

and every other thing of any value, held by or used by such taxing area shall be delivered to and become the property of the school district to which the taxing area shall have been annexed.

Invalidity.

SEC. 17. If any part or parts of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of any other part or parts of this act.

Emergency.

SEC. 18. This act is necessary for the immediate preservation of public peace, health and safety, support of the state government and its existing public institutions, and shall take effect on April 1, 1955.

Passed the House February 27, 1955.

Passed the Senate March 6, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 345.

[Sub. H. B. 22.]

MUNICIPALITIES—INCORPORATION OF INTERCOUNTY AREAS.

AN ACT relating to the organization, classification, incorporation and government of cities and towns located in areas of more than one county; prescribing powers and duties of certain officers; prescribing certain procedures in relation thereto.

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

Terms explained.

SECTION 1. As used in this act, unless the context indicates otherwise, "principal county auditor", "principal board of county commissioners", "principal county canvassing board", and "principal county officer" mean respectively those in the county of that part of the proposed corporation in which the largest number of inhabitants reside as of the date of the incorporation thereof.

SEC. 2. Any area lying in two or more counties which is not incorporated as a municipal corporation,

may become incorporated under the provisions of this act. When so incorporated, it shall, unless otherwise provided by law, possess all the powers, duties, and benefits conferred upon or vested in, or that may hereafter be conferred upon or vested in, other municipalities of the same class and upon the officers thereof.

Incorporation of towns located in more than one county.

SEC. 3. A petition shall first be presented to the principal county auditor signed by qualified voters resident within each area of each county of the proposed corporation equal in number to twenty percent of the votes cast at the last state election. The petition shall set forth and particularly describe the form of government under which the proposed corporation is to operate in the event it is incorporated, the proposed boundaries of the proposed corporation, the number of inhabitants, as nearly as may be, within each area of each county within the proposed corporation, the name of the proposed corporation, and shall pray that the area may be incorporated under the provisions of this act.

Petition for incorporation.

SEC. 4. The principal auditor shall, as soon as possible, but in any case not later than thirty days after the date of receiving the petition, determine or cause to be determined whether the legal description of the area to be incorporated in his county is correct, and determine whether there is a sufficient number of valid signatures in his county. Upon such determination the principal county auditor shall transmit the petition to the other county auditor, or if more than one is involved, successively to each, and such other auditors shall determine whether the legal description is correct and whether there is a sufficient number of valid signatures from the area within their respective counties. No one county auditor shall be allowed more than thirty days within which so to check the petition. Thereupon the auditor or auditors shall attach a certificate

Procedure of county auditors upon receipt of petition.

Time limitation.

Certificate of sufficiency.

of sufficiency and return the petition to the principal county auditor who, in turn, shall, not later than five days after receiving it, attach his certificate of sufficiency thereto for his respective county and transmit the petition and certificates to the principal board of county commissioners.

Hearing date set.

SEC. 5. The principal board of county commissioners shall meet and fix a date for a hearing on the petition, and shall give notice of the hearing upon the petition and the time and place thereof by at least one publication not more than ten nor less than three days prior to the date set for the hearing in one or more newspapers of general circulation within the respective counties in which the proposed corporation is located. The approval of each board of county commissioners of the other county or counties involved shall first be secured by the principal board of county commissioners prior to action by them under this section.

Publication.

Approval secured.

Hearing on petition.

SEC. 6. The hearing provided for in section 5 of this act shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all. If upon final hearing the respective boards find that any land has been unjustly or improperly included within or excluded from the proposed corporation, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience, and each such board shall thereupon enter an order establishing and defining the boundary lines of the proposed corporation within its respective county. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in

Board order.

Limitation on land included in boundaries.

which the area sought to be included is located first obtains the written assent of not less than a number of qualified voters resident within each area to be included in the proposed corporation equal in number to twenty percent of the votes cast at the last state election. Each board of county commissioners shall for the area within its respective county, promptly after the final hearing, by order establish and define the boundaries of the proposed corporation, determine the number of inhabitants residing therein and state the name of the proposed corporation: *Provided*, That for the action required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Assent of voters.

Procedure after final hearing.

SEC. 7. For the purpose of the type of incorporation provided for in this act, the population shall be determined as follows:

Population determined; formula for.

A count shall be made by, or under the direction of, each board of each county in which a portion of the proposed corporation is located, of the number of dwelling units in that area at the time of incorporation or with respect to any area to be annexed thereto later, multiplied by a factor of 2.95, and the population so determined shall constitute the official population of the proposed corporation and subtracted from the official population of the unincorporated area of each of the counties in which the proposed corporation is located. In the event unincorporated territory is annexed to such corporation, the same procedures with respect to population shall be applicable.

SEC. 8. Within sixty days after the passage of the order required by section 6, the principal county auditor shall cause an election to be held within the boundaries so established for the purpose of determining whether the area described shall be in-

Election called.

incorporated into the class of corporation to which it belongs and to fill the various elective offices prescribed by law for corporations of such class under the form of government specified in the petition. The election shall be conducted by the principal county auditor in accordance with the general election laws of the state. The principal county officers and principal county canvassing board shall exercise all powers and perform all duties in connection therewith with the assistance of the officers and canvassing board of the other county or counties. If the election is successful, all costs incurred shall be borne by the corporation, but if unsuccessful, all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the boundaries of the whole of the proposed corporation.

Election procedure.

Election costs.

Filing declarations of candidacy.

Withdrawal of declaration.

No filing fee.

Qualified voter.

SEC. 9. Any qualified person may, not earlier than forty-five days nor later than thirty days prior to such election, file with the principal county auditor his declaration of candidacy. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy. There shall be no fee charged for filing declarations of candidacy for this incorporation election. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of office for which they are candidates. Names of candidates printed upon the ballot need not be rotated. No person shall be entitled to vote at such election unless he is a qualified elector of his respective county within the proposed corporation and has resided within the limits of such proposed corporation for at least thirty days next preceding such election.

SEC. 10. The notice of election shall be given by the principal county auditor as provided by RCW 29.27.080, and shall describe the boundaries of the proposed corporation, its name, and the number of inhabitants residing therein as ascertained by the boards of county commissioners of the counties in which it is located.

Notice of election.

SEC. 11. The form of ballot at such election shall be "for incorporation", "against incorporation"; and shall contain the names of the candidates for each office to be voted upon.

Form of ballot.

SEC. 12. The principal county canvassing board shall certify the results of the election to the respective boards of county commissioners. If, at the election, a majority of those voting thereat in each area favor incorporation, the respective boards of county commissioners acting jointly shall, by order, declare such territory to be incorporated as a corporation of the class to which it belongs under the name of (naming it) and such order shall be entered in the minute record of each board. The candidate receiving the highest number of votes for his respective office shall be declared elected and the principal county auditor shall issue a certificate of such election on or before the twentieth day following election.

Election results; procedure if incorporation favored.

Certificate of election.

SEC. 13. The incorporation shall be complete upon the filing of a certified copy of the order of the boards of county commissioners declaring it so in the office of the secretary of state. The successful candidates shall assume office on the first Monday following the issuance of the certificate of election and shall continue in office until their successors are elected and qualified at the next general municipal election to be held on the second Tuesday in March of the first even-numbered year following the incorporation election: *Provided*, That if the

Incorporation complete.

Assumption of office.

incorporation election is held on or after January 1st and before the second Tuesday of March of any even-numbered year, the first general municipal election shall not be held until the subsequent even-numbered year.

Elections after incorporation.

SEC. 14. After such a proposed corporation has been incorporated, the elections shall be conducted as provided in RCW 29.13.020 or 29.13.030, as the case may be, except each county auditor in each county in which a part of such corporation is located shall be responsible for closing registration files in accordance with RCW 29.07.160.

Actions by county officer after incorporation; costs.

SEC. 15. After incorporation all purposes essential to the maintenance, operation, and administration of the corporation whenever any action is required or may be performed by any county officer or board, such action shall be performed by the respective officer or board of the county of that part of the municipality in which the largest number of inhabitants reside as of the date of the incorporation of the proposed corporation except as provided in section 16, and all costs incurred shall be borne proportionately by each county in that ratio which the number of inhabitants residing in that part of each county forming a part of the proposed corporation bears to the total number of inhabitants residing within the whole of the corporation.

Taxation procedure.

SEC. 16. In the case of evaluation, assessment, collection, apportionment, and any other allied power or duty relating to taxes in connection with the corporation, the action shall be performed by the officer or board of the county for that area of the corporation which is located within his respective county, and all materials, information, and other data and all moneys collected shall be submitted to the proper officer of the county of that part of the corporation in which the largest number of inhabitants reside.

Any power which may be or duty which shall be performed in connection therewith shall be performed by the officer or board receiving such as though only a corporation in a single county were concerned. All moneys collected from such area constituting a part of such corporation that should be paid to such corporation shall be delivered to the corporate treasurer thereof, and all other materials, information, or data relating to the corporation shall be submitted to the appropriate corporate officials.

Any costs or expenses incurred under this section shall be borne proportionately by each county involved. Costs.

SEC. 17. Any corporation incorporated as provided in this act shall, in addition to all other powers, duties and benefits of corporations of the same class, be authorized to purchase, acquire, lease, or administer any property, real or personal, or property rights and improvements thereon owned by the federal government on such terms and conditions as may be mutually agreed upon, when authorized to do so by the United States government, and thereafter to sell, transfer, exchange, lease, or otherwise dispose of any such property, and to execute contracts with the federal government with respect to supplying water and for other utility services. Additional power authorized.

SEC. 18. Any corporation incorporated as provided in this act may consolidate or annex other incorporated or unincorporated territory outside the existing boundaries of such corporation but contiguous thereto, whether or not the territory lies in one or more counties, by following the procedure provided by law for such cases when only a single county is involved. Authority to consolidate or annex other territory; procedure.

SEC. 19. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the Invalidity.

provision to other persons or circumstances is not affected.

Passed the House February 21, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 346.

[H. B. 105.]

STATE COLLEGE—REGENTS, OFFICERS AND ORGANIZATION.

AN ACT relating to the State College of Washington; and amending section 6, page 246, Laws of 1909 and RCW 28.80.110.

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

Amendment.

SECTION 1. Section 6, page 246, Laws of 1909 and RCW 28.80.110 are each amended to read as follows:

President elected.

The board of regents shall meet and organize by the election of a president from their own number, on the first Wednesday in April of each year.

Treasurer appointed; duties and bond.

The board of regents shall appoint a treasurer who shall hold office during the pleasure of the board. The treasurer shall render a true and faithful account of all moneys received and paid out by him, and shall give bond for the faithful performance of the duties of his office in such amount as the regents require.

Secretary; bond.

The president of the college shall be secretary of the board of regents, and shall perform all the duties pertaining to that office, but he shall not have the right to vote. The secretary shall give a bond in the penal sum of not less than five thousand dollars, conditioned for the faithful performance of his duties as such officer.

Passed the House February 14, 1955.

Passed the Senate March 7, 1955.

Approved by the Governor March 21, 1955.