

May exercise eminent domain right.

Approval of State Board of Health prerequisite.

Emergency.

board of commissioners, such commissioners being hereby duly empowered so to do; or such city or town may acquire such rights by eminent domain in the manner now provided by law. The rights herein granted shall be in addition to and in aid of existing rights: *Provided*, That no rights herein be granted any city or town until the same has been approved by the state board of health.

SEC. 2. This act is necessary for the immediate preservation of the public health and shall take effect immediately.

Passed the Senate March 9, 1927.

Passed the House March 8, 1927.

Approved by the Governor March 19, 1927.

CHAPTER 241.

[S. B. 128.]

PUBLIC IMPROVEMENT CONTRACTS: LIENS.

AN ACT regulating contracts for public improvements, and amending Section 10322, Remington's Compiled Statutes.

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

§ 9727-3, Pierce's Code; § 3, ch. 166, L. 1921.

Time for foreclosure of lien.

Forum in county where lien filed.

SECTION 1. That section 10322 of Remington's Compiled Statutes be amended to read as follows:

Section 10322. Any person, firm or corporation filing a lien claim against said reserve fund shall have four (4) months from the time of the filing of claims against said fund in which to bring an action for the foreclosure of such lien. The liens provided for in this chapter shall be enforced by a civil action in the superior court of the county wherein the lien was filed, and shall be governed by the laws regulating the proceedings in civil actions touching the mode and manner of trial, and the proceedings and laws to secure property so as to hold it for the

satisfaction of any lien that be against it: *Provided*, That, in any such action the state, county, city, town, district, board or other public body shall not be required to make any detailed answer to any complaint or other pleading served upon it, but instead shall be required only to certify to the court in which such action is pending the name of the contractor, the work contracted to be done, the date of contract, the date of completion and final acceptance of such work, the amount retained, and all claims filed with it showing respectively the dates of filing, the names of claimants and amounts claimed. Such certification shall operate to arrest payment of so much of the funds retained as is required to meet and discharge the claims of materialmen and laborers who filed their claims, as provided in section 10320 of Remington's Compiled Statutes, and render the same subject to payment thereafter as said court may direct. In the event the lien claimant fails to bring an action within the time provided for and limited herein, the said reserve fund shall be discharged from the lien of said claimant and the moneys so held shall be forthwith paid to the contractor: *Provided, however*, That the limitation of four (4) months provided for herein shall not be construed as a limitation upon the right to sue the contractor or his surety where no right of foreclosure against said fund is sought.

Answer required of state, city, etc.

Certify name of contractor, work performed, etc.

Certification arrests payment of retained funds.

Lien claimant's action not within time.

Reserve fund released.

No limitation upon right to sue contractor or surety.

Passed the Senate January 31, 1927.

Passed the House March 9, 1927.

Approved by the Governor March 19, 1927.