

CHAPTER 39.

[Substitute House Bill No. 293.]

WATER DISTRICTS—CONSOLIDATION AND MERGER.

AN ACT relating to water districts; amending sections 1 and 2, chapter 267, Laws of 1943 and RCW 57.32.010 and 57.32.020; amending sections 1 through 5, chapter 28, Laws of 1961 and RCW 57.36.010 through 57.36.050; adding new sections to chapter 267, Laws of 1943 and to chapter 57.32 RCW; and repealing sections 3 through 12, chapter 267, Laws of 1943, sections 8 through 11, chapter 251, Laws of 1953 and RCW 57.32.030 through 57.32.120.

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

RCW 57.32.010 amended.

Section 1. Section 1, chapter 267, Laws of 1943 and RCW 57.32.010 are each amended to read as follows:

Water districts —Consolidation. Method of initiating.

Two or more water districts, adjoining or in close proximity to and in the same county with each other, may be joined into one consolidated water district. The consolidation may be initiated in either of the following ways: Ten percent of the legal electors residing within each of the water districts proposed to be consolidated may petition the board of water commissioners of each of their respective water districts to cause the question to be submitted to the legal electors of the water districts proposed to be consolidated; or the boards of water commissioners of each of the water districts proposed to be consolidated may by resolution determine that the consolidation of the districts shall be conducive to the public health, welfare, and convenience and to be of special benefit to the lands of the districts.

RCW 57.32.020 amended.

Sec. 2. Section 2, chapter 267, Laws of 1943 and RCW 57.32.020 are each amended to read as follows:

Certificate of sufficiency.

If the consolidation proceedings are initiated by petition, upon the filing of such petitions with the boards of water commissioners of the water districts, the boards of water commissioners of all of

said districts shall file such petitions with the county auditor who shall within ten days examine the signatures thereon and certify to the sufficiency or insufficiency thereof. If all of such petitions shall be found to contain a sufficient number of signatures, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto, to the boards of water commissioners of each of the districts proposed for consolidation. In the event that there are no legal electors residing in one or more of the water districts proposed to be consolidated, such petitions may be signed by such a number as appear of record to own at least a majority of the acreage in the pertinent water district, and the petitions shall disclose the total number of acres of land in the said water district and shall also contain the names of all record owners of land therein.

Sec. 3. Section 1, chapter 28, Laws of 1961 and RCW 57.36.010 are each amended to read as follows:

RCW 57.36.010
amended.

Whenever there are two water districts, the territories of which are adjoining or in close proximity to and in the same county with each other, either district, hereinafter referred to as the "merging district", may merge into the other district, hereinafter referred to as the "merger district", and the merger district will survive under its original number. The term "in proximity to" as used hereinabove 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 two districts.

Water districts
—Merger—
Authorized—
Prerequisites.

Sec. 4. Section 2, chapter 28, Laws of 1961 and RCW 57.36.020 are each amended to read as follows:

RCW 57.36.020
amended.

A merger of two water districts may be initiated in either of the following ways:

(1) Whenever the boards of water commissioners of both such districts determine by resolution

Method of
initiating.

Water districts
—Merger.

that the merger of such districts shall be conducive to the public health, welfare and convenience and to be of special benefit to the lands of such districts.

(2) Whenever ten percent of the legal electors residing within the merging district petition the board of water commissioners of the merging water district for a merger, and the board of water commissioners of the merger district determines by resolution that the merger of the districts shall be conducive to the public health, welfare and convenience of the two districts.

RCW 57.36.030
amended.

Sec. 5. Section 3, chapter 28, Laws of 1961 and RCW 57.36.030 are each amended to read as follows:

Agreement to
merge—
Certification—
Election.

Whenever a merger is initiated in either of the two ways hereinabove provided, the boards of water commissioners of the two districts shall enter into an agreement providing for the merger. Said agreement must be entered into within ninety days following completion of the last act, as hereinabove provided, in initiation of the merger.

The respective boards of water commissioners of said districts shall certify such agreement to the county auditor of the county in which the districts are located. Thereupon, the said county auditor shall call a special election for the purpose of submitting to the voters of the merging district the proposition of whether the merging district shall be merged into the merger district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

RCW 57.36.040
amended.

Sec. 6. Section 4, chapter 28, Laws of 1961 and RCW 57.36.040 are each amended to read as follows:

Election re-
turns—When
effective.

If at such election a majority of the voters of the merging water district shall vote in favor of the merger, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof, and

upon such return the merger shall be effective and the merging water district shall cease to exist and shall become a part of the merger water district. The water commissioners of the merging district shall cease to hold office and the affairs of the merged districts shall be managed by the water commissioners of the merger district.

Sec. 7. Section 5, chapter 28, Laws of 1961 and RCW 57.36.050 are each amended to read as follows:

RCW 57.36.050 amended.

All funds and property, real and personal, of the merging district, shall vest in and become the property of the merger district. Unless the agreement of merger provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district; and the water commissioners of the merger water district shall make such levies, assessments or charges for service upon said area or the water users therein as shall pay off such indebtedness at maturity.

Vesting of funds and property in merged district—Outstanding indebtedness.

Sec. 8. Upon receipt by the boards of water commissioners of the districts proposed for consolidation, hereinafter referred to as the "consolidating districts", of the county auditor's certificate of sufficiency of the petitions, or upon adoption by the boards of water commissioners of the consolidating districts of their resolutions for consolidation, the boards of water commissioners of the consolidating districts shall, within ninety days, enter into an agreement providing for consolidation. The agreement shall set forth the method and manner of consolidation, a comprehensive plan or scheme of water supply for the consolidated district and, if the comprehensive plan or scheme of water supply provides that one or more of the consolidating districts or the proposed consolidated district issue revenue bonds for the construction and/or other costs of any part

Procedure in consolidation—Agreement—Contents—Comprehensive plan.

Water districts
—Merger or
consolidation.

or all of said comprehensive plan, then the details thereof shall be set forth. The requirement that a comprehensive plan or scheme of water supply for the consolidated district be set forth in the agreement for consolidation, shall be satisfied if the existing comprehensive plans or schemes of the consolidating districts are incorporated therein by reference and any changes or additions thereto are set forth in detail.

Certificate of
agreement—
Election, no-
tice and
conduct.

Sec. 9. The respective boards of water commissioners of the consolidating districts shall certify the agreement to the county auditor of the county in which the districts are located. Thereupon, the county auditor shall call a special election for the purpose of submitting to the voters of each of the consolidating districts the proposition of whether or not the several districts shall be consolidated into one water district. The proposition shall give the title of the proposed consolidated district. Notice of the election shall be given and the election conducted in accordance with the general election laws.

Consolidation
effected—
Powers of
consolidated
districts.

Sec. 10. If at the election a majority of the voters in each of the consolidating districts shall vote in favor of the consolidation, the county canvassing board shall so declare in its canvass and the return of such election shall be made within ten days after the date thereof. Upon the return the consolidation shall be effective and the consolidating districts shall cease to exist and shall then be and become a new water district and municipal corporation of the state of Washington. The name of such new water district shall be "Water District No. County", which shall be the name appearing on the ballot. The district shall have all and every power, right, and privilege possessed by other water districts of the state of Washington. The district may issue revenue bonds to pay

for the construction of any additions and betterments set forth in the comprehensive scheme and plan of water supply contained in the agreement for consolidation and any future additions and betterments to the comprehensive scheme and plan of water supply, as its board of water commissioners shall by resolution adopt, without submitting a proposition therefor to the voters of the district.

Sec. 11. Upon the formation of any consolidated water district, all funds, rights and property, real and personal, of the former districts, shall vest in and become the property of the consolidated district. Unless the agreement for consolidation provides to the contrary, any outstanding indebtedness of any form, owed by the districts, shall remain the obligation of the area of the original debtor district and the water commissioners of the consolidated water district shall make such levies, assessments or charges for service upon that area or the water users therein as shall pay off the indebtedness at maturity.

Vesting of funds and property in consolidated district—Outstanding indebtedness.

Sec. 12. Sections 8 through 11 of this 1967 amendatory act are each added to chapter 267, Laws of 1943 and to chapter 57.32 RCW.

New chapter.

Sec. 13. The following acts and parts of acts are each repealed:

Repeal.

- (1) Sections 3 through 12, chapter 267, Laws of 1943;
- (2) Sections 8 through 11, chapter 251, Laws of 1953; and
- (3) RCW 57.32.030 through 57.32.120.

Passed the House March 24, 1967.

Passed the Senate April 1, 1967.

Approved by the Governor April 11, 1967.