

such compensation as shall be determined by the state highway commissioner.

Appropriation
from rotary
fund \$200.00.

SEC. 2. The sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated from said quarries rotary fund for the purpose of maintaining the rock quarries of the state, paying the necessary expenses in connection therewith, including the repayment of moneys advanced from other funds, and the cost and expense of transporting, keeping and guarding convicts, the payment of fire insurance premiums, the making of replacements of buildings, machinery and equipment lost or damaged by fire, and for permanent improvements.

Emergency.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 25, 1913.

Passed the Senate March 11, 1913.

Approved by the Governor March 22, 1913.

CHAPTER 165.

[H. B. 244.]

AMENDING IRRIGATION DISTRICT LAWS.

AN ACT relating to the organization and government of irrigation districts, and the sale of bonds arising therefrom, and amending sections 6417, 6418, 6419, 6425, 6426, 6427, 6431, 6432, 6433, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6444, 6450, 6451, 6452, 6466, and 6488 of Remington & Ballinger's Annotated Codes and Statutes of Washington, contained in chapter VII, title XLVIII of said codes and statutes, relating to irrigation districts, and repealing sections 6448, 6458, 6459, 6460, 6461, 6474, 6484 and 6485 thereof, and saving rights relating to or affecting existing irrigation districts or any proceedings therein.

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

[Amends
Rem.-Bal.,
§ 6417;
Pierce's
Code, 1912,
271 § 3.]

SECTION 1. Section 6417 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6417. For the purpose of organizing an irri-

gation district, a petition, signed by the required number of holders of title or evidence of title to land within the proposed district, shall be presented to the board of county commissioners of the county in which the lands, or the greater portion thereof, are situated, which petition shall set forth and particularly describe the proposed boundaries of such district, and shall pray that the territory embraced within the boundaries of such proposed district may be organized as an irrigation district. The petition must be accompanied by a good and sufficient bond, to be approved by the board of county commissioners, in double the amount of the probable cost of organizing the district, and conditioned that the bondsmen will pay all of the costs in case such organization shall not be effected. Said petition shall be presented at a regular meeting of the said board, or at any special meeting ordered to consider and act upon said petition, and shall be published once a week, for at least two weeks before the time at which the same is to be presented, in some newspaper of general circulation printed and published in the county where said petition is to be presented, together with a notice by the petitioners stating the time of the meeting at which the same will be presented; and if any portion of the lands within said proposed district lie within another county or counties, then said petition and notice shall be published for the time above provided in one newspaper printed and published in each of said counties. When the petition is presented, the board of county commissioners shall hear the same, and may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as it may find to be proper and just, and shall establish and define the boundaries of the district: *Provided*, That said board shall not modify the boundaries so as to except from the operation of this chapter any territory within the boundaries of the district proposed by said petitioners, which is susceptible of irrigation by the same system of works applicable to other lands in such proposed district; nor shall

Petition to
form district.

Bond must
accompany
petition.

Notice of
petition to be
published.

Notice to be
published in
more than
one county,
when.

Hearing.

Lands subject
to irrigation
not to be
rejected.

any lands which, in the judgment of said board, will not be benefited by irrigation by said system, or have a sufficient water supply for irrigation from some other source, be included within such district: *And provided further.*

Other lands included.

That any owner, whose lands are susceptible of irrigation from the same source, and in the judgment of the board it is practicable to irrigate the same by the proposed district system, shall, upon application to the board at the time of the hearing, be entitled to have such lands included in the district. The board of county commissioners shall, as soon as it has established the boundaries of said proposed district, enter an order establishing and defining such boundaries, and ordering that three directors for such district be elected from the district at large, and designating a name for the proposed district, and calling an election to be held in such proposed district for the purpose of determining whether or not the same shall be organized under the provisions of this act, and for the purpose of electing three directors at large. The clerk of the board of county commissioners shall then give notice of the election ordered to be held as aforesaid, which notice shall describe the district boundaries as established, and shall give the name by which said proposed district has been designated, and shall state the purposes and objects of said election, and shall be published once a week, for at least two weeks prior to said election, in a newspaper of general circulation published in the county where the petition aforesaid was presented; and if any portion of said proposed district lie within another county or counties, then said notice shall be published in a like manner in a newspaper within each of said counties. Said election notice shall also require the electors to cast ballots which shall contain the words "Irrigation District—Yes", or "Irrigation District—No", and also the names of persons to be voted for as directors of the district.

Order establishing district and calling election.

Notice of election.

Notice published in both counties.

[Amends Rem.-Bal., § 6418; Pierce's Code, 1912, 271 § 5.]

SEC. 2. Section 6418 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6418. For the purposes of the election above

provided for, the board of county commissioners must establish a convenient number of election precincts in the proposed district and define the boundaries thereof, and designate a polling place for, and appoint the necessary election officers for each of said precincts, but said precincts may thereafter be changed by the board of directors of said district. Such election shall be conducted as nearly as may be practicable in the manner provided in the election of directors for the district.

Voting
precincts.

The board of county commissioners shall meet on the second Monday next succeeding such election and proceed to canvass the returns of the votes cast thereat, and if upon such canvass it appears that at least two-thirds of all the votes cast are "Irrigation District—Yes", the board shall, by an order entered on its minutes, declare such territory duly organized as an irrigation district, under the name and style theretofore designated, and shall declare the three persons receiving the highest number of votes to be duly elected directors of such district, and shall cause a copy of such order, duly certified, to be filed for record in the office of the county clerk of each county in which any portion of the district may lie. From and after the date of the filing of such order, the organization of the district shall be complete and the directors thereof shall be entitled to enter immediately upon the duties of their office, upon qualifying in accordance with law, and shall hold office until their successors are elected and qualified.

Canvass of
election
returns.

Directors to
qualify.

Any person of the age of twenty-one (21) years, being a citizen of the United States and a resident for 90 days of the county in which any of the lands of the district may lie, and who holds title to land or evidence of title to land embraced within the boundaries of any irrigation district, or proposed district in the case of an election for the organization thereof, shall be entitled to vote at any election held therein, called for any purpose. Additional qualifications for voting, required by the general election laws of the state shall not apply, provided there shall be no denial of the right to vote on account of sex. An elector resident

Qualification
of voters.

within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct nearest his place of residence.

SEC. 3. Section 6419 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6419: There shall be elected in each organized irrigation district of this state, a board of three (3) directors who are electors of the district. An annual election to the office of director shall be held on the first Tuesday of December of each and every year, and the term of each director shall be three years from and after the first Tuesday of January next succeeding his election: *Provided*, That in the case of the three directors elected at any organization election called by the board of county commissioners, the three directors so elected shall serve until the first Tuesday of January following the first annual election; and at the first annual election there shall be elected three directors, one to serve for a term ending one year from the first Tuesday of January next following such election, and one to serve for a term of two years from the first Tuesday of January next following such election, and one to serve for a term of three years from the first Tuesday of January next following such election; and an election shall be held in each district thereafter on the second Tuesday in December in each year, at which election one director shall be elected for the full term of three years, or until his successor is elected and qualified: *And provided further*, That in any irrigation district organized and existing under any law of this state prior to the taking effect of this act, the directors elected at the last election held therein shall hold office, and their terms of office, shall be as follows: That one of the three receiving the lowest number of votes at the election last aforesaid, shall hold his office until the first Tuesday of January, 1914, the one receiving the next highest number of votes shall hold his office for one year from and after the first Tuesday of January, 1914, and the one receiving the highest number of

[Amends
Rem.-Bal.,
§ 6419;
Pierce's
Code, 1912,
271 § 7.]

Annual
election.

Terms of
office.

votes shall hold his office for a term of two years from and after the first Tuesday of January, 1914; and an election shall be held in each of the districts last aforesaid on the second Tuesday of December of the year 1913, and on the second Tuesday of December in each year thereafter, at which one director shall be elected for the full term of three years, or until his successor is elected and qualified. In case of any vacancy occurring in the office of director, such vacancy shall be filled by appointment by the board of county commissioners of the county in which the proceedings for the organization of the district were had, and the person so appointed shall serve until the next annual election of directors, when an election by the district shall be had to fill the vacancy for the remainder of the unexpired term. Each director shall take and subscribe an official oath for the faithful discharge of the duties of his office, and shall execute an official bond to the district in the sum of twenty-five hundred dollars (\$2,500.00), conditioned for the faithful discharge of the duties of his office, which bond shall be approved by the judge of the superior court of the county where the organization of the district was affected, and said oath and bond shall be recorded in the office of the county clerk of said county and filed with the secretary of the board of directors. The secretary of the district shall take and subscribe a written oath of office and execute an official bond in the sum of not less than twenty-five hundred dollars (\$2,500.00), to be fixed by the board of directors, and which said bond shall be approved and filed as in the case of the bond of a director.

Vacancies.

Bond of director.

Secretary's oath and bond.

SEC. 4. Section 6425 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

[Amends Rem.-Bal., § 6425; Pierce's Code, 1912, 271 § 19.1

Section 6425. The secretary of the board of directors must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show:

1. The whole number of votes cast in the district;
2. The name of the persons voted for;

What records must show.

3. The office to fill which each person was voted for ;
4. The number of votes given in each precinct to each of such persons ;
5. The number of votes given in each precinct for and against any proposition voted upon.

The board of directors must declare elected the person having the highest number of votes given for each office. The secretary must immediately make out, and deliver to such person a certificate of election signed by him and authenticated by the seal of the district.

SEC. 5. Section 6426 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows :

Section 6426. The three directors of the district shall constitute the board of directors of such district, and shall elect a president from their number, and appoint a secretary, who shall keep a record of their proceedings. The office of the board and principal place of business of the district shall be at some place in the county in which the organization was effected, to be designated by the board. The board of directors shall hold a regular monthly meeting, at its office, on the first Tuesday in every month, and may adjourn any meeting from time to time as may be required for the proper transaction of business. Special meetings may be called at any time by a majority of the board, but in case the three members of the board do not join in said order, the secretary shall give the number not joining five (5) days' notice of such meeting. The order or notice calling any special meeting shall specify what business shall be transacted, and none other than that specified shall be transacted at such special meeting. All meetings of the board must be public. Two members shall constitute a quorum for the transaction of business, but in all matters requiring action by the board there shall be a concurrence of at least two members of said board. All records of the board shall be open to the inspection of any elector during business hours. The board shall have the power, and it shall be its duty to adopt a seal of the district, to manage

[Amends
Rem.-Bal.,
§ 6426 ;
Pierce's
Code, 1912,
271 § 21.]

Officers of
board.

Meeting.

Notice of
special
meetings.

Quorum.

Records shall
be public.

and conduct the business and affairs of the district, to make and execute all necessary contracts, to employ and appoint such agents, officers and employees as may be necessary and prescribe their duties, and to establish equitable by-laws, rules and regulations for the government and management of the district, and for the distribution of water to the lands within the district, and generally to perform all such acts as shall be necessary to fully carry out the provisions of this chapter. The by-laws, rules and regulations must be printed in convenient form for distribution in the district. All water distributed for irrigation purposes shall be apportioned ratably to each land owner upon the basis of the ratio which the last assessment of such land owner, for district purposes, within said district, bears to the whole sum assessed upon the district, and any land owner may assign the right to the whole or any portion of waters so apportioned to him for use upon such lands and under such regulations as may be designated and prescribed by the board of directors. All leases, contracts, or other form of holding any interest in any state or other public lands shall be, and the same are hereby, declared to be title to and evidence of title to lands, and all leasehold, contractual or possessory interests in any such state or public lands, situated within the limits of any irrigation district, and held by any person, shall be valued, assessed and equalized in the manner provided for the valuation and assessment of other property, and shall be charged with their proportional parts of the taxes and assessments of the district, and such leasehold, contractual or possessory interest, for all purposes of the assessment and collection of taxes, shall be treated as the private property of the lessee or owner of the contractual or possessory interest: *Provided*, That nothing in this section shall be construed to affect the title of the state or other public ownership, nor shall any lien for such assessment attach to the fee simple title of the state or other public ownership. The board of directors shall have power to lease or rent the use of water for delivery to occupants of public lands situated

Powers and duties of board.

By-laws.

Distribution of water.

State lands assess as other lands.

Lien shall not attach to state land.

Water only
leased on
public lands.

within the district, at such prices and on such terms as it deems best, but the rental shall be as near as practicable the amount of the district tax for which said land would be annually liable if held as private property: *Provided*, That as soon as any public land situated within the limits of the district shall be acquired by any private person, or held under any title of private ownership, the owner thereof shall be entitled to receive his ratable proportion of water as in case of other land owners, upon payment by him of such sums as shall be determined by the board, and at the time to be fixed by the board, which sum shall be such equitable amount as such lands should pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and giving credit for any sums paid as water rent by the occupant of said lands prior to the vesting of private ownership, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Public lands
passing to
private own-
ership to be
assessed.

[Amends
Rem.-Bal.,
§ 6427 ;
Pierce's
Code, 1912,
271 § 23.]

SEC. 6. Section 6427 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6427. The board, and its agents and employes, shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation works and the line for any canal or canals, and the necessary branches or laterals for the same, on any lands which may be deemed best for such location. Said board shall also have the power to acquire, either by purchase or condemnation, or other legal means, all lands, waters, water rights, and other property necessary for the construction, use, supply, maintenance, repair and improvements of said canal or canals and irrigation works, including canals and works constructed or being constructed by private owners, or any other person, lands for reservoirs for the storage of needful waters, and all necessary appurtenances. The board may also construct the necessary dams, reservoirs and works for the collection of water for said district, and may enter into contracts for a water supply to be delivered

Eminent
domain.

to the canals and works of the district, and do any and every lawful act necessary to be done that sufficient water may be furnished to the lands in the district for irrigation purposes; and may enter into any obligation or contract with the United States for the construction, operation and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the federal reclamation act and all amendments thereof, and the rules and regulations established thereunder, or it may contract with the United States for a water supply under any act of congress providing for and permitting such contract; and in the purchase of any of the property or property rights aforesaid, or in acquiring or contracting for a water supply for the district, the bonds of the district may be used by the board, at not less than ninety per cent. par value, in payment. The use of all water required for the irrigation of the lands, within any district, together with rights-of-way for canals, laterals, ditches, sites for reservoirs and all other property required in fully carrying out the purposes of the organization of the district is hereby declared to be a public use; and in condemnation proceedings to acquire any property or property rights for the use of the district, the board of directors shall proceed in the name of the district, in the manner provided in this state in cases of appropriation of land, real estate and other property by private corporations.

Contract with
United States.

Use of water
a public use.

(Condemnation proceedings as provided in Rem.-Bal., § 921 *et seq.*; Pierce's Code, 1912, 171 § 173 *et seq.*)

SEC. 7. Section 6431 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6431. The board may sell the bonds of the district from time to time in such quantities as may be necessary and most advantageous to raise money for the construction of such canals and works, the acquisition of said property and property rights, and otherwise to fully carry out the objects and purposes of the district organization, and may sell such bonds, or any of them, at private sale whenever the board deems it for the best interests of the district so to do. The board of directors shall also have

[Amends
Rem.-Bal.,
§ 6431;
Pierce's
Code, 1912,
271 § 31.]

Bonds, how sold.

the power to sell said bonds, or any portion thereof, at private sale, and accept in payment therefor labor and material necessary for the construction of its proposed canals or irrigation works, whenever the board deems it for the best interests of the district so to do. If the board shall determine to sell the bonds of the district, or any portion thereof, at public sale, the secretary shall publish a notice of such sale for at least three (3) weeks in such newspaper or newspapers as the board may order. The

Notice of sale. the board shall state that sealed proposals will be received by the board, at its office, for the purchase of the bonds to be sold, until the day and hour named in the notice. At the time named in the notice, the board shall open the proposals and award the purchase of the bonds to the highest responsible bidder and may reject all bids: *Provided*, That such bonds shall not be sold for less than ninety per cent. of their face value.

Bonds must bring ninety per cent. or more.

[Amends Rem.-Bal., § 6432; Pierce's Code, 1912, 271 § 33.]

SEC. 8. Section 6432 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Bonds paid by assessments.

Section 6432. Said bonds and interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district, and all the real property in the district shall be and remain liable to be assessed for such payments as hereinafter provided. And in addition to this provision and the other provisions herein made for the payment of said bonds and interest thereon as the same may become due, said bonds shall become a lien upon all the water rights and other property acquired by any irrigation district formed under the provisions of this chapter, and upon any canal or canals, ditch or ditches, flumes, feeders, storage reservoirs, machinery and other works and improvements acquired, owned or constructed by said irrigation district, and if default shall be made in the payment of the principal of said bonds or interest thereon, according to the terms thereof, the holder of said bonds, or any part thereof, shall have the right to enter upon and take possession of all the water rights, canals, ditches,

Bonds lien on water rights, etc.

flumes, feeders, storage reservoirs, machinery, property and improvements of said irrigation district, and to hold and control the same, and enjoy the rents, issues and profits thereof, until the lien hereby created can be enforced in a civil action in the same manner and under the same proceedings as given in the foreclosure of a mortgage on real estate. This section shall apply to all bonds heretofore issued, or which may hereafter be issued by any district.

SEC. 9. Section 6433 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

[Amends
Rem.-Bal.,
§ 6433;
Pierce's
Code, 1912,
271 § 35.]

Section 6433. The secretary must, between the first Monday in March and the first Monday in June, in each year, ascertain the value of the land in such district, and the persons who own, claim, and have possession or control thereof, at its cash value, and he must prepare an assessment book, with appropriate headings, in which must be listed all such property within the district. In such book must be specified, in separate columns, under the appropriate headings:

Annual
valuation and
assessment
of property.

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";

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;

Third. 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;

Fourth. The cash value of all land, other than city or town lots;

Fifth. The cash value of city and town lots.

Sixth. The total value of all property assessed;

Seventh. The total value of all property after equalization by the board of directors;

Eighth. 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.

[Amends Rem.-Bal., § 6437; Pierce's Code, 1912, 271 § 43.]

SEC. 10. Section 6437 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Interest tax.

Section 6437. The board of directors shall then levy an assessment sufficient to raise the ensuing annual interest on the outstanding bonds, and at the expiration of ten years after the issuing of the bonds of any issue, the board must, from year to year, increase said assessment for the ensuing years in an amount sufficient to pay and discharge the outstanding bonds as they mature. The secretary of the board must compute and enter in a separate column of the assessment book the respective sums in dollars and cents to be paid as assessments on property therein enumerated. The assessments, when collected by the county treasurer, shall constitute a special fund to be called the "Bond Fund of Irrigation District." In case of neglect or refusal of the board of directors to cause such assessment or levy to be made as herein provided, then the assessment of property made by the county assessor and the county board of equalization shall be adopted, and shall be the basis of assessments for the district; and the board of county commissioners of the county in which the office of the board of directors is situated shall cause an assessment roll for the said district to be prepared, and shall make the levy required by this chapter in the same manner and with like effect as if the same had been made by said board of directors, and all expenses incident thereto shall be borne by the district. In case of neglect or refusal of the secretary of the district to perform the duties imposed by law, then the treasurer of the county in which the office of the board of directors is situated must perform such duties, and shall be accountable therefor, on his official bond, as in other cases.

County assessment may be used.

County treasurer to act as secretary, when.

SEC. 11. Section 6438 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

[Amends Rem.-Bal., § 6438; Pierce's Code, 1912, 271 § 45.]

Section 6438. The assessment upon real property shall be a lien against the property assessed, from and after the first Monday in March for any year, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments and for general taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law.

Assessments lien on property.

SEC. 12. Section 6439 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

[Amends Rem.-Bal., § 6439; Pierce's Code, 1912, 271 § 47.]

Section 6439. On or before the first day of November the secretary must deliver the assessment book to the county treasurer of the county in which the office of the board of directors is situated, who shall within twenty days publish a notice in a newspaper published in each county in which any portion of the district may lie, that said assessments are due and payable at the office of said county treasurer, and will become delinquent at six o'clock in the afternoon on the 31st day of December next thereafter, and that unless paid prior thereto, five per cent. will be added to the amount thereof. The notice shall be published once a week for four successive weeks, and posted for the same length of time in some public place in said district. The county treasurer must mark the date of payment of any assessment in the assessment book, opposite the name of the person paying, and give a receipt to such person, specifying the amount of the assessment and the amount paid, with the description of the property assessed. On the 31st day of December of each year, all unpaid assessments are delinquent, and thereafter the treasurer must collect thereon for the use of the district an addition of five per cent. The district shall pay to the county from the five per cent. penalties and other costs received by the treasurer in the

Notice of assessments.

County treasurer to collect assessments.

District to pay cost of collection.

collection of delinquent taxes, the amounts actually expended by the treasurer in performing the duties of *ex-officio* collector and treasurer of the district.

SEC. 13. Section 6440 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6440. On or before the first day of February, the county treasurer must publish the delinquency list, which must contain the names of the persons and a description of the property delinquent, and the amount of the assessments and costs due opposite each name and description. He must append to and publish with the delinquent list a notice that unless the assessments delinquent, together with costs and percentage are paid, the real property upon which such assessments are a lien will be sold at public auction. The publication must be made once a week for three successive weeks, in a newspaper published in each of the counties comprised in the district. The publication must designate the time and place of sale. The time of sale must not be less than twenty-one nor more than twenty-eight days from the first publication, and the place must be at some point designated by the treasurer.

SEC. 14. Section 6441 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6441. The county treasurer must collect, in addition to the assessment due on the delinquent list, five per cent. of the amount thereof. On the day fixed for the sale, or some subsequent day to which he may have postponed it, of which he must give notice, the county treasurer, between the hours of ten o'clock A. M., and three o'clock P. M. must commence the sale of the property advertised, commencing at the head of the list, and continuing alphabetically or in the numerical order of the lots or blocks, until completed. He may postpone the day of commencing sale, or the sale from day to day, but the sale must be completed within three weeks from the day first fixed.

[Amends
Rem.-Bal.,
§ 6440;
Pierce's
Code, 1912,
271 § 49.]

Delinquent
list to be
published.

[Amends
Rem.-Bal.,
§ 6441;
Pierce's
Code, 1912,
271 § 51.]

Five per cent.
penalty for
delinquency.

Sale of
property for
assessments.

SEC. 15. Section 6442 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

[Amends Rem.-Bal., § 6442; Pierce's Code, 1912, 271 § 53.]

Section 6442. The owner or person in possession of any real estate offered for sale for assessments due thereon may designate in writing to the county treasurer, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the treasurer may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and cost due, including one dollar to the treasurer for duplicate of certificate of sale, is the purchaser. The treasurer shall account to the district for said one dollar. If the purchaser does not pay the assessment and costs before 10 o'clock, A. M. the following day, the property on the next sale day must be resold for the assessments and costs. But in case there is no purchaser in good faith for the same on the first day that the property is offered for sale, then when the property is offered thereafter for sale, and there is no purchaser in good faith for the same, the whole amount of the property assessed shall be struck off to the irrigation district as the purchaser, and the duplicate certificate delivered to the secretary of the district, and filed by him in the office of the district. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the treasurer shall make an entry, "Sold to the district," and he will be credited with the amount thereof in settlement. An irrigation district, as a purchaser at such sale, shall be entitled to the same rights as a private purchaser, and the title so acquired by the district, subject to right of redemption herein provided, may be conveyed by deed, executed and acknowledged by the president and secretary of the board: *Provided*, That authority to so convey must be conferred by resolution of the board, entered on its minutes, fixing the price at which such sale may be made, and such conveyance shall not be

What portion sold.

Smallest portion to be sold.

District purchaser, when.

District may convey.

made for a less sum than the reasonable market value of such property. After receiving the amount of assessments and costs, the county treasurer must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and year of the assessment and specifying the time when a purchaser will be entitled to a deed. The certificate must be signed by the treasurer and one copy delivered to the purchaser, and the other filed in the office of the county auditor of the county in which the land is situated: *Provided*, That upon the sale of any lot, parcel or tract of land not larger than an acre, the fee for a duplicate certificate shall be twenty-five cents, and in case of a sale to a person or a district of more than one parcel or tract of land, the several parcels or tracts may be included in one certificate.

[Amends
Rem.-Bal.,
§ 6443;
Pierce's
Code, 1912,
271 § 55.]

SEC. 16. Section 6443 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Record of
sale.

Section 6443. The county treasurer, before delivering any certificate, must in a book enter a description of the land sold corresponding with the description in the certificate, the date of the sale, purchasers' names and amount paid, regularly number the description on the margin of the book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use. On filing the certificate with such county auditor the lien of the assessments vests in the purchaser and is only divested by the payment to him, or to the county treasurer, for his use, of the purchase money and one per cent per month from the day of sale until redemption.

[Amends
Rem.-Bal.,
§ 6444;
Pierce's
Code, 1912,
271 § 57.]

SEC. 17. Section 6444 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6444. A redemption of the property sold may be made by the owner or any party in interest within twelve

months from the date of purchase. Redemption must be made in gold or silver coin, as provided for the collection of state and county taxes, and when made to the treasurer he must credit the amount paid to the person named in the certificate and pay it on demand to the person or his assignee. In each report the treasurer makes to the board of directors he must name the persons entitled to redemption money and the amount due each. On receiving the certificate of sale the county auditor must file it and make an entry in a book similar to that required of the treasurer. On the presentation of the receipt of the person named in the certificate, or of the treasurer for his use, of the total amount of the redemption money, the auditor must mark the word "redeemed," the date and by whom redeemed, on the certificate and on the margin of the book where the entry of the certificate is made. If the property is not redeemed within twelve months from the sale the treasurer must make to the purchaser, or his assignees, a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The treasurer shall receive from the purchaser, for the use of the district, one dollar for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents and any person or district holding a duplicate certificate covering more than one tract of land, the several parcels or tracts of land mentioned in the certificate may be included in one deed.

SEC. 18. Section 6450 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6450. Any person to whom a contract may have been awarded for the construction of a canal or any of the works of the district, or any portion thereof, or for the furnishing of labor or material, shall enter into a bond with good and sufficient sureties, to be approved by the board of directors, payable to said district for its use, for at least

Redemption.

Auditor's record.

Deed to be issued in one year from sale.

Fee for deed.

[Amends Rem.-Bal., § 6450; Pierce's Code, 1912, 271 § 69.]

Contractor to give bond.

25 per cent of the amount of the contract price, conditioned for the faithful performance of said contract, and with such further conditions as may be required by law in the case of contracts for public work, and as may be required by resolution of the board. All works 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 of the district canal or canals, or other works, 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 a 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 portions or as a whole, to the lowest responsible bidder, or the board may reject any or all bids and readvertise, or may proceed to construct the work under its own superintendence: *Provided*, That the provisions of this section in regard to public bidding shall not apply in cases where the board is authorized to exchange bonds of the district in payment for labor and material.

Engineer
to approve
work.

Call for bids.

Rejection
of bids.

Bond may
be exchanged
without call
for bids.

[Amends
Rem.-Bal.,
§ 6451;
Pierce's
Code, 1912,
271 § 71.]

County
treasurer
ex-officio
district
treasurer.

SEC. 19. Section 6451 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6451. The county treasurer of the county in which is located the office of any irrigation 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 and 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 and taxes levied as in this chapter provided. There shall be deposited with said county treasurer all sums collected for the defraying of the expenses of the district, whether said sums are collected by tolls or special assessments, 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 irrigation districts, or provided for by this chapter, and shall place therein monies collected for said funds. The county treasurer shall pay out the monies received or deposited with him, or any portion thereof, upon warrants drawn on 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 fund upon the coupons and bonds presented to the treasurer. The said treasurer shall report, in writing, on the first Monday in each month to the board of directors of the district, the amount of money held by him, the amount 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 Monday 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 expenditures during the preceding month, and said report shall be filed in the office of the board.

Duties.

Treasurer
to report
to board.

SEC. 20. Section 6452 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

[Amends
Rem.-Bal.,
§ 6452;
Pierce's
Code, 1912,
271 § 73.]

Section 6452. The cost and expense of purchasing and acquiring property, and constructing the works and improvements herein provided for, and the expenses incidental thereto, and for the carrying out of the purposes of this chapter, may be paid by the board of directors out of the funds received from bond sales. For the purpose of de-

Expenses
paid by
bonds or
assessments.

fraying the expenses of the organization of the district, and of the care, operation, management, repair and improvement of such portions of said canal and works as are completed and in use, the board may either fix rates or tolls and charges, and collect the same from all persons using said canal for irrigation and other purposes, or they may provide for the payment of said expense by a levy of assessment therefor, or by both said tolls and assessment; if by the latter method, such levy shall be made on the completion and equalization of the assessment roll each year, and the board shall have the same powers and functions for the purposes of said levy as possessed by it in case of levy to pay bonds of the district. The procedure for the collection of assessments by such levy shall in all respects conform to the provisions of this chapter, relating to the payment of principal and interest of bonds herein provided for, and shall be made at same time.

Assessments collected for expenses same as for bonds.

[Amends Rem.-Bal., § 6466; Pierce's Code, 1912, 271 § 101.]

SEC. 21. Section 6466 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6466. The board of directors, as a condition precedent to the granting of the petition to include other lands in the district, shall require that the petitioners severally pay to such district such respective sums as shall be determined by the board at the hearing above provided for, which sums shall be such equitable amount as such lands shall pay having regard to placing said lands on the basis of equality with other lands in the district as to benefits received, and such lands shall also become subject to all taxes and assessments of the district thereafter imposed.

Conditions imposed on lands subsequently coming into district.

[Amends Rem.-Bal., § 6488; Pierce's Code, 1912, 271 § 145.]

SEC. 22. Section 6488 of Remington & Ballinger's Codes and Statutes of Washington is hereby amended to read as follows:

Section 6488. In case of the exclusion of any lands under the provisions of this act, the board of directors shall determine what refund, if any, shall be made to any person or persons who have paid any assessments to such district on any lands so excluded, but such refund, if any,

Refund to lands released from district.

shall be on a basis equitable alike to lands remaining in the district and lands excluded therefrom. Such payment shall be made in the same manner as other claims against the district, and from such fund or funds as the board of directors may designate, and which may be legally applied to such payments.

SEC. 23. All irrigation districts in the State of Washington, and all proceedings had for the organization of any irrigation district, and all proceedings now pending in or relating to any irrigation district, shall be governed and controlled by the terms of this act, and this act shall not be construed as abridging or abrogating any of the rights or privileges of any irrigation district now organized, or being organized, and any contract, obligation, lien or charge, or bonds of any district, which may have been made, incurred, authorized or issued, prior to the taking effect of this act shall not be abridged or impaired by the terms of this act, but this act shall be construed as being a continuation of, and in aid of the previously existing laws relating to irrigation districts, except as to the sections specially repealed; and if in any instance relating to an existing district or any of its proceedings, the term of this amendatory act shall not be legally applicable, the district may proceed, and any contract, obligation, lien or charge against it may be enforced, under the terms and provisions of the law relating to irrigation districts in force and in effect prior to the taking effect of this act.

This act affects proceedings already started.

SEC. 24. That sections 6448, 6458, 6459, 6460, 6461, 6474, 6484, and 6485 of Remington & Ballinger's Annotated Codes and Statutes of Washington, be, and the same are hereby repealed.

Repeal.
(Pierce's
Code, 1912,
271 §§ 85, 87,
89, 91, 117,
137 and 139.)

SEC. 25. Whereas, an emergency act entitled "An act relating to irrigation districts, amending sections 6427, 6439, 6441, 6442 and 6444, Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring the same necessary for the immediate need of the public peace, health and safety," was passed and enacted at the present session of the legislature of the State of Washing-

Chapter 13
supra
repealed.

ton ; and whereas, the subject matter of said entitled act is the same as covered by certain provisions of this act, and this act is the latest legislative declaration upon the subject matter contained therein, it is hereby declared that the prior emergency act aforesaid be, and the same shall be repealed upon the taking effect of this act, but said prior act shall remain in full force and virtue until the time when this act shall become effective.

Passed the House February 13, 1913.

Passed the Senate March 11, 1913.

Approved by the Governor March 22, 1913.

CHAPTER 166.

[H. B. 48.]

APPROPRIATION FOR BUREAU OF STATISTICS.

AN ACT making an appropriation for the bureau of statistics, agricultural and immigration for the fiscal period commencing April 1st, 1913, and ending April 1st, 1915.

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

Appropriation
\$25,000.00.

SECTION 1. For the purpose of enabling the State Bureau of Statistics, Agriculture and Immigration to give sufficient publicity to the resources, advantages, and products of the State of Washington, with the view of inducing proper immigration into the state, there is hereby appropriated out of the general fund in the state treasury for the use of said bureau during the fiscal period beginning April 1st, 1913, and ending April 1st, 1915, the sum of twenty-five thousand dollars, (\$25,000), said sum to include all the expenses of printing, postage, express, salary, traveling and incidentals incurred in such publicity work and in performing the regular duties of said bureau during the period named.

Passed the House March 10, 1913.

Passed the Senate March 12, 1913.

Approved by the Governor March 22, 1913.