

NEW SECTION. Sec. 10. Section 35.20.130, chapter 7, Laws of 1965 as amended by section 3, chapter 241, Laws of 1967 and RCW 35.20.130 are each repealed.

NEW SECTION. Sec. 11. If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 16, 1969
Passed the Senate April 9, 1969
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CHAPTER 148
[House Bill No. 194]
WATER DISTRICTS--SEWER
DISTRICTS--MERGER--
COMMISSIONERS, COMPENSATION

AN ACT Relating to water and sewer districts; providing a method for the merger thereof into sewer districts; prescribing powers, duties, and functions in relation thereto; providing for an election; providing for the transfer of property and payment of liabilities; granting powers to sewer districts; providing for issuance of revenue bonds; authorizing assessments; amending section 9, chapter 210, Laws of 1941, as last amended by section 4, chapter 103, Laws of 1959, and RCW 56.12.010; and amending section 7, chapter 114, Laws of 1929, as last amended by section 5, chapter 108, Laws of 1959 and RCW 57.12.010.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. Any water district, acting alone or in conjunction with any other water district or districts similarly situated as hereafter described, the territory of which lies wholly or partly within, or which is adjoining or in proximity to, and in the same county with, a sewer district, may merge into the sewer district, and the sewer district will survive under its original name. The term "in proximity to" as used herein shall mean within one mile of each other, measured in a straight line between the closest points of approach of the territorial boundaries of the respective districts.

NEW SECTION. Sec. 2. A merger of one or more water districts into a sewer district may be initiated in any one of the following ways:

(1) Whenever the board of commissioners of the sewer district, on the one hand, and the board of commissioners of the water district or of the respective water districts seeking to merge into the sewer district, on the other hand, each determine by resolution that the merger of such water district or water districts into the sewer district shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such district so desiring to merge.

(2) Whenever ten percent of the qualified electors residing within each of the sewer districts and the water district or districts involved petition the board of commissioners of their respective districts for a merger of such district into the sewer district.

(3) Whenever ten percent of the qualified electors residing within the sewer district petition the board of sewer commissioners for such a merger, and the board of water commissioners of the district or each water district to be merged determines by resolution that the merger of such district into the sewer district will be conducive to the public health, welfare and convenience of the two districts.

NEW SECTION. Sec. 3. Whenever a merger is initiated in any of the three ways provided in section 2 of this act, the boards of the sewer and water commissioners of the respective districts involved shall enter into an agreement providing for the merger. The agreement must be entered into within ninety days following completion of the last act required for initiation of the merger by any one of the means above specified, as provided in section 2 of this act. Where two or more water districts seek to merge into a sewer district at or about the same time, there need be but one agreement of merger signed by the sewer district and such two or more water districts if the parties so agree.

The respective boards of sewer and water commissioners of such districts shall certify such agreement to the county auditor of the county in which the districts are located within twenty days from date of execution of such agreement, with a certified copy thereof filed with the clerk of the board of county commissioners of such county. Thereupon, the county auditor shall call a special election for the purpose of submitting to the voters of the water district or of each of the two or more water districts involved the proposition of whether the water district shall be merged into the sewer district. Notice of the election shall be given, and the election conducted, in accordance with the general election laws.

NEW SECTION. Sec. 4. If at such election a majority of the voters in the water district or all or either of the water districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the sewer district and each water district in which the majority of voters voted in favor of the merger, and each such water district shall cease to exist and shall become a part of the sewer district. The water commissioners of any water district so merged shall cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of sewer commissioners of the sewer district.

NEW SECTION. Sec. 5. All funds, rights and property, real and personal, of any water district merging into a sewer district shall vest in and become the property of the sewer district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owed by the water district, shall remain the obligation of and, as applicable, a lien upon the land, assets and/or revenue of the original district. The board of commissioners of the sewer district shall make such levies, assessments or charges upon said land or the water or sewer users therein as are necessary to pay

any indebtednesses of the merged water districts as and when the same mature.

NEW SECTION. Sec. 6. Following merger, the sewer district and the board of commissioners thereof shall have all powers granted water districts by Title 57 RCW. The sewer district shall have the power to issue revenue bonds to which are pledged water revenue, sewer revenue, or both water and sewer revenue, as well as the power to levy assessments against property specially benefited in the manner levied by utility local improvement districts, for improvements to the water system or the sewer system or both.

Sec. 7. Section 9, chapter 210, Laws of 1941, as last amended by section 4, chapter 103, Laws of 1959, and RCW 56.12.010 are each amended to read as follows:

The governing body of a sewer district shall be a board of commissioners consisting of three members. The commissioners shall annually elect one of their number as president and another as secretary of the board.

A district (~~may~~) shall provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district: PROVIDED, That the per diem for each commissioner shall not exceed (~~six~~) one thousand two hundred dollars per year. In addition, the secretary may be paid a reasonable sum for his services as secretary and for bookkeeping work and keeping the records of the district. No commissioner shall be employed full time by the district.

The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose, which shall be a public record.

Sec. 8. Section 7, chapter 114, Laws of 1929, as last amended by section 5, chapter 108, Laws of 1959 and RCW 57.12.010 are each amended to read as follows:

The officers of a district shall be a board of water commissioners consisting of three members. The board shall annually elect one of its members as president and another as secretary.

The secretary may be paid a reasonable sum for the clerical services performed by him. The board shall by resolution adopt rules governing the transaction of its business and shall adopt an official seal. All proceedings shall be by resolution recorded in a book kept for that purpose which shall be a public record.

A district (~~may~~) shall provide by resolution for the payment of compensation to each of its commissioners at a rate not exceeding twenty-five dollars for each day or major part thereof devoted to the business of the district: PROVIDED, That the per diem for each commissioner shall not exceed (~~six-hundred~~) twelve hundred dollars per year. No commissioners shall be employed full time by the district. Each commissioner shall be reimbursed for reasonable expenses actually incurred in connection with such business, including his subsistence and lodging while away from his place of residence and mileage for use of personal automobile at the rate of (~~five~~) ten cents per mile.

The date for holding elections and taking office as herein provided shall be subject to the provisions of any consolidated election laws that may be made applicable thereto although previously enacted.

NEW SECTION. Sec. 9. 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 provision to other persons or circumstances is not affected.

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CHAPTER 149
[Engrossed House Bill No. 311]
GLUE SNIFFING

AN ACT Relating to glue sniffing; defining crimes; and prescribing penalties.