

## CHAPTER 72.

[ H. B. 94. ]

## WATER DISTRICTS.

AN ACT providing for the holding of elections for the election of commissioners for water districts, amending Sections 2, 3, 6 and 15 of Chapter 114 of the Laws of 1929, and further amending said chapter by adding thereto a new section to be known as Section 11 relating to the method of payment for the acquirement, construction, operation, development and regulation of a water supply system for water districts authorized by said chapter, and declaring that this act shall take effect immediately.

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

SECTION 1. That section 6 of chapter 114 of the Laws of 1929, pages 222, 223 and 224, be amended to read as follows:

Amends § 6, ch. 114, Laws of 1929.

Section 6. At the same election at which the proposition is submitted to the voters as to whether the water district shall be formed, three water commissioners shall be elected to hold office respectively for the terms, one, two and three years and until their respective successors are elected. The term for each nominee for water commissioner to be expressed on the ballot. And thereafter, in Class "A" and first-class counties, as provided by chapter 53 of the Laws of 1923, page 172, or any amendment thereto, there shall be held each year an election for a water commissioner to hold office for three years and until his successor is elected and qualified. And thereafter, in all counties other than Class "A" and first-class, as provided by chapter 279, Laws of 1927, page 673, or any amendment thereto, there shall be held each year an election for a water commissioner to hold office for three years and until his successor is elected and qualified.

Commissioners, elected.

Term of office.

Class A and first class counties.

Nominees for water commissioners shall be by petition of at least ten per cent of the qualified elec-

Nominations.

tors of such water district, who shall be qualified electors on the date of filing the petition, to be filed in the county auditor's office of the county in which such district is located at least thirty days prior to such election, provided that in the event of a vacancy caused by death, resignation or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining board of water commissioners until the next regular election for water commissioners. Said board of water commissioners shall designate in their notice of election whether such election be a general or special election, the time of opening and closing of polls, and the place of voting, but in no event shall there be less than one voting place in each of the precincts of any city or town in such district and at least one voting place in any precinct in the water district outside of any town or city. The polls shall be open at every election held by said water district at least from one o'clock p. m. to eight o'clock p. m., but said board of water commissioners may keep the polls open for a longer period of time if they shall so order, but the time of opening and closing the polls must be stated in the notice of election and the polls shall be opened and closed in accordance with such notice. Any person residing in said water district who is at the time of holding of any election, a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such water district.

Registration  
books.

The officers of any city or town, or in any precinct in a water district where registration is required, having charge of the registration shall deliver the same to the water commissioners for the use of the election officers at any election held in a water district formed under and in accordance with the provisions of this act. And the registration of voters for election to be held in such water district shall be conducted by the city or town clerks and

Registration.

officer of registration of the city, town and territory embraced within said water district; and the notice prescribed to be given by section 5123 of Remington's Compiled Statutes or any amendment thereto shall constitute sufficient notice to citizens residing within said water district for registration for any general or special election therein, without the necessity for such notice specially stating that it is for registration for an election to be held in a water district. And any elector who shall have registered in accordance with the laws of this state, entitling him to vote at a general or special election in the city, town or territory comprised within such water district, within time to constitute same a good registration for any general or special election of said water district, shall be entitled to vote thereat without further or other registration. The city or town clerk or registration officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for a general or a special city or town municipal election, when not inconsistent with the foregoing provision, shall govern the registration of voters for elections held under this chapter, and the registration books of the city, town and territory comprising said water district shall be the books used by said water district, and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said water district shall be in accordance with the laws of this state and the charter provisions of the cities or towns within said water district if any there be, and in so far as the same are not inconsistent with the provisions of this act. All expense of elections for the formation of such water districts shall be paid by the county in which said election is held and such expenditure is hereby declared to be

Electors.

Registration officers.

Expenses of formation.

for a county purpose, and the money paid out for such purpose shall be repaid to such county by the water district if formed.

Adds § 11 to ch. 114, Laws of 1929.

SEC. 2. That chapter 114 of the Laws of 1929 be amended by adding thereto a new section to be known as section 11, to read as follows:

Issue of bonds, authorized.

Section 11. Whenever the qualified voters of any such water district shall hereafter adopt a proposition for a water supply as set out in section 10 of chapter 114 of the Laws of 1929, or any additions and betterments thereto, and shall hereafter authorize a general indebtedness for all the said proposition, or any part thereof, or any additions and betterments thereto, general water bonds to pay therefor may be issued as hereinafter provided: *Provided*, That nothing herein contained shall be construed to validate any bonds or indebtedness of any water district formed under the provisions of any prior act passed by the legislature and held to be unconstitutional by any court of the state. The said bonds shall be serial in form and maturity and numbered from one up consecutively. The said bonds shall bear interest not to exceed 6% per annum, payable semi-annually, with interest coupons attached. The various annual maturities shall commence with the second year after the date of issue of said bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds be met by an equal annual tax levy for the payment of said bonds and interest: *Provided, however*, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars.

Rate of interest, maturities.

Denominations.

Bonds issued under this act shall never be issued to run for a longer period than twenty years from the date of the issue and shall as near as practicable be issued for a period which will be equivalent to the life of the improvement to be acquired by the

issue of the bonds and shall be dated either July 1 or January 1.

The bonds shall be signed by the presiding officer of the board of the water district commissioners and shall all be attested by the secretary of the said board under the seal of the water district, and the interest coupons shall be signed by the facsimile signature of the presiding officer of the board of water district commissioners and shall be attested by the facsimile signature of the secretary of the board of water commissioners.

Signatures  
on bonds.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy sufficient to meet the annual or semi-annual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such water district.

Tax levy for  
payment.

Said bonds shall be sold in such manner as the corporate officers shall deem for the best interest of the water district, and at a price not less than par and accrued interest.

Sale.

SEC. 3. That section 2 of chapter 114 of the Laws of 1929 be amended to read as follows:

Amends § 2,  
ch. 114, Laws  
of 1929.

Section 2. For the purpose of formation of such water districts, a petition shall be presented to the board of county commissioners of the county in which said proposed water district is located, which petition shall set forth the object for the creation of the said district, shall designate the boundaries thereof and set forth the further fact that the establishment of said district will be conducive to the public health, convenience and welfare and will be of benefit to the property included therein. Said petition shall be signed by at least twenty-five per cent of the qualified electors who shall be qualified electors on the date of filing the petition, residing within the district described in the said petition. The said

Formation  
of district,  
petition.

Contents.

Signatures.

petition shall be filed with the county auditor, who shall, within ten days examine the signatures thereof and certify to 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 district. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the board of county commissioners. If such petition is certified to contain a sufficient number of signatures, then at a regular or special meeting of the board of county commissioners of such county, the said county commissioners shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein before the time at which the same is to be printed a notice that such a petition has been presented, stating the time of the meeting at which the same shall be presented, and setting forth the boundaries of said proposed district. When such a petition is presented for hearing, the board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all; and any person, firm or corporation may appear before the said board of county commissioners and make objections to the establishment of the said district or the proposed boundary lines thereof; and upon a final hearing said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether

Filed.

Withdrawal  
of names.

Notice of  
filing pub-  
lished.

Hearing.

Boundaries,  
change.

the proposed water district will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the said boundaries of said proposed district so established by the said board of county commissioners: *Provided*, That no lands which will not, in the judgment of said board, be benefited by inclusion therein, shall be included within the boundaries of said district as so established and defined: *And provided further*, That no change shall be made by the said board of county commissioners in the said boundary lines to include any territory outside of the boundaries described in the said petition, except that the boundaries of any proposed district may be extended by the board of county commissioners at such hearing to include other lands in said county upon a petition signed by the owners of all of the land within the proposed extension.

Benefited  
lands.

Boundaries  
extended.

SEC. 4. That section 3 of chapter 114 of the Laws of 1929 be amended to read as follows:

Amends § 3,  
ch. 114, Laws  
of 1929.

Section 3. Upon entry of the findings of the final hearing of the said petition by the said county commissioners of such county, if they find said proposed water system will be conducive to the public health, welfare and convenience and be of special benefit to the land included within the boundaries of the said proposed district, shall by resolution call a special election to be held not less than thirty days from the date of such certificate, and shall cause to be published a notice of such election for four successive weeks in a newspaper of general circulation in the county in which said proposed water district is located, which notice shall set the hours during which such polls will be open, boundaries of the proposed water district as finally adopted by the said county commissioners and the object of such election, and the said notice shall also be posted for ten days in ten public places in said proposed water

Special  
election on  
formation.

Notice.

district. In submitting the said proposition to the voters for their approval or rejection, such proposition shall be expressed on the ballots in the following terms:

Ballot.

Water District..... Yes

Water District..... No

Polling places.

giving in each instance the name of such district as may be decided by the board of county commissioners. There shall not be less than one polling place in each precinct in each incorporated city or town and one polling place in each precinct outside such cities or towns.

Amends § 15, ch. 114, Laws of 1929.

SEC. 5. That section 15 of chapter 114 of the Laws of 1929 be amended to read as follows:

Territory adjoining, annexation.

Section 15. The territory adjoining or in close proximity to and in the same county with any water district, after its organization, may be annexed to and become a part of such water district in the following manner: twenty-five per cent of the legal electors residing within the territory proposed to be annexed may petition the said water district commissioners of such water district and cause the question to be submitted to the legal electors of the territory proposed to be annexed whether such territory will be annexed and become a part of such adjoining water district. Upon the filing of such petition with the board of water commissioners of the water district, if the said water commissioners shall concur in the said petition, they shall then file such petition with the county auditor, who shall, within ten days, examine the signatures thereof and certify to 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 district. If such petition shall be found

Petition.

Signatures.



to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto to the board of county commissioners of the county in which the said district is located. In the event that there are no legal electors residing in the territory proposed to be annexed, such petition may be signed by such a number as appear of record to own at least a majority of the acreage in the proposed district, and the petition shall disclose the total number of acres of land in the territory proposed to be annexed and shall also contain the names of all record owners of land within the territory proposed to be annexed. Upon the filing of such petition for annexation with the board of water commissioners of the said water district, if the said water commissioners shall be satisfied as to the sufficiency of the petition and shall concur in the said petition, they shall thereupon transmit the petition, together with their certificate of concurrence attached thereto to the board of county commissioners of the county in which the water district is located. The board of county commissioners of such county, upon receipt from the county auditor of a petition certified to contain a sufficient number of signatures of legal electors, or upon a receipt from the board of commissioners of the water district of a petition signed by such a number as own at least a majority of the acreage, together with a certificate of concurrence signed by the board of water commissioners, at a regular or special meeting of the board of county commissioners of such county shall cause to be published for at least two weeks in two successive issues of some weekly newspaper printed and published in said county and in general circulation throughout the territory proposed to be annexed, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein, a notice that such a petition has

Notice of  
filing.

Publication.

been presented, stating the time of the meeting at which the same shall be presented, and setting forth the boundaries of the territory proposed to be annexed. When such petition is presented for hearing, the said board of county commissioners shall hear the same or may adjourn said hearing from time to time not exceeding one month in all, and any person, firm or corporation may appear before the board of county commissioners and make objections to the proposed boundary lines or to the annexation of the territory described in the petition; and upon a final hearing the said board of county commissioners shall make such changes in the proposed boundary lines as they deem to be proper and shall establish and define such boundaries and shall find whether the proposed annexation of the said territory as established by the said board of county commissioners to the said water district will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of the territory proposed to be annexed to the said water district and so established by the said board of county commissioners: *Provided*, That no lands which will not, in the judgment of said board, be benefited by inclusion therein, shall be included within the boundaries of said territory as so established and defined: *And provided further*, That no change shall be made by the said board of county commissioners in the said boundary lines, including any territory outside of the boundary lines described in the petition: *Provided further*, That no person having signed such petition as herein provided for shall be allowed to withdraw his name therefrom after the filing of the same with the board of water commissioners to said water district.

Upon the entry of the findings of the final hearing to the said petition by the said county commissioners of such county, if they find the said proposed annexation of the territory to the said water district

Hearing.

Boundaries.

Changes.

Withdrawal  
of signatures.

to be conducive to the public health, welfare and convenience and to be of special benefit to the land proposed to be annexed and included within the boundaries of the district, they shall give notice of a special election to be held within the boundaries of the territory proposed to be annexed to said water district for the purpose of determining whether the same shall be annexed to the said water district; and such notice shall particularly describe the boundaries established by the board of county commissioners on its final hearing of the said petition, and shall state the name of the water district to which the said territory is proposed to be annexed, and the same shall be published for at least two weeks prior to such election in a weekly newspaper printed and published within the county within which said district is located, and in case no such newspaper be printed or published in such county, then in some such newspaper of general circulation therein for two successive issues thereof, and shall be posted for the same period in at least four public places within the boundaries of the district proposed to be annexed, which notice shall designate the places within the territory proposed to be annexed to said water district where the said election shall be held, and shall require the voters to cast ballots which shall contain the words:

Special election, notice.

Publication.

Posting.

Ballots.

For Annexation to Water District

or

Against Annexation to Water District

The said county commissioners shall name the persons to act as judges at such election.

Judges of election.

SEC. 6. This act is necessary for the immediate preservation of the public health, peace and safety and shall take effect immediately.

Effective immediately.

Passed the House March 11, 1931.

Passed the Senate March 9, 1931.

Approved by the Governor March 17, 1931.