

## CHAPTER 136.

[Engrossed House Bill No. 222.]

## FLOOD CONTROL—STATE ASSISTANCE.

AN ACT relating to the control of flood waters, and the protection of life and property therefrom; authorizing contributions by the state of Washington to its political subdivisions for flood control projects; authorizing the appointment of a county-wide advisory committee; amending section 7, chapter 153, Laws of 1961 and RCW 86.15.070; authorizing the fixing and disposition of rates and charges for services; authorizing financing by issuance of revenue bonds; and adding new sections to chapter 86.15 RCW.

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

Section 1. Economic development and growth of the state is dependent on the control of flood waters. The legislature declares, in the exercise of its sovereign and police powers, that the purpose of this act is to provide for contributions of funds for assisting political subdivisions of the state in the protection of lands from inundation; the protection of public highways; the control of storm drainage; the maintenance of stream channels and water courses; and the protection of life and property.

Flood control  
—State assist-  
ance—Purpose.

It is the intent of the legislature that funds be provided to political subdivisions of the state to assist in the development of those flood control improvements and projects, which cannot be reasonably and practicably financed through the normal methods of financing available to such political subdivisions.

Sec. 2. There is hereby established in the state treasury a fund to be known as the flood control contribution fund. Expenditures shall be expended from this fund only in accordance with the provisions herein provided.

Flood control  
contribution  
fund—Crea-  
tion—Expendi-  
tures.

Sec. 3. Funds shall be expended and contributions made to a political subdivision of the state from the flood control contribution fund only after:

Requirements.

Flood control  
—Require-  
ments for  
state contribu-  
tions.

(1) The project for which the funds are to be used has been approved by the state supervisor of flood control in accordance with the regulatory provisions of chapter 86.16 RCW.

(2) Engineering studies and plans have been made and filed with the county engineer of the county in which the project is located, or the county engineers of all counties in which the project is located, if it is located in more than one county.

(3) The estimate of cost of acquisition of necessary lands, rights of way and construction of the project or improvements, together with adequate supporting data have been completed and filed with the state supervisor of flood control.

(4) A comprehensive plan for the area involved has been completed and filed with the state supervisor of flood control.

(5) The political subdivision desiring a contribution has made an application for a contribution to the state supervisor of flood control showing the estimated cost of the project and the requested contribution.

(6) Federal funds are available for contribution for payment of a portion of the cost of the project.

The director of the department of conservation is authorized to determine when these conditions have been met and to request *the state auditor to issue the proper warrant for the state's contribution*. Contributions to a political subdivision for a specific project shall not exceed fifty percent of the cost of acquisition of necessary lands and rights of way, and construction of the project or works of improvement.

Construction.

Sec. 4. This legislative proposal shall be complete authority for the accomplishment of purposes hereby authorized, and shall be liberally construed to accomplish its purposes.

Sec. 5. If any provision of this 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.

Severability.

Sec. 6. Section 7, chapter 153, Laws of 1961 and RCW 86.15.070 are each amended to read as follows:

RCW 86.15.070 amended.

The board may appoint a county-wide advisory committee, which shall consist of not more than fifteen members. The board also may appoint an advisory committee for any zone or combination of two or more zones which committees shall consist of not more than five members. Members of an advisory committee shall serve without pay and shall serve at the pleasure of the board.

Advisory committee.

Sec. 7. There is added to chapter 153, Laws of 1961 and to chapter 86.15 RCW, a new section to read as follows:

New section.

The board may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served or receiving benefits from a flood control improvement: *Provided*, That the service charge shall be uniform for the same class of benefits or service. In classifying services furnished or benefits received the board may in its discretion consider the character and use of land and its water runoff characteristics and any other matters which present a reasonable difference as a ground for distinction. Service charges shall be applicable to a zone or participating zones. The disposition of all revenue from service charges shall be in accordance with RCW 86.15.130.

Establishment of rates and charges—Rules and regulations.

Sec. 8. There is added to chapter 153, Laws of 1961 and to chapter 86.15 RCW, a new section to read as follows:

New section.

Flood control  
 —Revenue  
 bonds—  
 Authority—  
 Terms—Form.

The board may authorize the issuance of revenue bonds to finance any flood control improvement. Such bonds may be issued by the board in the same manner as prescribed in RCW 36.67.510 through 36.67.570 pertaining to counties. Such bonds shall be issued on behalf of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones.

Each revenue bond shall state on its face that it is payable from a special fund, naming such fund and the resolution creating the fund.

Revenue bond principal, interest, and all other related necessary expenses shall be payable only out of the appropriate special fund.

A zone or participating zones shall have a lien for delinquent service charges, including interest thereon, against the premises benefited by a flood control improvement, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage liens of cities and towns by RCW 35.67.200 through 35.67.290.

Passed the House April 21, 1967.

Passed the Senate April 20, 1967.

Approved by the Governor May 10, 1967, with the exception of a certain item in Section 3 which was vetoed.

**NOTE: Governor's explanation of partial veto is as follows:**

"This bill provides for financial contributions by the state to assist local units of government with flood control projects. Section 3 authorizes the director of the Department of Conservation to determine when certain statutory conditions for financial aid have been fulfilled. This section also provides that the director shall request "the state auditor to issue" the proper warrant for the state's financial contribution. Under the Budget and Accounting Act, the state auditor no longer performs the function of issuing warrants. This function is performed by the state treasurer.

"I am certain that the legislature did not intend to alter established procedures under the Budget and Accounting Act. Therefore, I have vetoed the words:

'the state auditor to issue'  
which appear on lines 22 and 23 of page 2 of the bill in order to make this enactment consistent with the Budget and Accounting Act.

"The remainder of Engrossed House Bill No. 222 is approved."

DANIEL J. EVANS,  
Governor.

## CHAPTER 137.

[Engrossed Substitute House Bill No. 77.]

AN ACT relating to eminent domain; providing for allowance of costs and fees in connection therewith; amending sec-

### EMINENT DOMAIN.

tion 2, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.020; amending section 4, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.040; and adding new sections to chapter 125, Laws of 1965 extraordinary session and to chapter 8.25 RCW.

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

Section 1. Section 2, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.020 are each amended to read as follows:

RCW 8.25.020 amended.

There shall be paid by the condemnor in respect of each parcel of real property acquired by eminent domain or by consent under threat thereof, in addition to the fair market value of the property, a sum equal to the various expenditures actually and reasonably incurred by those with an interest or interests in said parcel in the process of evaluating the condemnor's offer to buy the same, but not to exceed a total of two hundred dollars. In the case of multiple interests in a parcel, the division of such sum shall be determined by the court or by agreement of the parties.

Eminent domain—Damages—Cost of appraisal—Limitation.

Sec. 2. Section 4, chapter 125, Laws of 1965 extraordinary session and RCW 8.25.040 are each amended to read as follows:

RCW 8.25.040 amended.