

CHAPTER 209.

[H. B. 277.]

DIKING, DRAINAGE, SEWAGE DISTRICTS AND IMPROVEMENT DISTRICTS.

AN ACT relating to diking, drainage, and sewage; amending section 1, chapter 76, Laws of 1947 and RCW 85.04.600; amending section 3, chapter 176, Laws of 1913, as last amended by section 3, chapter 46, Laws of 1923, and RCW 85.08.040; amending section 4, chapter 176, Laws of 1913, as last amended by section 2, chapter 160, Laws of 1921, and RCW 85.08.050 through 85.08.100; and amending section 24, chapter 115, Laws of 1895 as last amended by section 2, chapter 133, Laws of 1917 and section 27, chapter 117, Laws of 1895 as last amended by section 2, chapter 89, Laws of 1913 and RCW 85.04.120.

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

RCW 85.04.600 amended.

SECTION 1. Section 1, chapter 76, Laws of 1947 and RCW 85.04.600 are each amended to read as follows:

Drainage districts. Compensation of commissioners.

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners shall receive as compensation the sum of eight dollars per day for all necessary services actually performed, in connection with their duties, including the attendance at meetings: *Provided*, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid.

RCW 85.08.040 amended.

SEC. 2. Section 3, chapter 176, Laws of 1913, as last amended by section 3, chapter 46, Laws of 1923 and RCW 85.08.040 are each amended to read as follows:

Improvement districts. Petition—Bond—Resolution.

To create the district four or more owners of property in the area shall file with the clerk of the

board of county commissioners a petition stating the necessity for the improvement, designating with reasonable certainty the location, route and termini of the proposed system, and praying for the creation of the district. They shall file with the petition their bond of not less than two hundred dollars, payable to the commissioners, conditioned for the payment of all expenses of the proceeding if the petition is denied. If at any time the commissioners deem the amount of the bond insufficient to cover the expenses, they may order an additional bond in such amount as they shall direct: *Provided*, That no petition shall be required if in the opinion of the county commissioners the improvement is necessary and will be conducive to the public health, convenience and welfare, and they may by resolution declare a district a necessity and the district shall be organized as hereunder prescribed.

SEC. 3. Section 4, chapter 176, Laws of 1913, as last amended by section 2, chapter 160, Laws of 1921 (heretofore divided and codified as RCW 85.08.050 through 85.08.100) is divided and amended as set forth in sections 4 through 9 of this act.

SEC. 4. (RCW 85.08.050) The clerk of the board shall deliver a copy of the petition or resolution to the engineer designated by the commissioners, who shall at once view the lines and location of the proposed improvement and the property to be affected thereby, and determine whether the improvement is necessary or will be conducive to the public health, convenience, or welfare, and whether the location and route described are the best; what, if any, part of the proposed system should be omitted, and what, if any additions should be made thereto or changes made therein, and shall file his findings in writing with the board.

RCW 85.08.050
amended.
Investigation
and report
by engineer.

RCW 85.08.060
amended.
Director may
investigate
and report in
certain cases.

SEC. 5. (RCW 85.08.060) If the lands to be benefited comprise three thousand acres or more, the county board may, after a hearing and if so requested in the petition, or resolution, ask the state director of conservation (and development) to make the investigation instead of the engineer. The director shall then make the survey and investigation to determine the feasibility of the project and the best means of attaining the objective, and file his report thereon with the board. The report shall contain all the findings required in the engineer's report and shall have the same effect. If the survey and report are made by the director, the petitioners need not file a cost bond.

RCW 85.08.070
amended.
Petition to
director—
Resolution for
hearing—
Notice.

SEC. 6. (RCW 85.08.070) The board shall send a copy of such petition or resolution to the state director, and ask for an estimate of the total cost of the survey, investigation, and report, which he may make and file with the board. It shall, by resolution, fix the time and place of a hearing on the petition or resolution and report, and shall give notice thereof by posting a copy in a conspicuous place in each voting precinct or fraction thereof in the area, and by publishing a copy for three successive weekly issues in a newspaper of general circulation in the area; the posting and the first publication to be at least thirty days before the hearing. The notice shall contain a copy of the petition or resolution and of the estimate of expense, the time and place of hearing, state that the expense of the survey and investigation contemplated in the petition or resolution will be charged against the lands described therein and require everyone interested to appear at such time and place and show cause in writing, if any he has, why the prayer of the petition or resolution should not be granted.

RCW 85.08.080
amended.

SEC. 7. (RCW 85.08.080) Upon the hearing the board shall determine whether the survey and in-

vestigation should be made and whether any or all of the land described in the petition, or resolution, or any additional lands should bear their proportional expense of the survey and investigation, and may adjourn the hearing from time to time not exceeding ninety days in all: *Provided*, That no additional lands shall be made to bear their proportional expense of the survey and investigation without first giving the same notice to all parties affected: *Provided further*, That the total cost of the survey, investigation, and report shall not exceed the amount stated in the estimate of the director by more than fifty percent. The determination of the board shall be by resolution and shall be conclusive upon all persons except for fraud or lack of jurisdiction.

Hearing—
Determination
—Including
additional
lands.

SEC. 8. (RCW 85.08.090) If the board determines in favor of the survey and investigation, it shall enter into a contract with the director to do the work, which shall be done at actual cost, and paid for from any moneys in the state reclamation revolving fund. As a part of his report the director shall include an itemized statement under oath of the expenses that have been incurred in making the investigation, surveys, and report, and the board shall cause a copy of the statement, together with a notice naming a time and place when and where the statement will be brought before it for hearing and determination, to be published in a newspaper of general circulation in the area, for two successive weeks prior to the hearing. At the time of the hearing or at such other time, not exceeding thirty days in all, to which it may be adjourned, the board shall examine the statement, hear testimony, and shall enter an order approving the statement or so much thereof as it deems correct.

RCW 85.08.090
enacted
without
amendment.

Upon the approval of the statement the board shall by resolution apportion the cost among the lands in the area, each acre or fraction thereof bear-

ing the same amount, and assess the apportioned expense as a tax against the lands, to be paid as a part of the general county and state tax against the lands at the same times, with the same penalties attached for delinquencies, and to be collected by the same agencies as the general taxes, and credited to the current expense fund of the county.

The board shall direct the auditor to issue a warrant against the county current expense fund payable to the director for the amount of the expense. All sums so paid shall be credited to the state reclamation revolving fund.

RCW 85.08.100 enacted without amendment.

SEC. 9. (RCW 85.08.100) If the report of the director favors the improvement, the board shall proceed as hereinafter directed: *Provided*, That nothing herein shall prevent the board or the improvement district from making further agreements with the director for the construction or supervision of the contemplated improvement, under the provisions of the state reclamation act.

RCW 85.04.120 amended.

SEC. 10. Section 24, chapter 115, Laws of 1895, as last amended by section 2, chapter 133, Laws of 1917, and section 27, chapter 117, Laws of 1895 as last amended by section 2, chapter 89, Laws of 1913 (heretofore combined and codified as RCW 85.04-.120) are each amended to read as follows:

Diking and drainage districts. Estimate for maintenance and repair.

On or before the first day of November of each year the diking commissioners shall, and on or before the first Monday in October of each year the drainage commissioners shall, make and certify to the county auditor an estimate of the cost of maintenance and repair of the improvement for the ensuing year. The amount thereof shall be levied against the land in the district in proportion to the maximum benefits assessed, and shall be added to the general taxes and collected therewith. If such estimate of the cost of maintenance and repair against any tract or contiguous tracts owned by one person or cor-

poration is less than two dollars, then the county auditor shall levy such a minimum amount of two dollars against such tract or contiguous tracts, and upon the collection thereof as herein provided shall pay all sums collected into the maintenance and/or repair fund of the district. In case of an emergency the commissioners may incur additional obligations and issue warrants therefor in excess of the estimate.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 20, 1959.

CHAPTER 210.

[H. B. 330.]

PUBLIC INSTITUTIONS—CHARGES FOR PERSONNEL'S QUARTERS—DEPOSIT.

AN ACT relating to public institutions of the state; providing for the payment of certain receipts into the state general fund; and adding a new section to chapter 28, Laws of 1959 and to chapter 72.01 RCW.

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

SECTION 1. There is added to chapter 28, Laws of 1959 and to chapter 72.01 RCW a new section to read as follows:

All moneys received by the director of institutions from charges made pursuant to RCW 72.01.280 shall be deposited by him in the state general fund.

Passed the House March 12, 1959.

Passed the Senate March 12, 1959.

Approved by the Governor March 20, 1959.