

the county auditor as *ex-officio* clerk of the board of county commissioners.

Passed the House March 3, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor with the exception of sections 3 and 7, which are vetoed, March 21, 1921.

CHAPTER 160.

[H. B. 175.]

DRAINAGE AND DIKING IMPROVEMENT DISTRICTS.

AN ACT relating to the improvement of lands and other property by diking and drainage, amending sections 1945-57, 1945-60, and 1945-66 Pierce's Code, providing for the establishment of improvement districts wholly or partly within the limits of any incorporated city or town, and providing for the investigation, survey and report of the state reclamation board on such improvements in certain cases and that the cost of the same be taxed against the lands to be benefited by said improvement; and providing that drainage ditches of any drainage improvement districts may be constructed and maintained along any public highway, street or road within the limits of any drainage district.

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

SECTION 1. That section 1945-57 of Pierce's Code (Laws 1917 P. 521) be amended to read as follows:

Section 1945-57: Whenever one or more persons whose land will be benefited thereby shall desire to have improvements constructed for the drainage or protection from overflow, or both, of any continuous body of lands situated in the same county, whether wholly or partly within the limits of any incorporated city or town, proceedings for the construction of such improvements may be had as provided in this act.

Authorized
improvement
without
organization.

SEC. 2. That section 1945-60 Pierce's Code (Laws 1917 P. 523) be amended to read as follows:

Section 1945-60. Upon the filing of the petition and the approval of the bond, the clerk of the board shall deliver a copy of said petition to the county engineer, who shall at once proceed to view the line and location of the proposed improvement and the property to be affected thereby and determine whether the improvement is in his opinion necessary or will be conducive to public health, convenience or welfare and whether in his opinion the location and route described are the best for the proposed improvement, what, if any, part of the proposed system of improvement mentioned in the petition should in his judgment be omitted, and what, if any, additions should be added thereto or changes made therein, and shall report to and file his findings in writing with the board of county commissioners: *Provided*, That if the lands to be benefited by said improvement are described in said petition and comprise three thousand (3,000) acres or more, the board of county commissioners, may, in its discretion, after a hearing previously had, as hereinafter provided, if it is so requested in said petition, dispense with the investigation by the county engineer and ask the state reclamation board to make such surveys and investigation of the lands involved in the proposed improvement as said reclamation board may deem advisable for the purpose of determining the feasibility of said improvement and the best means of accomplishing the same, and said reclamation board shall have the power in its discretion to make such survey and investigation and to report to and file its findings in writing with the board of county commissioners, which report shall contain at least all the findings of the county engineer, aforesaid, and shall have the same effect. In the event that said survey, investigation and re-

Report by
county
engineer.

port are made by or under the supervision of the state reclamation board the petitioners shall not be required to furnish the bond provided for in section 1945-59 herein.

Notice of
hearing on
petition.

(a) Upon receipt of said petition the county board shall send a copy of the same to the state reclamation board and ask for an estimate of the total cost of such survey, investigation and report, which the state board shall in its discretion make out and file with the county board. The county board shall thereupon by resolution fix a time and place for a hearing on same and shall cause a thirty (30) day notice of said hearing to be given, by posting a copy of the same in a conspicuous public place in each voting precinct or fraction thereof included in the area of lands to be benefited by said improvement and by publishing the same in a newspaper of general circulation in the proposed district in three successive weekly issues of said paper, the date of the first publication being at least thirty (30) days before the day of hearing. Said notice shall contain a copy of the petition and of the estimate of expense, shall name the time and place of hearing, shall state that the expense of the survey and investigation contemplated in the petition will be charged against the lands described therein and shall require everyone interested to appear at said time and place and show cause in writing, if any he has, why the prayer of the petition should not be granted.

Determina-
tion of
board.

(b) Upon the hearing of such petition the board shall determine whether such survey and investigation should be made and whether any or all the lands described in said petition, or any additional ones, should bear their proportional expense of said survey and investigation and may adjourn such hearing from time to time not exceeding ninety (90) days in all: *Provided*, That no additional lands

shall be made to bear their proportional expense of said survey and investigation without first giving the notice to all parties interested, as hereinabove provided: *Provided*, That in no event shall the total cost of such survey, investigation and report exceed the amount stated in the estimate of the state reclamation board more than fifty (50) per cent. and any obligations contracted in excess of such maximum shall be void. The determination of the board shall be by resolution and shall be final and conclusive upon all persons except for fraud or lack of jurisdiction.

(c) If the board of county commissioners shall determine in favor of said survey and examination, it shall enter into a contract with the state reclamation board to do such work, which shall be done at actual cost, from any monies in the state reclamation revolving fund. As a part of its report said reclamation board shall include an itemized statement under oath of the expenses that have been incurred in the making of said investigation, surveys and report aforesaid and the board of county commissioners shall thereupon cause a copy of such statement of expense together with a notice naming a time and place when and where said statement will be brought before the board for hearing and determination, to be published in a newspaper of general circulation published in the county two successive weeks prior to the date of said hearing. At the time of such hearing or at such other time, not exceeding thirty (30) days in all, to which the same may be continued or adjourned by said county commissioners, the board shall proceed to examine said statement, hear testimony, if offered, and shall make and enter an order upon the minutes of said meeting approving said statement or so much thereof as shall be deemed correct.

State
reclamation
board to do
work.

Apportion-
ment of
expense.

(d) Upon the approval of said statement of expense, the board of county commissioners shall by resolution apportion the same among the lands included in proportion to acreage, each acre, or fraction thereof, of the owners, bearing the same amount, and assess, levy and distribute such apportioned expense as a tax against said lands to be paid as a part of the general county and state tax against said lands at the same times, with the same penalties attached for delinquencies, and to be collected by the same agencies, as said general taxes. The county treasurer shall credit all collections of the same to the current expense fund of the county: *Provided*, That in no event shall the county board have power to apportion, assess, levy and distribute the expenses of any survey, investigation and report as taxes under the provisions of this section unless said survey, investigation and report has been made or shall have been made by or under the supervision of the state reclamation board.

Payment by
warrant.

(e) At the time of the approval of said statement of expenses, the board of county commissioners shall direct the auditor to issue a warrant against the county current expense fund payable to the state reclamation board for the amount of said expenses, which warrant shall be issued forthwith. All such sums so paid on account of such expenses shall be credited to the state reclamation revolving fund.

Further
agreements.

(f) If the report of the state reclamation board is in favor of said improvement, the board of county commissioners shall proceed as directed in section 1945-62 Pierce's Code, 16, and following of chapter 130, Laws of 1917: *Provided*, That nothing herein contained shall be construed as preventing the county commissioners, or the improvement district so organized, as the case may be, from making such further agreement, as it may determine, with the state reclamation board for the construction or

supervision of said contemplated improvement, under the provisions of the state reclamation act.

SEC. 3. That Drainage ditches of any drainage improvement district heretofore or hereafter created may be constructed and maintained along any public highway, street, alley or road within the limits of any drainage district.

Ditches
along
highway,
etc.

Passed the House February 17, 1921.

Passed the Senate March 8, 1921.

Approved by the Governor March 19, 1921.

CHAPTER 161.

[S. B. 112.]

CONVEYANCE TO DAVID STERN.

AN ACT for the relief of David Stern.

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

SECTION 1. That there be and is hereby given and granted unto David Stern all the right, title and interest which the State of Washington may have acquired upon the death of Alfred Nelson, deceased, in and to the following described lands in King County, State of Washington, to-wit:

Lot One (1), Block fifty-eight (58) of Terry's First Addition to the Town of Seattle.

Passed the Senate February 11, 1921.

Passed the House March 9, 1921.

Approved by the Governor March 21, 1921.