

promise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Passed the House March 2, 1961.

Passed the Senate March 9, 1961.

Approved by the Governor March 20, 1961.

CHAPTER 276.

[S. B. 137.]

CLAIMS AGAINST IRRIGATION DISTRICTS
FOR DAMAGES.

AN ACT relating to irrigation districts; and amending section 36, page 690, Laws of 1890, as last amended by section 1, chapter 216, Laws of 1937, and RCW 87.08.030, 87.08.040 and 87.08.050.

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

SECTION 1. Section 36, page 690, Laws of 1890, as last amended by section 1, chapter 216, Laws of 1937 (heretofore divided and codified as RCW 87.08.030, 87.08.040 and 87.08.050) are divided and amended to read as set forth in sections 2 through 4 of this act.

SEC. 2. (RCW 87.08.030) The treasurer of the county in which is located the office of the district shall be ex officio treasurer of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all

RCW 78.08.030
amended.
Irrigation
districts.
Treasurer—
Duties—
Claims.

funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in this section and upon allowance it shall be attached to a voucher verified by the claimant and approved by the chairman and signed by the secretary and directed to the auditor for payment.

Any person having a claim for damages against the district must file a written preliminary notice of such claim with the secretary of the district within sixty days after the date of the commission of the act or omission which caused the alleged injury or damage or within sixty days after the date on which the alleged injury or damage became apparent to the claimant or should have been apparent to him had he acted as a reasonably prudent person: *Provided*, That in the event claimant's claim is for crop damage, such preliminary notice, notwithstanding the sixty day period herein specified, must be filed with the secretary of the district not less than three days prior to the severance of the crop alleged to be damaged. Such preliminary notice, so far as claimant is able, shall accurately locate and describe the defect or other cause of the claimed injury or damage,

summarize the injury or damage, state the time when the same occurred, state claimant's present residence, and estimate the amount of damages. Such notice may be given by claimant or by anyone acting in his behalf. Thereafter, the claimant must file a claim in writing with the secretary of the district within two years from the date of filing of the preliminary notice. Said claim shall be sworn to by the claimant or by an attorney or agent of the claimant, and shall contain all of the information required in the preliminary notice and in addition shall describe the injury or damage in detail and list all items of damage claimed and the amount or amounts thereof. In lieu of filing the preliminary notice as required by this section, the claimant may file his final written claim within the same time limitation specified for filing the preliminary notice. Any claim not filed as required by this section, or for which preliminary notice has not been given as required by this section, shall be disallowed.

No action may be commenced against any irrigation district for any such claim until the same has been filed with the secretary of the district as required by this section and sixty days have elapsed after such filing. A suit upon a claim must be commenced within six months after notice of rejection of such claim by the board of directors of the district has been mailed to the claimant by certified mail or within six months from the date of filing of the claim, whichever is the later, and if not so commenced within such time limitation, the same shall be barred.

RCW 87.08.040
enacted
without
amendment.

SEC. 3. (RCW 87.08.040) The directors may provide by resolution that the secretary may deposit the following temporary funds in a local bank in the name of the district: (1) A fund to be known as "general fund" in which shall be deposited all moneys received from the sale of land, except such portion thereof as may be obligated for bond re-

demption, and all rentals, tolls, and all miscellaneous collections. This fund shall be transmitted to the district treasurer or disbursed in such manner as the directors may designate. (2) A fund to be known as "fiscal fund" in which shall be deposited all collections made by the district as fiscal agent of the United States. (3) A "revolving fund" in such amount as the directors shall by resolution determine, acquired by the issue of coupon warrants or by transfer of funds by warrant drawn upon the expense fund. This fund may be disbursed by check signed by the secretary or such other person as the board may designate, in the payment of such current expenses as the board may deem necessary. This fund shall be reimbursed by sending the cancelled checks or copy of payrolls to the county auditor with a claim voucher specifying the fund upon which warrants for such reimbursements shall be drawn. The warrants for such reimbursements shall be made out by the auditor to the "secretary's revolving fund."

SEC. 4. (RCW 87.08.050) The secretary or other authorized person shall issue receipts for all moneys received for deposit in such funds and he and any other person handling the funds shall furnish a surety bond to be approved by the board and the attorney for the district, in such amount as the board may designate and conditioned for the safekeeping of such funds and the premium thereon shall be paid by the district.

RCW 87.08.050
enacted
without
amendment.

Upon depositing any district funds the secretary shall demand and the depository bank shall furnish a surety bond, to be approved by the board and the attorney, in an amount equal to the maximum deposit, conditioned for the prompt payment of the deposits upon demand, and the bond shall not be canceled during the time for which it was written. Or the depository may deposit with the secretary or

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.