

grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and such state highway is upon the former route of any county road, the Board of County Commissioners shall cause the title to the existing right of way or so much thereof as the Director of Highways shall require to be transferred to the State of Washington by proper instrument.

Passed the House February 26, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.

CHAPTER 267.

[H. B. 298.]

CONSOLIDATION OF WATER DISTRICTS.

AN ACT relating to the consolidation of water districts; providing for certain elections, the incurring of indebtedness and the issuance of revenue bonds; and providing for the officers thereof.

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

SECTION 1. Two (2) or more water districts, adjoining or in close proximity to and in the same county with each other, may be joined into one (1) consolidated water district in the following manner: Twenty-five per cent (25%) of the legal electors residing within each of the water districts proposed to be consolidated may petition the Water District Commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated.

Districts may be joined.

Procedure.

SEC. 2. Upon the filing of such petitions with the Board of Water Commissioners of the water districts, if the said Water Commissioners of all of said districts shall concur in the said petitions, they shall

Auditor to check petitions.

then file such petitions with the County Auditor who shall within ten (10) days examine the signatures thereon and certify to the sufficiency or insufficiency thereof. If all of such petitions shall be found to contain a sufficient number of signatures, the County Auditor shall transmit the same, together with his certificate of sufficiency attached thereto, to the Board of County Commissioners of the county in which the said districts are located. In the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, such petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent water district, and the petitions shall disclose the total number of acres of land in the said water district and shall also contain the names of all record owners of land therein.

Petitions
certified to
county com-
missioners.

SEC. 3. Upon the filing of such petitions with the Boards of Water Commissioners of the said water districts, if all the Boards of Water Commissioners shall be satisfied as to the sufficiency of the petitions and shall concur in the same, they shall thereupon transmit the petitions together with their certificates of concurrence attached thereto to the Board of County Commissioners of the county in which the water districts are located. The Board of County Commissioners of such county, upon receipt from the County Auditor of certificates as to there being a sufficient number of signatures of legal electors upon each of the petitions or in the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, upon receipt from the County Auditor of a certificate that the owners of at least a majority of the acreage in the pertinent water district have signed the petitions, the said Board of County Commissioners at a regular or special meeting shall cause to be published for at least two (2) weeks in two (2) successive weekly issues of some newspaper of general

Notice of
hearing.

circulation in said county and throughout the territory included in the pertinent water districts, a notice that such petitions have been presented and stating the time of a meeting at which a hearing upon the same shall be held and setting forth the boundaries of the water districts concerned.

SEC. 4. When such petitions are presented at the hearing as advertised, the said Board of County Commissioners shall hear the same or may adjourn said hearing from time to time, not exceeding one (1) month in all and any person, firm or corporation may appear before the Board of County Commissioners and make objections to the proposed consolidation. Upon the final hearing, the said Board of County Commissioners shall find whether the proposed consolidation of two or more water districts will be conducive to the public health, welfare and convenience and will be of special benefit to the land included within the boundaries of said water districts. No person having signed such petition as hereinabove provided for shall be allowed to withdraw his name therefrom after the filing of the same with the Board of Water Commissioners of any of said water districts.

Conduct of hearing.

Findings.

SEC. 5. Upon the entry of the findings of the final hearing upon the said petition by the said County Commissioners, if they find the said proposed consolidation to be conducive to the public health, welfare and convenience and to be of special benefit to the land included within the pertinent water districts, they shall give notice of a special election to be held within the boundaries of all the water districts proposed to be consolidated for the purpose of voting upon one or more of the following propositions, to wit:

Special election.

Notice of election.

Propositions:

1. Whether or not the several water districts shall be consolidated into one water district giving the name of such district as may be decided by the Board of County Commissioners. The notice shall

Boundaries and name.

particularly describe the boundaries of the pertinent water districts and shall set forth the names thereof.

Plan of
water supply.

2. In the event that a comprehensive plan or scheme of water supply for the consolidated district has previously been approved and adopted by the Boards of Water Commissioners of all the water districts proposed to be consolidated, said plan or scheme shall be submitted for ratification or rejection.

Incurring
debts.

3. In the event that any comprehensive plan or scheme so previously approved and adopted, includes a proposition to incur a general indebtedness for the construction of any part or all thereof, such proposition shall be submitted for ratification or rejection.

Issuance
of bonds.

4. In the event that any comprehensive plan or scheme, so previously approved and adopted, includes a proposition that such water district issue revenue bonds for the construction and/or other costs of any part or all of said comprehensive plan, such proposition shall be submitted for ratification or rejection.

Separate
vote on each.

Provided, however. That each and every one of any of the four foregoing propositions included upon the ballots shall be submitted so as to enable the voters to vote for or against each of said propositions independently of any vote on the other propositions submitted.

Election laws
govern.

SEC. 6. Notice of such election shall be given and conduct of said election held in accordance with the general election laws: *Provided,* That only qualified electors at the date of election residing within the water districts proposed to be consolidated shall be permitted to vote at the said election, and in the event the original petitions for consolidation are signed in any of the pertinent water districts by property owners so provided for in this act, then no person shall be entitled to vote at such election in such pertinent water district unless at the time of

the filing of the original petitions he owned land of record in the pertinent water district and, in addition thereto, at the date of election shall be a qualified elector of the county in which such water district is located.

SEC. 7. It shall be the duty of the County Auditor upon request of the County Commissioners to certify to the officers of any such election, the names of all persons owning land in the pertinent water district at the date of filing of the original petition as shown by the records of his office, and at any such election, the election officers may require any such land owner offering to vote to take an oath that he is a qualified elector of the county before he shall be allowed to vote. At any election held under the provisions of this act, an officer or agent of any corporation having its principal place of business in said county and owning land at the date of filing the original petitions in the pertinent water district, duly authorized thereto in writing, may cast a vote on behalf of such corporation. When so voting, he shall file with the election officers such a written instrument of his authority.

Auditor to certify names of owners.

Voting for corporation.

SEC. 8. If at such election a majority of the voters in each of the water districts proposed to be consolidated voting upon proposition No. 1 above shall vote in favor thereof, then the Board of County Commissioners shall so declare in its canvass of the returns of such election to be made within ten (10) days after the date of the election and such consolidated water district shall then be and become a municipal corporation of the State of Washington, and the name of such water district shall be "..... Water District" (inserting the name appearing on the ballot); and such district shall have all powers, rights and privileges possessed by other water districts of the State of Washington.

Procedure upon approval.

Majority adopts boundaries and name.

SEC. 9. If at such election a majority of the voters in each of the water districts proposed to be

Majority adopts plan.

Procedure
upon
approval.

consolidated, voting upon proposition No. 2 above, shall vote in favor of the adoption thereof, the comprehensive plan or scheme of water supply shall thereupon be ratified and adopted and the Board of County Commissioners shall so declare in its canvass of the returns.

Three-fifths
vote to
incur debt.

SEC. 10. If at such election three-fifths of the voters voting upon proposition No. 3 shall vote in favor of the adoption thereof, the incurring of general indebtedness as therein specified shall be authorized and the Board of County Commissioners shall so declare in its canvass of the returns; and the Water District Commissioners shall have power to proceed forthwith to carry out said comprehensive plan or scheme to the extent specified in the proposition to incur such general indebtedness.

Three-fifths
vote to
issue bonds.

SEC. 11. If at such election, three-fifths of the voters voting upon proposition No. 4 above shall vote in favor of the adoption thereof, the issuance of revenue bonds as therein specified shall be authorized and the Board of County Commissioners shall so declare in its canvass of the returns; and the Water District Commissioners shall have power to proceed forthwith and carry out said comprehensive plan or scheme to the extent specified.

Procedure
after
approval.

SEC. 12. Upon the formation of any consolidated water district, the Water Commissioners of the water districts consolidated shall convey to the consolidated water district all property, both real and personal, of said districts and same shall thereupon be deemed to have been dissolved as set forth in section 12, chapter 87, Laws of 1941 (section 8931-22 Remington's Revised Statutes): *Provided, however,* Unless a comprehensive plan or scheme has been adopted whereby any indebtedness, of any form, owed by any of the water districts consolidated, is assumed by the consolidated water dis-

Dissolution
of districts.

Proviso.

trict, then such outstanding indebtedness shall remain the obligation of the area of the original debtor district; and the Water Commissioners of the consolidated water district shall make such levies, assessments or charges for service upon the said area or the water users therein as shall pay off such indebtedness at maturity.

SEC. 13. The Water Commissioners of all water districts consolidated into any new consolidated water district shall become Water Commissioners thereof until their respective terms of office expire. When the terms of expiration reduce the total number of remaining Water Commissioners to less than three (3) then the Board of Commissioners of the consolidated water district shall be maintained at the number of three (3), in accordance with the provisions of section 6, chapter 114, Laws of 1929 (section 11584, Remington's Revised Statutes).

Commis-
sioners serve
until terms
expire.

Passed the House March 4, 1943.

Passed the Senate March 9, 1943.

Approved by the Governor March 22, 1943.