

traveling expenses, postage and office supplies (or so much thereof as may be necessary, but in no event to exceed the receipts provided for herein), one hundred thousand dollars: *Provided*, That the state auditor may, at the beginning of any biennial period anticipate the receipts and issue warrants to cover the same to any amount not exceeding ten thousand dollars.

Repeal.  
[See note  
to title.]

SEC. 34. That chapter 137 of the Laws of 1909 be and the same is hereby repealed.

Passed by the House February 17, 1911.

Passed by the Senate March 1, 1911.

Approved by the Governor March 14, 1911.

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## CHAPTER 92.

[H. B. 426.]

### AUTHORIZING ESTABLISHMENT OF PORT DISTRICTS.

AN ACT authorizing the establishment of port districts; providing for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, and providing the method of payment therefor.

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

#### SECTION 1. *Port Districts Authorized.*

Port  
districts.

Port districts for the acquirement, construction, maintenance, operation, development and regulation of a system of harbor improvements and rail and water transfer and terminal facilities within such districts, are hereby authorized to be established in the various counties of this state, as in this act provided.

#### SEC. 2. *Formation of District.*

Petition of  
10 per cent.

At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state may, or on petition of ten per cent. of the qualified electors of such county based on the total vote cast in the last general county

election, shall, by resolution submit to the voters of such county the proposition of creating a port district which shall be co-extensive with the limits of such county as now or hereafter established, and the board of county commissioners shall submit such proposition at a special election to be called therefor when such petition so requests. Such petition shall be filed with the county auditor who shall within fifteen (15) days examine the signatures thereto and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient it shall be returned to the persons filing the same, who may amend or add names thereto for ten days when the same shall be returned to the county auditor who shall have an additional fifteen (15) days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners who shall, at their first meeting thereafter, if such petition so requests, by resolution, call a special election to be held not less than thirty (30) nor more than sixty (60) days from the date of such certificate and shall cause to be published for not less than twenty (20) days, notice of such election in one or more daily newspapers of general circulation in such county, which notice shall state the hours during which such polls will be open, the boundaries of the proposed port district and the object of such election, and shall be posted for ten (10) days in ten public places in such proposed port district. The same notice shall be given in the event of such proposition being submitted at a general election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot in the following terms:

Auditor  
certify.

Withdrawal  
not per-  
mitted.

Publish  
notice.

Form of  
ballot.

“Port of . . . . . Yes.” (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners.)

“Port of . . . . . No” (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the board of county commissioners.)

Area.

There shall be not less than one (1) polling place in each of the various wards of any incorporated city within such proposed port district, and one (1) polling place in each precinct in such proposed port district, not within the limits of any incorporated city: *Provided*, That any petition for the formation of a port district may describe a district of less area than the county in which such petition is filed, and in such event the county commissioners shall fix a date for hearing on such petition and publish a notice of such hearing for two weeks in a newspaper of general circulation in such county, after which hearing the county commissioners may increase or diminish the boundaries of such proposed port district and thereafter the same procedure shall be followed as is prescribed in this act for the formation of the larger port district, except that the petition and election shall be confined solely to the lesser port district: *And provided*, That whenever two or more petitions for the formation of a port district shall be filed as herein provided, the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser port district shall ever be created within the limits, in whole or in part, of any port district.

Greater  
area  
supersedes.

### SEC. 3. *Elections—Powers of Commissioners.*

Election.

If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the board of county commissioners shall also declare in its canvass of its returns of such elections, and such port district shall then be and become a municipal

corporation of the State of Washington and the name of such port district shall be "Port of . . . . . ." (inserting the name appearing on the ballot). The powers of the port district shall be exercised through a port commission consisting of three members, one from each of the three county commissioner districts of the county in which the port district is located, when the port district is co-extensive with the limits of such county. When the port district comprises only a portion of the county, three commissioner districts, numbered consecutively, having approximately equal population and boundaries following ward and precinct lines, shall be described in the petition for the formation of the port district and one commissioner shall be elected from each of said commissioner districts. No person shall be eligible to hold the office of port commissioner unless he is a qualified voter, a freeholder and is and has been a resident for a period of three (3) years of the commissioner district he is elected from. Port commissioners shall hold office for a term of three (3) years. At the same election at which the proposition is submitted to the voters as to whether a port district shall be formed, three (3) commissioners shall be elected to hold office, respectively, for the term of one, two and three years. All candidates shall be voted upon by the entire port district, and the candidate residing in commissioner district number one receiving the highest number of votes in the port district shall hold office for the term of three (3) years; the candidate residing in commissioner district number two receiving the highest number of votes in the port district shall hold office for the term of two (2) years, and the candidate residing in commissioner district number three receiving the highest number of votes in the port district shall hold office for the term of one (1) year, from and after the first Monday in December following the creation of such port district as hereinafter provided. All expenses of elections for the formation of such port districts shall be paid by the county holding such election and such expenditure is hereby declared to be for a county

Eligibility.

Terms of office.

purpose, and the money paid out for such purpose shall be repaid to such county by the port district, if formed. At least twenty (20) days prior to the first Monday in December of each year such port commission shall give notice by publication for at least ten (10) days in a daily newspaper published within such port district, that an election will be held on the first Monday in December of each year for the election of a successor to the retiring port commissioner, to hold office for the term of three (3) years and until his successor is elected and qualified. Nominations for port commissioners at the first special election and at subsequent general elections, shall be by petition of one hundred (100) qualified electors of the commissioner district in which the candidate is a resident, to be filed in the office of the county auditor at least fifteen (15) days prior to such election: *Provided, however,* That there shall be no election held on the first Monday in December immediately following the creation of such port district: *And provided further,* That in the event of a vacancy in the office of port commissioner by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining port commissioners, until the next regular election for port commissioners. A vacancy in the office of port commissioner shall occur by death, resignation, removal, conviction of a felony, non-attendance at meetings of the port commission for a period of sixty (60) days unless excused by the port commission, by any statutory disqualification or by any permanent disability preventing the proper discharge of his duty. Such port commission shall designate in all notices of election whether such election be a general or special election; the time of the opening and closing the polls and the places for voting, and in no event shall there be less than one (1) polling place in each of the various wards of any city in the port district, and at least one (1) polling place in each precinct in the port district not within the limits of any incorporated city. The polls shall be kept open on every election day by said port district at least from

Publish  
notice.

Nominations  
by petition.

Vacancy.

eleven o'clock a. m. to seven o'clock p. m., but said port commission may keep the polls open for a longer period of time if they shall so order; but the time of opening and closing the polls must be stated in the notice of election, and the polls shall be opened and closed in accordance with such notice. All qualified electors within such port district shall be entitled to vote at any election held in such port district. The officers of the city or county having charge of the registration books shall deliver the same to the port commission for the use of its election officers at any election held in a port district formed under the provisions of this act. In the event of such registration books being required by law to be used by any school district or other public corporation at the same time as the use thereof will be necessary by the port district, they shall be delivered to such port commission and school district or other public corporation, jointly, and the same polling places and registration books shall be used jointly by all of such public corporations. The registration of voters for election to be held in such port district shall be the same in all respects as is now required by law, and no additional registration shall be required to qualify any elector to vote at any port district election: *Provided*, That notice of closing registration books shall be given, and the same shall be closed for registration prior to the holding of any election authorized by this act in the same manner and for the same time as is now or may be provided by law for primary elections.

Hours for  
voting.

Joint  
elections.

The city clerk or registration officer required to perform the duties enumerated in this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for general or special city elections that are not inconsistent with these provisions, shall govern the registration of voters for elections held under this act; and the registration books of the city and territory within said port district shall be the books used by said port commission, and no separate registration books shall be kept or maintained by

No extra  
compensation.

it. The manner of holding any general or special election for the organization of said port district or which may thereafter be held by any port district, shall be in accordance with the laws of this state relating to general elections in so far as the same are not inconsistent with the provisions of this act.

General laws apply.

SEC. 4. *Powers of District.*

All port districts organized under the provisions of this act shall be and are hereby authorized to acquire by purchase or condemnation, or both, all lands, property, property rights, leases, or easements necessary for the purposes of the port district and to exercise the right of eminent domain in the acquirement or damaging of all land, property, property rights, leases or easements, and the levying and collection of assessments upon property for the payment of all damages and compensation necessary in carrying out the purposes for which said district shall have been created, and such right shall be exercised in the same manner and by the same procedure as is or may be provided by law for cities of the first class, except in so far as such law may be inconsistent with the provisions of this act, and except that all assessment or re-assessment rolls provided by law to be prepared and filed by eminent domain commissioners shall be prepared and filed by the port commission of the port district, and the duties devolving upon the city treasurer under said law be, and the same are hereby imposed upon the county treasurer for the purposes of this act; to lay out, construct, condemn, purchase, acquire, add to, maintain, conduct and operate any and all systems of sea walls, jetties, wharves, docks, ferries, canals, locks, tidal basins and other harbor improvements, rail and water transfer and terminal facilities within such port district; to establish local improvement districts within such port districts, and to levy special assessments under the mode of annual installments extending over a period not exceeding ten (10) years, on all property specially benefited by any local improvement, on the basis of special benefits to pay, in whole or in part, the

Power to condemn.

Duty of port commissioners.

damages or costs of any improvements ordered in such local improvement district; to issue local improvement bonds in any such local improvement district to be repaid by the collection of local improvement assessments: *Provided*, That the levying and collection of all such assessments and issuance of bonds hereby authorized shall be in the manner now and hereafter provided by state law for the levying and collection of local improvement assessments and issuance of local improvement bonds by cities of the first class, in so far as the same shall not be inconsistent with the provisions of this act: *Provided, however*, That the duties devolving upon the city treasurer under said laws be, and the same hereby are, imposed upon the county treasurer for the purposes of this act; to own and control lands, leases and all easements in land necessary for the purposes of the port district; to improve navigable and non-navigable waters of the United States and of the State of Washington within the port district; to create and improve for harbor purposes new waterways within the port district; to regulate and control all such waters within the limits of such port district so far and to the full extent that this state can and hereby does grant the same, and remove obstructions therefrom; to straighten, widen, deepen and otherwise improve any and all waters, water courses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the boundaries of such port district; to fix, subject to state regulation, rates of wharfage, dockage and all necessary port and terminal charges; to execute leases of all lands, wharves, docks and property owned and controlled by said port district upon such terms as the port commission may deem proper: *Provided*, That no lease shall be executed for a period longer than thirty (30) years; to raise revenue by levy of an annual tax on all taxable property within such port district, not exceeding two mills in any one year: *Provided*, That such levy shall be made and taxes collected in the manner now or hereafter provided by law for the levy and collection of school district taxes; to bor-

Ten annual  
payments.

Treasurer's  
duty.

Purposes.



Three-fifths vote.

Elections, how called.

Conditions and terms.

Fifty-year limit.

row money and issue bonds in an amount not exceeding two and one-half ( $2\frac{1}{2}$ ) per cent. of the taxable value of all property in such port district upon a three-fifths majority vote of the qualified voters in such port district voting thereon: *Provided*, That the calling and manner of holding such elections for issuance of bonds shall be the same as is now or may hereafter be prescribed by law for the issuance of school district bonds in so far as the same shall not be inconsistent with the provisions of this act. And no bonds shall ever be issued to provide for the acquiring or construction of any dock or wharf until such commission shall have first negotiated a lease of such dock or wharf for a term of not less than ten years upon terms which will produce a net income sufficient to pay the interest on the bonds issued as such interest accrues, and create a sinking fund which, at a proportionate rate will retire the bonds at maturity, which lease shall be secured by a bond from a lessee, with sureties satisfactory to said port commission, in a sum equal to five years' rental, and conditioned to carry out and perform the terms and conditions of such lease, or, if operated directly as a public wharf, a schedule of wharfage rates shall be fixed, and, if necessary, shall thereafter be raised, which shall produce a net income sufficient to pay the interest on the bonds issued as such interest accrues, and create a sinking fund which, at a proportionate rate will retire the bonds at maturity, and said schedule of rates shall not at any time be reduced below a point which will pay the interest and retire the bonds as aforesaid: *Provided*, That no general bonds of such district shall be issued for a longer period than fifty (50) years.

SEC. 5. *Port Commissioners — Organization — Contracts.*

All port commissioners shall serve without compensation. The port commission shall organize by the election from its own members of a president and secretary, shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All pro-

ceedings of the port commission shall be by resolution recorded in a book or books kept for such purpose, which shall be public records. All funds of the port district shall be paid to the county treasurer, and all disbursements shall be made by such officer on warrants drawn by the county auditor upon order of or vouchers approved by the port commission. The port commission shall have authority to create and fill such positions and fix salaries and bonds thereof as it may by resolution provide. All materials purchased and work ordered, the estimated cost of which is in excess of \$5,000.00, shall be let by contract. Before awarding any such contract the port commission shall cause to be published in some newspaper published within the district a notice for at least ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications for which must at the time of publication of such notice be on file in the office of the port commission subject to public inspection: *Provided, however,* That the port commission may at the same time and as a part of the same notice invite tenders for said work or materials upon plans and specifications to be submitted by the bidders. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the commission on or before the day and hour named therein. Each bid shall be accompanied by a certified check payable to the order of the port commission for a sum not less than five per cent of the amount of the bid, and no bid shall be considered unless accompanied by such check. At the time and place named such bids shall be publicly opened and read and the commission shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications on file, or to the best bidder submitting his own plans and specifications: *Provided, however,* That no contract shall be let in excess of the estimated cost of said materials or work, or if in the opinion of the commission all bids are unsatisfactory, they may reject all of them and re-advertise, and in

Proceedings  
recorded.

Authority.

Advertise  
for bids.

Certified  
check to  
accompany  
bid.

May reject  
all bids.

Contract entered.

such case all checks shall be returned to the bidders; but if such contract be let, then and in such case all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the commissioners in the full amount of the contract price, between the bidder and the commission in accordance with the bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the port district.

SEC. 6. *Adoption of Harbor Improvement Plans.*

Adopt plan.

It shall be the duty of the port commission of any port district, before creating any improvements hereunder, to adopt a comprehensive scheme of harbor improvement in such port district, after a public hearing thereon, of which at least ten days' notice shall be published in a daily newspaper of general circulation in such port district, and no expenditure for the carrying on of any harbor improvements shall be made by said port commission other than the necessary salaries of engineers, clerical and office expense of such port district, and the cost of engineering, surveying, preparation and collection of data necessary for the making and adoption of a general scheme of harbor improvements in such port district, unless and until such comprehensive scheme of harbor improvement has been so officially adopted by the port commission and ratified by a majority vote of the people of such port district voting thereon in favor thereof at a special election which shall be held for such purpose; twenty days' notice of such election shall be duly published in one or more daily newspapers of general circulation in such port district: *Provided, however,* That in lieu of the adoption of such plan as aforesaid, said port commission may proceed either independently or in cooperation with any plan of harbor or water-

May proceed independently.

way improvement within such port district which shall have been adopted by vote of the people of any incorporated city in such port district at any election held for such purpose prior to the first day of April, 1912, which plan may be officially adopted by resolution of the port commission.

Adopted by  
resolution.

SEC. 7. *Improvement to Follow Plans Adopted.*

When such general plans shall have been adopted or approved, as aforesaid, every improvement to be made by said port commission shall be made substantially in accordance therewith, unless and until such general plans shall have been changed by a majority vote of the qualified electors of the port district voting thereon at any general election or special election called by the port commission for such purpose, in which event the same notice of election shall be given as is required for the election provided for in the last preceding section.

Follow  
general  
plans.

SEC. 8. *Improvements—Ownership of.*

No improvement shall be acquired or constructed, by the port district, unless such improvement shall, when completed, be the property of such port district, the county in which such port district is located, the State of Washington or the United States of America, and the funds of such port district may be expended in the acquirement or construction of any harbor improvement embraced in such general plan adopted as in this act provided in conjunction with the county in which such port district is located, the State of Washington, or the United States of America, or all or any of them.

Property  
of port  
district.

SEC. 9. *Improvements by Port District.*

Before ordering or aiding any improvement, the cost of which, in excess of fifty per cent., is to be borne by the entire port district, the port commission shall adopt the detail plans, declare the estimated cost thereof, the annual expenditures to be made thereon and if such annual expenditure shall exceed one-half mill of the port district tax levy allowed by this act, based on the assessment valuation for the current year the port commissioner shall and by

Relating  
to cost.

resolution submit to the electors of the port district at a general or special election, the proposition to so expend the general funds or issue the general bonds of the district, twenty days' notice of which election shall be given in a newspaper of general circulation in such port district. If a majority of the electors voting thereon shall vote in favor of making such expenditure from the general funds or by issuance of general bonds of the port district, the commission may order the improvement and proceed to acquire the land or property necessary therefor, and advertise and let the contract for the same.

SEC. 10. *Local Improvements Upon Majority Petition.*

Whenever a petition signed by one hundred (100) freeholders in the district to be therein described, shall be filed with the port commission, asking that any portion of the general plan adopted be ordered, and defining the boundaries of a local improvement district to be assessed in whole or in part to pay the cost thereof, it shall be the duty of the port commission to fix a date for hearing on such petition, after which it may alter the boundaries of such proposed district and prepare and adopt detail plans of any such local improvement, declare the estimated cost thereof, what proportion of such cost shall be borne by such proposed local improvement district, and what proportion of the cost, if any, but in any event not to exceed fifty per cent., shall be borne by the entire port district. At any time within two years thereafter, upon petition of the owners of a majority of the lands in such proposed local improvement district, fixed by the port commission, as shown in the office of the auditor of such county, asking that such improvement be ordered, the port commission shall forthwith by resolution order such improvement, provide the general funds of the port district to be applied thereto, acquire all lands necessary therefor, pay all damages caused thereby, and commence in the name of the port district such eminent domain proceedings and supplemental assessment or re-assessment proceedings to pay all eminent domain awards as may be necessary to entitle said

Relating  
to bonding  
district.

Petition  
presented.

Hearing.

Resolution  
to improve.

port district to proceed with such work, and shall thereafter proceed with such work, and shall make and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within such local improvement district in proportion to the special benefits to be derived by the property in such local improvement district from such improvement. Before the approval of such roll a notice shall be published ten (10) days in one or more daily newspapers of general circulation in such local improvement district, stating that such roll is on file and open to inspection in the office of the clerk of the port commission, and fixing a time not less than fifteen (15) nor more than thirty (30) days from the date of the first publication of such notice within which protests must be filed with the clerk of said port commission against any assessments shown thereon, and fixing a time when a hearing shall be held by said commission on said protests. After such hearing the port commission may alter any and all assessments shown on such roll and may then by resolution approve the same, but in the event of any assessment being raised a new notice similar to such first notice shall be given, after which final approval of such roll may be made by the port commission. Any person feeling aggrieved by any such assessments shall perfect an appeal to the superior court of such county within ten (10) days after such approval in the manner now provided by law for appeals from assessments levied by cities of the first class in this state. Engineering and office expenses in all cases shall be borne by the general district.

File special assessment roll.

Publish notice.

New notice.

Expenses, how borne.

SEC. 11. *Fifty Per Cent. of Cost of Local Improvement May Be Paid From General Fund.*

Whenever any improvement shall be ordered, payment for which shall be made in part from assessments against property specially benefited, not more than fifty (50) per cent. of the cost thereof shall ever be borne by the entire port district, nor shall any sum be contributed by it to any improvement acquired or constructed with or by any other

Fifty per cent. limit.

body, exceed such amount, unless a majority vote of the electors of the port district shall consent to or ratify the making of such expenditure.

SEC. 12. *Funds in Anticipation of Revenues.*

May issue  
warrants.

Any port commission is hereby authorized, prior to the receipt of taxes raised by levy, to borrow money or issue the warrants of the district in anticipation of the revenues to be derived by such district from the levy of taxes for the purpose of such district during the first year, and such warrants shall be redeemed from the first money available from such taxes when collected.

SEC. 13. *County Treasurer—Funds.*

Port fund.

The county treasurer shall create a fund to be known as the "Port of . . . . . Fund," into which shall be paid all money received by him from the collection of taxes in behalf of such port district, and no money shall be disbursed therefrom except upon warrants of the county auditor issued as in this act provided. The county treasurer shall also maintain such other special funds as may be prescribed by the port commission, into which shall be placed such moneys as the port commission may by its resolution direct, and from which disbursements shall be made upon proper warrants of the county auditor issued against the same by authority of the port commission.

SEC. 14. *Cumulative.*

Cumulative.

This act shall not be construed to repeal, amend or modify any law heretofore enacted providing a method of harbor improvement, regulation or control in this state, but shall be held to be an additional and concurrent method providing for such purpose.

Passed by the House March 3, 1911.

Passed by the Senate March 9, 1911.

Approved by the Governor March 14, 1911.