

support of the state government and its existing institutions and shall take effect immediately.

Passed the House March 6, 1937.

Passed the Senate February 25, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 72.

[H. B. 507.]

FLOOD CONTROL DISTRICTS.

AN ACT authorizing the creation, operation, and maintenance of flood control districts, prescribing the objects and powers of such districts, fixing the duties and authority of certain officers and persons in relation thereto, providing for the levy and collection of assessments against lands within the boundaries of such districts, authorizing the issuance and sale of bonds and other evidences of district indebtedness, and the execution of contracts with the United States, the State of Washington and political subdivisions thereof, for the accomplishment of district purposes, making violations of certain provisions of the act a misdemeanor, and declaring that this act shall take effect immediately.

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

SECTION 1. Flood control districts may be created and maintained in this state, as herein provided, for the protection of life and property, the preservation of the public health and the conservation and development of the natural resources of the State of Washington.

Flood control districts.

SEC. 2. Such flood control districts shall be organized to provide for the ultimate necessary control of the entire part, or all, of the stream system of any stream or tributary, or for the protection against tidal or any bodies of water, within this state and may include all or part of the territory of any county and may combine the territory in two or more such

Two or more counties.

counties, in which any of the lands benefited from the organization and maintenance of a flood control district are situated.

"State director."

SEC. 3. The term "state director" wherever used in this act shall be held and construed to be the state director of the department of conservation and development, and the term "state supervisor" wherever used in this act shall be held and construed to be the state supervisor of hydraulics, or their respective duly appointed, qualified and acting assistants.

"State supervisor."

Purpose of act.

SEC. 4. Such flood control districts may be organized or maintained for any, or all, the following general purposes:

(1) The investigation, planning, construction, improvement, replacement, repair or acquisition of dams, dikes, levees, ditches, channels, canals, banks, revetments and other works, appliances, machinery and equipment and property and rights connected therewith or incidental thereto, convenient and necessary to control floods and lessen their danger and damages;

Cooperation with U. S.

(2) The cooperation with any agency or agencies of the United States and/or of the State of Washington in investigating and controlling floods and in lessening flood dangers and damages.

Public lands included.

SEC. 5. State granted school or other public lands of the State of Washington may be included within such flood control districts.

Leases or contracts.

SEC. 6. All leases, contracts or other form of holding any interest in any state or public land shall be treated as the private property of the lessee or owner of the contractual or possessory interest therein: *Provided*, That nothing in this act or in any proceeding authorized thereunder shall be construed to affect the title of the state or other public ownership.

SEC. 7. Lands of the Federal government may be included within such districts in the manner and subject to the conditions, now or hereafter specified in the statutes of the United States.

Inclusion of
Federal
lands.

SEC. 8. As a first step toward the creation of such a flood control district a landowners' petition signed by landowners representing not less than fifty per cent (50%) of the acreage proposed to be included within the district shall be filed with the state director, together with such proof of said land ownership as shall be satisfactory to said director: *Provided*, That the acreage represented by the signers of the petition shall not be held nor construed to be a limitation on the powers of the boundary commission hereinafter provided for to fix the boundaries of the district in the manner and to the extent authorized in this act.

Landowners'
petition.

SEC. 9. Said landowners' petition shall set forth in general terms the objects sought and the means by which the same may be accomplished by the creation of the proposed district, shall describe generally in terms of government sections, townships and ranges, the territory to be benefited, and may contain allegations regarding any other matter deemed material by the petitioners, shall be signed by each of the petitioners, and shall specify their respective post office addresses.

Contents of
petition.

SEC. 10. Neither the form, nor any of the allegations, of said landowners' petition shall be held or construed to be jurisdictional or to deprive the state director or the boundary commission hereinafter provided for of the authority, duties, and privileges in connection with the creation of the proposed district prescribed by the provisions of this act.

Not to
deprive
director or
commission
of authority.

Sec. 11. Upon the filing of said landowners' petition, as herein provided, the state director shall refer the same to the appropriate division or divisions of

Investigation
to determine
feasibility
of project.

his department for such investigation, at the expense of the department, as he shall deem advisable to determine the probable feasibility of the project proposed in the petition: *Provided*, That said state director shall not be required to consider said petition unless ample appropriation of funds for the purpose has been made.

Director
may request
information.

SEC. 12. In connection with the investigation provided for in the preceding section, said state director may make written request upon any officer, institution, or department, of the state for information, opinion or advice relative to any features of such investigation which are pertinently within the scope of the prescribed work of such officer, institution or department. Upon receipt of such written request, it shall be the duty of the officer, institution or department to whom or to which the request is made, to furnish the state director in writing, without undue delay, the information, opinion or advice requested by said state director.

Report of
findings.

SEC. 13. Said state director shall cause the investigation to be carried on as expeditiously as possible and shall make written report of his findings within ninety (90) days from the day of the receipt of the landowners' petition: *Provided*, That a written extension of time for making said report may be given by a majority of the petitioners.

Dismissal of
petition.

SEC. 14. If, upon said investigation, the state director finds that the project outlined in said landowners' petition shows little or no probable feasibility, is not conducive to the public welfare, or is not consistent with a comprehensive plan of development, he shall so declare in the report of his findings and dismiss said petition.

Petition
approved.

SEC. 15. If, however, upon said investigation, the state director finds that the project outlined in said landowners' petition or such modification of the

project as said director shall suggest, shows probable feasibility, is conducive to the public welfare, and is consistent with a comprehensive plan of development, he shall so declare in the report of his findings, and shall approve the petition subject to any suggested modifications.

SEC. 16. The original landowners' petition and the report of the state director's findings shall be given an appropriate title and shall remain a part of the records of the department of said state director. Petition designated.

SEC. 17. Said state director shall forthwith mail or deliver a copy of the written report of his findings to the petitioner whose name first appears on the landowners' petition, unless otherwise directed in the petition, in which latter event the same shall be mailed or delivered personally to the person designated in the petition. Said state director shall, at the same time, mail a copy of said report, with a copy of said landowners' petition attached, to the board of county commissioners of each county in which any of the lands to be benefited from the organization and maintenance of the flood control district are situated. Copy of report to petitioners.

SEC. 18. It shall be the duty of the board of county commissioners to which a copy of the report of said state director, with a copy of said landowners' petition attached, has been mailed, as aforesaid, to file the same among the records of its office and to permit the inspection of said report and attached landowners' petition, during its office hours by any interested person. Copy to county commissioners.

SEC. 19. Upon the approval of the project, either as originally proposed in the landowners' petition or as modified by the suggestions of the state director in the report of his findings, said state director is authorized to, and shall, create a commission which shall consider and determine the feasibility of the Public records.

SEC. 19. Upon the approval of the project, either as originally proposed in the landowners' petition or as modified by the suggestions of the state director in the report of his findings, said state director is authorized to, and shall, create a commission which shall consider and determine the feasibility of the Commission created.

project and the boundaries of the proposed flood control district and which shall file a written report of its findings with the state director.

Com-
mis-
sion-
ers,
quali-
fica-
tions.

SEC. 20. The state director shall select and appoint the members of said commission and the same shall be composed of the state supervisor of hydraulics, or his duly appointed, qualified and acting assistant, a hydraulic and civil engineer of recognized professional standing, the county agricultural agent of one of the counties in which the land proposed to be included within the district is situated, if such agent is available, and if not, then a county agricultural agent of a neighboring county having flood problems somewhat similar to those of the area within the proposed district, and two residents of the region affected, at least one of which shall be conversant with property values within said region: *Provided*, That the state director shall have the power at all times to select and appoint as a member of said commission any person in his judgment qualified for the position, where any of the officials or persons above designated are not available or to fill a vacancy or vacancies in the personnel of said commission.

Ex-officio
chairman.

Quorum.

SEC. 21. The state supervisor of hydraulics shall be ex-officio chairman and the hydraulic and civil engineer member shall be ex-officio clerk and executive officer of said commission. A majority of the members of said commission shall constitute a quorum for the transaction or exercise of any of its powers, functions, duties, and business. Each member of the commission present at any meeting thereof shall be entitled to vote upon any matter coming before it, and a majority vote of those present upon any question shall constitute the commission's determination of said question.

Authority
and powers.

SEC. 22. Said commission shall have and it hereby is given full authority to prescribe rules for

the government of its deliberations, to employ necessary help and service, to receive evidence, to make investigation independent of the record before it, to determine the feasibility of the proposed project and to establish the boundaries of the proposed flood control district, to adjourn its meetings from time to time and place to place and to do any and all things necessary, appropriate or incidental to the determination of the questions properly coming before it for determination.

SEC. 23. In considering the feasibility of the project, the commission shall be authorized to formulate a plan of proposed construction and an estimate of its cost itemized generally so as to be reasonably specific as to the various parts and units thereof; including a plan of finance and of cooperation with other agencies: *Provided*, That such plans and the estimates of cost shall be tentative and preliminary only and shall not be held or construed to be a limitation on the right and authority of the district if created to adopt such plans and to carry out such improvements and installations as the district officials shall decide upon in accordance with the provisions of the law relating to the adoption and approval of plans.

Tentative
plans and
estimates.

SEC. 24. Special meetings of said commission may be called by the chairman or by any three other members of said commission, by written notice specifying the time and place of the meeting, mailed by United States mail to each member at his address shown in the records of the commission.

Special
meetings.

SEC. 25. In the event of lack of quorum at any meeting of the commission, one or more members thereof shall have authority to adjourn any meeting to a place and day certain upon notifying the absent members by United States mail of the time and place to which said meeting was adjourned.

Lack of
quorum.

Expenses.

SEC. 26. Unless otherwise provided for, the necessary expenses of the commission and of the individual members thereof in performing the duties and functions of said commission, shall be borne by the state department of conservation and development.

Hearing,
time and
place.

SEC. 27. At the time of mailing a copy of his findings, with a copy of the landowners' petition attached, to the board or boards of county commissioners as aforesaid, or at any time thereafter, said state director shall fix a time and place for hearing said report and attached petition and shall mail to said board or boards of county commissioners as the case may be, to the petitioner to whom a copy of the report of his findings was mailed, and to each member of said boundary commission, a written statement setting forth the time and place fixed, including the hour when the hearing will begin.

Place fixed
to be
reasonably
convenient.

SEC. 28. The place to be fixed for said hearing shall be some suitable place reasonably convenient for the attendance of the land owners and others concerned.

Publication
of notices.

SEC. 29. Whenever a notice for any purpose is required under the provisions of this act to be published in a newspaper of general circulation published in a certain county and where there is no newspaper of general circulation published in that county, the person or official whose duty it is to cause such notice to be published, shall have authority to designate some newspaper of general circulation published outside said county for the publication of the required notice as to the territory in said county (naming it in the notice) and the publication in the paper published outside said county shall meet the requirements of the statute and have the same legal effect as though the notice had been in a newspaper published in said county.

SEC. 30. Said notice shall be published for at least three (3) consecutive weekly issues and the day of the last issue shall not be less than ten (10) days prior to the day set for said hearing.

Published
three con-
secutive
weeks.

SEC. 31. Said notice shall state that a landowners' petition for the creation of a flood control district under the provisions of this act, giving the chapter of the published session laws of the state and the year of the legislative session which enacted the law, has been filed with the state director of the department of conservation and development, who has made a report of his findings upon investigation of the same; that copies of said petition and said report have been filed with the boards of county commissioners of each of the counties in which any of the lands benefited from the organization and maintenance of a flood control district are situated and may be inspected at the offices of these boards during office hours by any interested person; shall specify generally the boundaries of the proposed district, shall mention the time and place of hearing upon said matter and shall state that all persons having or claiming any interest in the lands, or in any part thereof, situated within the boundaries of the proposed district, and all persons otherwise interested, are required at or before the time of said hearing to file in writing with said state director, as chairman of the boundary commission provided for in this act, such objections as they may have, if any, to the creation of said district. Said notice shall carry the name of the chairman of said commission, together with his post office address, at its conclusion.

Contents
of notice.

SEC. 32. The course of the boundary lines of the proposed district shall be located with regard generally to the contour of the territory involved and the benefits which the included lands shall receive from the control of the floods therein by the creation

Boundary
lines.

Description.

and maintenance of the proposed district, and may be located on government section, township and range lines or lines of fractional parts of sections, where such method of location in the opinion of said director will not violate substantially the elements above mentioned to be considered in determining the course of the boundary lines of the district.

Alternative method of describing boundaries.

SEC. 33. As an alternative method of describing the boundaries of the proposed district in said notice of hearing on the matter it shall also be permissible and proper to describe such boundary by a survey traverse showing courses and distances with appropriate ties to government corners: *Provided, however,* That where this method of description is followed there shall be submitted and filed with the commission report a map of the proposed district with the boundary lines platted thereon.

Map.

Meeting to consider boundaries.

SEC. 34. At the time and place designated in said notice, the commission shall meet to consider the boundaries to be established for the proposed district. Said commission shall first determine whether notice of the hearing has been published in the manner and for the time required by this act and shall file the affidavits of the publisher of said notice among the records of the hearing.

SEC. 35. If it is determined that the notice of the hearing has not been properly published, the commission shall so find and adjourn the hearing to a time and place certain and order the proper publication of the notice of hearing. If it is determined that notice of the hearing has been properly published, the commission shall so find and shall proceed to receive any pertinent evidence that may be offered in regard to the creation of the proposed district.

Commission authorized to change boundaries.

SEC. 36. Said commission shall have full authority to consider the lands and territory that will be benefited by the project and to increase or diminish

the area or change the boundaries thereof to include benefited lands, shall exclude therefrom any territory that will not be benefited thereby: *Provided*, That no lands not within the boundaries described in the notice of hearing shall be included within the district without the written consent of the owners thereof, and said commission shall establish and define the boundaries so as to subserve the best interests of the district and to enable it to carry out the objects of its creation.

SEC. 37. In defining the district boundaries so established, the commission shall have authority to describe the same by any of the methods outlined and provided herein for the description of district boundaries in the notice of hearing upon said matter.

SEC. 38. At said hearing the commission shall designate a name for the district and shall direct that the state director of the department of conservation and development call an election to be held therein for the purpose of determining whether or not the district with boundaries established by the commission shall be created under the provisions of this act.

District
named.

SEC. 39. The determination of said commission establishing and describing the boundaries of the proposed flood control district shall be construed to be a legislative determination that the lands and territory included within the same will be benefited in accordance with their respective ratios of benefits to the extent necessary to pay in full from time to time the district's share of the costs and obligations of every nature required in constructing, operating and maintaining said project and in acquiring the property and rights necessary therefor and incidental thereto and such determination, when approved by a favorable vote of the electors of the district, at the first election, as herein provided for, shall be conclusive upon the courts except for actual fraud or

Commission's
determination
of
boundaries
construed
to be a
legislative
determination.

arbitrary action on the part of said commission in establishing and describing said boundaries.

Commission dissolved.

SEC. 40. Upon the full and final determination of the boundaries of the proposed district, as aforesaid, the commission shall turn all papers and records involved in its deliberations over to the state director of the department of conservation and development and said papers and records shall be preserved among the records of said department and upon the expiration of two years thereafter all powers and functions of said commission shall cease and said commission shall *ipso facto* be dissolved and discharged.

Proposal to establish district submitted to electors.

SEC. 41. It shall be the duty of said state director forthwith to call an election in said district. For this purpose, said state director shall have full authority to give notice of said election in the manner provided by this act, to establish and define voting precincts and polling places therein, to appoint the required election officials, to provide for election supplies and to do all things necessary for the calling, noticing, conducting and canvassing of said election.

Notice of election.

SEC. 42. Said election shall be called, notice thereof shall be given, and the same shall be conducted and the results thereof determined in the same manner substantially as that for the calling, noticing, conducting and canvassing of general annual elections as hereinafter provided in this act.

Majority of 60% required.

SEC. 43. If the proposition to establish the district fails to receive a sixty per cent (60%) majority of the votes cast at said election, the state director shall forthwith so find and file the same among the records of his department under the title of the designated flood control district and a copy of his finding to that effect shall be mailed to the board of county commissioners of each county in which any

of the lands within the boundaries of the proposed district were situated and shall be by the board preserved among the records of its office.

SEC. 44. Upon the finding of the state director that the proposition to establish the district failed to receive a sixty per cent (60%) majority of the votes cast at said election and the filing of the same among the records of his department, all proceedings had to create the proposed district shall become nullified and of no effect and the project cannot be revived without the initiation of new proceedings from the beginning as in this act provided.

Proceedings
nullified.

SEC. 45. If the proposition to establish the district receive a sixty per cent (60%) majority of the votes cast at said election, the state director shall so find and shall have authority to, and shall make an order declaring the territory within the boundaries of the district duly established as a flood control district under the provisions of this act and file the same among the records of his department.

Order
establishing
district.

SEC. 46. A certified copy of said order establishing the district shall be filed for record in the office of the county auditor of each county in which any lands within the flood control district are situated. The certified copy of said order shall be entitled to record without payment of filing or recording fee.

Certified
copy filed.

SEC. 47. From and after the filing of a certified copy of the state director's order establishing the district for record in the office of the county auditor of each county as aforesaid, the creation of the district shall be complete and its existence cannot thereafter be legally questioned by any individual or corporation except the State of Washington in an appropriate court action brought within six (6) months from the date of the state director's order establishing the district. If the existence of said district is not challenged by the State of Washington

Challenge.

within the period above specified, it shall thereafter be forever barred from questioning the legal existence of said district by reason of any defect in the proceedings had for the creation of said district.

Appoint-
ment of
directors.

SEC. 48. Upon the creation of the district as aforesaid, the state director shall have authority, and it shall be his duty, to appoint three (3) qualified electors of the district to act as the first directors therefor.

SEC. 49. The district directors appointed by the state director shall be empowered to act as such officers, with full powers, immediately upon qualifying and organizing as a board in the manner provided in this act for district directors generally and shall hold office until the next annual election held in the district and until their successors are elected or appointed and have qualified.

District
constitutes
a body
corporate.

SEC. 50. A flood control district created under this act shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all powers that may now or hereafter be conferred by law, and shall not be liable for the torts of their officers, agents and servants.

Powers.

SEC. 51. Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues,

and to do any and all lawful acts required and expedient to carry out the purpose of this act.

SEC. 52. Duly created flood control districts, when maintaining and operating flood control works, shall have authority incidental thereto to lease, acquire, construct, operate and maintain appropriate instrumentalities for the use and sale or lease of water for any and all beneficial purposes and for the drainage, diking, or irrigation of lands upon the payment to the district of the reasonable cost of such service on a semi-annual or monthly toll basis.

Flood
control
works.

SEC. 53. Said flood control districts shall also have authority to issue and sell bonds of the district payable partially or exclusively from the income derived from said tolls above mentioned, as in this act provided.

Issuance
of bonds.

SEC. 54. Flood control districts created under the provisions of this act shall have authority to act as fiscal agent or other authority for the United States to make collections of money for or on behalf of the United States or any Federal agency thereof in connection with the operations of said district, whereupon said district and the county treasurer for said district shall be authorized to act and to assume the duties and liabilities incident to such action and the district board shall have full power to do any and all things required by any statute now or hereafter enacted in connection therewith and to do all things required by the rules and regulations now or that may hereafter be established by any department or agency of the state or Federal government in regard thereto.

Fiscal agent.

SEC. 55. The district board shall have authority to enter into any obligation or contract authorized by law with the United States or with the State of Washington for the supervision of the construction, for the construction, reconstruction, betterment, ex-

Contract
with state
or U. S. for
construc-
tion, etc.

tension, purchase, operation or maintenance of the necessary works for the control of floods or for any other service furthering the objects for which said flood control district is created under the provisions of the law of the State of Washington or of the United States and all amendments or extensions thereof and the rules and regulations established thereunder.

Contract with state or U. S. for assumption of control and management.

SEC. 56. Flood control districts created under this act shall have authority to enter into contracts with, and/or contribute funds to, the United States or any agency thereof, or with, and/or contribute funds to, the State of Washington, under any act of Congress or of the State of Washington now in force or hereafter enacted for the assumption of the control and management of the works for such period as may be designated in the contract, or other cooperative arrangement.

Bonds deposited with U. S.

SEC. 57. In case a contract has been or shall be hereafter made between the district and the United States, or any agency thereof, or with the State of Washington, as herein provided, bonds of the district may be deposited with the United States, or any agency thereof, or with the State of Washington, as payment or as security for future payment at not less than ninety per cent (90%) of the par value, the interest on said bonds to be provided for by assessment and levy as in the case of bonds of the district sold to private persons and regularly paid to the United States, or any agency thereof, or to the State of Washington, to be applied as provided in such contract and if bonds of the district are not so deposited it shall be the duty of the board of directors to include as part of any levy or assessment against the lands of the district, an amount sufficient to meet each year all payments accruing under the terms of any such contract.

SEC. 58. No contract, however, requiring the levy of assessments for more than one (1) year shall be entered into by the district as above provided unless a proposition of entering into such a contract shall have first been submitted to the electors of the district as herein provided for the calling, noticing, conducting and canvassing of special district elections, and by said electors approved.

Proposition
submitted
to electors.

SEC. 59. Contracts entered into by districts for construction or for services or materials, may provide that payments shall be made in such monthly proportion of the contract price, as the board shall determine thereon, as the work progresses, or as the services or materials are furnished, on monthly estimates of the value thereof, approved by the state director. Before the district shall enter into any contract, the plans, specifications and form of contract therefor shall be approved by the state director.

Contracts
for construction,
services,
or material.

SEC. 60. Contracts for construction, or for labor or materials entering into the construction of any improvement authorized by the district shall be awarded at public bidding except as herein otherwise provided. A notice calling for sealed proposals shall be published in such newspaper or newspapers of general circulation as the board shall designate for a period of not less than two (2) weeks (three weekly issues) prior to the day of the opening of the bids. Such proposals shall be accompanied by a certified check for such amount as the board shall decide upon, to guarantee a compliance with the bid and shall be opened in public at the time and place designated in the notice. The contract shall be awarded to the lowest and best responsible bidder: *Provided*, That the board shall have authority to reject any or all bids.

Contracts
awarded at
public
bidding.

SEC. 61. Any person, except the State of Washington and the United States, acting under the pro-

Contractor's
bond.

visions of this act, to whom or to which a contract may have been awarded by the district for construction purposes, or for labor or materials entering therein when the total amount to be paid therefor exceeds one thousand dollars (\$1,000.00), shall enter into a bond to the State of Washington, with good and sufficient sureties, to be approved and filed with the state director, for at least seventy-five per cent (75%) of the contract price, conditioned for the faithful performance of said contract and with such further conditions as may be required by law.

Authority
to contract
without
public
bidding.

SEC. 62. Districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor or materials entering therein, without public bidding, with the written approval and consent of the state director in instances of genuine emergency to be declared by said director or in any instance where the contract price does not exceed one thousand dollars (\$1,000.00).

Force
account.

SEC. 63. Any proposed improvement or part thereof, not exceeding one thousand dollars (\$1,000.00) in cost may be constructed by the district by force account, under the supervision of the state director who shall have full authority in behalf of the district and at its expense to manage the construction work and to contract for such labor, services, equipment and materials as shall be necessary for that purpose.

Schedule
filed.

SEC. 64. Before beginning the construction of any improvement, or unit thereof, there shall be filed with and approved by the state director a schedule of the proposed expenditures in such form as said director shall prescribe, and no expenditures from the proceeds of any bonds authorized under this act shall be made for any purpose in excess of the amount allowed therefor in such schedule without the written consent of said director.

SEC. 65. All construction work done by or in behalf of the district shall be done to the satisfaction of the state director, and no final nor monthly settlement shall be made with a person, firm or corporation, doing such work on contract with the district, until the work has been inspected at the expense of the district and a certificate of approval given, by said director.

Certificate
of approval.

SEC. 66. The district shall have authority upon the adoption of a comprehensive plan of flood control with the approval of the state director to provide for the construction of the same partially and in parts or units and all the benefited lands in the district shall be liable for assessment to defray the costs of such partial construction or such parts or units until the entire plan has been completed and fully paid for.

Assessments.

SEC. 67. Districts shall prepare and maintain all records of their operation proceedings upon forms prescribed by the state director and furnished at the expense of the district.

Records.

SEC. 68. The taking and damaging of property or rights therein or thereto by a flood control district to construct an improvement or to fully carry out the purposes of its organization are hereby declared to be for a public use, and any district organized under the provisions of this act, shall have and exercise the power of eminent domain to acquire any property or rights therein or thereto either inside or outside the operation of the district and outside the State of Washington, if necessary, for the use of the district.

Eminent
domain.

SEC. 69. Flood control districts exercising the power of eminent domain shall proceed in the name of the district in the manner provided by law for the appropriation of real property or of rights therein or thereto, by private corporations, except as otherwise expressly provided herein.

Procedure.

Consolidation
of condem-
nation
actions.

SEC. 70. The district may at its option unite in a single action proceedings to condemn, for its use, property which is held by separate owners. Two or more condemnation suits instituted separately may also, in the discretion of the court, be consolidated upon motion of any interested party, into a single action. In such cases, the jury shall render separate verdicts for the different tracts of land.

Verdict for
damages
sustained.

SEC. 71. The jury, or court if the jury be waived, in such condemnation proceedings shall find and return a verdict for the amount of damages sustained: *Provided*, That the court or jury, in determining the amount of damages, shall take into consideration the special benefits, if any, that will accrue to the property damaged by reason of the improvement for which the land is sought to be condemned, and shall make special findings in the verdict of the gross amount of damages to be sustained and the gross amount of special benefits that will accrue. If it shall appear by the verdict of findings, that the gross damages exceed said gross special benefits, judgment shall be entered against the district, and in favor of the owner or owners of the property damaged, in the amount of the excess of damages over said benefits, and for the costs of the proceedings, and upon payment of the judgment to the clerk of the court for the owner or owners, a decree of appropriation shall be entered, vesting the title to the property appropriated in the district.

Gross
amount of
damages.

Gross
amount of
special
benefits.

Judgment
for costs.

SEC. 72. If it shall appear by the verdict that the gross special benefits equal or exceed the gross damages, judgment shall be entered against the district and in favor of the owner or owners for the costs only, and upon payment of the judgment for costs a decree of appropriation shall be entered vesting the title to the property in the district.

Assessments
against un-
condemned
lands.

SEC. 73. If the damages found in any condemnation proceedings are to be paid for from funds of the

flood control district, no finding of the jury or court as to benefits or damages shall in any manner abridge the right of the district to levy and collect assessments for district purposes against the uncondemned lands situated within the district.

SEC. 74. The damages thus allowed but not paid shall be applied *pro tanto* to the satisfaction of the levies made for such construction costs upon the lands on account of which the damages were awarded: *Provided*, That nothing herein contained shall be construed to prevent the district from assessing the remaining lands of the owner or owners, so damaged, for deficiencies on account of the principal and interest on bonds and for other benefits not considered by the jury in the condemnation proceedings.

Damages allowed applied to satisfaction of levies.

Deficiencies.

SEC. 75. The title acquired by the district in condemnation proceedings shall be the fee simple title or such lesser estate as shall be designated in the decree of appropriation.

Fee simple title acquired.

SEC. 76. The district board and its agents and employees shall have the right to enter upon any land, to make surveys and may locate the necessary flood control works and the line for canal or canals, dike or dikes and other instrumentalities and the necessary branches and parts for the same on any lands which may be deemed necessary for such location.

Right to enter upon lands.

SEC. 77. Whenever in the progress of the construction of the system of district improvement, it shall become necessary to construct a portion of such system across any public or other road or public utility, the district board shall serve notice in writing upon the public officers, corporation or person having charge of or controlling or owning such road or public utility, as the case may be, of the present necessity of such crossing, giving the location, kind,

Construction of system across public roads.

dimensions and requirement thereof, for the purpose of the system of improvement, and stating a reasonable time to be fixed by the state director, within which plans for such crossing must be filed for approval in case the public officer, corporation or person controlling or owning such road or public utility desire to construct such crossing. As soon as convenient, within the time fixed in the notice, the public officers, corporation or person shall, if they desire to construct such crossing, prepare and submit to the state director for approval duplicate detailed plans and specifications for such crossing. Upon submission of such plans, the state director shall, at the expense of the district, examine and may modify the same to meet the requirements of the system of district improvement, and when such plans or modified plans are satisfactory to the state director, he shall approve the same and return one thereof to the public officers, corporation or person submitting the same, and file the duplicate in his office, and shall notify such public officers, corporation or person of the time within which said crossing must be constructed. Upon the return of such approved plans, the public officers, corporation or person controlling such road or public utility shall, within the time fixed by the state director, construct such crossing in accordance with the approved plans. In case such public officers, corporation or person controlling or owning such road or public utility shall fail to file plans for such crossing within the time prescribed in the notice, the district board shall proceed with the construction of such crossing in such manner as will cause no unnecessary injury to or interference with such road or public utility. The cost of construction and maintenance of only such crossings or such portion of such cost as would not have been necessary but for the construction of the system of improvement shall be a proper charge

Plans and specifications.

Cost of construction.

against the district, and only the actual cost of such improvement constructed in accordance with the approved plans shall be charged against the district in the case of crossings constructed by others than the district. The amount of costs of construction allowed as a charge against the district shall be credited ratably on the assessments against the property on which the crossing is constructed if chargeable therewith, until the same is fully satisfied.

SEC. 78. The right of way is hereby given, dedicated and set apart to locate, construct and maintain district works over and through any of the lands which are now or may hereafter be the property of the State of Washington, except lands of said state actually dedicated to public use.

Right-of-way
over state
land.

SEC. 79. Flood control districts organized under the provisions of this act shall have authority to construct, operate and maintain any and all necessary flood control works inside and outside the boundaries of the district.

Authority to
construct
works inside
and outside
boundaries.

SEC. 80. It shall be unlawful for any person, firm or corporation or public authority to erect, construct or install any improvement involving the obstruction or restriction of the natural drainage of any stream or streams controlled by a flood control district without giving the state director written notice thereof sixty (60) days prior to the commencement of any work connected with or involved in such improvement.

Obstructions
to natural
drainage.

Notice
to state
director.

SEC. 81. Said notice shall state generally the nature, size, and location of the proposed improvement and the probable date when work on the same will be begun, and shall be signed by the person, firm or officer in charge of the plans for such improvement.

Contents.

SEC. 82. Said state director shall forthwith mail a copy of said notice to the chairman of the board of

Copy to
district
board
chairman.

directors of the district and shall, at the expense of the district, make such investigation through the appropriate divisions of his department of the proposed improvement as he shall deem advisable to determine whether the same and the maintenance thereof will be inimical to the best interests of the district.

Records open to inspection of state director.

SEC. 83. All the records pertaining to the plan of the proposed improvement shall be open to inspection of said state director and any one in charge of such records refusing to allow said state director to inspect the same shall be guilty of a misdemeanor.

Report of findings.

SEC. 84. Upon the conclusion of his investigation, the state director shall mail or deliver a written report of his findings to the person, firm, corporation or public authority proposing said improvement and a copy thereof to the chairman of the district board.

Injunctions.

SEC. 85. If said state director shall find that said improvement will result in material injury to the operation of the district, said district shall have full authority to institute appropriate proceedings enjoining any work on said improvement until the plans for the same have been changed to avoid damage to and interference with the district's flood control operations. The findings of the state director shall be qualified as evidence in such proceedings and the conclusion therein shall be deemed *prima facie* correct.

Supervision of dams and obstructions.

SEC. 86. Said state supervisor shall also have supervision and control over all dams and obstructions in streams flowing into any flood control district, and may make any reasonable regulation with respect thereto concerning the flow of water, which he deems necessary for the protection of the works in operation of the flood control district.

District directors.

SEC. 87. Flood control districts shall be managed by a board of directors consisting of three (3) mem-

bers. The directors shall organize as a board each year, after any new members have qualified and shall elect a chairman from their number and appoint a secretary to hold office at its pleasure and who shall keep a record of its proceedings.

SEC. 88. The term of each director shall be three (3) years from and after the first day of April next succeeding his election and he shall serve until his successor has been elected or appointed and has qualified. Term of office.

SEC. 89. A majority of the directors shall constitute a quorum for the transaction of business, and in all matters requiring action by the board, there shall be a concurrence of at least a majority of the directors. Quorum.

SEC. 90. The board shall have the power and it shall be its duty to adopt a seal of the district, to manage and conduct the business affairs of the district, to employ and appoint such agents, engineers, attorneys, officers and employees as may be necessary, and prescribe their duties, to establish reasonable by-laws, rules and regulations for the government and management of affairs of the district, and generally to perform any and all acts necessary to carry out the purpose of the district organization. Powers.

SEC. 91. The office of the directors and principal place of business of the district shall be at some place within the district to be designated by the board. Said office and place of business cannot thereafter be changed, except with the previous written consent of the state director and without passing a resolution to that effect at a previous regular meeting of the board, entered in the minutes thereof and without posting a notice of the change in a conspicuous public place at or near the place of business which is to be changed at least ten (10) days prior thereto and by the previous posting of a Office.

copy of said notice for the same length of time at or near the new location of the office.

Monthly meetings.

SEC. 92. The directors shall hold a regular monthly meeting at their office on such day in each month as the board shall designate in their by-laws, and may adjourn any meeting from time to time as may be required for the proper transaction of business: *Provided*, That the day of the regular monthly meeting cannot be changed, except in the manner prescribed herein for changing the place of business of the district.

Special meetings.

SEC. 93. Special meetings of the board may be called at any time by order of a majority of the directors. Any member not joining in said order shall be given, by United States mail, at least a three (3) days' notice of such meeting, unless the same is waived in writing, which notice shall also specify the business to be transacted and the board at such special meeting shall have no authority to transact any business other than that specified in the notice, unless the transaction of any other business is agreed to in writing by all the members of the board.

Meetings to be public.

SEC. 94. All meetings of the directors must be public. All records of the board shall be open for the inspection of any elector of the district during business hours of the day in which any meeting of the board is held. The by-laws, rules and regulations of the board shall be printed in convenient form for distribution in the district.

Compensation.

SEC. 95. The board of directors shall each receive not to exceed three dollars (\$3.00) per day in attending the meetings, to be determined by said board, and such compensation, not exceeding three dollars (\$3.00) per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, directors shall

receive necessary expenses in attending meetings or when otherwise engaged on district business. The board shall fix the compensation to be paid to the secretary and all other agents and employees of the district.

SEC. 96. No director or any other officer named in this chapter shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision, such officer shall be deemed guilty of a misdemeanor, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail not exceeding six (6) months, or by both fine and imprisonment: *Provided*, That nothing in this section contained shall be construed to prevent any district officer from being employed by the district as foreman or as a day laborer,

Beneficial interest in contracts prohibited.

Penalty.

SEC. 97. Any district elector as defined herein resident in the state of Washington shall be eligible to hold any district office: *Provided*, That a majority of the members of the board of directors shall be resident in the counties or county, in which the lands included within the operation of the district are situated, and if at any election more than one elector residing outside of such county or counties be voted for, only that one of the nonresident candidates who receives the highest number of votes shall be considered in ascertaining and computing the result of the election.

Eligibility to hold district office.

Majority of board members to be residents of district.

SEC. 98. In case any member of the district board is absent at the time of any regular monthly meeting of said board, and a quorum of said board cannot be obtained by reason of the absence of said member, it shall be the duty of the chairman of the

Absence of member of district board.

board of county commissioners of the county in which the office of the district board is located to act in place of said absent member, and the acts of the district board at said meeting shall be valid so far as a quorum is concerned and shall have the same effect as though said absent member were present and acting thereat.

District directors, tenure.

SEC. 99. The term of office for a member of the board of district directors shall be three (3) years, or until his successor has been elected or appointed and qualified, except as hereon otherwise provided. In case of a vacancy in said office, the same shall be filled by appointment by the state director, and the person so appointed shall serve until his successor has been elected at the next annual election of directors and has qualified to serve for the unexpired term.

Election.

SEC. 100. At the first annual district election, the terms of the office of director shall be one (1), two (2) and three (3) years. At said election candidates shall be elected for each of said terms of office. One candidate shall be elected to serve for one (1), two (2), and three (3) years respectively.

Oath of office.

SEC. 101. Every district officer, upon taking office, shall take and subscribe an official oath for the faithful discharge of the duties of his office during the term of his incumbency and each director shall at the cost of the district furnish an official bond conditioned upon the faithful performance of the duties of his office in such amount as the director of the department of conservation and development shall prescribe, to be approved by said director as to sufficiency, and all said oaths and bonds shall be filed in the office of the county clerk of the county in which the office of the district is located.

Official bond.

Surety bond.

SEC. 102. Every district officer or employee handling any district funds [shall] execute a surety

bond payable to the district in the sum of double the estimated amount of funds handled monthly, conditioned that the principal will strictly account for all monies or credit received by him for the use of the district. Each bond and the amount thereof shall be approved by the state director and the same shall be recorded in the office of his department and thereafter filed with the secretary of the district.

SEC. 103. All official bonds executed by district officers under the provisions of this act shall be secured at the cost of the district.

Bond premiums paid by district.

SEC. 104. Every person, upon the expiration or sooner termination of his term of office as an officer of the district, shall immediately turn over and deliver, under oath, to his successor in office, all records, books, papers and other property under his control and belonging to such office. In case of the death of any officer, his legal representative shall turn over and deliver such records, books, papers and other property to the successor in office of such deceased person.

Records delivered to successor.

SEC. 105. The county treasurer of any county in which lands within the flood control district are situated, whose office is nearest distant by public highway to the office of the district board and principal place of business of the district, shall be and is hereby constituted ex-officio district treasurer, who shall collect all district assessments and shall keep all district funds required by law.

County treasurer, ex-officio district treasurer.

SEC. 106. The county treasurer who is required under this act to be the ex-officio district treasurer shall be determined by the state director and his determination shall be final and conclusive.

Designation by state director.

SEC. 107. Any county treasurer collecting or handling funds of the district shall be liable upon his official bond and to criminal prosecution for mal-

Liable on bond.

feasance, misfeasance or nonfeasance in office relative to any of his duties prescribed herein.

County treasurer to collect and receipt for assessments.

SEC. 108. It shall be the duty of the county treasurer of each county, in which lands included within the operation of the district are located, to collect and receipt for all assessments levied as herein provided, and forward monthly all sums so collected to the ex-officio district treasurer who shall place the same to the credit of the proper fund of the district.

Warrants.

SEC. 109. The ex-officio district treasurer shall pay out monies collected or deposited with him in behalf of the district, or portions thereof, upon warrants issued by the county auditor against the proper funds of the districts, except the sums to be paid out of the bond fund upon the coupons or bonds presented to the treasurer.

Monthly report of ex-officio district treasurer.

SEC. 110. The said ex-officio district treasurer shall report in writing on or before the 15th day of each month to the district board, the amount of money held by him, the amount in each fund, the amount of receipts for the month preceding in each fund, and the amount or amounts paid out of each fund, and said report shall be filed with the secretary of the board.

Annual election.

SEC. 111. An annual election shall be held for the district on the first Tuesday in March of each year for the election of a director or directors as the case may be and to determine any proposition that may be legally submitted to the electors.

Special elections.

SEC. 112. Special elections may be held at any time upon resolution of the district board.

Voting precincts and polling places.

SEC. 113. The voting precincts and polling places for any district election may be established and defined by the district board at any meeting thereof held prior to the beginning of the publication or post-

ing of the notice of said election; any change in voting precincts or polling places shall be so noted and clearly described in the notice of the next succeeding election; said district board shall at any time prior to any election held in said district appoint the necessary election officers for each of said precincts.

SEC. 114. The polling places for all elections held under the provisions of this act shall be located, if possible, on lands included within the operation of the district. If lands within the district suitable for polling places cannot be found, part of all of said polling places may be located by the district board on lands situated in the vicinity of such lands: *Provided*, That in all cases the precincts which each polling place is to serve shall be clearly defined in the notice of election.

Location
polling
places.

SEC. 115. Where any nonassessable area is situated within the boundaries of any district, any notice, delinquent list or other announcement required by this act to be posted, may be so posted in such area, and any election held or to be held pursuant to the provisions of this act, may be held within such area.

Nonassess-
able areas.

SEC. 116. No election shall be held under the provisions of this act unless at least two (2) weeks prior to the day thereof a notice of the same is given by posting a copy thereof in three (3) public places in each election precinct, at the polling place therein, and also in the office of the district board.

Notice of
election.

SEC. 117. In the case of the election to determine whether the district shall be established, the notice thereof shall be given by the state director; in all other cases the notice shall be given by the secretary of the district board.

By whom.

SEC. 118. Notice of all elections except that for the election of district officers, in addition to being posted as above provided, shall also be published

Publication.

once a week, for at least two (2) weeks (three weekly issues) prior to the day of election, in a newspaper of general circulation published in the county where the office of the district board is located and if any portion of the district, as existing or proposed, lies within another county or counties, then said notice shall be published in like manner in a newspaper of general circulation published within each of said counties.

**Contents
of notice.**

SEC. 119. Notice of all district elections shall include the following:

1. It shall name the district and the voting precincts and shall designate the polling place for each;
2. It shall name the day of election and shall state that the polls will be open from one (1) o'clock p. m. until eight (8) o'clock p. m. of said day;
3. It shall state the purpose and object of the election.

**Election
officers.**

SEC. 120. The officers of election for each precinct shall consist of the inspector, two (2) judges and two (2) clerks.

The inspector is chairman of the election board, and may:

First, administer all oaths required in the progress of an election;

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 must, before opening the polls, appoint two (2) 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 one (1) o'clock p. m. on the day of the election, and be kept open until eight (8) 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.

Polls opened.

SEC. 121. All district elections shall be by ballot, and in case of election of officials, the ballots shall designate the term for which the person voted for is a candidate.

Voting by ballot.

Voting may commence as soon as the polls are opened, and may be continued during all the time the polls remain opened. As soon as the polls are closed, the judges shall open the ballot box and commence counting the votes; and in no case shall the ballot box be removed from the room in which the election is held until all the ballots have been counted. The counting of ballots shall in all cases be public. The ballots shall be taken out, one by one, by the inspector or one of the judges, who shall open them and read aloud the names of each person contained therein, and the office for which every such person is voted for, or the proposition and the vote thereon. Each clerk shall write down each office to be filled, and the name of each person voted for such office, or the proposition voted on and shall keep the number of votes by tallies, as they are read aloud by the inspector or judge. The counting of votes shall be continued without adjournment until all have been counted.

Counting of ballots.

SEC. 122. Any person of the age of twenty-one (21) years, being a citizen of the United States who holds title to land or evidence of title to land embraced within the boundaries of any district, shall be entitled to vote at any election held therein. Additional qualifications for voting, required by the general election laws of the state shall not apply:

Electors, qualifications.

Community
lands.

Officer or
agent of
corporation.

Resident and
non-resident
electors.

Provided, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *And provided further*, That at any election held under the provisions of this act, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this act. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct which includes his land, or the great[er] area thereof.

Certificate.

SEC. 123. As soon as all the votes are read off and counted, a certificate shall be drawn upon each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person or proposition voted for has received, and designating the office to fill which he was voted for, which number shall be written in figures and in words at full length. Each certificate shall be signed by the clerks, judges, and the inspector. One of said certificates, with the poll list and the tally paper, to which it is attached, shall be retained by the inspector, and preserved by him at least six (6) months: *Provided*, That in the case of elections to establish the district or to authorize the issuance of bonds, the inspector shall deliver said returns at the expiration of said period to the secretary to be permanently kept with the records of the district.

Method of
counting
ballots.

SEC. 124. The ballots shall be strung upon a cord or thread by the inspector, during the counting thereof, in the order in which they are entered upon the tally lists by the clerk; and said ballots, together

with the other of said certificates, with the poll list and tally paper to which it is attached, shall be sealed by the inspector in the presence of the judges, and clerks, and endorsed "Election returns of (naming the precinct) precinct," and be directed to the secretary of the board of directors, and shall be immediately delivered by the inspector, or by some other safe and responsible carrier, designated by said inspector, to said secretary, and the ballots shall be kept unopened for at least six (6) months, and if any person be of the opinion that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board of directors to open and canvass the returns, and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

SEC. 125. No list, tally paper, or certificate returned from any election, shall be set aside or rejected for want of form, if it can be satisfactorily understood. The board of directors must meet at its usual place of meeting at the hour of one (1) o'clock p. m. on the first Monday after each election to canvass the returns. If, at the time of meeting, the returns from each precinct in the district in which the polls were opened have been received, the board of directors must then and there proceed to canvass the returns, but if all the returns have not been received, the canvass must be postponed from day to day until all the returns have been received, or until six (6) postponements have been had. The canvass must be made in public and by opening the returns and adding the total vote of the district, for each person voted for, and declaring the results thereof: *Provided*, That in the case of the first election to authorize the establishment of the district, the returns shall be canvassed by the state director at his office at the same time and in the same manner as herein provided.

Want of
form not to
cause
rejection.

Canvass of
returns.

Record of
results.

SEC. 126. The secretary of the board of directors or the state director, as the case may be, must, as soon as the result is declared, enter in the records of such board a statement of such result, which statement must show so far as applicable:

1. The names of the persons voted for;
2. The office to fill which each person was voted for;
3. The number of votes given in each precinct to each of such persons;
4. The number of votes given in each precinct for and against any proposition voted upon.

The board must declare elected the person having the highest number of votes given for each office, or otherwise declare the result of the election. The secretary must immediately make out and deliver to persons elected to district office, a certificate of election signed by him and authenticated by the seal of the district or by the seal of the county in the case of the first election.

Informality
shall not
invalidate
election.

SEC. 127. No informality in conducting any election authorized by this act shall invalidate the same, if the election shall have been otherwise fairly conducted.

Basis of
assessment.

SEC. 128. It shall be and hereby is presumed that lands within flood control districts organized under the provisions of this act, shall be benefited in relation to their respective classes to be determined as herein provided, and that the relative ratios of benefits for said lands arising from their locations in said respective classes shall be the basis upon which the same shall be assessed to raise district revenues for any and all purposes now or hereafter authorized by law.

Base map.

SEC. 129. As a basis for the levy of all assessments authorized under this act, the state supervisor of hydraulics, soon after the creation of the district,

shall cause to be prepared at the expense of the district a base map of the benefited lands within the district and deliver the same to the secretary of the district.

SEC. 130. Upon receipt of said base map of the benefited lands, the board of directors of the district shall appoint a board of three (3) appraisers subject to the written approval of the state director, whose duty it shall be to determine the ratio of benefits which the several tracts of land shall receive with respect to each other from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district.

Appoint-
ment of
appraisers.

SEC. 131. Said board of appraisers shall elect a member as chairman and the secretary of the district or his deputy shall be ex-officio secretary of the board of appraisers. Said appraisers shall receive such compensation and expenses as the board of directors of the district, with the approval of the state director, shall determine, and which may forthwith be paid by the issuance of district warrants.

Chairman.

Compensation.

SEC. 132. For the purpose of determining said ratios of benefits, said board of appraisers shall segregate the acreage of the respective lands within the district into such number of classes as in the sole judgment of the members of the board of appraisers shall fairly represent the manifest degrees of benefits, including benefits from better sanitation, easier accessibility, facility of drainage, promotion of land development as well as from minimization of flood damages and from actual flood protection, accruing to the several lands from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district.

Ratio of
benefits
determined.

Lands
classified.

SEC. 133. Said board of appraisers shall have full authority and it shall be its duty to segregate and classify the acreage of the lands and subdivisions of the same with respect to their respective relative benefits received and to be received from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district. Those lands receiving the greatest benefits shall be placed in class No. 1; those lands receiving the next greatest benefits shall be placed in class No. 2, and so on down to the class of the least benefits. Those lands receiving no benefits shall be designated "nonbenefited."

Percentage
of benefits.

SEC. 134. Said board of appraisers shall have full authority and it shall be its duty to determine the percentage of benefits which the acreage of the lands in each class shall have with respect to the lands in class No. 1. Those lands falling in class No. 1 shall have the ratio or percentage of one hundred (100) and those lands in the other respective classes shall be given such percentages of the lands in class No. 1 as said board of appraisers shall determine.

Investigation
and survey.

SEC. 135. In determining the classification of said lands and their relative percentages of benefits, as herein provided, said board of appraisers shall consider the benefits of every kind accruing to said lands, as aforesaid, and shall make such investigation and surveys of the same as said board of appraisers shall deem necessary. The board of appraisers shall also examine and consider the data and records of the commission which fixed the boundaries of the district.

Assessment
basis.

SEC. 136. The ratio of percentage determined by said board of appraisers for each class of lands aforesaid shall constitute the ratio of benefits of each acre or fraction thereof in its respective class for

all district assessment purposes until changed in the manner herein provided.

SEC. 137. As an independent and alternative method to any other method herein authorized and subject to the prior written approval of the state director the ratio of benefits herein mentioned may be determined in their relation to the relative values of the respective benefited lands, including the improvements thereon, and the same shall be expressed on a relative percentage basis.

Alternative method.

SEC. 138. In case said alternative method of determining the ratio of benefits is adopted by any such district the percentage given a tract of land shall fix the class to which said tract belongs for assessment purposes.

Class fixed.

SEC. 139. In determining the relative values of such lands, including improvements thereon, the assessed valuation of the same for general tax purposes last equalized shall be construed to be *prima facie* correct: *Provided*, That nothing herein contained shall be construed to prevent the fixing of values where none are shown on the general tax roll or the revision of such values on the general tax roll in any instance wherein the sole judgment of the revising officers for the district the value for general tax purposes is manifestly and grossly erroneous in its relation to value of like property in the district similarly situated: *And provided further*, That in any instance where any tract of land is protected or partially protected from floods and is financially supporting the works affording such protection the revising officers for the district shall take the value of such existing flood protection into consideration and give such land equitable credit therefor.

Relative values determined.

SEC. 140. Upon completion of the control works of the district or of any unit thereof, said board of directors of the district may, with the written consent

Reexamination.

of the state director, and upon petition signed by landowners representing twenty-five per cent (25%) of the acreage of the lands in the district shall, appoint three (3) qualified persons who shall be approved in writing by the state director, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentages, or any part or parts thereof, in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance: *Provided*, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by said reexamining board of appraisers.

Base assess-
ment map.

SEC. 141. When said board of appraisers shall have made said determination of the ratio of benefits, as aforesaid, all the lands within the district shall be classified and properly designated and shall be described in terms of government sections, and fractions thereof in designated townships and ranges, on the base map, and the board of appraisers shall file said map with the secretary of the district: *Provided*, That platted lands may be described in terms of the recorded plat thereof.

Objections,
time of
hearing.

SEC. 142. The secretary of the district shall immediately fix a time for hearing objections to the assessment ratios determined by said board of appraisers as shown on said base map. The meeting shall be at the office of the district board and principal place of business of the district and shall be held not less than twenty-five (25), nor more than thirty-five (35), days from the date of the first publication of the notice of the hearing.

Notice of
hearing
published.

SEC. 143. Notice of said hearing shall be given by the secretary of the district by causing a copy of the same to be published for three (3) consecutive weekly issues in a newspaper of general circulation,

to be selected by said secretary, published in each of the counties in which any part of the district is located.

SEC. 144. Said notice of hearing on said determination of assessment ratios shall state that the base assessment map designating the classes in which the lands in the district have been placed for assessment purposes on the ratios authorized by law, has been prepared by the board of appraisers and is on file at the office of the district board and may be inspected at any time during office hours; that a hearing on said map will be held before the state supervisor of hydraulics at the office of the district board on....., the.....day of.....,, at the hour of.....o'clock (naming the time), where any person may appear and present such objections, if any, he may have to said map, and shall be signed by the secretary of the district.

Contents.

SEC. 145. At the time set for said hearing the state supervisor shall be present at the place designated in the notice and if it appears that due notice of the hearing has been given, shall proceed to hear such objections to the base map as shall be presented and shall hear all pertinent evidence that may be offered. Said state supervisor shall have authority to adjourn said hearings from time to time to study the record and evidence presented, to make such independent investigation as he shall deem necessary and to correct, modify or confirm the things set out on said base map or any part thereof and to determine all questions concerning the matter and shall finally make an order confirming said map with such substitutions, changes or corrections, if any, as may have been made thereon, which order shall be signed by said state supervisor and attached to said map.

Hearing,
findings.

SEC. 146. The state supervisor's necessary traveling expenses in attending the hearing on said base assessment map shall be paid by the district.

Traveling
expenses.

Base assess-
ment map
conclusive
unless appeal
taken.

SEC. 147. Upon the signing of said order by said state supervisor and the attachment of the same to said base assessment map, said base assessment map and all things set out on the face thereof shall be conclusive in all things upon all parties, unless appealed from to the superior court in the manner and within the time herein provided.

Copy filed
with
assessor.

SEC. 148. When confirmed by order of said state supervisor as aforesaid, or by order of said state supervisor making any changes decreed by the court on appeal to the superior court, it shall be the duty of the secretary of the district to prepare a correct copy of so much of said base assessment map as includes the lands in the district situated in each county in which the lands in the district are situated, with the assessment classes and ratios properly designated thereon, and file the same with the respective county assessors of said counties for record therein.

Assessment
levy.

SEC. 149. Assessments made against the respective lands in the district to carry out any of the purposes of this act shall be levied in accordance with their respective classifications and in proportion to their respective ratios of benefits, set out on the base assessment map.

Appeal to
superior
court.

SEC. 150. Any person, firm or corporation feeling aggrieved at any determination by said state supervisor of the classification or relative percentage of his or its lands, aforesaid, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county in which the land affected is situated. The matter shall be heard and tried by the court and shall be informal and summary but full opportunity to be heard and present evidence shall be given before judgment is pronounced.

Notice of
appeal.

SEC. 151. No such appeal shall be entertained by the court unless notice of the same containing a

statement of the substance of the matter complained of and the manner in which the same injuriously affects the appellant's interests shall have been served personally or by registered mail, upon said state director at his office at the state capitol, and upon the secretary of the district, within twenty (20) days following the date of said determination appealed from.

SEC. 152. No bond shall be required unless a stay is desired, and an appeal shall not be a stay, unless within five (5) days following the service of notice of appeal aforesaid, a bond shall be filed in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court. Bond.

SEC. 153. Costs shall be paid as in civil cases brought in the superior court, and the practices in civil cases shall apply: *Provided*, That any costs awarded against said state supervisor shall be in his official capacity only and shall be against and paid by the district. Costs.

SEC. 154. An appeal shall lie from the judgment of the superior court as in other civil cases. Appeal as in civil cases.

SEC. 155. In all said appeals from the determination of said state supervisor, as herein provided, said determination and all parts thereof shall be deemed to be *prima facie* correct.

SEC. 156. The secretary of the district on or before the first day of November in each year shall estimate the amount of money necessary to be raised for any and all district purposes during the ensuing year based upon a budget furnished him by the district board on forms prescribed by the director of the department of conservation and development with the advice of the state auditor, and submit the same to said director for his suggestions, approval and revision and upon the approval of the budget Budget.

by said director, either as originally submitted or as revised, the secretary shall prepare an assessment roll with appropriate headings in which must be listed all the lands in each assessment classification shown on the base assessment map.

Assessment
roll to
specify.

SEC. 157. On such assessment roll in separate columns, must be specified under the appropriate headings:

(1) The reputed owner of the property assessed. If the reputed owner is not known to the secretary, the reputed owner may be stated as "unknown";

(2) The description of the land of the reputed or unknown owner sufficiently definite to identify the land. Where the land is described in the records of the county assessor's office in terms of the assessor's plat tax number, such designation shall be sufficient description of such land on the district's assessment roll. In instances where the district has adopted the alternative method of determining the ratio of benefits as herein authorized the secretary shall annually revise and specify in an appropriate column on the roll the cash value of the respective tracts of lands, including improvements thereon, described on the roll;

(3) The estimated assessable acreage of such respective lands;

(4) The designated classification and their respective ratios of benefits shown on the base assessment map in which the land is situated, with the per acre final ratio or percentage upon which every acre or fraction thereof of the respective lands are to be charged with assessments;

(5) The total amount of the assessment in dollars and cents against each tract of land.

Anticipated
delinquen-
cies.

SEC. 158. For the purpose of apportioning the amount of money to be raised by assessment, to the several tracts of land in accordance with their re-

spective classifications, the secretary shall add to the amount of money to be raised fifteen per cent (15%) thereof for anticipated delinquencies.

SEC. 159. In calculating the amount of assessments to be charged against the respective tracts of land included in the annual district assessment roll, the per acre charge against the lands in class No. 1 on the base map shall be taken as one hundred per cent (100%) and the per acre charge against the lands in other classes shall be reckoned on their respective final per acre percentages of the per acre assessment against the lands in said class No. 1.

Calculation
of assess-
ments.

SEC. 160. Any property which may have escaped assessment for any year or years, shall in addition to the assessment for the then current year, be assessed for such year or years with the same effect and with the same penalties as are provided for such current year and any property delinquent in any year may be directly assessed during the current year for any expenses caused the district on account of such delinquency.

Assessment
for prior
years.

SEC. 161. Where the district embraces lands lying in more than one county the assessment roll shall be so arranged that the lands lying in each county shall be segregated and grouped according to the county in which the same are situated.

District
embracing
lands in
more than
one county.

SEC. 162. Upon completion of the assessment roll the secretary shall deliver the same to the district board and immediately give notice thereof and of the time the board of directors, acting as a board of equalization will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be less than twenty (20) nor more than thirty (30) days from the first publication of the notice, and in the meantime the assessment roll must remain in the office of the secretary for the inspection of all persons interested.

Board of
equalization.

Notice of
meeting.

Publication.

Time fixed.

Meeting of
board.

SEC. 163. Upon the day specified in the notice required by the preceding section for the meeting, the board of directors, which is hereby constituted a board of equalization for that purpose, shall meet and continue in session from day to day as long as may be necessary, not to exceed ten (10) days, exclusive of Sundays, to hear and determine such objections to the said assessment roll as may come before them; and the board may decide the same. The secretary of the board shall be present during its session, and note all changes made at said hearing, and on or before the 15th day of January thereafter shall have the assessment roll completed as finally equalized by the board.

Assessment
lien.

SEC. 164. The assessment upon real property shall be a lien against the property assessed, from and after the first day of January in the year in which the assessment becomes due and payable, but as between grantor and grantee such lien shall not attach until the 15th day of February of such year, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except a lien for undelinquent flood control district assessments, diking or drainage, or diking or drainage improvement, district assessments and for unpaid and outstanding general *ad valorem* taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law.

Assessment
roll deliv-
ered to
county
treasurer.

SEC. 165. On or before the 15th day of January in each year the secretary must deliver the assessment roll or the respective segregations thereof to the county treasurer of each respective county in which the lands described are located, with a statement of the amounts and/or percentages of the collections on said roll which shall be apportioned to the respective district funds, and said assessments

Assessments
payable
at time of
general taxes.

shall become due and payable at the time or times general taxes accrue payable.

One half of all assessments on said roll shall become delinquent on the first day of June following the filing of the roll unless said one half is paid on or before the 31st day of May of said year, and the remaining one half shall become delinquent on the first day of December following, unless said one half is paid on or before the 30th day of November. All delinquent assessments shall bear interest at the rate of ten per cent (10%) per annum from the date of delinquency until paid.

Delinquent
assessments.

Within twenty (20) days after the filing of the assessment roll as aforesaid 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 unless paid as herein provided. Said notice shall state the dates of delinquency as fixed in this act and the rate of interest charged thereon and shall be published once a week for four (4) successive weeks and shall be posted within said period of twenty (20) days in some public place in said district in each county in which any portion of the district is situated.

Notice of
assessments
due.

Published.

Posted.

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.

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.

Statement of
assessments
and taxes.

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 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 district or proceedings had for the enforcement and collection of district assessments pursuant to this act.

Delinquent
assessment
list posted.

SEC. 166. On or before the 31st 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 to whom the property is assessed and a description of the property delinquent and the amount of the assessment and costs due, opposite each name and description.

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 (20) days prior to the time of sale. Concurrent as nearly as possible with the date of the posting afore-

said, the said county treasurer shall publish the location of the place where said notice is 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 notice must be published once a week for three (3) 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 (21) nor more than twenty-eight (28) days from the date of posting and from the date of the first publication of the notice thereof, and the place must be at some point designated by the treasurer.

SEC. 167. 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 ten per cent (10%) per annum from the date or dates of delinquency as hereinbefore provided. On the day fixed for the sale, or some subsequent day to which he may have postponed it, and between the hours of ten (10) o'clock a. m. and three (3) 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 (3) weeks from the first day fixed. Sale.

SEC. 168. The owner or person in possession of any real estate offered for sale for assessments due Designation of portion of property to be sold.

thereon may designate in writing to the county treasurer, by whom the sale is to be made, and prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the treasurer may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the assessment and costs due, including one dollar (\$1.00) to the treasurer for duplicate of the certificate of sale, is the purchaser. The treasurer shall account to the district for said one dollar (\$1.00). If the purchaser does not pay the assessment and costs before ten (10) o'clock a. m. the following day, the property must be resold on the next sale day for the assessments and costs. In case there is no purchaser in good faith for the same on the first day that the property is offered for sale, and if there is no purchaser in good faith when the property is offered thereafter for sale, the whole amount of the property assessed shall be struck off to the district as the purchaser, and the duplicate certificate shall be delivered to the secretary of the district, and filed by him in the office of the district. No charge shall be made for the duplicate certificate where the district is the purchaser, and in such case the treasurer shall make an entry, "Sold to the district," and he will be credited with the amount thereof in settlement. The district, as a purchaser at said sale, shall be entitled to the same rights as a private purchaser, and may assign or transfer the certificate of sale upon the payment of the amount which would be due if redemption were being made by the owner. If no redemption is made of land for which the district holds a certificate of purchase, the district will be entitled to receive the treasurer's deed therefor in the same manner as a private person would be entitled thereto.

Resale.

Sale to
district.

After receiving the amount of assessments and costs, the county treasurer must make out in duplicate a certificate, dated on the day of sale, stating (when known) the names of the persons assessed, a description of the land sold, the amount paid therefor, that it was sold for assessments, giving the amount and the year of assessment, and specifying the time when the purchaser will be entitled to a deed. The certificate must be signed by the treasurer making the sale and one copy delivered to the purchaser, and the other filed in the office of the county treasurer of the county in which the land is situated: *Provided*, That upon the sale of any lot, parcel or tract of land not larger than an acre, the fee for a duplicate certificate shall be twenty-five cents (\$0.25) and in case of a sale to a person or a district, of more than one parcel or tract of land, the several parcels or tracts may be included in one certificate.

Certificate
of sale.

SEC. 169. The county treasurer, before delivering any certificate must file the same and enter in the assessment book opposite the description of the land sold, the date of sale, the purchaser's name and the amount paid therefor, and must regularly number the description on the margin of the assessment book and put a corresponding number on each certificate. Such book must be open to public inspection without fee during office hours, when not in actual use.

Filed and
recorded.

On filing the certificate of sale as provided in the preceding paragraph, the lien of the assessment vests in the purchaser and is only divested by the payment to the county treasurer making the sale of the purchase money and interest at the rate of ten per cent (10%) per annum, from the day of sale until redemption for the use of the purchaser.

SEC. 170. A redemption of the property sold may be made by the owner or any person on behalf and in the name of the owner or by any party in interest

Redemption
of property
sold.

at any time before deed issues, by paying the amount of the purchase price and interest as in this act provided, and the amount of any assessments which such purchaser may have paid thereon after purchase by him and during the period of redemption in this section provided, together with like interest on such amount, and if the district is the purchaser, the redemptioner shall not be required to pay the amount of any district assessment levied subsequent to the assessment for which said land was sold, but all subsequent and unpaid assessments levied upon said land to the date of such redemption shall remain a lien and be payable and the land be subject to sale and redemption at the times applicable to such subsequent annual district assessment. Redemption must be made in legal tender, as provided for the collection of state and county taxes, and the county treasurer must credit the amount paid to the person named in the certificate and pay it on demand to such person or his assignees. No redemption shall be made except to the county treasurer of the county in which the land is situated.

SEC. 171. Upon completion of redemption, the county treasurer to whom redemption has been made shall enter the word "redeemed," the date of redemption and by whom redeemed on the certificate and on the margin of the assessment book where the entry of the certificate is made. If the property is not redeemed within two (2) years, after the 15th day of January of the year in which such property was sold, the county treasurer of the county in which the land sold is situated must thereafter, upon demand of the owner of the certificate of sale, make to the purchaser, or his assignees a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person redeemed the property during the time allowed by law for its redemption. The treasurer

Expiration of
redemption
period.

Deed.

shall receive from the purchaser, for the use of the district, one dollar (\$1.00) for making such deed: *Provided*, If redemption is not made of any lot, parcel or tract of land not larger than one acre, the fee for a deed shall be twenty-five cents (\$0.25) and when any person or district holds a duplicate certificate covering more than one (1) tract of land, the several parcels, or tracts of lands, mentioned in the certificate may be included in one deed.

SEC. 172. The matter recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is *prima facie* evidence that:

Deed to
evidence.

First. The property was assessed as required by law;

Second. The property was equalized as required by law;

Third. That the assessments were levied in accordance with law;

Fourth. The assessments were not paid;

Fifth. At a proper time and place the property was sold as prescribed by law and by the proper officers;

Sixth. The property was not redeemed;

Seventh. The person who executed the deed was the proper officer.

Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all the proceedings from the assessments by the secretary, inclusive, up to the execution of the deed. The deed conveys to the grantee the absolute title to the lands described therein, free from all incumbrances except the lien of outstanding general *ad valorem* taxes and of unmaturing special assessments. When title to the land is in the United States or this state, such deed shall be *prima facie* evidence of the right of possession.

Title
conveyed.

Mistake does
not void sale.

SEC. 173. When land is sold for assessments correctly imposed, as the property of a particular person, no misnomer of the owner or supposed owner, or other mistake relating to the ownership thereof, affects the sale or renders it void or avoidable.

Ad-valorem
taxes.

SEC. 174. All unsold lands owned by the district shall be exempt from general *ad valorem* taxes while title to same remains in the district. The district shall not be authorized to lease any of its lands for a term longer than one (1) year, and the proceeds for such lease shall first be applied on account of outstanding *ad valorem* tax liens, if any.

Cities
charged with
assessments.

SEC. 175. Whenever any system of improvement constructed under the provisions of this act results in benefit to the whole or any part of a public street or road, street or road bed or track thereof within the district, or will facilitate the construction or maintenance of any sewer system in any city or town within the district, the city, town or subdivision or any of them responsible for the maintenance of said public road, street or sewer, shall be liable for assessment for any or all district purposes.

Liability for
assessments.

SEC. 176. All school, granted, and other state lands, and lands owned by the United States, when legally possible, and all county, city and other municipally owned property, not used for governmental purposes, and all privately owned lands within the corporate limits of any county, school district, city or other municipal corporation included within the operation of the district and benefited by the district improvement, shall be liable for assessment as provided herein for other property.

Payment.

SEC. 177. Assessments charged to any city, town, county or subdivision thereof shall be paid from any fund of said city, town, county or subdivision, as the governing body thereof shall determine. Assessments charged on account of benefits to state high-

ways shall be approved by the state director of highways and shall be paid from the state motor vehicle fund.

SEC. 178. There are hereby created for district purposes the following special funds: (1) Expense fund, (2) surplus fund, (3) suspense fund, (4) general bond fund, (5) utility bond fund, (6) contract fund.

Funds
created.

SEC. 179. All assessments collected for administrative, operative and maintenance purposes, all money collected and not otherwise provided for, and any transfers authorized by law from other funds made specifically to the fund, shall be placed by the county treasurer, ex-officio treasurer of the district, in the expense fund, and it shall be the duty of the district board to make ample provision for the requirements of this fund by the levy of assessments or by the use of other revenues of the district.

Expense
fund.

SEC. 180. The district shall have authority at its option of turning any district revenues not probably required during the current year to the surplus fund by adopting a resolution to that effect and filing a copy of the same with the county treasurer in charge of such fund. For this purpose unrequired monies may be transferred from other funds, except from either of the two (2) bond funds.

Surplus
fund.

Assessments, not exceeding twenty per cent (20%) of the total levy for a given year, may be levied for the purpose of supplying monies for the surplus fund.

The surplus fund may be used for any district purpose authorized by law, by resolution of the board of directors specifying said purpose, and the duration of such use.

SEC. 181. All district indebtedness, not otherwise provided for, which has not been or will not be paid on substantially a cash basis, shall be paid from the

Suspense
fund.

suspense fund and it shall be the duty of the district board to make ample provision for the requirements of this fund by the levy of assessments or by the use of other revenues of the district, authorized by law to be used for this purpose.

General
bond fund.

SEC. 182. Monies in the general bond fund shall be used exclusively for the payment of outstanding general obligation bonds of the district with interest thereon according to their terms. It shall be the duty of the district board to make ample provision for the requirements of this fund by the levy of assessments and/or by the use of other district revenues, authorized by law to be used for this purpose.

Utility
bond fund.

SEC. 183. Revenues from the use, sale or lease of water and/or other service furnished by the district to the extent pledged to the payment of district utility bonds, as herein provided, shall be placed in the utility bond fund and used exclusively for the payment of such bonds with interest according to their terms.

Contract
fund.

SEC. 184. The proceeds from bond sales and revenues from other sources authorized by law to be used for district contract purposes shall be placed in the contract fund and shall be used for the purposes for which the bonds were issued or for which any other contract was entered into by the district.

District
moneys.

SEC. 185. All district monies shall be paid to the county treasurer having charge of the district funds and by that officer disbursed in the manner provided by law.

Claims
against
district.

SEC. 186. Any claim against the district shall be presented to the district board for allowance or rejection. Upon allowance, the claim shall be attached to a voucher verified by the claimant or his agent and approved by the chairman of the board and countersigned by the secretary and directed to the county auditor of the county in which the office

of the district treasurer is located, for the issuance of a warrant against the proper fund of the district in payment of said claim.

SEC. 187. Claims against the district for administrative expenses and for the costs of operation and maintenance of the system of improvement, shall be allowed by the district board and presented to the county auditor with proper vouchers attached for the issuance of warrants against the expense fund of the district. The payroll of the district shall be verified by the foreman in charge and may be presented in one (1) claim for the individual claimants involved. The warrants for said claim shall be issued in the name of the individual claimants, but may be receipted for by said foreman.

Claims for administrative expenses, operation and maintenance.

SEC. 188. Said county treasurer shall pay out the monies received or deposited with him or any portion thereof upon warrants issued by the county auditor of the same county of which the district treasurer is an officer against the proper funds of the district except the sums to be paid out of the bond funds upon the coupons or bonds presented to such treasurer.

Warrants.

SEC. 189. Warrants drawn on any district fund shall be paid from any monies in said fund in the order of their issuance.

Payment.

SEC. 190. Upon previous written approval of the state director, the district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district, in the manner provided herein.

General obligation bonds.

SEC. 191. Said bonds shall on their face pledge the full faith and credit of the district to their payment, shall be in such form as the state director shall prescribe, shall be in such denominations as the board shall determine, shall be serial and with maturities providing a definite schedule of amortiza-

Full faith and credit pledged.

Denomination. Series.

Maturity.

Payable.

Numbered consecutively.

Annual bond levy limited.

Election to authorize bonds.

Notice of election.

Date and interest.

Execution.

tion, shall be payable at such place as shall be designated thereon, not more than thirty-five (35) years from their date, and shall be numbered consecutively: *Provided*, That the annual levy for bond purposes shall not in any year exceed by more than 30% the normal annual levy required by the amortized plan of payment of said bonds and interest against all the assessable lands in the district.

SEC. 192. For the purpose of authorizing such general obligation bonds, an election in the district shall be called, noticed, held and canvassed by the officers and in the manner provided herein for the calling, noticing, holding and canvassing of district elections generally. Such election may be held during a regular or at a special election, as the district board shall determine and a 60% majority of those voting at said election shall decide whether district bonds are to be authorized.

SEC. 193. The notice of election for the authorization of such bonds shall set forth the proposition generally as to the amount, maturities and the purpose thereof, shall state that the issuance of the proposed bonds has been approved by the state director of the department of conservation and development, shall specify the day and place or places of election, the hours during which the polls will be open and shall be signed by the secretary of the district.

SEC. 194. Said bonds shall bear the date of their issue, shall be made payable to bearer with interest at a rate not exceeding six per cent (6%) per annum, payable semiannually on the first day of January and of July in each year until paid and with coupons attached, for each interest payment.

SEC. 195. Said bonds shall be signed by the president of the district board and shall be attested by the secretary and the seal of the district affixed to each bond but not to the coupons. The coupons shall

be signed by the same officers but the signature on the coupons may appear by lithographic *facsimile*.

SEC. 196. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval and shall also state the number of issue of which said bonds are a part.

Require-
ments of
issuance.

SEC. 197. The authorization, issuance and disposal of general obligation bonds of the district provided for in this act shall constitute and be construed to be a conclusive determination that all the lands in the district classified as assessable are and shall continue to be benefited to the extent necessary to pay said bonds with interest in full in accordance with their terms and said lands shall be and remain liable to annual assessments as herein provided in accordance with the ratios of their respective classifications to pay said bonds until the same are paid in full.

Lands
assessed.

SEC. 198. In any instance where the district is using, selling or leasing water for beneficial purposes or furnishing other service under the provisions of this act and there is reasonable certainty of a permanent fixed income from this source, the district board, upon previous written approval of the state director, shall have authority to pledge the revenues derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from the utility bond fund and to sell the same to raise money for district purposes.

Issuance of
utility bonds
pledging
revenue.

SEC. 199. Bonds payable from the utility bond fund shall not be an obligation of the district and they shall state on their face that they are payable solely from a special fund derived from a certain fixed proportion (naming it) of the gross income derived by the district from the sale or lease of water or from other service, as the case may be, and

Not district
obligation.

such fixed proportion of such gross income shall be irrevocably devoted to the payment of such bonds with interest until the same are fully paid.

Form and retirement of utility bonds.

SEC. 200. Said bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty (20) years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual interest not exceeding six per cent (6%) at such place as the state director shall provide.

Election authorizing issuance.

SEC. 201. For the purpose of authorizing such utility bonds, an election shall be called, noticed, held and canvassed by the same officers, and in the same manner, as provided herein for the calling, noticing, holding and canvassing of an election to authorize general obligation bonds.

Short term general obligation bonds.

SEC. 202. Upon approval of the state director first obtained, the district board shall have authority to issue and dispose of short term general obligation bonds of the district in such amount or amounts, not exceeding the aggregate amount of the district's collected revenue for the year next previous to the date of their issue, on such conditions and in such form as said state director shall prescribe. Such bonds shall not run for a longer term than five (5) years and may be issued without a district election authorizing them: *Provided*, That a second issue of such bonds shall not be authorized until all outstanding short term bonds of the previous issue have been paid.

District bonds, sale.

SEC. 203. Bonds of flood control districts issued under the provisions of this act shall not be sold nor disposed of for less than ninety per cent (90%) of par and where issued in exchange for labor or service, materials or machinery and appliances, such labor or service and/or property given in exchange

shall be appraised in writing and approved by the state director.

SEC. 204. District bonds may be disposed of at public or private offering in such manner as the state director shall prescribe.

Public or private offering.

SEC. 205. General obligation bonds of the district and their interest coupons of an earlier issue shall carry no preference as to payment over those of subsequent issue. Such bonds and their coupons shall be paid in the order of their respective maturity dates. When there is not sufficient money in the general bond fund to pay all bond maturities and interest then due, the county treasurer shall pay the interest on the due and unpaid bond or bonds of the earliest maturity in accordance with their numerical order, beginning with the bond having the smallest number, to the extent of the available money in the general bond fund.

General obligation bonds, payment.

SEC. 206. Utility bonds and interest thereon shall be paid in the order of their respective due dates and the bonds and interest of a prior issue shall carry preference in payment over those of a subsequent issue: *Provided*, That where there is not sufficient money in the utility bond fund to pay all matured demands against the same in accordance with the preference right above mentioned, the county treasurer shall pay the interest on the bonds having the preference right of payment in their numerical order beginning with the bond having the smallest number, to the extent of the available money in the utility bond fund.

Utility bonds, payment.

SEC. 207. It shall be the duty of the board of directors of the district to make adequate provision for the payment of all district bonds in accordance with their terms by levy and collection of assessments or otherwise and upon its failure so to do after thirty (30) days' written notice signed by the

Payment of district bonds.

state director and mailed to the president of the board, it shall be the duty of said state director and he shall have full authority at the expense of the district to make a levy or other adequate provision for the payment of outstanding district bonds in the same manner and with the same legal effect as if done by the officials of the district.

Dissolution
of district.

SEC. 208. Flood control districts may be dissolved upon a favorable sixty per cent (60%) vote of the electors voting at an election for that purpose called, noticed, conducted and canvassed in the manner provided in this act for special elections and no further district obligations shall thereafter be incurred: *Provided*, That said election shall not abridge or cancel any of the outstanding obligations of the district, and the state director shall each year at the time and in the manner provided in the act for the levy of district assessments, levy assessments against the lands in the district and the same shall be collected and enforced in the manner provided herein, until said outstanding obligations of the district are fully paid.

Obligations.

SEC. 209. When the obligations have been fully paid, all monies in any of the funds of the district and all collections of unpaid district assessments shall be transferred to the state reclamation revolving fund as partial reimbursement for monies expended and services rendered by the state department of conservation and development for and in behalf of said district, and thereupon said state director shall file a statement of the full payment of the district's obligations for record in the county auditor's office in each county in which any lands in the district were situated and thereafter the dissolution of said district shall be complete and its corporate existence ended.

Existing
rights pro-
tected.

SEC. 210. Nothing in this act contained shall be construed as affecting or in any wise limiting the

powers of counties, cities, towns, diking districts, drainage districts, or other municipal or public agencies in the manner authorized by law to construct and maintain dikes, levees, embankments or other structures and works, or to open, deepen, straighten and otherwise enlarge natural water courses, waterways and other channels, for the purpose of protecting such organizations from overflow.

SEC. 211. Nothing in this act contained shall be held or construed as in any manner abridging, enlarging or modifying any statute now or hereafter existing relating to the organization, operation and dissolution of flood control districts. This act is intended as an independent act providing for a separate and an additional authority from and to any other authority now existing for the organization, operation and dissolution of flood control districts, as provided in this act.

Act does not affect existing statutes.

SEC. 212. The provisions of this act and all proceedings thereunder shall be liberally construed with a view to a[e]ffect their objects.

Liberal construction.

SEC. 213. 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.

Partial invalidity.

SEC. 214. 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.

Effective immediately.

Passed the House February 26, 1937.

Passed the Senate March 3, 1937.

Approved by the Governor March 13, 1937.