

equipment and materials necessary to facilitate the testing and analysis of concentrated commercial feeding stuff, fertilizer, or livestock remedy.

Passed the House February 27, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

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## CHAPTER 264.

[ H. B. 254. ]

### METROPOLITAN PARK DISTRICTS.

AN ACT relating to the formation of Metropolitan Park Districts; park officials, their election, terms of office, powers and duties; methods and means for financing such districts and prescribing their limits of indebtedness; validating certain acts of Metropolitan Park Districts, their commissioners, officers, employees and agents; repealing chapter 98 of the Laws of 1907, chapter 131 of the Laws of 1909, chapter 135 of the Laws of 1919, chapter 97 of the Laws of 1925 Extraordinary Session, chapter 268 of the Laws of 1927, chapters 36 and 38 of the Laws of 1939, and chapter 219 of the Laws of 1941, sections 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6729, 6730, 6731, 6732, 6733, 6734, 6735, 6736, 6738, 6739, 6740, and 6741 of Remington's Revised Statutes; and declaring an emergency.

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

SECTION 1. That the cities of the first class in the State of Washington, and such contiguous property the residents of which may decide in favor thereof in the manner hereinafter set out, are hereby authorized and empowered to create a Metropolitan Park District for the management, control, improvement, maintenance, and acquisition of parks, parkways, and boulevards, now or hereafter located within such park district.

First class cities may create.

SEC. 2. At any general election, or at any special election which may be called for that purpose, or at any city election held in such city in each of the

Election.

Election on petition.

various voting precincts of such city, the City Council or Commission may, or on petition of fifteen per cent (15%) of the qualified electors of such city based upon the registration for the last preceding general city election shall, by ordinance, submit to the voters of such city the proposition of creating a Metropolitan Park District, the limits of which Park District shall be co-extensive with the limits of such city as now or hereafter established, inclusive of territory annexed to and forming a part of such incorporated City of the First Class, which said territory by virtue of such annexation to any city having theretofore created a Park District under this act shall be deemed to be the limits of such Metropolitan Park District, and the City Council or Commission shall submit such proposition at the special election to be called therefor when such petition so requests. In submitting the said question to the voters for their approval or rejection, such City Council or Commission shall pass an ordinance declaring its intention to submit the proposition of creating a Metropolitan Park District to the qualified voters of such city, which said ordinance shall be published for at least five (5) days in a daily newspaper published in said city, and said City Council or Commission shall cause to be placed upon the ballot for such election, at the proper place, the proposition which shall be expressed on said ballot in the following terms:

Limits to be co-extensive.

Ordinance.

Publication.

Form of expression.

- "For the formation of a Metropolitan Park District."
- "Against the formation of a Metropolitan Park District."

Majority in favor adopts.

SEC. 3. If at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such Park District, the City Council or Commission shall so declare in its canvass of the returns of such election, and such Park District

shall then be and become a municipal corporation of the State of Washington, and the name of such Metropolitan Park District shall be "Metropolitan Park District of ..... (inserting the name of the city constituting the Park District)."

Municipal corporation.

Name.

At the same election at which the proposition is submitted to the voters as to whether a Metropolitan Park District shall be formed five (5) park commissioners shall be elected to hold office respectively for the following terms: in Cities of the First Class holding general elections biennially, one (1) commissioner shall be elected to hold office for two years and two (2) for four years and two (2) for six years and their respective successors shall be elected at each biennial election for a term of six years and until their respective successors are elected and qualified. In Cities of the First Class holding elections every three years two (2) commissioners shall be elected for three years and three (3) commissioners shall be elected for six years and thereafter two (2) and three (3) commissioners respectively, shall be elected at each general election for a term of six years and until their respective successors are elected and qualified. All Park Commissioners elected by virtue of this act shall perform their duties without compensation. The term of each nominee for Park Commissioner shall be expressed on the ballot. The election of said Park Commissioners shall be held in conjunction with and in the manner provided by the laws of the state for Cities of the First Class within which said such Metropolitan Park District may be situated. Nominations for the Park Commissioners shall be by petition of one hundred (100) qualified electors of such Park District to be filed in the office of the City Clerk of such city for the first election and with the Secretary of such Metropolitan Park District for all succeeding elections. Such nominations to be so filed as provided by section 5, chapter 53, Laws of

Commissioners to be elected at same time.

Terms of commissioners.

Serve without pay.

Nominate by petition.

Vacancies  
filled by  
appointment.

Voting quali-  
fications.

1923 (section 5148-1, Remington's Revised Statutes; 2120-7a, Pierce's Code): *Provided, however,* That in the event of a vacancy caused by death, resignation, or otherwise, such vacancy shall be filled by appointment by a majority vote of the remaining commissioners until the next regular election for Park Commissioners. Any person residing in said park district, who is at the time of holding of any such election a qualified voter under the laws of the State of Washington, shall be entitled to vote at any election held in such Metropolitan Park District, and the registration of voters for elections to be held in such Metropolitan Park District shall be conducted by the City Clerk and officers of registration of the city and territory embraced within said Metropolitan Park District. And, a notice prescribed to be given by section 7, chapter 1, Laws of 1933 (section 5114-7, Remington's Revised Statutes; 2321-17, Pierce's Code) shall constitute sufficient notice to citizens residing within said Metropolitan Park District for registration for any general or special election therein without the necessity for such notice specifically stating that it is for the registration for an election to be held by a Metropolitan Park District. And, any elector, who shall have registered in accordance with the laws of this state entitling him to vote at a general or special election in the city or territory comprised within such Metropolitan Park District within time to constitute same a good registration for any general or special election of said Metropolitan Park District, shall be entitled to vote thereat without further or other registration. The City Clerk or Registration Officer required to perform the duties enumerated under this act shall receive no additional compensation therefor. The general laws of the State of Washington governing the registration of voters for general or special city or municipal elections when not inconsistent with the foregoing provisions shall

govern the registration of voters for elections held under this chapter and the registration book of the city and territory comprising said Park District shall be the books used by said Park District and no separate registration books shall be kept or maintained by it. The manner of holding any general or special election for said Metropolitan Park District shall be in accordance with the laws of this state and charter provisions of the city within which said Park District lies in so far as the same are not inconsistent with the provisions of this act.

General  
election laws  
govern.

SEC. 4. When the said Metropolitan Park District shall be created as hereinbefore provided for, it shall at once be and become a separate and distinct corporation, the officers of which shall be a Board of Park Commissioners consisting of five (5) members, and said Board of Park Commissioners shall annually elect one (1) of their number as president and another of their number as clerk of said board. Such corporation is hereby given the right of eminent domain, and may purchase, acquire and condemn lands lying within or without the boundaries of said Park District, for public parks, parkways, boulevards, aviation landings and playgrounds, and may condemn such lands to widen, alter and extend streets, avenues, boulevards, parkways, aviation landings and playgrounds, to enlarge and extend existing parks, and to acquire lands for the establishment of new parks, boulevards, parkways, aviation landings and playgrounds. Said Park Commissioners shall have authority to pass orders, providing for all condemnations which they may desire to institute for the purpose of this act, and to bring actions in the proper courts for the condemnation of lands, to employ counsel, and to regulate, manage and control the parks, parkways, boulevards, streets, avenues, aviation landings and playgrounds under its control, and to provide for park policemen, for a Secretary of the Board of Park Commissioners and

Separate  
corporation.

Officers of  
board.

Powers of  
board.

May set up  
civil service  
for  
employees.

Plan.

for all necessary employees, and to fix their salaries and duties: *Provided, however,* That any Metropolitan Park District is empowered to establish civil service for its employees by resolution upon the following plan: (a) Such resolution shall create a civil service commission with authority to appoint a personnel officer and to make rules and regulations for classification based upon suitable differences in pay for differences in work, and for like pay for like work, and for competitive entrance and promotional examinations; for certifications, appointments, probationary service periods and for dismissals therein; for demotions and promotions based upon merit and for reemployments, suspensions, transfers, sick leaves and vacations; for lay-offs when necessary according to seniority; for separations from the service by discharge for cause; for hearings and reinstatements; for establishing status for incumbent employees, and for prescribing penalties for violations. (b) The Civil Service Commission and personnel officer shall adopt rules to be known as civil service rules to govern the administration of personnel transactions and procedure. The rules so adopted shall have the force and effect of law, and, in any and all proceedings, such rules shall be liberally interpreted and construed to the end that the purposes and basic requirements of the civil service system may be given the fullest force and effect. It being the true intent and meaning of this act to place the sole acquisition, management, improvement and control of all parks, boulevards and parkways belonging to or under the control of, said city, whether within or without the limits of said city, in such Board of Park Commissioners, and to create a Metropolitan Park District pursuant to this act, in which said district said sole acquisition, management, improvement and control, shall immediately vest: *Provided, however,* That all such parks, boulevards, parkways, aviation landings and playgrounds shall

be subject to the police regulations of any city within which they may lie.

SEC. 5. Said Board of Park Commissioners are hereby authorized to levy or cause to be levied a general tax on all the property located in said park district each year not to exceed two and one-half (2½) mills on the assessed valuation of the property in such park district. Said taxes when so levied shall be certified to the proper county official for collection the same as other general taxes. When such money is collected, it shall be placed in a separate fund to be known as the "Metropolitan Park District Fund" and paid out on warrants issued on the Board of Park Commissioners for the purposes specified in this act.

Board to levy tax.

Limit of tax.

Fund.

SEC. 6. That each and every Metropolitan Park District that may hereafter be organized pursuant to this act is hereby authorized and empowered, by and through its Board of Commissioners, to contract indebtedness for park, boulevard, aviation landings, playgrounds and parkway purposes, and the extension and maintenance thereof, not exceeding three-twentieths of one per cent of the taxable property in such Metropolitan Park District, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

Limitation of indebtedness.

Maximum.

SEC. 7. That each and every Metropolitan Park District hereafter to be organized, pursuant to this act, may contract indebtedness in excess of the amount named in the preceding section, but not exceeding in amount, together with existing indebtedness, five per cent (5%) of the taxable property in said district, to be ascertained as provided in the preceding section, whenever three-fifths (3/5) of the voters voting at said election in such Metropolitan Park District assent thereto, at an election to be held in said Metropolitan Park District in the manner provided by this act; which election may be

Vote may increase debt limit.

Maximum.

Three-fifths vote.

either a special or a general election, and the Park Commissioners of such Metropolitan Park District are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such Metropolitan Park District, to the qualified voters of such Park District at any time they may so order.

Sale of  
bonds.

SEC. 8. In case the question of incurring indebtedness and issuing bonds as set forth and described in section 7 of this act shall be submitted to the voters of such Metropolitan Park District and carried as hereinabove provided for, the Commissioners of such Metropolitan Park District may issue the negotiable bonds of such district for the amount of such indebtedness and may dispose of said bonds either in payment of such indebtedness, or may advertise and sell said bonds in the open market for cash, but in no event shall said bonds be disposed of or negotiated at less than par.

Denomina-  
tions of  
bonds.

SEC. 9. Said bonds shall be in denominations of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). They shall bear the date of issue, shall be made payable to the bearer, in not more than twenty (20) years from date of issue, and bear interest at a rate not exceeding five per cent (5%) per annum, payable annually, with coupons attached, for each interest payment. The bonds and each coupon shall be signed by the presiding officer of the Board of Park Commissioners and shall be attested by the Clerk of said Board, who shall be a member thereof. Said bonds shall be printed, engraved, or lithographed on good bond paper, and the bond shall state on its face that it is issued in accordance, and in strict compliance, with an act of the Legislature of the State of Washington, entitled: "An act authorizing the formation of Metropolitan Park Districts, providing for park officials, fixing their powers and duties, and declaring

Term.

Interest rate.

Signatures  
on bonds.

an emergency," approved March 11th, 1907, and re-enacted on the ..... day of ....., 1943 (inserting the date of the approval of this act). Said bonds shall be payable as therein designated in any city of the United States having a national bank.

SEC. 10. Said Commissioners shall include in their general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds, and may include a sufficient amount to create a sinking fund for the redemption of such bonds. Said bonds shall be numbered from one (1) consecutively, and shall be payable in the order of their number beginning with bond numbered one (1).

Tax levy to retire bonds.

SEC. 11. Whenever there is money in the funds of such Metropolitan Park District and the Commissioners shall deem it advisable to apply the same or any part thereof upon the payment of bonded indebtedness, they shall advertise in a daily newspaper published within said park district for the presentation to them for payment of as many bonds issued under the provisions of this act as they may desire to pay with the funds on hand, said bonds to be paid in numerical order, beginning with bond numbered one, until all of said bonds are paid: *Provided*, That thirty (30) days after the first publication of said notice by the Board of such Park District, calling in any of said bonds by their number, said bonds shall cease to bear interest, which shall be stated in the notice calling for such bonds.

Payment of bonds.

Notice by publication.

Interest ceases 30 days after call.

SEC. 12. The coupons hereinbefore mentioned for the payment of interest on said bonds shall be considered for all purposes as warrants drawn upon the general fund of the said Metropolitan Park District issuing such bonds, and when presented to the Treasurer of the county having custody of the funds of such Park District at maturity, or thereafter and when so presented, if there are no funds in the treasury to pay the said coupons, it shall be the duty of

Payment of coupons.

Coupons bear interest after registration.

the County Treasurer to endorse said coupons as presented for payment, in the same manner as county warrants are endorsed, and thereafter said coupons shall bear interest at the same rate as the bond to which it was attached.

Bond register.

SEC. 13. Before the bonds are delivered to the purchaser, they shall be presented to the County Treasurer who shall register them in a book kept for that purpose and known as the "Metropolitan Park Bond Register," in which register shall be entered the number of each bond, date of issue and maturity, amount, rate of interest, to whom and when payable. Such County Treasurer shall receive no compensation other than his regular salary for receiving and disbursing the funds of such Metropolitan Park District. The Board of Park Commissioners shall keep a register of such bonds similar to that provided for the County Treasurer.

Powers of Park Commissioners.

SEC. 14. Said Park Commissioners shall have power to improve, acquire, extend and maintain, open and lay out, parks, parkways, boulevards, avenues, aviation landings and playgrounds, within or without said Park District, and to authorize, conduct and manage the letting of boats, or other amusement apparatus, the operation of bath houses, the purchase and sale of foodstuffs or other merchandise, the giving of vocal or instrumental concerts or other entertainments, the establishment and maintenance of aviation landings and playgrounds, and generally the management and conduct of such forms of recreation or business as they shall judge desirable or beneficial for the public, or for the production of revenue for expenditure for park purposes; and may pay out moneys for the maintenance and improvement of any such parks, parkways, boulevards, avenues, aviation landings and playgrounds as now exist, or may hereafter be acquired, within or without the limits of said city, and for the purchase of

lands within or without the limits of said city, whenever they shall deem such purchase to be for the benefit of the public and for the interests of said park district, and for the maintenance and improvement of the same, and for all expenses incidental to their office and duties.

SEC. 15. If at any time any proposed improvement of any parkway, avenue, street, or boulevard shall be deemed by said Park Commissioners to be a special benefit to the lands adjoining, contiguous, approximate to or in the neighborhood of such proposed improvement, if such lands be within the corporate limits of any City of the First Class, such Board of Park Commissioners may so declare and order, designating the property to be benefited thereby, and thereupon they may petition the City Council of such city to cause such improvement as said Commissioners may direct to be done and made on the local assessment plan, and the portion of the cost of such improvement as fixed by such assessment roll assessed against the said property so benefited in the same manner and under the same procedure as is now, or may hereafter be, enacted for local improvements by Cities of the First Class, in so far as such procedure is not inconsistent with the provisions of this act, and the remainder of the cost of such improvement to be paid out of any funds of such Metropolitan Park District in its possession or under its control. Said Board of Park Commissioners shall designate the kind, manner and style of the improvement so to be made, and may designate the time within which same shall be made.

May apply  
L. I. D. plan  
to special  
benefits.

SEC. 16. Any person, firm or corporation, feeling aggrieved by the assessment against his or its property, may file objections with the City Council, and may appeal from the order confirming said assessment roll, in the same manner as objections and appeals are made in regard to local improvements in Cities of the First Class in the State of Washington.

Objectors  
may appeal.

Local im-  
provement  
assessment  
lien.

SEC. 17. The assessment for local improvements authorized by this act shall become a lien in the same manner, and be governed by the same law, as is provided for local assessments in Cities of the First Class, and such assessment shall be collected as local improvements in said Cities of the First Class.

City may  
turn over  
lands to  
district.

SEC. 18. Any City of the First Class within or comprising any such Metropolitan Park District is hereby given authority to turn over to said Park Commissioners any lands which it may own, or any street, avenue, or public place within said city for playground, park or parkway purposes, and thereafter the control and management of the same shall vest exclusively in the said Board of Park Commissioners: *Provided, however,* That the police regulations of such city shall apply to all such premises.

Acceptance.

SEC. 19. Said Park Commissioners shall have power to accept public streets of the city and grounds for public purposes when the same shall be donated for park, playground, boulevard and park purposes.

Method of  
annexing  
adjoining  
outside areas.

SEC. 20. The territory adjoining and in the same county with any park district organized under this act may be annexed to and become a part of such Metropolitan Park District, in the manner following: Any twenty-five (25) legal voters, residents within the territory proposed to be annexed, may petition the Board of Park Commissioners of such district to cause the question to be submitted to the legal voters of the territory proposed to be annexed, whether they will be annexed and become a part of such adjoining park district: *Provided, however,* That where such territory proposed to be annexed shall be within the limits of an incorporated city or town other than the first class, such petition shall be signed by at least twenty (20) per cent of the qualified electors residing within such territory. The petition shall define the limits of the territory proposed to be annexed to such park district. Upon

Petition.

Proviso.

the filing of such petition with the Board of Park Commissioners, if said Commissioners shall concur in said petition, they shall provide for a hearing to be held for the discussion of such proposed annexation at the office of said Board of Park Commissioners, and shall give due notice of such hearing by publication in a daily newspaper published in said park district for at least five (5) days prior to said hearing. If said Park Commissioners shall concur in said petition, it shall be their duty to submit the proposal to the electors of such territory proposed to be annexed, at an election to be held in such territory. The said Commissioners shall, by order of such Board duly adopted, fix a time and place or places within the limits of the territory proposed to be annexed, for the holding of such election to determine the question of annexation, and said Commissioners shall name the persons to act as judges at such election, and shall give notice thereof by causing notice to be published for five (5) days in five (5) consecutive issues of a daily newspaper published in said park district, and by posting notices in five (5) public places within the territory proposed to be annexed in said district. The ballot to be used at such election shall be in the following form:

Board to hold hearing.

Notice of hearing.

Submit to vote if concurring.

Notice of election.

Ballot form.

- "For annexation to Metropolitan Park District."
- "Against annexation to Metropolitan Park District."

The judge or judges at such election shall make return thereof to the Board of Park Commissioners, who shall canvass such return and cause a statement of the result of such election to be entered on the record of such Commissioners. If the majority of the votes cast upon that question at such election shall be for annexation, then such territory shall immediately be and become annexed to such park district, and the same shall thenceforth be a part of

Return of election.

Majority decides.

said park district, the same as though originally included in such district.

Payment of election expense.

SEC. 21. All election officers for any election held pursuant to these preceding sections shall be named by the Board of Park Commissioners and the expense of all such elections shall be paid out of the funds of such Metropolitan Park District.

District assumes debts.

SEC. 22. When any Metropolitan Park District shall be formed pursuant to this act, and shall assume control of the parks, parkways, boulevards, and park property of the city in which said park district is created, such park district shall assume all existing indebtedness, bonded or otherwise, against such park property, and shall arrange by taxation or issuing bonds, as herein provided, for the payment of such indebtedness, and shall relieve such city from such payment. Said park district is hereby given authority to issue refunding bonds when necessary in order to enable it to comply with this section.

May issue refunding bonds.

Prior acts of boards validated.

SEC. 23. Acts of Metropolitan Park District Commissioners, and of the officers, employees and agents of Metropolitan Park Districts heretofore performed in good faith in accordance with the statutes which are hereby re-enacted, are hereby validated, and all assessments, levies and collections and all proceedings to assess, levy and collect as well as all debts, contracts and obligations heretofore made or incurred by or in favor of any Metropolitan Park District heretofore at any time existing and all bonds or other obligations thereof are hereby declared to be legal and valid and of full force and effect.

Saving clause.

SEC. 24. If any provision of this act or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other persons or circumstances shall not be affected thereby.

SEC. 25. Chapter 98 of the Laws of 1907, chapter 131 of the Laws of 1909, chapter 135 of the Laws of 1919, chapter 97 of the Laws of 1925 Extraordinary Session, chapter 268 of the Laws of 1927, chapters 36 and 38 of the Laws of 1939, and chapter 219 of the Laws of 1941 (sections 6720, 6721, 6722, 6723, 6724, 6725, 6726, 6727, 6728, 6729, 6730, 6731, 6732, 6733, 6734, 6735, 6736, 6738, 6739, 6740, and 6741 of Remington's Revised Statutes) are hereby repealed. Repeals.

SEC. 26. This act is necessary for the peace, welfare and safety of the state and the support of the state government and shall take effect immediately. Effective immediately.

Passed the House March 11, 1943.

Passed the Senate March 10, 1943.

Approved by the Governor March 22, 1943.

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## CHAPTER 265.

[ H. B. 281. ]

### HIGHWAYS--FRANCHISES.

AN ACT relating to highways and the power of the Director of Highways to grant franchises and permits thereon; amending sections 82, 83 and 87, chapter 53, Laws of 1937 (secs. 6400-82, 6400-83 and 6400-87, Rem. Rev. Stat., secs. 2696-538, 2696-539 and 2696-543, Pierce's Code).

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

SECTION 1. That section 82, chapter 53, Laws of 1937 (sec. 6400-82, Rem. Rev. Stat., sec. 2696-538, Pierce's Code) be amended to read as follows: Amendments.

Section 82. Any person, firm or corporation who shall construct or maintain on, over, across or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do Penalty.