to the size and capacity of berry boxes shall go into effect until January 1, 1914.

Passed the Senate March 10, 1913.

Passed the House March 10, 1913.

Approved by the Governor March 11, 1913.

CHAPTER 62.

[S. B. 429.]

AMENDING THE PORT DISTRICT ACT.

AN ACT to amend sections 2, 3, 4, 5, 6, 7 and 8 of, to repeal section 9 of, and to add a section relating to elections, to an act approved March 14, 1911, entitled: "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. Section 2 of the act approved March 14, 1911, entitled: "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," is hereby amended to read as follows:

Section 2. Formation of District.

Petition for district.

[Amends § 2, ch. 92, L. '11; Plerce's Code, 1912, 437 § 3.]

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. Such petition shall be filed with the county auditor, who shall within fifteen (15) days examine the signatures thereof and certify to

Examination of petition.

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 submit such proposition at the next general election or, if such petition so requests, the board of county commissioners shall, at their first meeting after the date of such certificate, by resolution, call a special election to be held not less than thirty (30) days nor more than sixty (60) days from the date of such certificate. The notice of election shall state the boundaries of the proposed port district and the object of such election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

Election.

"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 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).

Any petition for the formation of a port district may describe a district of less area than the county in which

Area of district. 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.

Petition for greater area has precedence.

SEC. 2. Section 3 of said act is hereby amended to read as follows:

Section 3. Powers of Commissioners. .

[Amends § 3. ch. 92; L. '11; Pierce's Code, 1912, 437 § 5.]

Canvass of returns.

Three commissioners. (Five commissioners in certain districts, see infra.)

Within five (5) days after such election the board of county commissioners shall canvass the returns, and 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 so declare in its canvass of the returns of such election, 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 within such port district, and is and has been a resident for a period of three (3) years, except as hereinafter provided, of the commissioner district from which he is elected. Port commissioners shall hold office for a term of three (3) years and until their respective successors are elected and qualified, each term to commence on the second Monday in January following the election thereto. 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; and 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, each of said terms to date from the second Monday in January following the election, but also to include the period intervening between the election and the second Monday in January following. 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 purpose, and the money paid out for such purpose shall be repaid to such county by the port district, if formed. Nominations for port commissioners at the first special election and at subsequent general elections shall Nominations. be by petition of one hundred (100) qualified electors of the commissioner district in which the candidate is a resi-

Term of

All to be voted for.

Highest vote fixes longest

Expenses of election paid

Vacancies.

Judges to appoint.

dent, to be filed in the office of the county auditor at least twenty (20) days prior to such election: Provided, however, That there shall be no election held on the first Saturday 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 at the next general election, the vacancy in the interim to be filled by appointment by a majority vote of the remaining port commissioners. In the event that such ad interim appointment shall not be made by the remaining commissioners within fifteen (15) days following the occurrence of the vacancy, the appointment shall be made by the judge of the superior court of the county, and if there is more than one such judge, by such judge who is oldest in years: Provided. That if there be more than three such judges, the appointment shall be made by the three persons holding such office who are the oldest in service therein (in determining seniority, the oldest in years being hereby designated where length of service is equal), and if any one or more of those herein designated shall be unable or shall decline to act, the three shall be made up from the one or more next in seniority of service who are able to act and do not decline. Of the three persons so designated, the appointment made in writing by any two shall be valid. If there should be at the same time such number of vacancies that there are not in office a majority of the full number of commissioners fixed by law, a special election shall be called to fill the same, by the remainder, or, that failing, by the board of county commissioners of the county, such election to be held not more than forty (40) days after the occurring of such vacancies. 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.

All the foregoing provisions of this section are subject to the following provisos: That in any port district which has a population of more than eighty thousand as shown by the last official census of the United States, the port commission shall, provided the proposition for a commission of five members is adopted at an election as hereinafter provided, consist of five members, one from each of the three commissioner districts of the port district as hereinbefore prescribed, and two commissioners at large elected from the port district without regard to residence commissioner districts. The two commissioners at large must have been residents of the port district for three years and shall be nominated and elected at the same time and in the same manner as the other commissioners except that the petition for their nomination may be signed by qualified electors residing in any part of the port district, and on the petition for the nomination and on the ballot the names of the candidates shall be designated as commissioners at large. The question of the number of commissioners shall be submitted at the first general election after the organization of any port district having said population of more than eighty thousand, or, in the case of any port district already established and having said population, then at the general election in December, 1913, or at any prior election called for some other purpose. There shall be printed on the ballot the words "In favor of a port commission of five members," and the words "Against a port commission of five members," so that every voter shall be enabled to vote for or against the proposition of increasing the number of commissioners to five. If at such election a majority of the voters voting on said proposition, shall vote in favor of a port commission of five members, then said proposition shall be thereby adopted and from and after five days after such election, if it be a general election, otherwise from and after five days after the next general election, the port commission shall consist of five members by the addition of two commissioners at large as hereinbefore provided, but if said proposition shall fail to receive the approval

Five commissioners in certain districts.

Electors to determine number of commissioners of a majority of the voters voting thereon, the port com-

mission shall continue to consist of three members only.

If the proposition shall have carried at a special election.

at the next general election, or if submitted at a general election, then at the same general election the names of can-

Additional commissioners to be commissioners-at-large.

Terms of offices of commissioners-at-large. didates for commissioners at large shall be printed on the ballot and shall be voted on, but in the latter case the election of commissioners at large shall be contingent upon the adoption of the proposition for a port commission of five members. If such proposition shall have been or shall be adopted, the two candidates for commissioner at large who receive the highest number of votes in the port district shall be elected, and of these two the candidate receiving the higher number of votes shall hold office for the term of three years, and the other shall hold office for the term of two years from the second Monday in January following, and in addition thereto both shall hold office for the period which begins five days after their election and extends to the commencement of the term on said second Monday in January. When the term of office of any commissioner at large shall be about to expire, his successor shall be elected at the general port district election next preceding the expiration of such term, and such successor shall hold office for the term of three years from the second Monday in January following. A majority of the persons holding the office of port commissioner at any

Quorum.

SEC. 3. That there be and is hereby added to said act a new section, numbered 3½, to read as follows:

time shall constitute a quorum of the port commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted unless there are in office at least a majority of the full number of com-

Section 3½. Elections.

missioners fixed by law.

General port district election.

New section

to ch. 92, L. '11.

> A general election shall be held on the first Saturday in December of each year for the election of a port commis

sioner or commissioners and for the sumbission of propositions, and special elections shall be held at such times and for such purposes as the port commission may by resolution prescribe, subject to the limitations and pursuant to the requirements of this act. All elections shall be called and held as in this section provided except as in this act otherwise expressly provided. All notices of election shall be given by publishing the same for a period of ten days in a daily newspaper of general circulation published in said port district, or, if there is no daily newspaper published therein, then in at least two issues of a weekly newspaper published in said port district, such publication to be made within a period of twenty (20) days immediately preceding such election; and by posting, for at least ten (10) days prior to the date of election, a written or printed notice of such election in each polling place within such port district. The published notice shall give the time of holding the election, the hours the polls will remain open, the officer or officers to be elected, and a statement of the propositions to be submitted, and the posted notices shall, in addition, give the location of the polling places.

There shall be not less than one polling place in each of the various wards of any incorporated city within such port district, and one polling place within each precinct of each port district not within the limits of any incorporated city. It shall be the duty of the county commissioners in the formation of a port district, and of the port commission in all subsequent elections, to, at least twenty (20) days before each election, designate the polling places and appoint three election officers for each place of voting. At all elections the vote shall be by ballot. The polls shall be open between such hours of the day as the commission shall designate, but in every case the polls shall be open between one o'clock p.m. and eight o'clock p.m. electors who are, at the time of such election, duly qualified to vote within their respective precincts under the general election laws for state and county officers shall be entitled to vote at any election held in such port district.

Notice of general election.

Polling

Registration books delivered to port election officers. Officers of the city and county having charge of the registration books of any city or precinct in a port district shall deliver the same for the use of the election officers at all port elections. 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, such books shall be delivered to the port commission and school district or other public corporation jointly, and the same polling places and registration books may be used jointly in such cases, and the same individuals may serve as election officers for all such joint elections, and in such cases the compensation of such election officers and other expense shall be so divided that the port district shall bear only its proportionate share thereof.

General election laws apply. The manner of conducting and voting at elections under this act, opening and closing of polls, keeping of poll lists, canvassing the votes, declaring the result, and certifying the returns, shall be the same as provided by the general election laws governing the election of state and county officers, except as otherwise provided in this act.

Counting

Immediately after the closing of the polls the election officers shall then and there, without removing the ballot box from the place where the ballots were cast, proceed to count the votes, and as soon as such count is completed a return thereof shall be signed by such election officers and securely enveloped and sealed and delivered, together with the ballot box containing the ballots, to the port commission, or some person delegated to receive the same on their behalf.

Canvass.

Within five days after the election, the port commission shall meet and proceed to canvass the returns of such election, and shall thereupon declare the result.

[Amends § 4, ch. 92, L. '11; Pierce's Code, 1912, 437 § 7.]

SEC. 4. Section 4 of said act is hereby amended to read as follows:

Section 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 districts, 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 in carrying out the provisions 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 insofar as such may be in- Procedure. consistent with the provisions of this act, 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; and 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 Sea walls, etc. 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 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 the issuance of local improvement bonds by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this act: Provided, how-

Eminent domain.

assessments or bonds.

Control of waterways.

Rates.

Filing of rates.

Notice of change.

ever. That the duties devolving upon the city treasurer under said laws be, and the same are hereby, imposed upon the county treasurer for the purposes of this act; and 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 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 and all natural or artificial waterways (waterways of commercial waterway districts excepted) within the limits of such port district so far and to the full extent that this state can grant the same, and remove obstructions therefrom; to straighten, widen, deepen and otherwise improve any and all waters, watercourses, bays, lakes or streams, whether navigable or otherwise, flowing through or located within the boundaries of such port district; to fix absolutely and without right of appeal or review the rates of wharfage, dockages, warehousing and port and terminal charges upon all improvements owned and operated directly by the port district itself, and ferry charges of ferries operated by itself: Provided, however, That the port commission shall file with the public service commission of the State of Washington its schedule of rates and charges so fixed, as is required by the laws of the State of Washington of public service corporations, and may not change any rate or charge so filed without first filing a notice of such change of rate or charge with the public service commission not less than thirty days prior to the going into effect of such change of rate or charge, and to fix, subject to state regulation rates of wharfage, dockage, warehousing and all necessary port and terminal charges upon all docks, wharves, warehouses, quays, or piers owned by said port district but operated under lease from it, 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 Leases. period longer than thirty (30) years, and every such lease shall be secured by a bond, with surety satisfactory to the port commission, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to carry out and perform the terms and conditions of such lease: Provided, That in any lease the term of which exceeds five (5) years, and when so stipulated in the lease (the insertion of such stipulation to be discretionary with the port commission) the port commission shall accept, with surety satisfactory to the port commission, a bond conditioned to carry out and perform the terms and conditions of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder), and in every such case the port commission shall require of the lessee another or other like bond to be executed and delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term, so that there will always be in force a bond securing the performance of the terms and conditions of the lease, and the penalty in every such bond shall be not less than the rental for one-half the period covered thereby, but no such bond shall be construed to secure the furnishing of any other bond; to sell and convey any property in anywise acquired or owned by the port district whenever the port commission of such district shall have by resolution declared such property to be no longer needed for the purpose of the port district, but no property which is a part of the comprehensive scheme or modification thereof adopted by vote of the people shall be sold or disposed of without the assent of a majority of the voters voting on the question of such proposed sale or disposition at a general or special election; to raise revenue by levy of an annual

Lessee's

Commission may sell property.

Vote to sell property.

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 taxes in school districts of the first class; to borrow money and issue bonds in an amount not exceeding three (3) 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. General bonds of any such district may be issued for any period not exceeding fifty (50) years.

Bonds may he issued.

[A mends \$ 5, ch. 92, L. '11 ; Pierce's Code, 1912, 437 § 9.]

Sec. 5. Section 5 of said act is hereby amended to read as follows:

Section 5. Port Commissioners—Organization—Contracts.

Commissioners to serve without compensation.

Officers of commission.

Funds.

Material. purchased.

Bids.

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 proceedings 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 required by the port district may be purchased in the open market or by contract, and all work ordered may be let by contract or done. by day labor as the port commission may determine. fore awarding any 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 Notice of bids. or materials upon plans and specifications to be submitted by the bidder. 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. 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. If, in the opinion of the commission, all bids are unsatisfactory, they may reject all of them and readvertise, and in 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 given to the port district for the performance of the contract and otherwise conditioned as required by law, with sureties satisfactory to the commissioners, in an amount to be fixed by the commission, but not in any event less than twenty-five (25) per cent. of the contract price. 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.

Bids may be

Good faith of bidder.

SEC. 6. Section 6 of said act is hereby amended to read as follows:

Section 6. Adoption of Harbor Improvement Plans.

It shall be the duty of the port commission of any port district, before creating any improvements hereunder, to

[Amends § 6, ch. 92, L. '11; Pierce's Code, 1912, 437 § 11.]

Scheme of improvement.

No expenditures until scheme is adopted. 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, including 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 an election which shall be held for such purpose.

[Amends § 7, ch. 92, L. '11; Pierce's Code, 1912, 437 § 13.]

SEC. 7. Section 7 of said act is hereby amended to read as follows:

Section 7. Improvement to Follow Plans Adopted.

Plan must be followed.

When such general plans shall have been adopted or approved, as aforesaid, every improvement to be made by said 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 an election held for such purpose.

[Amends § 8, ch. 92, L. '11; Pierce's Code. 1912, 437 § 15.] Sec. 8. Section 8 of said act is hereby amended to read as follows:

Private property not to be improved.

Section 8. Improvements—Ownership of.

No improvements shall be acquired or constructed, by the port district, unless such improvements shall, when completed, be the property of such port district, the county in which such port district is located, any commercial waterway district created within its boundaries, any city within such port district, 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, any commercial waterway district created within its boundaries, any city in such port district, the State of Washington or the United States of America, or all or any of them.

Sec. 9. Section 9 of said act is hereby repealed.

Passed the Senate February 27, 1913.

Passed the House March 5, 1913.

Approved by the Governor March 11, 1913.

CHAPTER 63.

[S. B. 447.]

APPROPRIATION FOR HIGHWAYS.

An Act relating to public highways and making an appropriation for the survey, construction and maintenance of state

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

SECTION 1. For the survey, construction and mainte- Appropriation \$1,613,300.00. nance of primary and secondary highways of the state, there is hereby appropriated out of the public highway fund the sum of \$1,613,300.00, apportioned in the manner hereinafter provided:

The Pacific Highway, for survey and construction, from Blaine southward towards Bellingham, the sum of The Pacific Highway, for survey and construction, be-	37,268	Pacific Highway.
tween the north line of King county and Belling- ham	93,176	
The Pacific Highway, for survey and construction, be- tween the south line of Pierce county and Van-		
couver, Washington		
The Pacific Highway, for maintenance	14,710	-
The Sunset Highway, for survey and construction, be- tween North Bend in King county and Cle Elum in		Sunset Highway.
Kittitas county	335,434	
The Sunset Highway, for survey and construction, between Wenatchee and Waterville	69,376	
The Sunset Highway, for survey and construction, from	,	
Reardan in Lincoln county westerly	73,703	
The Sunset Highway, for maintenance, between Wenatchee and Renton in King county	10.750	
	19,759	
The Sunset Highway, for maintenance, between Wenatchee and the Idaho state line	8,571	