

recorded and a reference to the notice of sale and the book and page on which the name is recorded, and a notice that such sale is discontinued.

Sec. 6. Section 13, chapter 74, Laws of 1965 and RCW 61.24.130 are each amended to read as follows:

Nothing contained in this chapter shall prejudice the right of the grantor or his successor in interest to restrain, on any proper ground, a threatened sale by the trustee under a deed of trust. In the event that the property secured by the deed of trust is a single-family dwelling occupied by the grantor or his successor in interest, and the court finds that there is proper ground to restrain a threatened sale by the trustee under a deed of trust, the court shall require the grantor or his successor in interest to enter into a bond in the amount of two hundred fifty dollars with surety to the satisfaction of the clerk of the superior court to the adverse party affected thereby, conditioned to pay all damages and costs which may accrue by reason of the injunction or restraining order. In addition, the court shall require as a condition of continuing the restraining order that the grantor or his successors in interest shall pay to the clerk of the court every thirty days the monthly payment of principal and interest that would be due on the obligation secured by the deed of trust if the deed of trust was not being foreclosed.

Passed the Senate May 22, 1975.

Passed the House May 19, 1975.

Approved by the Governor May 31, 1975.

Filed in Office of Secretary of State May 31, 1975.

CHAPTER 130

[Substitute Senate Bill No. 2966]

FIRE PROTECTION DISTRICTS—LOCAL IMPROVEMENT DISTRICTS

AN ACT Relating to fire protection districts; amending section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 16, Laws of 1972 ex. sess. and RCW 52.16.070; amending section 40, chapter 34, Laws of 1939 as amended by section 1, chapter 161, Laws of 1961 and RCW 52.20.010; amending section 41, chapter 34, Laws of 1939 as amended by section 2, chapter 161, Laws of 1961 and RCW 52.20.020; amending section 3, chapter 161, Laws of 1961 and RCW 52.20.025; creating new sections; repealing section 17, chapter 34, Laws of 1939, section 60, chapter 70, Laws of 1941 and RCW 52.08.070; repealing section 44, chapter 34, Laws of 1939 and RCW 52.20.050; and declaring an emergency.

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

Section 1. Section 39, chapter 34, Laws of 1939 as last amended by section 1, chapter 16, Laws of 1972 ex. sess. and RCW 52.16.070 are each amended to read as follows:

Except as authorized by virtue of the issuance and sale of district coupon warrants and general obligation bonds, and the creation of local improvements districts and the issuance of local improvement bonds and warrants of the fire protection district, the board of fire commissioners shall have no authority to incur expenses or other financial obligations payable in any year in excess of the aggregate amount of taxes levied for that year, revenues derived from contracts, leases and fire protection services rendered to any other municipal corporation, person, firm or corporation, or state agency, grants, bequests, gifts or donations

whether received from governmental or non governmental sources, and the cash balances on hand in the expense and reserve funds of the district on the first day of that year. In the event that there are any unpaid warrants drawn on any district fund or funds for expenses and obligations incurred outstanding at the end of any calendar year, the same may be paid from taxes collected in the subsequent year or years, revenues, grants, bequests, gifts or donations.

Sec. 2. Section 40, chapter 34, Laws of 1939 as amended by section 1, chapter 161, Laws of 1961 and RCW 52.20.010 are each amended to read as follows:

In any instance where for fire protection purposes the acquisition, maintenance and operation of real property, buildings, fire fighting equipment, apparatus and instrumentalities necessary therefor are of special benefit to part or all of the lands in the fire ~~((prevention))~~ protection district, the board of fire commissioners shall have authority to include such lands in a local improvement district, ~~((and to contract for operating such facilities,))~~ and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement, on the basis of the special benefits to pay in whole or in part the damages or costs of any improvements ordered in such ~~((fire protection))~~ local improvement district. ~~((The duties devolving upon the city treasurer under said laws are imposed upon the county treasurer for the purposes of this chapter.))~~ Such local improvement districts may be initiated either by resolution of the board of fire commissioners or by petition signed by the owners of a majority of the acreage of lands to be included within the local improvement district.

If the petition procedure is followed, said petition shall set forth generally the necessity for the creation of a local improvement district, outline the plan of fire protection to be accomplished, and the means by which the cost of the same shall be financed. Upon receipt of said petition, the board of fire commissioners of said district shall at its next regular meeting examine the same. The assessed owners of said lands as shown on the general tax roll in the county treasurer's office, last equalized, shall be prima facie evidence of the ownership of the lands to be included in said local improvement district. If said petition is found sufficient, said district board shall proceed to consider the same and to determine whether such local improvement appears feasible and of special benefit to the lands concerned.

In case the board of fire commissioners shall desire to initiate the formation of a local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed district, describing the boundaries thereof, stating the estimated cost and expenses of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed district.

Sec. 3. Section 41, chapter 34, Laws of 1939 as amended by section 2, chapter 161, Laws of 1961 and RCW 52.20.020 are each amended to read as follows:

If said petition is found insufficient or if said district board shall determine that such a local improvement district is unfeasible or of no special benefit to the lands concerned, it shall dismiss said petition. If said district board shall approve said petition or adopts a resolution of intention to order an improvement, it shall

fix a day, hour and place for hearing the same and shall (1) mail notice of said hearing at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of each lot, tract(~~(;)~~) or parcel of land (~~((or other property))~~) within the proposed local improvement district as shown on the tax rolls of the county treasurer at the address shown thereon, and (2) publish notice of said hearing in a newspaper of general circulation in the county, to be selected by said board, for three consecutive weekly issues thereof published prior to the day of said hearing. The cost of said publication shall be advanced or paid in advance by the petitioners or, in the case of initiation by the board of fire commissioners, such costs shall be paid by the (~~(board)~~) fire protection district. Such notices shall describe the boundaries of the proposed local improvement district(~~(, shall state that the lands within the said boundaries are proposed to be included within a local improvement district, shall mention)~~) and the plan of fire protection proposed (~~(and)~~) or may refer to the resolution of intention describing the nature and territorial extent of the proposed improvement. Such notices shall state the means by which the cost of the same shall be financed, shall state the day, hour and place of hearing on said petition and shall be signed by the secretary of the fire protection district. In addition, the notice given each owner or reputed owner by mail shall state the estimated cost and expense of such improvement to be borne by the particular lot, tract or parcel.

Sec. 4. Section 3, chapter 161, Laws of 1961 and RCW 52.20.025 are each amended to read as follows:

The hearing for which notice is (~~(given)~~) prescribed in RCW 52.20.020, as now or hereafter amended, and all subsequent proceedings in connection with the local improvement, including but not limited to the levying, collection and enforcement of local improvement assessments, and the authorization, issuance, and payment of local improvement bonds and warrants shall be in accordance with the provisions of law applicable to (~~(sewer district local improvement district improvements))~~ cities and towns set forth in chapters (~~((56.20))~~) 35.43, 35.44, 35.45, 35.49, 35.50, and 35.53 RCW as now or hereafter amended, and (~~((references therein to the board of sewer commissioners and secretary of the board of sewer commissioners shall be deemed references to the board of fire district commissioners and secretary of the board of fire district commissioners, respectively))~~) fire protection districts shall have and may exercise the powers set forth in such chapters: PROVIDED, That no local improvement guaranty fund shall be created: AND PROVIDED, FURTHER, That for the purposes of RCW 52.16.070, 52.20.010, 52.20.020, and 52.20.025, as now or hereafter amended, with respect to the powers granted and the duties imposed in chapters 35.43, 35.44, 35.45, 35.49, 35.50, and 35.53 RCW:

(1) The words "city or town" shall be deemed to mean fire protection district.

(2) The secretary of a fire protection district shall perform the duties of the "clerk" or "city or town clerk".

(3) The board of fire commissioners of a fire protection district shall perform the duties of the "council" or "city or town council" or "legislative authority of a city or town".

(4) The board of fire commissioners of a fire protection district shall perform the duties of the "mayor".

(5) The word "ordinance" shall be deemed to mean a resolution of the board of fire commissioners of a fire protection district.

(6) The treasurer of the county in which a fire protection district is situated shall perform the duties of the "treasurer" or "city or town treasurer".

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 34, Laws of 1939, section 60, chapter 70, Laws of 1941 and RCW 52.08.070; and

(2) Section 44, chapter 34, Laws of 1939 and RCW 52.20.050.

NEW SECTION. Sec. 6. If any section, clause, or other provision of this 1975 amendatory act, or its application to any person or circumstance, is held invalid, the remainder of such 1975 amendatory act, or the application of such section, clause, or provision to other persons or circumstances, shall not be affected. The rule of strict construction shall have no application to this 1975 amendatory act, but the same shall be liberally construed, in order to carry out the purposes and objects for which this 1975 amendatory act is intended. When this 1975 amendatory act comes in conflict with any provision, limitation, or restriction in any other law, this 1975 amendatory act shall govern and control.

NEW SECTION. Sec. 7. This 1975 amendatory 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 Senate May 9, 1975.

Passed the House May 22, 1975.

Approved by the Governor May 31, 1975.

Filed in Office of Secretary of State May 31, 1975.

CHAPTER 131

[Substitute Senate Bill No. 2123]

MUNICIPAL CORPORATIONS—WARRANTS NOT PRESENTED, CANCELLATION

AN ACT Relating to warrants of municipal corporations; adding a new section to chapter 39.56 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 39.56 RCW a new section to read as follows:

Registered or interest bearing warrants of any municipal corporation not presented within one year of the date of their call, or other warrants not presented within one year of their issue, shall be canceled by passage of a resolution of the governing body of the municipal corporation, and upon notice of the passage of such resolution the auditor of the municipal corporation and the treasurer of the municipal corporation shall transfer all records of such warrants so as to leave the funds as if such warrants had never been drawn.