

in some bank to the credit of the district in lieu of the bond, securities approved by the board of a market value in an amount not less than the amount of the maximum deposit. All depositaries which have qualified for insured deposits under any federal deposit insurance act need not furnish bonds or securities, except for so much of the deposit as is not so insured.

Passed the Senate February 18, 1961

Passed the House March 6, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 277.

[H. B. 455.]

CITIES AND TOWNS—JURISDICTION OVER ADJACENT WATERS. VALIDATION OF CERTAIN ANNEXATIONS.

AN ACT relating to cities and towns; amending section 15, page 141, Laws of 1890 and RCW 35.21.010 and 35.27.020; amending section 1, chapter 111, Laws of 1909 and RCW 35.21.160; and repealing section 1, chapter 109, Laws of 1951.

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

Section 1. Section 15, page 141, Laws of 1890 (heretofore divided and codified as RCW 35.21.010 and 35.27.020) is divided and amended as set forth in sections 2 and 3 of this act, and the provisions as contained in this act shall apply to all incorporation and annexation proceedings now pending or hereinafter initiated.

Sec. 2. (RCW 35.21.010) Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of, or the town of, as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess, and dispose of property, subject to the restrictions contained in

Vetoed.

this title, have a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this title.

Sec. 3. (RCW 35.27.020) No more than twenty acres of unplatted land belonging to any one person shall be taken into the limits of municipal corporations of the fourth class without the consent of the owner thereof, except that this limitation shall not be applicable to original incorporation proceedings. } Vetoed.

SEC. 4. Section 1, chapter 111, Laws of 1909 and RCW 35.21.160 are each amended to read as follows: } RCW 35.21.160 amended.

The powers and jurisdiction of all incorporated cities and towns of the state having their boundaries or any part thereof adjacent to or fronting on any bay or bays, lake or lakes, sound or sounds, river or rivers, or other navigable waters are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city or town limits. } Cities and towns. Jurisdiction over adjacent waters.

SEC. 5. Any annexation made to any city or town of the fourth class prior to the effective date of this 1961 amendatory act which is otherwise valid except for compliance with the limitation to the area of one square mile is hereby declared to be a valid annexation in all respects. } Prior annexations validated.

SEC. 6. Section 1, chapter 109, Laws of 1951 is hereby repealed. } Repeal.

Passed the House March 6, 1961.

Passed the Senate March 5, 1961.

Approved by the Governor March 20, 1961, with the exception of Sections 1, 2, and 3, which are vetoed.

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

Veto message,
excerpt.

"This Bill as amended would permit, on original incorporation proceedings, cities of the 4th class to include within the area of proposed incorporation, practically unlimited territories within a county. The law dealing with the powers of 4th class cities, was originally passed during the 1889-1890 Legislative session (Chapter 7, section 15, page 141). It provides that cities of the 4th class upon original incorporation, or in annexation proceedings, cannot include more than one square mile of territory. This law likewise prohibits 4th class cities from including more than 20 acres of unplatted lands belonging to any one owner without the consent of such owner.

"I am fully aware of the fact that the proponents of sections 1, 2, and 3 of this bill have many excellent arguments in favor why these sections should not be vetoed. Thus I sympathize with the view of the Fife School District which takes the position that if the City of Tacoma were to annex the area belonging to the Port of Tacoma, the tax base of the school district would be jeopardized. I also realize that there is some doubt as to whether or not by vetoing sections 1, 2, and 3 of this bill, section 5 thereof, validating previous annexations, can stand.

"On the other hand, the Association of Washington Cities has recommended that I veto sections 1, 2, and 3. This Association to my mind is the most authoritative source of information available to me with reference to problems related to cities and towns.

"I cannot help but feel that it is unjust and violative of the most fundamental principles of our form of government to permit a small group of people, such as 300 inhabitants, to incorporate and to include within such incorporation or annexation, without the consent of the owners of such areas, unlimited tracts of lands. To permit such action, to my mind, would permit a small minority to tax owners of large areas of land without their consent, and without representation in the city to be incorporated. I am also impressed by the fact that any action other than the action I am about to take, might seriously hamper the future development of the largest tract available to the Port of Tacoma for industrial development.

"The majority of the Council of the City of Tacoma have asked me to veto sections 1, 2, and 3 of this bill. The Tacoma Labor Council, the Pierce County Commissioners, the Tacoma Real Estate Board, and the Chamber of Commerce of the City of Tacoma have unanimously recommended that I veto sections 1, 2, and 3. Let me stress again, that I recognize the problem involved in the consideration of this bill is by no means a one-sided one, and it is exactly for these considerations that I have urged the Legislature to pass Senate Bill No. 95 which creates a Joint Legislative Committee on urban area development. This Committee, I am sure, will give full consideration to the problem presented to us by the instant Act. For this reason I feel that pending a full and complete study by this Joint Legislative Committee, the interests of the State will be best served by leaving the law as it now stands, and by vetoing sections 1, 2, and 3.

"Section 4 of this bill, as amended, merely restricts the jurisdiction of 4th class cities and towns bordering on lakes, sounds, or navigable waters, to the one square mile area.

"Section 5 purports to validate annexations made during the past ten years by 4th class cities and towns which annexed areas exceeding one square mile. This validation is necessary because the Supreme Court sitting *En banc* in the case of *PAROSA vs. THE CITY OF TACOMA*, and the *PORT OF TACOMA vs. HARRY SPRINKER, et al* (157 Washington Decisions, 307) declared a 1951 statute purporting to repeal the 1,000 acre limitation unconstitutional.

"Section 6 merely follows the result reached by the Supreme Court with reference to its construction of section 1, chapter 109, Laws of 1951, in the above captioned cases.

"For the reasons indicated, sections 1, 2, and 3 of House Bill No. 455 are vetoed; the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.