

CHAPTER 240.

[S. B. 82.]

STATE AND LOCAL FLOOD CONTROL.

AN ACT relating to state and local participation in flood control; and repealing chapter 86.20, R.C.W., and chapter 86.28, R.C.W.

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

SECTION 1. Chapter 86.20, R.C.W., being chapter 150, Laws of 1933, and chapter 86.28, R.C.W., being sections 1 to 7, both inclusive, of chapter 204, Laws of 1941, are hereby repealed.

Repealing clause.

[Chapter 86.20 R.C.W. is Rem. Supp. §§ 9663-1 to 9663-21 incl.]
[Chapter 86.28 R.C.W. is 9663f-1 to 9663f-7 incl., as amended.]

SEC. 2. It is the purpose of the state in the exercise of its sovereign and police powers and in the interest of public welfare, to establish a state and local participating flood control maintenance policy.

Declaration of purpose.

SEC. 3. There are created under the director of conservation and development, the division of flood control and the office of supervisor of flood control. The supervisor of flood control shall have charge for the state, of the administration and enforcement of all laws relating to flood control.

Division of flood control created.

Supervisor of flood control.

SEC. 4. State participation in flood control maintenance shall be with corporate municipalities subject to flood conditions, namely, with counties, counties acting jointly, cities, towns, flood control districts, diking or diking improvement districts, drainage and drainage improvement districts, diking and drainage improvement districts, irrigation districts, and soil conservation districts.

State's participation with political subdivisions.

SEC. 5. The regular or special engineer for any such municipality shall be *ex officio* the local flood control engineer for any flood control work prosecuted by his municipality with aid from state flood

Municipal engineer is ex officio local flood control engineer.

County engineer; soil conservation district or other municipalities.

control funds. The county engineer shall be the *ex officio* local flood control engineer for any soil conservation district in his county and for any other municipality therein by special agreement between the proper municipal authorities and the county commissioners.

Project plans; approval by local engineer.

SEC. 6. Each local flood control engineer shall approve all plans for flood control maintenance projects within his jurisdiction; he shall supervise their construction and have control of and make the authorized expenditures therefor. The approval of such plans, construction and expenditures by the supervisor of flood control shall be a condition precedent to state participation in the cost of any project.

Same; approval by supervisor, condition precedent to state aid.

State participation limited to projects of general interest.

SEC. 7. State participation shall be in such flood control maintenance projects as are affected with a general public and state interest, as differentiated from a private interest, and as are likely to bring about public benefits commensurate with the amount of state funds allocated thereto. Such participation shall be made from state appropriations for flood control maintenance purposes.

Source of funds.

Allocations for emergency purposes.

SEC. 8. Appropriation for flood control maintenance shall be so employed that as far as possible, funds will be on hand to meet unusual, unforeseeable and emergent flood conditions. Allocations by the supervisor, for emergency purposes, shall in each instance be in amounts which together with funds provided by local authority, under reasonable exercise of its emergency powers, shall be adequate for the preservation of life and property, and with due regard to similar needs elsewhere in the state.

Municipal corporation; flood control maintenance fund authorized.

SEC. 9. Any municipal corporation subject to flood conditions, may establish in its treasury a flood control maintenance fund. Such fund may be maintained by transfer thereto of moneys derived from regular or special lawful levies for flood control pur-

poses, moneys which may be lawfully transferred to it from any other municipal fund; and gifts and contributions received for flood control purposes. All costs and expenses for flood control maintenance purposes shall be paid out of said flood control maintenance fund, which fund shall not be used for any other purpose.

Use of fund.

SEC. 10. Any municipal corporation intending to seek state participating funds shall, within thirty days after final adoption of its annual budget for flood control purposes, report the amount thereof, to the supervisor of flood control. On the basis of all such budget reports received, he may thereupon prepare his tentative and preliminary plan for the orderly and most beneficial allocation of state flood control funds for the ensuing calendar year. Any otherwise eligible municipal corporation failing and neglecting to report the amount of its budget may, at the discretion of the supervisor, become ineligible for state participation during the ensuing year. Soil conservation districts shall be exempted from the provisions of this section.

Municipal corporations; annual report to supervisor of amount of budget.

Soil conservation districts excluded.

SEC. 11. The state shall participate with eligible local authorities in maintaining and restoring the normal and reasonably stable river and stream channel alignment and the normal and reasonably stable river and stream channel capacity for carrying off flood waters with a minimum of damage from bank erosion or overflow of adjacent lands and property; and in restoring, maintaining and repairing natural conditions, works and structures for the maintenance of such conditions. The state shall likewise participate in the restoration and maintenance of natural conditions, works or structures for the protection of lands and other property from inundation or other damage by the sea or other bodies of water. State flood control maintenance funds shall not be available for maintenance of works or structures main-

State participation; maintenance of stable channel alignment and capacity.

Same; structures for protection of land.

Works maintained solely for detention of water; state funds not available.

tained solely for the detention or storage of flood waters.

State participation provided by agreement.

SEC. 12. State participation in the cost of any flood control maintenance project shall be provided for by a written memorandum agreement between the director of conservation and development and the corporate authorities of the local sponsoring party, which agreement, among other things, shall state the estimated cost and the percentage thereof to be borne by the state. In no instance, except on emergency projects, shall the state's share exceed one-half the cost of the project. State participation in any soil conservation district shall not, in the aggregate, exceed ten thousand dollars in any fiscal year, and shall be only in projects approved and recommended by the district's board of supervisors.

Limitation on state's share of the cost.

Warrants drawn only on vouchers.

SEC. 13. No warrant shall be drawn by the state auditor to the credit of the flood control maintenance account of any participating local agency except on vouchers for reimbursement of expenditures therefor made and properly supported and approved by the local flood control engineer and by the supervisor of flood control.

Passed the Senate March 8, 1951.

Passed the House March 5, 1951.

Approved by the Governor March 19, 1951.