

lected by such officer as the board shall designate and shall be deposited monthly with the county treasurer of the county in which the organization of the reclamation district was effected, and shall be credited to such fund of the district as the district board shall designate.

SEC. 19. This act is necessary for the support of the state government and its existing public institutions, and shall take effect immediately. Effective immediately.

Passed the House March 5, 1933.

Passed the Senate March 8, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 150.

[S. B. 27.]

CONTROL OF FLOOD WATERS.

AN ACT relating to the control of flood waters, authorizing the state supervisor of hydraulics to construct controlling and diversion works and providing for the payment of the cost of construction, making an appropriation and declaring an emergency.

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

SECTION 1. Whenever it shall be made to appear that the waters of any stream, as a result of freshets or other causes, have in the past and are likely in the future to cause injury to or destruction of property or loss of life, both within and without the corporate limits of any city or town and upon the request of the county commissioners of the county and/or of the city council or city commissioners or other governing body of the city in which the property likely to be endangered is situated, the state supervisor of hydraulics is hereby authorized to construct the necessary flood control works Construction of flood control works authorized.

on behalf of such county and city in accordance with the provisions of this act.

Investigation.

SEC. 2. The supervisor of hydraulics shall, upon receipt of any such request, proceed to investigate the stream or streams involved and the flood conditions thereof for the purpose of determining whether the flood conditions in such stream or streams are such as are likely to cause destruction of or injury to life or property and what methods of control or diversion are feasible and the approximate cost thereof. If after such investigation, in the judgment of the supervisor of hydraulics, control or diversion is necessary and feasible at a reasonable cost, considering the destruction likely to be caused and the value of the property which may be subject to liability for the payment thereof and upon approval by the board of county commissioners and/or the governing board of the city or town, he shall prepare or cause to be prepared the necessary plans and specifications for the necessary dams, weirs, diversion or other works, together with an estimate of the probable cost of construction, such plans and specifications to include a general description of all the property to be affected.

Plans and specifications.

Plans infeasible.

SEC. 3. Upon the completion of such plans, specifications and estimates, a copy thereof shall be filed with the board of county commissioners of the county and/or with the governing body of the city in which the land to be protected is situated, and shall be kept on file for a period of twenty days for examination by said bodies and their respective engineers. If upon such examination either the said board of county commissioners or the governing body of the city shall find that the said proposed plans are infeasible for any reason, or if the owners of more than one-half of the property affected by the proposed improvement by petition protest such improvement, no further steps shall be taken.

Protested.

SEC. 4. Upon the expiration of twenty days from the filing of said plans and specifications as hereinbefore provided, the supervisor of hydraulics shall, unless the said works be found to be infeasible as hereinbefore provided, proceed with the construction thereof, such construction to be by contract let to the lowest and best bidder: *Provided, however,* That upon request therefor of the board of county commissioners and/or the governing body of the city the same may be done by day labor. All construction shall be done under the supervision and direction of the supervisor of hydraulics and subject to his approval: *Provided,* That the total cost shall not exceed the estimate by more than ten per cent (10%).

Letting of contract.

Day labor.

Total cost.

SEC. 5. The supervisor of hydraulics shall, in connection with the preparation of plans and specifications of such flood control works, determine by means of surveys and other investigations, the lands and property which will be benefited by the construction thereof and shall prepare maps showing the lands and property to be so benefited, which maps shall be sufficiently definite to enable the owners of such lands and property to determine whether their lands and property have been included as benefited. Such maps shall be filed with the board of county commissioners and/or the governing body of the city at the same time as the plans and specifications are filed. Notice of the filing of said plans, specifications and maps shall be given by publication in the official newspapers of said county and city once a week for three successive weeks.

Property to benefit, maps of.

Notice of filing.

SEC. 6. Upon the completion of the said flood control works the said supervisor of hydraulics shall prepare and file with the said board of county commissioners and/or governing body of the said city a final estimate of the cost of construction of such flood control works, which costs shall include all

Final estimate of costs.

engineering, clerical and other costs incident to the investigation of said project, the preparation of plans, specifications and maps, including the supervision of the construction of such works, preparation of assessment rolls hereinafter provided for and all other expenses necessarily and properly incurred by such supervisor of hydraulics in connection with such proceedings.

Assessment
roll.

Benefits
received.

Assessment
of city
or town.

SEC. 7. At the time of the filing of said final estimate, as hereinbefore provided, the said supervisor of hydraulics shall file with the said board of county commissioners and/or governing body of said city an assessment roll showing all the property benefited by the said flood control works as the same appears upon the last tax rolls of said county with the names of the owners there appearing, and shall set opposite each tract and parcel of land the benefit found by him to be received from said flood control works. In the event public highways, streets, alleys or other public property is found to be benefited, the benefits shall be determined by said supervisor of hydraulics and the amount assessed against the county or city as the case may be, together with a statement as to the property benefited, and the county commissioners shall determine whether such costs shall be paid in installments or not and, if in installments, shall fix the time within which they shall be paid, the number thereof, the rates of interest which they shall bear not exceeding eight per cent (8%) per annum: *Provided, however,* That when in the judgment of the supervisor of hydraulics, concurred in by the governing body of the city or town, the whole city or town as a unit would be benefited, then the benefits shall be assessed against the city or town as a unit and shall be paid by a general tax against all of the property of the city or town.

SEC. 8. At the time of the filing of such assessment roll, the supervisor of hydraulics shall fix a time and place within the county in which the improvement is to be made for the hearing on objections to said assessments and assessment roll which shall be not less than thirty nor more than forty days after the filing of said assessment roll. Notice of the filing of such assessment roll and of the time and place of the hearing thereon shall be given by publication in the official newspaper of said county and city at least once a week for four successive weeks. The first publication shall be not less than thirty days before such hearing.

Nature of hearing of objections.

SEC. 9. At the time of such hearing the said supervisor of hydraulics shall hear any objections which may be made and filed against such assessments and shall make such changes in such assessments as he deems proper or may overrule any or all such objections.

Hearing.

Upon the approval of such assessment roll as prepared or amended, the assessment roll shall be filed with the county treasurer and the treasurer of said city and the assessments therein shall thereupon become a first lien upon the property against which they are levied, subject only to liens for general taxes as in the case of other special assessments.

Approval.

The assessment roll so approved and filed shall be conclusive in the same manner and to the same extent as provided in section 23, chapter 98, Laws of 1911 (Remington's Compiled Statutes, section 9375), as to assessment rolls for local improvements in cities.

Conclusive.

SEC. 10. Appeals to the superior court from the decision of the supervisor of hydraulics upon objections to such assessment roll may be made in the manner and according to the provisions of section 22, chapter 98, Laws of 1911 (Remington's

Superior court.

Appeals,
lands out-
side cities.

Compiled Statutes, section 9374) as supplemented and amended relating to appeals from decisions of city councils on objections to assessment rolls: *Provided, however,* That in the event the decision appealed does not relate to lands within a city, the notice of appeal shall be served on the county auditor and he shall perform all the duties required of the city clerk by said section and shall receive the fees therein provided for: *And provided, further,* That a copy of such notice of appeal shall be served upon the supervisor of hydraulics within time provided in said section.

Notice of
appeal.

Collections:
Property
within city.

SEC. 11. Assessments and installments thereof against property within the city shall be collected by the city treasurer, and the provisions of existing laws relating to the collection of assessments for local improvements by cities shall apply and control. All assessments collected by said city shall be transmitted to the county treasurer to be applied in payment of outstanding warrants issued for the construction of such flood control works.

Property
without city.

SEC. 12. Assessments and installments thereof against property without the city shall be collected by the county treasurer, and the provisions of existing laws as to collection of assessments for local improvements in cities shall apply to the collection of such assessments.

Collections
against
city itself.

SEC. 13. Assessments against the city itself shall be paid by a levy of a tax against the real and personal property within the city, and assessments against the county itself for the protection of highways shall be paid by the levy of a tax against the real and personal property in the road district or districts in which such highways are situated.

Eminent
domain.

SEC. 14. The supervisor of hydraulics is hereby empowered to exercise the right of eminent domain for the purpose of procuring sites for the con-

struction of dams and diversion works, reservoirs, ditches, canals and any other purpose proper and necessary in the construction of such flood control works in accordance with the plans and specifications adopted.

SEC. 15. If the supervisor of hydraulics shall find that, as a part of such flood control, it shall be necessary or proper to divide the flood waters of any such stream or streams between any branches or subdivisions thereof, he is hereby authorized to divide such flood waters between such branches or divisions by weirs or other diversion works in such amounts or proportions as he shall deem most effective for such flood control on each of said streams, following as near as may be practical the proportions which have flowed down the respective branches or diversions from time immemorial: *Provided, however,* That no such division shall be made as shall destroy vested rights to the waters of such streams.

Division
of flood
waters.

Vested
rights.

SEC. 16. After the completion of said flood control works, the said county and city shall jointly supervise, repair and maintain the same; the expense of such supervision and repair and maintenance to be borne by the said city and county in the proportion in which the original cost is apportioned between the county and the property without the city on the one hand and the city and the property within the city on the other hand. In the event the said county and city are unable to agree upon the extent or nature of any repairs or maintenance to be made, the same shall be determined and constructed by the state supervisor of hydraulics upon the request of both the county and city in the same manner as the original plans and construction of such flood control works.

Maintenance

SEC. 17. In the making of investigations, surveys, plans and engineering works the supervisor

Engineers,
attorneys.

of hydraulics shall, so far as the same is available, use the engineering staffs of said city and county, and the attorneys for said city and county shall represent said supervisor of hydraulics in all legal matters involved in connection with the establishment and construction of such flood control works.

System
infeasible.

SEC. 18. In the event the flood control system as proposed by the supervisor of hydraulics is found to be infeasible, as provided in section 3 of this act, the supervisor of hydraulics shall certify to the county auditor for the county and the city clerk for the city the amounts found by said supervisor to be chargeable to each for all the costs incurred by him in connection therewith, and the same shall be forthwith repaid to said supervisor of hydraulics for the state reclamation revolving fund out of the general funds of such county and city.

Apportion-
ment of
costs.

SEC. 19. Upon the completion of said flood control works and the final approval by the supervisor of hydraulics of the assessment rolls herein provided for, the supervisor of hydraulics shall apportion the cost and expenses incurred by him in connection with the said control works and the preparation of the assessment rolls, which shall be chargeable to the county and to the city in the proportion the amount assessed to the county and the property without the city bears to the amount assessed to the city and the property within the city, and shall certify the same to the county auditor for the county and to the city clerk for the city, each of which shall repay the same out of their respective general funds to such general funds to be reimbursed therefor out of the first moneys collected under the special assessments herein provided for.

Cost of con-
struction:
Payments.

SEC. 20. Payments for the cost of construction shall be made by warrants issued by the county auditor upon estimates to be furnished from time to time during the progress of the work upon the cer-

tificate of supervisor of hydraulics and upon the final estimate at completion of said flood control works, said warrants to be drawn payable solely out of the funds received from the assessments levied for the cost of construction of said flood control works and not to be the general obligation of either said county or city except as hereinbefore provided. Said warrants shall bear interest at a rate fixed by the supervisor of hydraulics, but not to exceed eight per cent.

SEC. 21. In the event it shall be deemed advisable by the board of county commissioners and the governing body of the city that bonds be issued for the payment of the cost of the construction of said flood control works, they are hereby authorized to issue bonds in such an amount as they deem desirable, not exceeding the total cost of such flood control works, such bonds to be issued in the name of the county or city in such denominations and payable in such installments and at such times and to bear such rate of interest as said bodies shall determine, and to provide specifically that they shall be payable only out of funds derived from assessments hereinbefore provided for and that they are not the general obligation of said county or city.

Bond issue
authorized.

SEC. 22. There is hereby appropriated out of the state reclamation revolving fund the sum of \$7,000.00, or so much thereof as may be necessary for the expenses and cost incurred by said supervisor of hydraulics in carrying out the work of engineering, supervision and preparation of assessment rolls, such reclamation revolving fund to be reimbursed by said city and/or county as hereinbefore provided.

Appropriation.

SEC. 23. This act is necessary for the immediate preservation of public peace, health and safety, for the support of the state government and its

Effective
immediately.

existing public institutions and shall take effect immediately.

Passed the Senate February 2, 1933.

Passed the House March 1, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 151.

[S. B. 195.]

SUPERVISION AND REGULATION OF PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies, providing for the supervision, regulation, restriction and control of the issuance of securities thereby; providing penalties for the violation hereof and declaring an emergency.

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

Definitions.
"Department."

SECTION 1. a. The term "department" when used in this act shall mean the department of public works of Washington or such body as may succeed to the powers and duties now exercised by the department of public works.

"Public
service
company."

b. The term "public service company" shall mean every person, firm, corporation or association, or their lessees, trustees or receivers, now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the department of public works: *Provided*, That the term shall not include and this act shall not include common carrier railroad companies and other public utilities, the issuance of stocks and securities of which are subject to regulation by the interstate commerce commission.

SEC. 2. The power of public service companies to issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and