

CHAPTER 170.

[S. B. 159.]

DRAINAGE DISTRICTS.

AN ACT giving and granting additional powers to the commissioners of drainage districts, defining same within the meaning of this act, providing for the extension, improvement, and betterment of the systems therein and for the protection of such district, providing for the levy and collection of assessments against land within the boundaries of said district, granting the right of eminent domain, and providing procedure for the accomplishing of all such purposes, and declaring that this act shall take effect immediately.

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

Powers
of commis-
sioners of
district.

SECTION 1. Whenever in the judgment of the commissioners of any drainage district general benefits to the entire district will accrue therefrom, or the general plan for improvement as adopted by such district will be more fully or properly carried out thereby, the board of commissioners of such district is hereby given and granted authority and power to do the following things:

(a) Straighten, widen, deepen, improve, or alter the course of any existing drains or ditches in said district;

(b) Dig or construct any additional and auxiliary drains or ditches therein;

(c) Obtain, improve, or alter any existing reservoirs, spillways, or outlets;

(d) Lease, acquire, build, or construct additional, new, or better reservoirs, spillways, and outlets;

(e) Lease, acquire, erect, build, or construct and operate any pumping plant and acquire equipment necessary therefor;

(f) Divert, dam, or carry off the waters of any stream or water endangering or damaging said dis-

trict and protect against damage or flood from any waters whatsoever.

Provided, That in carrying out such powers, said commissioners shall not be authorized under this act to tap new sources of water which have other outlets and do not endanger the system or property of such district.

Not authorized to tap new sources of water.

SEC. 2. To pay for any work done under this act or matters incident thereto, the commissioners of said district may use any money raised or to be raised by collection of any unexhausted balance of assessed benefits as theretofore established upon the lands of said district and/or by assessments for maintenance, levied as provided by law; or they may issue warrants of such district redeemable by levies which shall be added to the annual cost of the maintenance of said system and be paid from the maintenance fund from time to time; or they may combine such methods of payment.

Methods of payment for any work done.

SEC. 3. Whenever the board of commissioners of any district desire to exercise any of the foregoing powers under this act, it shall pass a resolution declaring its intention to do so, which shall describe in general terms the proposed improvement to be undertaken. The resolution shall set a date upon which the board shall meet to determine whether such work shall be done. Thereafter a copy of such declaratory resolution and a notice of hearing shall be posted by the secretary or member of the board, in three public places in such district at least ten days before the date of hearing. The notice shall state the time and place of hearing and that plans therefor are on file with the secretary of the board subject to inspection by any party interested.

Resolution necessary to act.

Posting of notice.

Any property owner affected by such proposed improvement, or any property owner within such district, may appear at said hearing and object to

Protests to.

said proposed improvement by filing a written protest against the proposed action of the board. The protest shall clearly state the basis thereof. At such hearing, which shall be public, the board shall give full consideration to the proposed project and all protests filed, and on said date or any adjourned date, take final action thereon. If protests be filed before said hearing by owners of more than forty per cent of the property in said district, the board shall not have power to make the proposed improvement nor again initiate the same for one year. If the board determines to proceed with such project in its original or modified form, it shall thereupon adopt a resolution so declaring and adopt general plans therefor, which resolution may authorize the acquisition by condemnation, or otherwise, of the necessary rights and properties to complete the same. Any protestant who filed a written protest prior to said hearing may appeal from the order of the board, but to do so must, within ten days from the date of entering of such order, bring direct action in the superior court of the State of Washington in the county wherein such district is situated, against such board of directors in their official capacity, which action shall be prosecuted under the procedure for civil actions, with the right of appeal to the supreme court, as provided in civil actions. In any action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings and all other matters except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary, or unreasonable action of the board.

Adoption of resolution.

Protestant's right of appeal.

Authority of board to acquire lands.

SEC. 4. In carrying out the foregoing powers, or any other powers possessed by the board of commissioners of such district, said board shall have authority to acquire by lease, contract, private purchase, or purchase at any sale, any real or personal

property and to sell any real or personal property, or any part thereof, owned by said district when they find that the usefulness thereof to such district has ceased. Such board shall also have authority to enter into contracts with any other diking and/or drainage district, person, public or municipal corporation, flood control district, state, or the United States, with reference to sharing the costs or expenses of improvements for said district or the protection thereof, and bind its district by such contract.

Authority to enter in contracts.

SEC. 5. In carrying out any of the foregoing powers, said district shall not impair, damage, injure, or take any private property or interest therein, or vested rights, without just compensation being paid.

Must pay just compensation for all property used.

SEC. 6. In carrying out any of the foregoing powers, or any powers possessed by said district, it shall have the right of eminent domain to acquire any property or rights or interest therein, within or outside of the district, necessary for the use of such district for the construction and maintenance of any ditches, drains, dikes, dams, spillways, outlets, necessary appliances and structures in connection with the operation, alteration, enlargement, extension, or protection of its drainage system. The procedure for exercising the right of eminent domain shall be that provided by law for private corporations.

Right of eminent domain.

SEC. 7. The powers and rights herein granted are additional to, but not in substitution of, existing rights or powers of drainage districts. Drainage district as used herein shall mean a regularly established drainage, or drainage improvement district, combined diking and drainage improvement district, or drainage district exercising combined diking and drainage power.

Shall not affect existing rights and powers.

Drainage district defined.

Partial
invalidity.

SEC. 8. If any section, provision, or subdivision of a section of this act shall be adjudged to be invalid or unconstitutional, such adjudgment shall not affect the validity of the act as a whole, or any other section, subdivision, or provision thereof.

Effective
immediately.

SEC. 9. 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 March 9, 1935.

Passed the House March 14, 1935.

Approved by the Governor March 22, 1935.

CHAPTER 171.

[S. B. 76.]

SAVINGS AND LOAN ASSOCIATIONS; NATIONAL HOUSING ACT.

AN ACT relating to the organization, management and supervision of savings and loan associations; authorizing associations to procure mortgage insurance from the Federal housing administration and savings insurance from the Federal savings and loan insurance corporation; enabling such associations to correlate with the Federal housing administration under titles II, III, and IV of the national housing act; authorizing associations to cancel notices of withdrawal; amending sections 47, 49, 56, 78 and 112 of chapter 183, Laws of 1933, and declaring that this act shall take effect immediately.

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

Amends § 47,
ch. 183, Laws
of 1933.

Correlation
with Federal
housing ad-
ministration.

SECTION 1. That section 47 of chapter 183 of the Laws of 1933 be amended to read as follows:

Section 47. Every association shall have power to purchase, own, vote, and sell stock in, or act as agent for, a Federal home loan bank; to procure insurance from the Federal housing administration or the administrator thereof, under the provisions of title II of the national housing act, upon any or all of