

given only if he agrees at the time of his employment by the municipality to accept a reduction in the payment of any benefits payable under this chapter that are based in whole or in part on such added and accredited service by the amount of these private pension or retirement benefits received. The conditions and limitations provided for in this subsection (5) shall be embodied in any certificate of prior service issued or granted by the board where any portion of the prior service credited under this subsection is included therein.

The city may receive payments for these purposes from a third party and shall make from such payments contributions with respect to such prior service as may be necessary to enable the fund to assume its obligations.

NEW SECTION. Sec. 16. Section 1, chapter 223, Laws of 1961 and RCW 41.40.128 are each repealed.

NEW SECTION. Sec. 17. If any provision of this 1971 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.

NEW SECTION. Sec. 18. This 1971 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 10, 1971.

Passed the House May 10, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

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CHAPTER 272

[Engrossed Substitute Senate Bill No. 542]

CREATION OF JOINT SEWER DISTRICTS AUTHORIZED

AN ACT Relating to sewer and water districts; providing that sewer districts may include within their boundaries parts of more than one county; amending section 1, chapter 210, Laws of 1941 as last amended by section 1, chapter 140, Laws of 1945 and RCW 56.04.020; amending section 11, chapter 210, Laws of 1941 as last amended by section 2, chapter 103, Laws of 1959 and RCW 56.08.020; amending section 44, chapter 210, Laws of 1941 as amended by section 1, chapter 71, Laws of 1965, and RCW 56.08.070; amending section 19, chapter 210, Laws of 1941 as last amended by section 81, chapter 56, Laws of 1970 and RCW 56.16.060; amending section 23, chapter 210, Laws of 1941 as

amended by section 14, chapter 250, Laws of 1953 and RCW 56.16.100; amending section 24, chapter 210, Laws of 1941 as amended by section 15, chapter 250, Laws of 1953 and RCW 56.16.110; amending section 46, chapter 210, Laws of 1941 as amended by section 13, chapter 103, Laws of 1959 and RCW 56.16.140; amending section 26, chapter 210, Laws of 1941 and RCW 56.20.010; amending section 28, chapter 210, Laws of 1941 as amended by section 18, chapter 250, Laws of 1953 and RCW 56.20.030; amending section 33, chapter 210, Laws of 1941 as amended by section 1, chapter 126, Laws of 1969 and RCW 56.20.070; amending section 32, chapter 210, Laws of 1941 as last amended by section 125, chapter 81, Laws of 1971 and RCW 56.20.080; and creating new sections.

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

Section 1. Section 1, chapter 210, Laws of 1941 as last amended by section 1, chapter 140, Laws of 1945 and RCW 56.04.020 are each amended to read as follows:

Sewer districts for the acquirement, construction, maintenance, operation, development, reorganization, and regulation of a system of sewers, including treatment and disposal plants and all necessary appurtenances and providing for additions and betterments thereto, are hereby authorized to be established or reorganized in the various counties of this state. Such districts may include within their boundaries portions or all of one or more counties, incorporated cities, or towns or other political subdivisions: PROVIDED, HOWEVER, No portion or all of any incorporated city or town may be included without the consent by resolution of the city or town legislative authority: PROVIDED, HOWEVER, That such reorganization of any existing sewer district shall not affect the outstanding bonds, warrants or other indebtedness incurred by such district prior to its reorganization.

Sec. 2. Section 11, chapter 210, Laws of 1941 as last amended by section 2, chapter 103, Laws of 1959 and RCW 56.08.020 are each amended to read as follows:

The sewer commissioners before ordering any improvements hereunder or submitting to vote any proposition for incurring indebtedness shall adopt a general comprehensive plan for a system of sewers for the district. They shall investigate all portions and sections of the district and select a general plan for a system of sewers for the district suitable and adequate for present and reasonably foreseeable future needs thereof. The general comprehensive plan shall provide for treatment plants and other methods for the disposal of sewage and industrial and other liquid wastes now produced or which may reasonably be expected to be produced within the district and shall, for such portions of the

district as may then reasonably be served, provide for the acquisition or construction and installation of laterals, trunk sewers, intercepting sewers, syphons, pumping stations, or other sewage collection facilities. The comprehensive plan shall provide the method of distributing the cost and expense of the sewer system provided therein against the district and against utility local improvement districts within the district, including any utility local improvement district lying wholly or partially within any other political subdivision included in the district; and provide whether the whole or some part of the cost and expenses shall be paid from sewer revenue bonds. The commissioners may employ such engineering and legal services as they deem necessary in carrying out the purposes hereof. The comprehensive plan shall be adopted by resolution and submitted to an engineer designated by the county commissioners of the county in which fifty-one percent or more of the area of the district is located, and to the director of health of the county in which the district or any portion thereof is located, and must be approved in writing by the engineer and director of health.

If the district includes portions or all of one or more cities or towns or counties, the comprehensive plan shall be submitted also to, and approved by resolution of, the legislative authority of cities and towns and counties before becoming effective. This section and RCW 56.08.030, 56.08.040, 56.08.050, 56.16.010, and 56.16.020 shall not apply to reorganized districts, except as specifically referred to in this section.

Sec. 3. Section 44, chapter 210, Laws of 1941 as amended by section 1, chapter 71, Laws of 1965 and RCW 56.08.070 are each amended to read as follows:

All materials purchased and work ordered, the estimated cost of which is in excess of two thousand five hundred dollars shall be let by contract. Before awarding any such contract the board of sewer commissioners shall cause to be published in some newspaper in general circulation (~~throughout the county~~) where the district is located at least once, ten days before the letting of such contract, inviting sealed proposals for such work, plans and specifications which must at the time of publication of such notice be on file in the office of the board of sewer commissioners subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same to be sealed and filed with the board of sewer commissioners on or before the day and hour named therein. Each bid shall be accompanied by a bid proposal deposit in the form of a certified check, cashier's check, postal money order, or surety bond payable to the order of the county treasurer for a sum not less than five percent of the amount of the bid and no bid shall be considered unless accompanied by such bid

proposal deposit. At the time and place named such bids shall be publicly opened and read and the board of sewer commissioners shall proceed to canvass the bids and may let such contract to the lowest responsible bidder upon plans and specifications: PROVIDED, That no contract shall be let in excess of the cost of said materials or work, or if in the opinion of the board of sewer commissioners all bids are unsatisfactory they may reject all of them and readvertise and in such case all checks, cash or bid bonds shall be returned to the bidders. If such contract be let, then and in such case all checks, cash or bid bonds shall be returned to the bidders, except that of the successful bidder, which shall be retained until a contract shall be entered into for the purchase of such materials or doing such work, and a bond to perform such work furnished with sureties satisfactory to the board of sewer commissioners in the full amount of the contract price between the bidder and the commission in accordance with bid. If said bidder fails to enter into said contract in accordance with said bid and furnish such bond within ten days from the date at which he is notified that he is the successful bidder, the said check, cash or bid bonds and the amount thereof shall be forfeited to the sewer district.

Sec. 4. Section 19, chapter 210, Laws of 1941 as last amended by section 81, chapter 56, Laws of 1970 and RCW 56.16.060 are each amended to read as follows:

When sewer revenue bonds are issued for authorized purposes, said bonds shall be either registered as to principal only or shall be bearer bonds; shall be in such denominations, shall be numbered, shall bear such date, shall be payable at such time or times up to a maximum period of not to exceed thirty years and at such place or places one of which must be the office of the treasurer of the county in which the district is located, ~~((as))~~ or of the county in which fifty-one percent or more of the area of the district is located such place or places to be determined by the board of commissioners of the district; shall bear interest at such rate or rates as authorized by the board of sewer commissioners payable semiannually and evidenced to maturity by coupons attached to said bonds; shall be executed by the president of the board of commissioners and attested by the secretary thereof and have the seal of the district impressed thereon; and may have facsimile signatures of the president and secretary imprinted on the interest coupons in lieu of original signatures.

Sec. 5. Section 23, chapter 210, Laws of 1941, as amended by section 14, chapter 250, Laws of 1953 and RCW 56.16.100 are each amended to read as follows:

The commissioners shall enforce collection of the sewer connection charges and sewerage disposal service charges against

property owners receiving the service, such charges being deemed charges against the property served, by addition of penalties of not more than ten percent thereof in case of failure to pay the charges at times fixed by resolution. The commissioners may provide by resolution that where either sewer connection charges or sewer service charges are delinquent for any specified period of time, the district shall certify the delinquencies to the treasurer of the county in which the ~~((district is situate))~~ real property is located, and the charges and any penalties added thereto and interest thereon at the rate of not more than eight percent per year, shall be a lien against the property upon which the service was received, subject only to the lien for general taxes.

Sec. 6. Section 24, chapter 210, Laws of 1941 as amended by section 15, chapter 250, Laws of 1953 and RCW 56.16.110 are each amended to read as follows:

The district may, at any time after the connection or service charges and penalties are delinquent for a period of sixty days, bring suit in foreclosure by civil action in the superior court of the county in which the ~~((district))~~ the real property is situated. The court may allow, in addition to the costs and disbursements provided by statute, such an attorney's fee as it may adjudge reasonable. The action shall be in rem, and may be brought in the name of the district against an individual, or against all of those who are delinquent in one action, and the laws and rules of the court shall control as in other civil actions.

Sec. 7. Section 46, chapter 210, Laws of 1941 as amended by section 13, chapter 103, Laws of 1959, and RCW 56.16.140 are each amended to read as follows:

The county treasurer of the county in which the district is located or the county in which fifty-one percent or more of the area of the district is located shall create and maintain a separate fund designated as the maintenance fund or general fund of the sewer district into which shall be paid all money received by him from the collection of taxes levied by such district other than taxes levied for the payment of general obligation bonds thereof, and into which shall be paid all revenues of the district other than assessments levied in utility local improvement districts, and no moneys shall be disbursed therefrom except upon warrants of the county auditor issued by authority of the commissioners or upon a resolution of the commissioners ordering a transfer to any other fund of the district. The county treasurer of each county in which the district or a portion thereof is located shall also maintain such other special funds as may be prescribed by the sewer district, into which shall be placed such moneys as the board of sewer commissioners may by its resolution direct, and from which disbursements shall be made upon

proper warrants of the county auditor issued against the same by authority of the board of sewer commissioners.

Sec. 8. Section 26, chapter 210, Laws of 1941 and RCW 56.20.010 are each amended to read as follows:

Any sewer district shall have the power to establish utility local improvement districts within its territory as hereinafter provided, 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 sewer district. The levying, collection and enforcement of all public assessments hereby authorized shall be in the manner now and hereafter provided by law for the levying, collection and enforcement of local improvement assessments by cities of the first class, insofar as the same shall not be inconsistent with the provisions of this title. The duties developing upon the city treasurer under said laws are imposed upon the county treasurer of each county in which the real property is located for the purposes of this title. The mode of assessment shall be in the manner to be determined by the sewer commissioners by resolution. It must be specified in any petition for the establishment of a utility local improvement district and in the comprehensive scheme or plan or amendment thereto previously duly ratified at an election, that the assessments shall be for the sole purpose of payment into the revenue bond fund for the payment of revenue bonds. Assessments in any utility local improvement district may be made on the basis of special benefits up to but not in excess of the total cost of any comprehensive scheme or plan payable by issuance of revenue bonds. No warrants or bonds shall be issued in any such utility local improvement district, but the collection of interest and principal on all assessments in such utility local improvement district, when collected, shall be paid into the revenue bond fund.

Sec. 9. Section 28, chapter 210, Laws of 1941 as amended by section 18, chapter 250, Laws of 1953 and RCW 56.20.030 are each amended to read as follows:

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary: PROVIDED, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new

resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

After said hearing the commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: PROVIDED, That the jurisdiction of the commissioners to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board prior to said public hearing signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district.

If the commissioners find that the district should be formed, they shall by resolution order the improvement, provide the general funds of the sewer district to be applied thereto, adopt detailed plans of the utility local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the sewer district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board of sewer commissioners shall proceed with the work and file with the county treasurer of each county in which the real property is to be assessed its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

Sec. 10. Section 33, chapter 210, Laws of 1941 as amended by section 1, chapter 126, Laws of 1969 and RCW 56.20.070 are each amended to read as follows;

Whenever any assessment roll for local improvements shall have been confirmed by the sewer commission of such sewer district as herein provided, the regularity, validity and correctness of the proceedings relating to such improvement, and to the assessment therefor, including the action of the sewer commission upon such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties, and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to such roll in the manner and within the time provided in this title, and not appealing from the action of the sewer commission in confirming such assessment roll in the manner and within the time in this title provided. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment, or the sale of any property to pay such assessment, or any certificate of delinquency issued therefor, or the foreclosure of any lien issued therefor.

This section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds:

(1) That the property about to be sold does not appear upon the assessment roll, or

(2) That said assessment has been paid.

This section also shall not prohibit the correction of clerical errors and errors in the computation of assessments in assessment rolls by the following procedure:

(1) The board of sewer commissioners may file a petition with the superior court of the county wherein the ((~~district~~)) real property is located, asking that the court enter an order correcting such errors and directing that the county treasurer pay a portion or all of the incorrect assessment by the transfer of funds from the district's maintenance fund, if such relief be necessary.

(2) Upon the filing of the petition, the court shall set a date for hearing and upon the hearing may enter an order as provided in subsection (1) of this paragraph: PROVIDED, That neither the correcting order or the corrected assessment roll shall result in an increased assessment to the property owner.

Sec. 11. Section 32, chapter 210, Laws of 1941 as last amended by section 125, chapter 81, Laws of 1971 and RCW 56.20.08C are each amended to read as follows:

The decision of the sewer commission upon any objections made within the time and in the manner herein prescribed, may be reviewed by the superior court upon an appeal thereto taken in the following manner. Such appeal shall be made by filing written notice of appeal with the secretary of said sewer commission and with the clerk of the superior court in the county in which ((~~such sewer district~~)) the real property is situated within ten days after publication of a notice that the resolution confirming such assessment roll has been adopted, and such notice of appeal shall describe the property and set forth the objections of such appellant to such assessment. Within ten days from the filing of such notice of appeal with the clerk of the superior court, the appellant shall file with the clerk of said court, a transcript consisting of the assessment roll and his objections thereto, together with the resolution confirming such assessment roll and the record of the sewer district commission with reference to said assessment, which transcript, upon payment of the necessary fees therefor, shall be furnished by such secretary of said sewer commission and by him certified to contain full, true and correct copies of all matters and proceedings required to be included in such transcript. Such fees shall be the same as the fees payable to the county clerk for the preparation and certification of transcripts on appeal to the supreme court or the court of appeals in



civil actions. At the time of filing of the notice of appeal with the clerk of the superior court a sufficient bond in the penal sum of two hundred dollars, with sureties thereon as provided by law for appeals in civil cases, shall be filed conditioned to prosecute such appeal without delay, and if unsuccessful, to pay all costs to which the sewer district is put by reason of such appeal. The court may order the appellant upon application therefor, to execute and file such additional bond or bonds as the necessity of the case may require. Within three days after such transcript is filed in the superior court, as aforesaid, the appellant shall give written notice to the secretary of such sewer district, that such transcript is filed. Said notice shall state a time, not less than three days from the service thereof, when the appellant will call up the said cause for hearing. The superior court shall, at said time or at such further time as may be fixed by order of the court, hear and determine such appeal without a jury, and such cause shall have preference over all civil causes pending in said court, except proceedings under an act relating to eminent domain in such sewer district and actions of forcible entry and detainer. The judgment of the court shall confirm, correct, modify or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the decision of the court shall be filed with the officer who shall have the custody of the assessment roll, and he shall modify and correct such assessment roll in accordance with such decision. An appeal shall lie to the supreme court or the court of appeals from the judgment of the superior court, as in other cases, however, such appeal must be taken within fifteen days after the date of the entry of the judgment of such superior court, and the record and opening brief of the appellant in said cause shall be filed in the supreme court or the court of appeals within sixty days after the appeal shall have been taken by notice as provided in this title. The time for filing such record and serving and filing of briefs in this section prescribed may be extended by order of the superior court, or by stipulation of the parties concerned. The supreme court or the court of appeals on such appeal may correct, change, modify, confirm or annul the assessment insofar as the same affects the property of the appellant. A certified copy of the order of the supreme court or the court of appeals upon such appeal shall be filed with the officer having custody of such assessment roll, who shall thereupon modify and correct such assessment roll in accordance with such decision.

NEW SECTION. Sec. 12. (1) Jurisdiction of any general election or special election held on the same date as a general election in a joint sewer district shall rest with the county auditor of each of the counties in which the joint sewer district is located.

Election returns of such elections shall be canvassed by the canvassing board of each county and the official results certified to the county auditor of the county in which fifty-one percent or more of the area of the joint sewer district is located. Such county auditor shall then combine the official results from each county in which the joint sewer district is located into a single official result.

(2) Jurisdiction of any special election held on a different date than a general election in a joint sewer district shall rest with the county auditor of the county in which fifty-one percent or more of the area of the joint sewer district is located. Election returns of such elections shall be canvassed by the canvassing board of such county and certified to the county auditor of such county as required by law.

(3) Elections referred to in subsections (1) and (2) of this section shall be conducted as provided by such subsections and by the general election laws not inconsistent therewith.

(4) Candidates for the office of sewer commissioner in a joint sewer district shall file declarations of candidacy with the county auditor of the county in which fifty-one percent or more of the area of the joint sewer district is located and their election shall be conducted as provided by this section and by the general election laws not inconsistent herewith. The candidate receiving the greatest number of votes for each sewer commissioner position shall be declared elected.

For the purposes of this section, "joint sewer district" means any sewer district composed of territory lying in more than one county.

NEW SECTION. Sec. 13. Whenever a city or town located wholly or in part within a water district shall enter into a contract with the commissioners of a water district providing that the city or town shall take over all of the operation of the facilities of the district located within its boundaries, such area of said water district located within said city or town shall upon the execution of said contract cease to be a part of said water district and the inhabitants therein shall no longer be permitted to vote in said water district. The land, however, within such city or town shall remain liable for the payment of all assessments, any lien upon said property at the time of the execution of said agreement and for any lien of all general obligation bonds due at the date of said contract, and the city shall remain liable for its fair prorated share of the debt of the area for any revenue bonds outstanding as of said date of contract.

Passed the Senate May 10, 1971.

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CHAPTER 273

[Engrossed Senate Bill No. 594]

INSTITUTIONS OF HIGHER EDUCATION--

STUDENT RESIDENCY REQUIREMENTS

AN ACT Relating to institutions of higher education; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; repealing section 28B.15.010, chapter 223, Laws of 1969 and RCW 28B.15.010; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

It is the intent of the legislature that the state institutions of higher education shall apply uniform rules as prescribed in sections 2, 3 and 4 of this 1971 amendatory act, and not otherwise, in determining whether students shall be classified as resident students or nonresident students for all tuition and fee purposes.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Whenever used in chapter 28B.15 RCW:

(1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "resident student" shall mean a student who has had a domicile in the state of Washington for the period of time required for voting for state officials in this state at the time of commencement of the semester or quarter for which he has registered at any institution and has established an intention to become a bona fide domiciliary of this state for other than educational purposes.

(3) The term "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of sections 1 through 4 of this 1971 amendatory act.

(4) The term "domicile" shall denote a person's true, fixed and permanent home and place of habitation. It is the place where he intends to remain, and to which he expects to return when he leaves without intending to establish a new domicile elsewhere.

(5) The term "minor" shall mean a male or female person who is