

CHAPTER 59.

[H. B. 131.]

STATE CONVICTS.

AN ACT relating to state convicts, and providing notice of conviction to be filed with the state auditor, and repealing an act relating thereto.

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

SECTION 1. That certain act entitled, "An act in relation to territorial convicts and providing notice of conviction to be filed with the territorial auditor," approved November 26, 1883 (sections 10243, 10244, 10245, 10246, Remington's Compiled Statutes), is hereby repealed. Acts repealed.

Passed the House February 28, 1931.

Passed the Senate March 11, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 60.

[H. B. 142.]

IRRIGATION DISTRICTS.

AN ACT relating to irrigation districts; elections therein; levy and collection of assessments, tolls, and charges thereby; the confirmation of proceedings relating thereto; and the dissolution of such districts; and amending Sections 6, 24, 25, 26, 37, 73, 74, 75, 76, and 77 of an act entitled "An act providing for the organization and government of irrigation districts and the sale of bonds arising therefrom, and declaring an emergency," pages 671 to 706 of the Laws of 1889-90, approved March 20, 1890, and Section 13 of Chapter CII (102) of the Laws of 1899.

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

SECTION 1. That section 6 on page 674 of the Laws of 1889-90 (section 7423 of Remington's Compiled Statutes) be amended to read as follows: Amends § 6,
Laws of
1889-90;
§ 7423, Rem.
Comp. Stat.

Inspector of election board, powers.

Section 6. The inspector is chairman of the election board, and may

First: Administer all oaths required in the progress of an election.

Oaths.

Second: Appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. Any member of the board of election, or any clerk thereof, may administer and certify oaths required to be administered during the progress of an election. The board of election for each precinct may, if they deem it necessary, before opening the polls, appoint two persons to act as clerks of the election. Before opening the polls, each member of the board and each clerk must take and subscribe an oath to faithfully perform the duties imposed upon them by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at 1 o'clock p. m. on the afternoon of the election, and be kept open until 8 o'clock p. m., when the same must be closed. The provisions of the general election law of this state, concerning the form of ballots to be used shall not apply to elections held under this act: *Provided*, That any district elections called before this act shall take effect shall be noticed and conducted in the manner prescribed by law in effect at the time the election is called.

Opening, closing of polls.

Conduct of elections.

Amends § 24, Laws of 1889-90; § 1, ch. 181, Laws of 1929; § 7442, Rem. Comp. Stat.

SEC. 2. That section 24 on page 684 of the laws of 1889-90, as amended by section 1 of chapter 181 of the Laws of 1929, (section 7442 of Remington's Compiled Statutes) be amended to read as follows:

Assessment roll.

Section 24. The assessment roll, before its equalization and adoption, shall be checked and verified as to descriptions and ownerships, with the county treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in which the lands therein de-

Delivery to treasurer.

scribed are located, and said assessments shall on that date become due and payable. Within twenty days thereafter the respective county treasurers shall each publish a notice in a newspaper published in their respective counties in which any portion of the district may lie, that said assessments are due and payable at the office of the county treasurer of the county in which said land is located and will become delinquent at five o'clock in the afternoon of the thirty-first day of May next thereafter, and interest at the rate of twelve percent per annum upon such unpaid assessments shall be charged from the date of delinquency until paid: *Provided, however,* That if one-half of such assessment be paid on or before said thirty-first day of May, then the time of the payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirtieth day of November following: but if the remaining one-half of such assessments be not paid on or before said thirtieth day of November, then such remaining one-half shall be delinquent and interest at the rate of twelve per cent per annum shall be charged thereon from the first day of June preceding until paid. The notice shall be published once a week for four successive weeks and shall be posted within said period of twenty days in some public place in said district.

Publication
of notice.

Delinquent
assessments.

Upon receiving the assessment roll the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown," and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

Assessment
book, entries.

Payments,
entries.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and 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 all assessments levied prior to the time this amendatory act takes effect the county treasurer shall collect the interest and penalty upon delinquent assessments in accordance with the law in effect at the time such assessments were levied; and on all assessments levied after this amendatory act takes effect it shall be the duty of the treasurer to collect the interest provided by this amendatory act.

Collection.

Statement of
assessments.

It shall be the duty of the county treasurer of the county in which any land in the district is located to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request, and all statements of general taxes covering any land in the district shall be accompanied by a statement showing the condition of irrigation district assessments against such lands: *Provided*, That the failure of the county treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district or proceedings had for the enforcement and collection of irrigation district assessments pursuant to this act.

Remittances.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

Amends § 25,
p. 684,
Laws of
1889-90; § 2,
ch. 181, Laws
of 1929;
§ 7443, Rem.
Comp. Stat.

SEC. 3. That section 25 on page 684 of the Laws of 1889-90, as amended by section 2 of chapter 181

of the Laws of 1929, (section 7443 of Remington's Compiled Statutes) be amended to read as follows:

Section 25. On or before the fifteenth day of December of each year, the county treasurer of the county in which the land is located shall cause to be posted the delinquency list which must contain the names of persons and a description of the property delinquent and the amount of the assessment and costs due, opposite each name and description.

Delinquency
list, publica-
tion.

He must append to and post with the delinquency list a notice that unless the assessments delinquent, together with costs and accrued interest, are paid, the real property upon which such assessments are a lien will be sold at public auction. The said notice and delinquent list shall be posted at least twenty days prior to the time of sale. One copy thereof shall be posted in the office of the county treasurer making the collection, one copy in the office of the board of directors and three copies in public places in each of the established voting precincts within the portion of said district lying in said county. Concurrent as nearly as possible with the date of the posting aforesaid, the said county treasurer shall publish a list of the places where said notices are posted, and in connection therewith a notice that unless delinquent assessments together with costs and accrued interest are paid, the real property upon which such assessments are a lien will be sold at public auction. Such notices must be published once a week for three successive weeks in a newspaper of general circulation published in the county within which the land is located; but said notice of publication need not comprise the delinquent list where the same is posted as herein provided. Both notices 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 date of posting and from the date of the first

Notice of
sale for
delinquent
assessments.

Posting.

Publication.

Contents.

publication of the notice thereof, and the place must be at some point designated by the treasurer.

Amends § 26,
p. 685,
Laws of
1889-90;
§ 3, ch. 181,
Laws of
1929; § 7444,
Rem. Comp.
Stat.

SEC. 4. That section 26 on page 685 of the Laws of 1889-90, as amended by section 3 of chapter 181 of the Laws of 1929 (section 7444 of Remington's Compiled Statutes) be amended to read as follows:

Sale,
conduct.

Section 26. The treasurer of the county in which the land is situated shall conduct the sale of all lands situated therein and must collect in addition to the assessment due as shown on the delinquent list the costs and expenses of sale and interest at the rate of twelve per cent per annum from the date of delinquency as hereinbefore provided if no part of said assessment as provided in section 3 of this act were paid on or before November thirtieth, or if fifty per cent thereof was paid on or before May thirty-first, interest at the rate of twelve per cent per annum on the fifty per cent of said assessment remaining unpaid from said date of delinquency until paid. On the day fixed for the sale, or some subsequent day to which he may have postponed it and between the hours of ten o'clock a. m. and three o'clock p. m., the county treasurer making the sale must commence the same, beginning at the head of the list, and continuing alphabetically, or in the numerical order of the parcels, lots or blocks, until completed. He may postpone the day of commencing the sale, or the sale from day to day, by giving oral notice thereof at the time of the postponement, but the sale must be completed within three weeks from the first day fixed.

Interest on
delinquent
assessments.

Sale post-
poned.

Amends § 37,
p. 690,
Laws of
1889-90;
§ 4, ch. 185,
Laws of
1929; § 7454,
Rem. Comp.
Stat.

SEC. 5. That section 37 on page 690 of the Laws of 1889-90, as amended by section 4 of chapter 185 of the Laws of 1929 (section 7454 of Remington's Compiled Statutes) be amended to read as follows:

Costs and
expenses.

Section 37. The cost and expense of purchasing and acquiring property, and construction, reconstruction, extension, and betterment of the works

and improvements herein provided for, and the expenses incidental thereto, and indebtedness to the United States for district lands assumed by the district, 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 defraying 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, or for the payment of any indebtedness due the United States or the State of Washington, 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 costs and expenses 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 purpose of said levy as possessed by it in case of levy to pay bonds of the district. The procedure of 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 the same time. If the toll and charge method is adopted in whole or in part the board of directors may fix rates or tolls and charges for irrigation and other public uses, and collect the same from all irrigable land in the district and from all persons using said canal for irrigation and other purposes. Such schedule of tolls for a given year shall be filed with the proper county treasurer within the same time as that provided by law for the filing of the annual assessment roll, and the county treasurer shall collect and receipt for the payment of said tolls and credit them to the proper funds of the district. The board may

Payment.

Charges and
tolls for use.Method of
collection.Schedule of
charges and
tolls.

Advance
payment.

Basis.

designate the time and manner of making such collections and shall require the same to be paid in advance of delivery of water and may accept short term interest bearing notes with or without collateral in their discretion for any portion of such charges. The board may base such charges upon the quantity of water to be delivered and may fix a minimum charge to be paid by each acre of land within the district which shall represent the delivery of a stated quantity of water in acre feet with the graduated charge for each additional acre foot of water delivered. The board may in the same year use the assessment method for part of the lands in the district and the toll and charges method for the remaining lands in the district in such proportion as it may deem advisable for the best interest of the district.

Charges and
tolls become
assessment.

All tolls and charges levied shall also at once become and constitute an assessment upon and against the lands for which they are levied, with the same force and effect, and the same manner of enforcement, in case of non-payment, as other assessments.

Amends § 73,
p. 703, Laws
of 1889-90;
§ 45, ch. 129,
Laws of
1921; § 7499,
Rem. Comp.
Stat.

SEC. 6. That section 73 on page 703 of the Laws of 1889-90, as amended by section 45 of chapter 129 of the Laws of 1921, (section 7499 of Remington's Compiled Statutes) be amended to read as follows:

Court pro-
ceedings to
confirm or-
ganization,
bonds, con-
tracts.

Section 73. The board of directors of an irrigation district, now or hereafter organized under the provisions of this chapter, may commence a special proceeding in and by which the proceedings for organizing such district or the proceedings of said board and of said district, providing for and authorizing the issue and sale of the bonds or refunding bonds of said district whether said bonds or refunding bonds or any of them have or have not then been sold or any contract entered or proposed to be entered into by the district, or any contract made or

entered into, or to be made or entered into, for the payment of moneys to the United States or the State of Washington in connection with which bonds be not deposited with the United States or the State of Washington as provided in section 6, chapter 129, Session Laws of 1921, may be judicially examined, approved and confirmed.

There may be combined with the proceeding for the confirmation of the organization and formation of said district, either of the other confirmation proceedings above mentioned.

Combined proceeding.

SEC. 7. That section 74 on page 703 of the Laws of 1889-90, as amended by section 18 of chapter 162 of the Laws of 1917, (section 7500 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 74, p. 703, Laws of 1889-90; § 18, ch. 162, Laws of 1917; § 7500, Rem. Comp. Stat.

Section 74. The board of directors of the irrigation district shall file in the superior court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying in effect, that the proceedings aforesaid may be examined, approved, and confirmed by the court. The petition shall state the facts, showing the proceedings had for the organization of said district or the proceedings had for the issue and sale of said bonds or for the issue and sale of said refunding bonds, or for the authorization of contract with the United States, or other contract described in said petition; and shall state generally that the irrigation district was duly organized, and that the first board of directors was duly elected; but the petition need not state the facts showing such organization of the district, or the election of said first board of directors.

Petition for court proceedings.

Contents.

SEC. 8. That section 75 on page 704 of the Laws of 1889-90, as amended by section 46 of chapter 129 of the Laws of 1921, (section 7501 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 75, p. 704, Laws of 1889-90; § 46, ch. 129, Laws of 1921; § 7501, Rem. Comp. Stat.

Section 75. The court shall fix the time for the hearing of said petition, and shall order the clerk

Time fixed for hearing.

of the court to give and publish a notice of the filing of said petition. The notice shall be given and published in the same manner and for the same length of time that a notice of a special election provided for by this chapter to determine whether the bonds of said district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition, and the prayer of the petition, and that any person interested in the organization of said district or in the proceedings for the issue or sale of said bonds or refunding bonds or for the authorization of contract with the United States, or the State of Washington, or any other contract, may, on or before the day fixed for the hearing of said petition, demur to or answer said petition. The petition may be referred to and described in said notice as the petition of the board of directors of irrigation district (giving its name) praying that the proceedings for the organization of said district or the proceedings for the issue and sale of the bonds of said district or for the authorization of contract with the United States, or the State of Washington, or other contracts, may be examined, approved, and confirmed by said court.

Amends § 76,
p. 704, Laws
of 1889-90 ;
§ 30, ch. 179,
Laws of
1915 : § 7502,
Rem. Comp.
Stat.

SEC. 9. That section 76 on page 704 of the Laws of 1889-90, as amended by section 30 of chapter 179 of the Laws of 1915, (section 7502 of Remington's Compiled Statutes) be amended to read as follows :

Appearance
in court
proceeding.

Section 76. Any person interested in said district or in the issue or sale of said bonds in the issue or sale of refunding bonds or in the making of a contract with the United States or any contract referred to in said petition may demur to or answer said petition. The statutes of this state respecting the demurrer, and the answer to a verified complaint, shall be applicable to a demurrer and answer to said petition. The person so demurring to or an-

swering said petition shall be the defendant to said special proceeding, and the board of directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer must, for the purposes of said special proceeding, be taken as true, and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by the statutes of this state, which are not inconsistent with the provisions of this chapter, are applicable to the special proceeding herein provided for. A motion for a new trial must be made upon the minutes of the court. The order granting a new trial must specify the issue to be re-examined on such new trial, and the findings of the court upon the other issues shall not be affected by such order granting a new trial.

Effect of answer.

Rules of pleading and practice.

Motion for new trial.

SEC. 10. That section 77 on page 705 of the Laws of 1889-90, as amended by section 47 of chapter 129 of the Laws of 1921, (section 7503 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 77, p. 705, Laws of 1889-90; § 47, ch. 129, Laws of 1921; § 7503, Rem. Comp. Stat.

Section 77. Upon the hearing of such special proceedings, the court shall have full power and jurisdiction to examine and determine the legality and validity of and approve and confirm each and all of the proceedings for the organization of said district under the provisions of this chapter from and including the petition for the organization of the district, and all other proceedings which may affect the legality of the formation of said district or the legality or validity of said bonds, or refunding bonds, and the order for the sale, and the sale thereof, and all proceedings which may affect the authorization or validity of the contract with the United States, or the State of Washington, or other contract. The court, in inquiring into the regularity, legality or correctness of said proceedings, must disregard any error, irregularity or omission which does not affect the substantial rights of the parties

Power and jurisdiction of court.

Court to disregard certain irregularities.

to said special proceedings, and it may approve and confirm such proceedings, in part, and disapprove and declare illegal or invalid other or subsequent parts of the proceedings. The court shall find and determine whether the notice of the filing of said petition has been duly given and published for the time and in the manner in this chapter prescribed. The costs of the special proceedings may be allowed and apportioned between all of the parties, in the discretion of the court.

Findings
of court.

Amends § 13,
ch. 102, Laws
of 1889;
§ 7543-1,
Rem. Comp.
Stat.

SEC. 11. That section 13 of chapter CII (102) of the Laws of 1889 (section 7543-1 of Remington's Compiled Statutes) be amended to read as follows:

Section 13. In all instances where fifty per cent of the acreage within an irrigation district has been sold to the district on account of delinquent district assessments, and more than one year has elapsed since the sale of said property to the district without redemption by the owners thereof, and the district is unable to raise sufficient revenue to meet its obligations when the same become due and payable, such district shall be deemed insolvent and the district board shall have authority to call an election in the district to determine whether the district shall discontinue operation and dissolve: *Provided*, That in case there are bonds of the district outstanding, written consent of the holders of at least fifty-one per cent (51%) in amount of such outstanding bonds shall be obtained by the district board before calling said election: *Provided, further*, That if any portion of such outstanding bonds are owned by the State of Washington the board of directors of such district shall give written notice to the director of conservation and development of the intention of the board of directors to call such election, and unless the director of conservation and development shall sign written objection to the calling of such election within ten (10) days after the giving of such notice the state shall be deemed as consenting thereto.

Dissolution
of insolvent
districts.

Election.

Consent of
bond holders.

Notice to
state.

Said election shall be called, shall be conducted and the results canvassed in the same manner substantially provided by law for a bond election in the district.

Passed the House March 3, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 18, 1931.

CHAPTER 61.

[H. B. 156.]

VETERANS' COMPENSATION BONDS.

AN ACT relating to finance, and directing the state treasurer to purchase with certain state funds bonds sold to pay additional compensation to veterans of the war with the Central Allied Powers, providing for the use of moneys in the state treasury for the purpose of paying bonds which are payable from the Veterans Compensation Bond Retirement Fund, and declaring that this act shall take effect immediately.

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

SECTION 1. The state treasurer is hereby directed to purchase, with any surplus money in the state treasury above the anticipated reasonable requirements of the various funds in the state treasury, outstanding bonds issued to pay additional compensation to veterans of the war with the Central Allied Powers as provided by chapter (1) of the Extraordinary Session of 1920, and amendments thereto.

State treasurer to purchase.

SEC. 2. Said state treasurer shall pay no greater price for such bonds than their par value plus accrued interest.

Price.

SEC. 3. Said state treasurer shall credit any and all interest received from such bonds to the various funds of the state treasury in proportion to the average balances maintained by such funds in the same manner as depositary interest is credited.

Interest credit.