

CHAPTER 175.

(S. B. No. 114)

AMENDING ACT OF 1895, RELATIVE TO ESTABLISHMENT
AND MAINTENANCE OF DRAINAGE DISTRICTS.

AN ACT to amend Sections 3, 9 and 24 of an act entitled, "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," approved March 20, 1895, the same being Sections 3717, 3723 and 3738 of Volume I of Ballinger's Annotated Codes and Statutes of Washington, and declaring an emergency.

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

SECTION 1. That Section 3 of an act of the Legislature approved March 20, 1895, entitled "An act to provide for the establishment and creation of drainage districts and the construction and maintenance of a system of drainage, and to provide for the means of payment thereof, and declaring an emergency," the same being Section 3717 of Ballinger's Annotated Codes and Statutes, be and the same is hereby amended to read as follows: Section 3717. Such petition shall be presented at a regular or special meeting of the board of county commissioners of said county, and shall be published for at least two weeks in two successive issues of some weekly newspaper 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 presented, together with a notice stating the time of the meeting at which the same shall be presented. When such petition is presented for hearing the board of county commissioners shall hear the same, or may adjourn said hearing from time to time, not exceeding one month in all; and any person or corporation may appear before said board of county commissioners and make objections to the establishment of said district, or the proposed boundary lines thereof, and upon final hearing said board of county commissioners shall make such changes in the proposed boundaries as they may deem to be proper, and shall establish and

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Petition.

define such boundaries, and shall ascertain and determine the number of acres of land that will be benefited by said proposed drainage system, the number of freeholders residing within said boundaries of the said proposed district, and shall find whether the proposed drainage system will be conducive to the public health, welfare and convenience, increase the public revenue, and be of special benefit to the majority of the lands included within said boundaries of the said proposed district so established by said board of county commissioners: *Provided*, That no changes shall be made by said board of county commissioners in said boundary lines so as to include any territory outside of the boundaries described in said petition: *Provided further*, That any person or persons owning land within the proposed boundaries, and who did not sign said petition, or any person, persons or corporations owning land not included within the proposed boundaries, may file a petition with the board of county commissioners asking that the proposed boundaries be extended so as to include other lands described therein; Extension of boundaries. setting forth in said petition the reasons therefor: *Provided, however*, That no person, persons or corporations not owning lands included within the proposed boundaries, as originally petitioned for, shall have the right to file such petition unless they ask therein to have their own lands included within the proposed boundaries: *Provided further*, That any corporation owning land included within the boundaries described in the original petition, may also petition the board of county commissioners for an extension of the proposed boundaries: *Provided further*, That the boundaries of any drainage district heretofore or hereafter established may be extended by the board of county commissioners so as to include other lands in said county upon petition signed by the owners of a majority of the acreage of said land within the proposed extension; which said petition for extension shall set forth and contain with reference to the extension such matters and things and data so far as applicable, as is provided for in the petition required for presentation to the board of county commissioners for the purpose of the formation of the original drainage district: *Provided further*, That all necessary expense incident to Expenses of extension. making such extension, together with a proportionate share of the first cost of any drainage system existing in the original district at the time of making such extension, shall

be levied against and apportioned to the lands included in such extension, as in this act provided. In such case the board of county commissioners shall give the like notice as provided for in this Section of the hearing of the original petition, and the final hearing thereof may, in such case, be continued from time to time for a period not exceeding sixty days, and if upon final hearing the board of county Commissioners deem it advisable, and to the best interest of all concerned, they may grant the prayer of such petitioner or petitioners in whole or in part. No district shall be established unless it is shown that a good and sufficient outlet for the drainage thereof is within the boundaries of such district. And said board of county commissioners of such county shall enter and order on the records of their office setting forth all facts found by them upon the final hearing of said petition, and which may be adduced by them from the evidence heard on the final hearing thereof: *And provided further*, That any drainage system constructed in the original drainage district may be extended into the said extension by the board of drainage commissioners of said drainage district, in the same manner, and by the same method of procedure as is provided by law for the construction of said drainage system within the said original drainage district.

Original
system may
be extended.

SEC. 2. That Section 9 of said act, the same being Section 3723 of Ballinger's Annotated Codes and Statutes aforesaid, be and the same is hereby amended to read as follows: Section 3723. Whenever it is desired to prosecute the construction of a system of drainage within said district, said district, by and through its board of commissioners, shall file a petition in the superior court of the county in which said district is located, setting forth therein the route and termini of said system, with a complete description thereof, together with specifications for its construction, with all necessary plats and plans thereof, with draughts of any artificial appliances or equipment necessary in aid thereof, together with the estimated cost of such proposed improvement, showing therein the names of the land owners whose lands are to be benefited by such proposed improvement; the number of acres owned by each land owner, and the maximum amount of benefits per acre to be derived by each land owner set forth therein from the construction of said proposed improvement, and that the same will be conducive to

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the public health, convenience and welfare, and increase the value of all of said property for purposes of public revenue. Said petition shall further set forth the names of the land owners through whose land the right-of-way is desired for said improvement; the amount of land necessary to be taken therefor, and an estimate of the value of said lands so sought to be taken for such right-of-way, and the damages sustained by any person or corporation interested therein, if any, by reason of such appropriation, irrespective of any benefits to be derived by such land owners by reason of the construction of said improvement. Such estimate shall be made, respectively, to each person through whose land said right-of-way is sought to be appropriated. Said petition shall set forth as defendants therein all the persons or corporations to be benefited by said improvement, and all persons or corporations through whose land the right-of-way is sought to be appropriated, and all persons or corporations having any interest therein, as mortgagee or otherwise, appearing of record, and shall set forth that said proposed system of drainage is necessary to drain all of said lands described in said petition, and that all lands sought to be appropriated for said right-of-way are necessary to be used as a right-of-way in the construction and maintenance of said improvement; and when the proposed improvement will protect or benefit the whole or any part of any public or corporate road or railroad, so that the traveled track or roadbed thereof will be improved by its construction, such fact shall be set forth in said petition, and such public or private corporations owning said road or railroad shall be made parties defendant therein, and the maximum amount of benefits to be derived from said proposed improvement shall be estimated in said petition against said road or railroad: *Provided, however,* That all maps, plats, field notes, surveys, plans, specifications, Maps, plats. or other data heretofore made, ascertained or prepared under laws heretofore enacted on the subject of this act, may be used under the provisions of this act.

SEC. 3. Section 24 of said act, being Section 3738 of Balingier's Annotated Codes and Statutes aforesaid, be and the same is hereby amended to read as follows: Section 3738. The board of commissioners of any drainage district organized under the provisions of this act shall, on or before the first day of November of each year, make an estimate of the cost of maintenance of the drainage system constructed

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in such district, which estimate shall include the costs of making any necessary repairs that it might become necessary to make in the maintenance of such system. Such estimate shall be made for the succeeding year, and the amount so estimated shall be certified by the board of cimmissioners to the auditor of the county in which such district is located on or before said date, and the amount thereof shall be levied against and apportioned to the lands in such district benefited by said improvement, in proportion to, and upon the basis of the value of such lands as fixed by the last preceding equalized assessment roll of said County, and said amount shall be added to the general taxes against said lands, and collected therewith.

Elections—
when held—
eligibility of
voters.

SEC. 4. Section 5 of said act being Section 3719 of Bal-linger's Annotated Codes and Statutes of Washington, be and the same is hereby amended to read as follows: Such election shall be held on the day designated in such notice, and shall be conducted in accordance with the general elec-tion laws of the State of Washington, and no person shall be entitled to vote at such election unless he shall be a quali-fied elector of the county in which such district is located, and shall have resided within the limits of such district, as established by the board of county commissioners, for at least thirty days next preceding such election. The board of county commissioners shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat, and if, upon such canvass, it appears that a majority of the votes cast are for drainage district, "Yes," the board shall have an order entered upon their minutes and declare such territory duly organized as a drainage dis-trict under the name and style of drainage district No. (here insert number(of (here insert name of county) of the State of Washington, and shall declare the three persons receiving respectively the highest number of votes to be duly elected as a board of commissioners of such drainage dis-

Copy of order
to be filed
with secretary
of state.

trict. Said board shall cause a copy of said order, duly certified, to be filed in the office of the secretary of state, and from and after the date of such filing such organization shall be deemed complete, and such board of commissioners so chosen at such election shall be entitled to enter imme-diately upon the duties of their office, and upon qualifying as county officers are required to qualify, and giving a bond to the State of Washington for the benefit of said drainage

Bond.

district, for the faithful performance of their duties as such board of drainage commissioners in the penal sum of five hundred dollars, with two or more sureties, to be approved by the board of county commissioners, and shall hold such office until the next general election for the election of officers in such drainage district, and until their successors are elected and qualified. Each board of commissioners thereafter, which may be constituted either by appointment or election, shall enter into a like bond and of like effect before entering upon their duties, which bond shall be approved by the judge of the superior court of the county in which said district is located, and shall be filed in said court. ^{Approval of bond.}

SEC. 5. An emergency exists and this act shall take effect immediately. ^{Emergency.}

Passed the House February 20, 1905.

Passed the Senate March 9, 1905.

Approved by the Governor March 13, 1905.

CHAPTER 176.

(H. B. No. 168)

AMENDING ACT RELATIVE TO FRUIT GROWING AND HORTICULTURE.

AN ACT to amend sections four, five, six, seven, eight, twelve, fourteen and fifteen of an act entitled, "An act to promote the fruitgrowing and horticultural interests of the State of Washington, to provide for the appointment of a commissioner of horticulture; to repeal certain laws in conflict therewith, and to provide penalties and punishment for its violation, making an appropriation therefor.

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

SECTION 1. That section four of said act be amended to read as follows: Section 4. Fruit culturists in any county in this State are hereby authorized and empowered to organize into a horticultural society, and the better to promote and protect the horticultural interests of the county, the society will nominate three qualified persons for county inspector of fruits, fruit trees, orchards, plants, boxes, barrels ^{Societies, how organized.}