

Community colleges—
Study of priorities for new locations.

Expenditure authorized.

Sec. 2. From any amounts which may be appropriated for the operation of community colleges in the general appropriations act of the state, the state board for community college education is hereby authorized to spend up to \$50,000 for the purpose of preparing the necessary preliminary planning and organization essential to the commencement of operations of each of the proposed community colleges described in section 1 of this act.

Passed the House March 2, 1967.

Passed the Senate March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 184.

[House Bill No. 866.]

DIKING, DRAINAGE, AND SEWERAGE IMPROVEMENT DISTRICTS.

AN ACT relating to diking, drainage, and sewerage improvement districts; prescribing a method to pay for maintenance costs of such districts; defining terms; providing for an assessment roll and levies; prescribing powers, duties and functions of the board of improvement districts and the boards of county commissioners in relation thereto; prescribing a method of review; adding a new chapter to Title 85 RCW; authorizing the imposition of assessments upon Indian lands where such Indian lands overlap and are benefited by diking and drainage districts; adding new sections to chapter 85.05 RCW; and declaring an emergency.

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

New chapter.

Section 1. There is added to Title 85 RCW a new chapter to read as set forth in sections 2 through 20 of this act.

Sec. 2. The maintenance, enlargement and extension of diking, drainage and sewerage improvement districts formed under chapter 85.08 RCW is essen-

tial to the public welfare and economy of the state. The influx of population and changes in land use since many such districts were formed, has made obsolete, expensive and unjust the method used under existing law to provide funds for the operation of such districts and for the maintenance and expansion of their systems of improvement.

Diking, drainage, sewerage improvement districts—
Maintenance and expansion
—Declaration of purpose.

Sec. 3. As used in this chapter:

Definitions.

“District” means a diking, drainage or sewerage improvement district organized under chapter 85.08 RCW.

“Maintenance” means and includes not merely operating expenses and such upkeep and other work commonly classed as maintenance as shall be necessary to restore and preserve the district’s systems of improvement and the machinery and equipment operated in connection therewith in the same or as good condition as when originally constructed and installed, but also the making of such changes in and betterments to the original works, improvements and installations as shall, subject to approval of the board of county commissioners, be by the board deemed necessary to put the systems of improvements into such condition as will provide protection and services as contemplated and intended by the original construction and any enlargement and extensions thereof thereafter made.

Sec. 4. To operate under this chapter, the board of commissioners of the improvement district shall cause to be prepared and filed with the board of county commissioners a property roll. The roll shall contain: (1) A description of all properties benefited and improvements thereon which receive protection and service from the systems of the district with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county

Diking, drainage, sewerage improvement districts—
Property roll
—Basis and requisites—
Prior indebtedness.

Diking, drainage, sewerage improvement districts—
 Property roll—
 Basis and requisites—
 Prior indebtedness.

wherein the property is located, and (2) the determined value of such land and improvements thereon as last assessed and equalized by the assessor of such county or counties. Such assessed and equalized values shall be deemed prima facie to be just, fair and correct valuations against which annual millage shall be levied for the operation of the district and the maintenance and expansion of its facilities.

If property outside of the limits of the original district are upon the roll as adopted ultimately, and the original district has outstanding bonds or long-term warrants, the board of county commissioners shall set up separate millage levies for the full retirement thereof.

Public hearing—
 Notice, publication.

Sec. 5. When a property roll is filed with the board of county commissioners, the board shall hold a public hearing to determine whether the facts and conditions heretofore recited in this chapter as a prerequisite to its application do or do not exist, and shall give notice of hearing as follows:

The notice shall be published at least three times in consecutive issues in a weekly newspaper, or once a week for three consecutive weeks in a daily newspaper, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board of county commissioners having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing.

Written objections—
 Filing—
 Grounds—
 Waiver.

Sec. 6. Any person, owner or reputed owner having any interest in any property against which the board of county commissioners seeks to make a protection and service charge under this chapter, may object thereto. All such objections must be in writing and filed with the board of county commissioners before the hearing is commenced upon the roll containing such properties and must state clearly

the grounds of such objection. Objections not made within this time and in this manner shall be deemed conclusively to have been waived.

Sec. 7. The board of county commissioners may at any time reexamine the properties on any roll, and upon receipt of a petition from the board of supervisors of the district or the written request of a property owner shall do so. If it is found that the condition of such property or properties has changed so that such property should be eliminated from any rolls on file, or the valuation against which millage is levied should be lowered, it shall so determine and enter an order adjusting the valuation as to such properties and shall certify and file a copy thereof with the treasurer of the county wherein the property is situated, and the treasurer shall alter and change the existing rolls accordingly. Valuations may be revised periodically to reflect changes in real property valuations by the county assessor.

Reexamination—Adjustment—Periodic revision of valuations.

Sec. 8. The roll approved and certified to the county officers by the board of county commissioners as in this chapter provided shall constitute the valuations of land, buildings and improvements furnished protection and services by the systems of the district against which valuation millage shall be levied and collected annually in the same manner as general taxes for the continuing operations of the district and its systems. The valuations on said roll shall be subject to adjustment from time to time in the manner provided in section 7 of this chapter.

—Roll constitutes valuation—Hearing on adjustment.

The board of county commissioners shall hold a hearing on such adjustments at the county seat at the time of equalization of real property assessments for the purpose of considering written objections to any revision of valuations filed at least ten days prior to the hearing and shall give published notice only of such hearing as provided in section 5 of this chapter.

Diking, drainage, sewerage improvement districts—Roll and proceedings conclusive—Remedies.

Sec. 9. Wherever any roll shall have been adopted by the board of county commissioners, the regularity, validity and correctness of the proceedings relating thereto shall be conclusive upon all parties, and it cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objections to the roll as provided in section 6 of this chapter and appealing from the action of said board in confirming the roll in the manner and within the time in this chapter provided. No proceeding of any kind, except proceedings had throughout the process of appeal as in this chapter provided, shall be commenced or prosecuted or may be maintained, for the purpose of defeating or contesting any assessment or charge made through levies under this chapter, or the sale of any property to pay such charges: *Provided*, That suit in injunction may be brought to prevent collection of charges of assessments or sale of property thereunder upon the following grounds and no other:

- (1) That the property charged or about to be sold does not appear upon the district roll, or
- (2) The charge has been paid.

Judicial review.

Sec. 10. The decision of the board of county commissioners upon any objection made within the time and in the manner prescribed may be reviewed by the superior court of the county wherein the property in question is located, upon appeal thereto taken in the following manner: Any person aggrieved must file his petition for writ of review with the clerk of the superior court wherein the property is located within ten days after the roll affecting such aggrieved party was adopted by resolution, and serve a copy thereof upon the county treasurer. The petition shall describe the property in question, shall set forth the written objections which were made to the decision, and the date of filing of such objections, and shall be signed by such party or someone in his

behalf. The court shall forthwith grant such petition if correct as to form and filed in accordance with this chapter.

Sec. 11. Within ten days from the filing of such petition for review, the county treasurer, unless the court shall grant additional time, shall file with the clerk of the superior court its certified transcript containing such portion of the roll as is subject to review, any written objections thereto filed with the board by the person reviewing before the roll was adopted, and a copy of the resolution adopting the roll.

Transcript—
Contents—
Filing.

Sec. 12. The county clerk shall charge the same filing fees for petitions for review as in civil actions. At the time of the filing of such a petition with the clerk, the appellant shall execute and file a bond in the penal sum of two hundred dollars, with at least two sureties, to be approved by the judge of the court, conditioned upon his prosecuting his appeal without delay and to guarantee all costs which may be assessed against him by reason of such review. The court shall, on motion of either party to the cause, with notice to the other party, set the cause for trial at the earliest time available to the court, fixing a date for hearing and trial without a jury. The cause shall have preference over all civil actions pending in the court except eminent domain and forcible entry and detainer proceedings.

Appeal—
Filing fees—
Bond—
Priority of
cause.

Sec. 13. At the trial the court shall determine whether the board of county commissioners has acted within its discretion and has correctly construed and applied the law. If it finds that it has, the finding of the board shall be affirmed; otherwise it shall be reversed or modified. The judgment of the court may change, confirm, correct, or modify the values of the property in question as shown upon the roll, and a certified copy thereof shall be

Appeal—
Scope—
Judgment.

filed with the county treasurer, who shall change, modify, or correct the roll as and if required by the judgment.

Diking, drainage, sewerage improvement districts—Assessment roll—Appeal to supreme court.

Sec. 14. An appeal shall lie to the supreme court from the superior court as in other civil cases: *Provided*, That such appeal must be taken within fifteen days after the date of entry of the judgment of the superior court. The supreme court may change, conform, correct, or modify the values of the property in question as shown upon the roll. A certified copy of any judgment of the supreme court shall be filed with the county treasurer having custody of such roll, who shall thereupon change, modify, or correct such roll in accordance with such judgment as and if required.

Levy for continuous benefits.

Sec. 15. The millage levies collected from time to time under this chapter are solely assessments for benefits received continuously by the protected properties, calculated in the manner specified in this chapter as a just and equitable way for all protected property to share the expense of such required protection and services.

Annual estimate of costs—Levy added to general taxes—Delinquencies—Disposition of revenues.

Sec. 16. The board of any improvement district proceeding under this chapter shall, on or before the first day of September of each year, make an estimate of the costs reasonably anticipated to be required for the effective functioning of the district during the ensuing year and until further revenue therefor can be made available, and shall cause its chairman or secretary to file the same with the board of county commissioners of the county containing the district and other benefited area. The board of county commissioners shall, on or before the first Monday in October next ensuing, certify the amount of the district's estimate, or such amount as it shall deem advisable, to the county treasurer. The amount so certified shall be applied

by the regular taxing agencies against the benefit valuation of lands, buildings and improvements as shown by the then current complete roll of such properties certified to and filed with such county treasurer by the board of county commissioners. When thus levied, the amount of assessment produced thereby shall be added by the general taxing authorities to the general taxes against said lands and collected therewith as a part thereof. If unpaid, any delinquencies in such assessments shall bear interest at the same rate and in the same manner as general taxes and they shall be included in and be made a part of any general tax foreclosure proceedings, according to the provisions of law with relation to such foreclosures. As assessment collections are made, the county treasurer shall credit the same to the funds of the district.

Sec. 17. In the case of an emergency or disaster occurring after the time of making the annual estimate of costs, declared to be such by resolution of the board, the board of the district may incur additional obligations and issue valid warrants therefor in excess of such estimate, in the manner provided by law for issuance of warrants by districts and the servicing thereof. All such warrants so issued shall be valid and legal obligations of the district and its taxable lands and improvements as shown upon the then current roll of the district filed with the county treasurer.

Emergency
expenditures
—Warrants.

Sec. 18. Any diking, drainage, or sewerage improvement district operating under this chapter shall not use concurrently the processes provided for raising revenue for maintenance purposes under any other law: *Provided*, That any other method of raising such revenue provided by law may be used concurrently for the sole purpose of extinguishing indebtedness incurred before the district adopts the

Concurrent
use of other
methods of
raising reve-
nues.

procedures of this chapter, and no funds raised hereunder shall be used to pay such prior indebtedness.

Diking, drainage, sewerage improvement districts—Authority to annex systems created by U.S. after legislation by congress.

Sec. 19. Notwithstanding the provisions of RCW 85.05.020, any diking or drainage district or diking and drainage district organized pursuant to chapter 85.05 RCW as now or hereafter amended, may annex and assume, or such district may be organized for the purpose of assuming, and may take over, maintain, operate and extend any diking and drainage systems which have been heretofore erected and operated or may be hereafter erected and operated by the government of the United States of America or any political subdivision or agency thereof, whenever the congress of the United States by permissive legislation authorizes the transfer of maintenance and operations functions to state and local nonfederal agencies.

Indian trust lands and restricted lands may be included.

Sec. 20. Any district organized pursuant to section 1 of this 1967 act or pursuant to any other provisions of chapter 85.05 RCW as now or hereafter amended may include any Indian trust lands and restricted lands whenever the congress of the United States (1) authorizes the inclusion of such lands in such district and (2) provides authority for such district to assess and to tax such lands for necessary expenses in the maintenance, operations and capital improvements on such diking and drainage system.

Vesting of rights, etc. upon annexation.

Sec. 21. Whenever the congress of the United States provides for the transfer of all right, title and interest to any dikes and to the lands upon which they are situated to any state or local nonfederal agency, the title to such land and to the dikes shall pass to the county wherein the dikes are situated for the use and benefit of any district which may be organized pursuant to section 1 of this 1967 act or

pursuant to any other provisions of chapter 85.05 RCW as now or hereafter amended, until completion of organization of such district. In any case in which a district has been organized, all right, title and interest to such lands and dikes shall vest immediately in the diking and drainage district.

Sec. 22. For purposes of this 1967 act:

Definitions for
1967 act.

(1) The word "owner" as it appears in chapter 85.05 RCW shall include the owner of any undivided interest in any tract of land within the district boundaries, whether Indian trust land or restricted land, or non-Indian land;

(2) The "acreage" owned by any owner in any undivided estate interest shall be computed by multiplying the owner's fractional undivided interest against the total acreage embraced within a particular tract or lot assessed; and

(3) The names of the owners of Indian lands, the size of Indian tracts and lots, the fractional undivided interest therein and the "acreage" of each owner as determined according to the provisions of subsection (2) of this section shall, in any proceeding to organize and operate a district under the provisions of section 1 of this 1967 act or pursuant to any other provision of chapter 85.05 as now or hereafter amended, be conclusively determined by the certificate of the superintendent of the Indian agency of the Bureau of Indian Affairs having supervision over the Indian reservation in which such Indian lands may be located or by the certificate of the area director over the Bureau of Indian Affairs area encompassing such lands; and such certificate shall be accepted in lieu of all other evidence in the records of the county in which such lands are situated.

Sec. 23. The acts and resolutions of all boards of county commissioners heretofore authorizing the organization and operation of any diking and drainage

Ratification
of prior acts.

districts, following any provisions of chapter 85.05 RCW, and the acts and resolutions of all diking and drainage districts heretofore organized following acts of congress permitting the taking over and operation and maintenance of existing diking and drainage systems by the state and local nonfederal governmental agencies, are ratified and confirmed.

Codification. Sec. 24. Sections 19 through 23 of this 1967 act are each added to chapter 85.05 RCW.

Severability. Sec. 25. If any provision of this 1967 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.

Emergency. Sec. 26. This 1967 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 House March 7, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.