

tion prescribed in any other law shall prohibit the cities, towns and public utility districts of this state from exercising the authority herein conferred: *Provided*, That nothing in this act shall authorize any public utility district or city cooperating under the provisions of this act to condemn any property owned or operated by any privately owned utility.

Proviso.

Passed the Senate February 28, 1957.

Passed the House March 10, 1957.

Approved by the Governor March 26, 1957.

CHAPTER 288.

[Sub. S. B. 365.]

CITIES AND TOWNS—CONTRACTS TO SUPPLY WATER.

AN ACT relating to the sale of water by any city or town outside its boundaries, permitting sale by firm contract; amending section 1, chapter 150, Laws of 1909 as last amended by section 1, chapter 214, Laws of 1947 and section 1, chapter 252, Laws of 1951 and RCW 80.40.010, 80.40.020, 80.40.030, 80.40.040, 80.40.050 and 80.40.060; amending section 3, chapter 17, Laws of 1933 extraordinary session and RCW 80.40.200; and repealing section 4, chapter 17, Laws of 1933 extraordinary session and RCW 80.40.210.

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

Division and amendment.

SECTION 1. Section 1, chapter 150, Laws of 1909, as last amended by section 1, chapter 214, Laws of 1947, and section 1, chapter 252, Laws of 1951 (heretofore divided and codified as RCW 80.40.010, 80.40.020, 80.40.030, 80.40.040, 80.40.050 and 80.40.060) are divided and amended to read as set forth in sections 2, 3, 4, 5, 6 and 7 of this act.

Vetoed.

SEC. 2. (RCW 80.40.010) A city or town may construct, condemn and purchase, purchase, acquire, add to, maintain, and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, firms

or corporations outside its boundaries on firm contract, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom, with full power to regulate and control the use, distribution, and price thereof: *Provided*, That all water sold by a municipal corporation outside its corporate limits shall be sold at such rates as the city shall determine.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or waterworks or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property. No such dam or other structure shall impede, obstruct, or in any way interfere with public navigation of the lake or watercourse.

Vetoed.

Note: See also section 2, chapter 209, Laws of 1957.

RCW 80.40.020
enacted
without
amendment.

SEC. 3. (RCW 80.40.020) A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate systems of sewerage, and systems and plants for garbage and refuse collection and disposal, with full authority to manage, regulate, operate, and control them, and to fix the price of service thereof, within and without the limits of the city or town.

Note: See also section 3, chapter 209, Laws of 1957.

RCW 80.40.030
enacted
without
amendment.

SEC. 4. (RCW 80.40.030) A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate works, plants and facilities for the preparation and manufacture of all stone or asphalt products or compositions or other materials which may be used in street construction or maintenance, together with the right to use them, and also fix the price of and sell such products for use in the construction of municipal improvements.

Note: See also section 4, chapter 209, Laws of 1957.

RCW 80.40.040
enacted
without
amendment.

SEC. 5. (RCW 80.40.040) A city or town may also construct, acquire, and operate public markets and cold storage plants for the sale and preservation of butter, eggs, meats, fish, fruits, vegetables, and other perishable provisions.

Note: See also section 5, chapter 209, Laws of 1957.

RCW 80.40.050
enacted
without
amendment.

SEC. 6. (RCW 80.40.050) A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate works, plants, facilities for the purpose of furnishing the city or town and its inhabitants, and any other persons, with gas, electricity, and other means of power and facilities for lighting, heating, fuel, and power purposes, public and private, with full authority to regulate and control the use, distribution, and price thereof, together with the right to handle and sell or lease, any meters, lamps, motors, transformers, and equipment or accessories of any kind, necessary and convenient for the use, distribution, and sale thereof; authorized

the construction of such plant or plants by others for the same purpose, and purchase gas, electricity, or power from either within or without the city or town for its own use and for the purpose of selling to its inhabitants and to other persons doing business within the city or town and regulate and control the use and price thereof.

Note: See also section 6, chapter 209, Laws of 1957.

SEC. 7. (RCW 80.40.060) A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, operate, or lease cable, electric, and other railways, automobiles, motor cars, motor buses, auto trucks, and any and all other forms or methods of transportation of freight or passengers within the corporate limits of the city or town for the transportation of freight and passengers above, upon, or underneath the ground, and fix, alter, regulate, and control the fares and rates to be charged therefor; and without the payment of any license fee or tax, or the filing of a bond with, or the securing of a permit from, the state, or any department thereof, to engage in, carry on, and operate the business of transporting and carrying passengers or freight for hire by any method or combination of methods that the legislative authority of any city or town may by ordinance provide, with full authority to regulate and control the use and operation of vehicles or other agencies of transportation used for such business.

RCW 80.40.060
enacted
without
amendment.

Note: See also section 7, chapter 209, Laws of 1957.

SEC. 8. Section 3, chapter 17, Laws of 1933 extraordinary session and RCW 80.40.200 are each amended to read as follows:

RCW 80.40.200
amended.

A city or town may enter into a firm contract with any outside municipality, community, corporation, or person, for furnishing them with water without regard to whether said water shall be considered as surplus or not, all from the municipal waterworks system, fixing the terms upon which the

Municipal
utilities. Con-
tracts for out-
side service.

outside distribution systems will be installed and the rates at which and manner in which payment shall be made for the service rendered.

Repeal.

SEC. 9. Section 4, chapter 17, Laws of 1933 extraordinary session and RCW 80.40.210 are each repealed.

Passed the Senate March 4, 1957.

Passed the House March 10, 1957.

Approved by the Governor March 26, 1957, with the exception of section 2, which is vetoed.

Veto message, excerpt from.

Note: Excerpt of Governor's veto message reads as follows:

"I have heretofore signed into law Senate Bill No. 279 which amends RCW 80.40.010 by striking therefrom the words "No such dam or other structure shall impede, obstruct, or in any way interfere with public navigation of the lake or watercourse." Section 2 of Substitute Senate Bill No. 365 if enacted would restore the language quoted to RCW 80.40.010. It would thereby thwart the intention of the legislature in passing Senate Bill No. 279.

"The main purpose of Substitute Senate Bill No. 365 is expressed in sections 8 and 9 which enable a city or town to enter into contracts for the purpose of furnishing water to persons or municipalities outside the territorial limits of the contracting municipality. The veto of section 2 of Substitute Senate Bill No. 365 will not destroy the main purpose of this bill.

"For the reason indicated section 2 is vetoed and the remainder of the bill is approved."