

ply with the provisions hereof as a producer with respect to milk sold to handlers or processors.

Expiration.

SEC. 8. The provisions of sections 2 through 7 of this act shall expire and be of no further force and effect after September 30, 1956.

Emergency.

SEC. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 1, 1955.

Passed the Senate March 5, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 342.

[H. B. 111.]

DIKING DISTRICTS—SALE OF PROPERTY.

AN ACT authorizing diking districts to sell property; providing method of sale; authorizing certain powers; and adding to chapter 85.04 RCW, five new sections.

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

New sections.

SECTION 1. There is added to chapter 85.04 RCW, five new sections, as set forth in sections 2 through 6 of this act, to read as follows:

Authorization to sell property, real or personal, of diking district.

SEC. 2. Whenever, in the judgment of a board of commissioners of any diking district heretofore or hereafter organized, real or personal property, or any part thereof, owned by said district, is no longer of use to or needed by such district, or if personal property has become obsolete, the same may be sold by the board of commissioners of said district at public or private sale.

SEC. 3. Whenever in the judgment of the commissioners of any diking district, it is advisable so to sell real or personal property, the board of

commissioners of such district shall pass a resolution declaring its intention to make such sale, describing the property to be sold and stating the terms of such sale. The resolution shall set a date upon which the board shall meet, to determine whether or not such sale shall be made. Thereafter a copy of such declaratory resolution and a notice of hearing thereon shall be posted under the direction of the board, in three public places in such district at least ten days before the date of hearing. The notice shall state the time and place of hearing, describe the property to be sold and the terms of the proposed sale. In addition a copy of such resolution and of such notice of hearing thereon shall be published twice, at least two weeks prior to such proposed sale in some newspaper qualified for legal publication in accordance with the provisions of RCW 65.16, of general publication in the county in which such diking district is located.

Declaratory resolution.

Copies posted.

Notice of hearing.

Publication.

SEC. 4. At the time set for hearing, or at any time to which said hearing may be adjourned, any district elector within such district may appear and file a written protest against the proposed action of the board, which protest shall state clearly the basis thereof. At such hearing, which shall be public, the board shall give full consideration to the proposed sale and all protests filed, either written or oral and on said date or at any adjourned date, take final action thereon by resolution of the board. This resolution shall provide that upon payment of the purchase price involved, conveyance of the property shall be made by a majority of the board of said district, by deed if the property be real property; by bill of sale if the property be personal property, conveying the property sold to the purchaser thereof, and such conveyance shall pass to the purchaser such title as the district has to the property.

Protests filed.

Hearing.

Resolution directing sale.

Limitation on conveyance.

SEC. 5. If protests be filed against such sale, such conveyance shall not be executed or delivered until more than ten days elapse from the date of the hearing at which the resolution directing the sale, was passed. If appeal be taken by a protestant from the action of the board, such conveyance shall not be executed until termination of proceedings on appeal is had, and then only if the result of such appeal does not prevent such sale.

Appeal of protestant; time limitation.

SEC. 6. Any protestant who filed a protest prior to the final order of the board, may appeal from such final order, but to do so must within ten days from the date said order was entered, bring direct action in the superior court in the county wherein such district or portion thereof is situated, against such board of commissioners in their official capacity, which action shall be prosecuted under the procedure of civil actions, with right of appeal to the supreme court as provided in civil actions. In any such action so brought, the order of the board shall be conclusive of the regularity and propriety of the proceedings, and all other matters, except it shall be open to attack upon the ground of fraud, unfair dealing, arbitrary or unreasonbale action of the board.

Passed the House March 3, 1955.

Passed the Senate March 2, 1955.

Approved by the Governor March 21, 1955.