen years, fifteen per cent; at the expiration of twenty years, sixteen per cent, and shall bear interest at the rate of not to exceed six per cent per annum, to be determined by the board of directors payable semi-annually on the first day of January and July of each year. The principal and interest shall be payable at the place designated therein. Said bonds shall be each of the denomination of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00); shall be negotiable in form, signed by the president and secretary, and sealed with the seal of the board of directors. Each issue shall be numbered consecu-

Bond  
requisites.

tively as issued and the bonds of each issue shall be numbered consecutively and bear date of issue. One authority may cover one or more issues. Coupons for the interest shall be attached to each bond signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. Upon the authorization of an issue of bonds at an election held as provided in this section, the board of directors shall advertise said bonds, or any portion thereof, for sale and that the same will be sold to the best bidder therefor for cash who shall bid the highest price therefor for the whole or any portion of the issue, to be stated in the advertisement. Such advertisement shall be published once each week for four successive weeks in the official county newspaper of general circulation in the county where the district is situated and in such newspaper or financial journals as the board of directors may determine, and shall state the amount of the issue of bonds offered for sale and the respective amounts less than the whole for which bids will be received, and that sealed bids, stating the price bid and accompanied by certified checks for ten per cent of the amount of the bonds bid for, will be received by the secretary on or before, and opened by the board on a date to be fixed in said advertisement. On the date fixed in the advertisement, the board of directors shall meet at the place designated in the advertisement and shall open the bids and award the sale of the bonds to the best bidders therefor or the board may reject any and all bids and postpone or readvertise the sale of such bonds and in case any bidder or bidders shall fail, for twenty days after the open-

Advertising  
sale of  
bonds.

Award to  
highest  
bidder.

ing of the bids to accept the bonds awarded and pay the price bid therefor, shall forfeit to the district the certified check accompanying the bid of such bidder and award the bonds to the next best bidder therefor, and when the bonds shall have been accepted and paid for, shall return to the unsuccessful bidders their respective certified checks accompanying their bids. The secretary shall keep a record of all bonds sold, their number, the date of sale, the price received and the name of the purchaser, and shall certify said record to the county treasurer who shall keep such record on the books of his office.

Record of sales.

SEC. 3. That section 11 of chapter 116 of the Session Laws of 1917 be amended to read as follows:

Section 11. Whenever the estimated cost of the construction of any highway or portion thereof as provided for in this act, or of any repair or betterment thereto, shall exceed the sum of one thousand dollars (\$1,000.00), bids shall be called therefor and the same may be let to the lowest and best responsible bidder therefor, after the adoption by the board of directors of plans and specifications prepared by the engineer of the district.

Bids for construction and repairs.

SEC. 4. That section 12 of chapter 116 of the Session Laws of 1917 be amended to read as follows:

Section 12. Any person to whom a contract may have been awarded for the construction or repair of any such highway, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond, with good and sufficient surety to be approved by the board of directors, payable to said district for its use, for the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as

Contractor's bond.

may be required by law in the case of contracts for public work and as may be required by the resolution of the board. All work shall be done under the direction and to the satisfaction of the engineer of the district, and be approved by the board. Whenever, in the construction or repair of the highway, or any portion thereof, or the furnishing of materials therefor, the board of directors shall determine to let a contract or contracts for the doing of said work or the furnishing of said materials, a notice calling for sealed proposals shall be published in the official county newspaper in the county in which the office of the board is situated and in any other newspaper which may be designated by the board, and for such length of time, not less than two weeks, as may be fixed by the board. At the time and place appointed in the notice for the opening of bids, the sealed proposals shall be opened in public, and as soon as convenient thereafter, the board shall let said work or the contract for the purchase of materials, either in portion or as a whole, to the lowest responsible bidder or the board may reject any and all bids and readvertise, or may proceed to construct the work under its own superintendence. The board may in its call require bidders to bid separately on the basis of cash payment and on the basis of payment in bonds of the district previously authorized which bonds shall be accepted at par value plus accrued interest for any work, services or materials furnished. The board is authorized to make payment for any and all work, labor, materials, services or pay any indebtedness whatsoever against said district in bonds of the district previously authorized, at par value, plus accrued interest.

SEC. 5. That section 13 of chapter 116 of the Session Laws of 1917 be amended to read as follows:

Call for  
bids.

Bids on  
basis of cash  
or bond  
payments.

Section 13. The county treasurer of the county in which is located the office of any highway district, shall be and is hereby constituted *ex-officio* district treasurer of said district, and said county treasurer shall be liable upon his official bond and to criminal prosecution for malfeasance or misfeasance, or failure to perform any duty herein prescribed as county treasurer or district treasurer, as is provided by law in other cases as county treasurer. It shall be his duty to collect and receipt for all assessments levied as in this act provided. There shall be deposited with such county treasurer all sums collected for the defraying of the expenses of the district and they shall be placed by the county treasurer in the expense fund of the district. The said county treasurer shall also keep such other funds as may be required by law governing independent road districts, or provided by this act, or as required by the board of directors by resolution, and shall place therein moneys collected for said funds. The county treasurer shall pay out the moneys received or deposited with him, or any portion thereof, upon warrants drawn upon the several funds, signed by the president and countersigned by the secretary of the district, except the sums to be paid out of the bond interest and redemption fund upon the coupons and bonds presented to the treasurer. Warrants drawn upon any fund which is temporarily depleted may be stamped by the treasurer "Not paid for want of funds" with the date of presentation and shall draw interest at six per cent per annum until redeemed out of the fund upon which they are drawn, after call as provided by law for county warrants. The said treasurer shall report, in writing, on the first Monday of each month, to the board of directors of the district the amount of money held by him, the amount in each fund, the

County  
treasurer  
as district  
treasurer.

Warrants.

Reports by  
treasurer  
and  
secretary.

amount of warrants outstanding in each fund, the amount of receipts for the month preceding, in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board. The secretary shall also report to the board, in writing, on the first Tuesday in each month, the amount deposited with the county treasurer belonging to the district during the preceding month, the amount of receipts for the month preceding and the amount and items of expenditure during the preceding month, and said report shall be filed in the office of the board. Any bonds issued, by the district may be registered as to principal or principal and interest as provided by law for the registration of county bonds.

Registration of bonds.

SEC. 6. That chapter 116 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 9a and to read as follows:

Annual assessments.

Section 9a. For the purpose of carrying out the provisions of this act and the payment of bonds and interest thereon, as the same shall fall due and warrants issued against any of the several funds of the district, and to meet maintenance charges and any necessary expenses in connection with the organization, annual assessments shall be made in proportion with benefits accruing to the lands assessed. At its meeting on the first Tuesday in March of each year the board shall determine the amount of money to be raised for the payment of any outstanding warrants, for any general expenses, maintenance charges, or principal or interest upon bonds of the district to come due during the period of collection of the next annual assessments and shall direct the secretary to prepare an assessment roll for the spreading of such assessments in proportion to benefits accruing to the lands within the district exclusive of improvements thereon. The



secretary must before the first Tuesday in June next following prepare an assessment book, with appropriate headings, in which must be listed all the lands within the district. In such book must be specified, in separate columns, under the appropriate headings:

Assessment books.

First: The name of the person to whom the property is assessed. If the name is not known to the secretary the property shall be assessed to "unknown owners."

Entries required.

Second: Land by township, range, section or fractional section, and when such land is not a legal subdivision, by metes and bounds or other description sufficient to identify it, giving an estimate of the number of acres, city and town lots, naming the city or town, and the number and block according to the system of numbering in such city or town, or plat recorded in the office of the county auditor.

Third: The ratio of benefits.

Fourth: The respective sums in dollars and cents to be paid as assessments on the respective parcels of land.

Fifth: Such other things as the board of directors may require.

Any property which may have escaped the payment of any assessment for any year, shall, in addition to the assessment for the then current year, be assessed for such year with the same effect and with the same penalties as are provided for such current year.

Omitted assessments.

SEC. 7. That chapter 116 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 9b, and to read as follows:

Section 9b. The board of directors must allow the secretary as many deputies, to be appointed by the board, as will, in the judgment of the board, enable him to complete the assessment roll within

Deputy assessors, appointment and compensation.

the time herein prescribed, compensation for such deputies to be fixed by the board for time actually engaged and only for work between the first Tuesday in March and the first Tuesday in June of each year, on or before which date the secretary must complete his assessment book and deliver it to the board. Thereafter the assessment book must remain in the office of the secretary for the inspection of all persons interested until finally confirmed. The board shall then fix a time and place for the hearing on said roll and shall direct the secretary to give notice thereof and of the time the board acting as a board of equalization will meet to equalize the assessments, by publication once in a newspaper published in each county in which any of such independent highway may lie. The time shall not be less than twenty or more than thirty days from the date of such publication. Such published notice shall notify all persons interested that in accordance with law the secretary has prepared an assessment roll for the current year for the raising of necessary funds for the purposes of the district as directed by the board, that said roll will be open for inspection in his office that at the time and place fixed by the board, it will meet and proceed to consider said roll acting as a board of equalization and will equalize assessments, notifying any person interested therein that objections thereto must be made in writing and filed with the secretary on or before the last day of hearing thereon and that if not so filed objections cannot be heard, and that the board will consider said roll and properly filed objections thereto and will either confirm, modify or set aside said roll as shall be just and in accordance with special benefits to the land assessed. At the time and place specified in the notice for the hearing, the board, which is hereby constituted a board of equalization for that purpose, shall meet and con-

Equalization  
of  
assessments.

Confirmation  
or modifica-  
tion of roll.

tinue in session from day to day as long as may be necessary, not to exceed ten days, exclusive of Sundays, to hear and determine such objections to the said assessment roll as may come before it; and the board may confirm said roll or modify the same as may be just and in accordance with special benefits or may set the same aside and order a new roll to be prepared by the secretary. The secretary shall be present during its session, and note all changes made at said hearing. In case the roll is set aside or any assessments raised, a revised roll shall be prepared by the secretary, a time and place fixed for hearing and a new notice given as provided herein for the original hearing. When the board shall have confirmed the roll after hearings as herein provided the secretary shall complete the same as finally equalized.

Revised  
rolls.

SEC. 8. That chapter 116 of the Session Laws of 1917, be amended by adding thereto a new section to be known as section 9c and to read as follows:

Section 9c. Any person who has filed objections in writing with the secretary at the hearing on said assessment roll as hereinbefore provided, shall have the right to appeal from equalization as made to the superior court of the county in which the land assessed is situated. Such appeal shall be made by filing a written notice of appeal with the secretary of said board, within ten days after the equalization of said assessment roll by the board and said notice shall describe the property and the objection of such appellant to such assessment; and the appellant shall also file with the clerk of the superior court aforesaid within ten days of taking such appeal, a copy of said notice, appeal, assessment roll and proceedings therein, certified by the secretary of said board, together with a bond to such district conditioned to pay all costs that may be awarded

Appeal  
to superior  
court.

against appellant in such sums, not less than two hundred dollars (\$200.00), and with such security as shall be approved by the clerk of said court, and the case shall be docketed by the clerk of such court in the name of the person taking such appeal as plaintiff, and, such district as defendant. Such cause shall then be at issue and shall be tried immediately by such court as in the case of equitable causes, except that no further pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of appellant with respect to which the appeal was taken from which judgment an appeal shall lie to the Supreme Court as in other causes.

Appeal  
to supreme  
court.

SEC. 9. That chapter 116 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 9d, and to read as follows:

Section 9d. Whenever any such assessment roll shall have been confirmed by the board of directors as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement and to the assessment therefor, including the action of the board upon such assessment roll, and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever, by any person not filing written objections to such roll in the manner, and within the time provided in the preceding section, and not appealing from the action of the board in confirming such assessment roll in the manner and within the time in said section provided. No proceeding of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor,

Conclusive-  
ness of  
assessments.

or the foreclosure of any lien issued therefor: *Provided*, That this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds (1) that the property about to be sold does not appear upon the assessment roll or (2) that said assessment has been paid.

Injunctions,  
when  
allowed.

SEC. 10. That chapter 116 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 9e and to read as follows:

Section 9e. The assessment upon real property shall be a lien against the property assessed, from and after the date of the confirmation of the roll in the year in which it is confirmed, but as between grantor and grantee such lien shall not attach until the first Monday in February of the following year, which lien shall be paramount and superior to any other lien by mortgage or otherwise excepting for general taxes. On or before the first day of November, the secretary must deliver the assessment book to the County Treasurer of each county in which any land embraced within the boundaries of the district may lie, who shall immediately enter the same upon the tax rolls of his office, as provided by law for the entry of general taxes, against the land of each of the persons named in said assessment book, together with the amounts thereof, and the same shall be subject to the same penalties in case of delinquency as in case of general taxes, and subject to the same right of redemption and the land sold for the collection of said assessments shall be subject to the same right of redemption as in the sale of lands for general taxes.

Lien of  
assessment.

Entry on  
general  
tax rolls.

Redemption  
rights.

SEC. 11. That chapter 116 of the Session Laws of 1917 be amended by adding thereto a new section to be known as section 16a, and to read as follows:

Section 16a. All acts and things of any independent highway district heretofore organized

Validation  
of organiza-  
tion and  
bond issues.

under chapter 116 of the Session Laws of 1917, whether by the county commissioners or the board of directors or any officer of any such district, and which was done under and by authority of said chapter 116, and in any way relating to the organization of such district, or to the voting or authorization of bonds by its electorate, are in all respects hereby cured, validated, ratified and confirmed and declared legal and valid and such independent highway district is hereby authorized, through its board of directors and proper officers, to proceed to further carry out the object or objects of said act and all amendatory acts relating thereto from the point reached under said chapter 116.

Repealing  
clause.

SEC. 12. That section 10 of said Chapter 116 of the Session Laws of 1917 is hereby repealed.

Emergency.

SEC. 13. This act is necessary for the immediate preservation of the public peace, health and safety and shall take effect immediately.

Passed the Senate February 10, 1919.

Passed the House February 27, 1919.

Approved by the Governor March 5, 1919.