

CHAPTER 51.

[S. S. E. 117.]

IRRIGATION DISTRICT BONDS.

AN ACT relating to the certification of bonds of irrigation districts, and the duties and powers of certain state officers, institutions and departments and the districts with respect thereto; and providing that this act shall take effect immediately.

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

SECTION 1. Whenever the Board of Directors of any irrigation district, organized and existing under and pursuant to the laws of the State of Washington, shall by resolution declare that it deems it desirable that any contemplated or outstanding bonds of such district, including any of its bonds authorized but not sold, be certified under the provisions of this act, such Board of Directors shall thereupon file a certified copy of such resolution with the Director of the Department of Conservation and Development of the State of Washington. Such Director on receipt of a certified copy of such resolution shall, without delay, make or cause to be made a full investigation of the affairs of the district.

Certification
desired.

SEC. 2. In connection with the investigation and report provided for in this act, the Director of the Department of Conservation and Development is authorized and directed to make written request upon any state officer, institution or department for information, opinion or advice relative to any features of such investigation pertinent to the work of such officer or department. Upon receipt of such written request from said director, such officer or department shall, without delay, make such investigation as may be necessary and shall then furnish the said director with a report in writing giving the

Director of
conservation
and
development,
request for
information.

information, opinion or advice required by said director.

SEC. 3. If, after the investigation herein provided for, the director finds that the project of the district is feasible, that the bond issue proposed to be certified is necessary and in sufficient amount to complete the improvement contemplated and that the district shows a clear probability of successful operation, he shall submit a complete transcript, to be furnished and certified by the district, of the proceedings relating to the organization and establishment of the district and relating to or affecting the validity of the bond issue involved, to the Attorney General, for his written opinion as to the legality of the same. If the Attorney General finds that any of the matters submitted in the transcript are not legally sufficient he shall so state in his opinion to the Director of the Department of Conservation and Development. The district shall then be given an opportunity, if possible, to correct the proceeding or thing complained of to the satisfaction of the Attorney General. If the Attorney General finds that all the matters submitted in the transcript as originally submitted or as subsequently corrected are legally sufficient said director shall thereupon file his report with the Secretary of State and forward a copy to the secretary of the district, to be kept among the records of the district.

Project
feasible.

Attorney
general.

Secretary
of state.

SEC. 4. Said report filed with the Secretary of State shall contain conclusions upon the following points:

Report.
contents.

(a) The supply of water available for the project and the right of the district to so much water as may be needed.

(b) The nature of the soil as to its fertility and susceptibility to irrigation, the probable amount of water needed for its irrigation and the probable need of drainage.

(c) The feasibility of the district's irrigation system and of the specific unit for which the bonds under consideration are desired, whether such system and unit be constructed, projected or partially completed; and the sufficiency of the amount of the proposed bond issue to complete the improvement contemplated.

(d) The reasonable market value of the water, water rights, canals, reservoirs, reservoir sites and irrigation works owned by such district or to be acquired or constructed by it with the proceeds of any such bonds.

(e) The reasonable market value of the lands included within the district.

(f) The plan of operation and maintenance used or contemplated by the district.

(g) The method of accounting employed or proposed to be employed by the district.

(h) Any other matter material to the investigation.

SEC. 5. Attached to said report of said director shall be the following:

(a) A certificate signed by the Supervisor of Hydraulics certifying to the amount and sufficiency of water rights available for the project.

(b) A certificate signed by a soil expert of the Washington State College, certifying as to the character of the soil and the classification of the lands in the district.

(c) A certificate signed by the Supervisor of Reclamation approving the general feasibility of the system of irrigation.

(d) A certificate signed by the Attorney General of the State of Washington approving the legality of the organization and establishment of the district and the legality of the bond issue offered for certification.

SEC. 6. When the proposed bond issue has been finally approved by the director, he shall file a supplemental report with the Secretary of State giving the numbers, date or dates of issue and denominations of said bonds which shall then be entitled to certification as herein provided.

Approval by director.

SEC. 7. All bonds issued by any eligible district availing itself of the provisions of this act shall, before sale by the district, have attached thereto the certificate of the Secretary of State, essentially in the following form:

Certificate of secretary of state.

Olympia, Washington, ... (Insert date).....

I,, Secretary of State of the State of Washington, do hereby certify that the above named district has been investigated and its project approved by the Department of Conservation and Development of the State of Washington; that the legality of the bond issue of which this bond is one has been approved by the Attorney General of the State of Washington, and that the carrying out of the purposes for which this bond was issued is under the supervision of said department, as provided by law.

[Seal]

.....

Secretary of State.

SEC. 8. All necessary expenses incurred in making the investigation, examination, opinions and reports in this act provided for shall be paid at such times and in such manner as the Director of the Department of Conservation and Development shall require, by the irrigation district, the affairs of which have been investigated and reported on by the said director: *Provided*, That the benefit of any service that may have been performed and any data that may have been obtained in pursuance of the requirements of any law other than this act, shall be available for the use of the director without charge to said district.

Expenses of investigation.

Expenditures
after
certification.

SEC. 9. Whenever the bonds of any irrigation district have been certified, as provided in this act, no expenditures shall be made from the proceeds of such bonds, nor shall any liability chargeable against such proceeds be incurred, until there shall have been filed with and approved by the Director of the Department of Conservation and Development a schedule of proposed expenditures in such form as said director shall prescribe, and no expenditures from the proceeds of said bonds shall be made for any purpose in excess of the amount allowed therefor in such schedule without the written consent of said director: *Provided, further,* That, if it shall be necessary, the Attorney General may employ competent attorneys to assist him in the performance of his duties under this act, said attorneys to be paid by the irrigation district for which services are rendered from any of the funds of said district at such time and in such manner as the Attorney General shall require.

Inspection
of work.

SEC. 10. During the progress of any work to be paid for from the proceeds of any bond issue certified as in this act provided, the Director of the Department of Conservation and Development shall make or cause to be made, from time to time, at the expense of the district, such inspection of the work as may be necessary to enable the said department to know that the plans approved by the director are being carried out without material modification, unless such modification has been approved by the director.

Installments
certified.

SEC. 11. Whenever the survey, examinations, drawings, and plans of an irrigation district, and the estimate of cost based thereon, shall provide that the works necessary for a completed project shall be constructed progressively over a period of years in accordance with a plan or schedule adopted by resolution of the board of directors of the district,

it shall not be necessary for the Secretary of State to certify at one time all of the bonds that have been voted for the said completed project; but such bonds may be certified from time to time, when approved by the Director of the Department of Conservation and Development, as needed by the district. If the Secretary of State shall certify all of the bonds necessary for the said completed project, even if said project is to be constructed progressively over a period of years in accordance with the aforesaid resolution of the board of directors, the bonds so voted and certified shall only be sold after prior written approval of said director.

SEC. 12. Districts coming within the provisions of this act shall prepare and maintain all records of their operation and proceedings upon forms prescribed by the Director of the Department of Conservation and Development.

Forms
prescribed.

SEC. 13. When the bonds of any district have been certified as provided herein, it shall be unlawful for the district, during the life of said bonds to expend any money or incur any obligation for construction purposes without the written approval of the Director of the Department of Conservation and Development, nor shall such district issue and sell any bonds not certified as herein provided, and the district shall annually at such time as said director shall prescribe, prepare and file with the director, on forms furnished by that officer, a budget of its contemplated expenditures for maintenance and operation during the ensuing year.

Expenditures
for
construction.

SEC. 14. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

Constitutionality

Emergency.

SEC. 15. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions and shall take effect immediately.

Passed the Senate February 13, 1923.

Passed the House February 21, 1923.

Permitted to become a law without the signature of the Governor.

J. GRANT HINKLE,
Secretary of State.

CHAPTER 52.

[S. B. 44.]

WATER WORKS BONDS.

AN ACT relating to bonds of cities of the third class, exchanging such bonds for bonds of local improvement districts issued for the construction of water systems, providing for their payment out of the water revenues of such city, fixing the portion of the charges for water sold to be applied to their payment, declaring certain violations of said act to be void and fixing a liability for the violation thereof.

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

SECTION 1. Wherever any public water system shall have been constructed within any local improvement district of any city of the third class for the construction of which bonds of such local improvement district have been issued and are outstanding and unpaid, and such city shall have taken over such system or shall be operating the same as a public utility, or shall have incorporated or connected such system into or with any system operated by such city as a public utility, and from the operation of which such city derives a revenue, such city may by resolution of its city council authorize the issue of bonds to an amount not exceeding the amount of the local improvement bonds issued for

Local
improvement
district,
bonds
outstanding.