

CHAPTER 26.

[ House Bill No. 244. ]

FLOOD CONTROL DISTRICTS.

AN ACT relating to flood control districts; amending section 2, chapter 72, Laws of 1937 and RCW 86.09.004; amending section 60, chapter 72, Laws of 1937 and RCW 86.09.178; amending section 61, chapter 72, Laws of 1937 and RCW 86.09.181; amending section 63, chapter 72, Laws of 1937 and RCW 86.09.187; amending section 77, chapter 72, Laws of 1937 and RCW 86.09.229; amending section 86, chapter 72, Laws of 1937 and RCW 86.09.256; amending section 91, chapter 72, Laws of 1937 and RCW 86.09.271; amending section 95, chapter 72, Laws of 1937 and RCW 86.09.283; amending section 122, chapter 72, Laws of 1937 and RCW 86.09.364; amending section 129, chapter 72, Laws of 1937 and RCW 86.09.385; amending section 130, chapter 72, Laws of 1937 and RCW 86.09.388; amending section 207, chapter 72, Laws of 1937 and RCW 86.09.619; adding new sections to chapter 72, Laws of 1937 and to chapter 86.09 RCW; repealing sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 and validating the organization and proceedings of all districts established thereunder; repealing section 64, chapter 72, Laws of 1937 and RCW 86.09.190; repealing section 65, chapter 72, Laws of 1937 and RCW 86.09.193; repealing section 67, chapter 72, Laws of 1937 and RCW 86.09.199; and repealing section 146, chapter 72, Laws of 1937 and RCW 86.09.436.

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

RCW 86.09.004 amended.

SECTION 1. Section 2, chapter 72, Laws of 1937 and RCW 86.09.004 are each amended to read as follows:

Flood control districts. District to provide control of water—Territory included—District rights if within city or town.

Such flood control districts shall be organized to provide for the ultimate necessary control of the entire part, or all, of the stream system of any stream or tributary, or for the protection against tidal or any bodies of water, within this state and may include all or part of the territory of any county and may combine the territory in two or more such counties, in which any of the lands benefited from the

organization and maintenance of a flood control district are situated.

A district established wholly within the boundaries of any city or town may also provide for the collection, control, and safe and suitable conveyance over and across the district, of intermittent surface and drainage water, originating within or without its boundaries, to suitable and adequate outlets.

SEC. 2. Section 60, chapter 72, Laws of 1937 and RCW 86.09.178 are each amended to read as follows:

RCW 86.09.178 amended.

Contracts for construction, or for labor or materials entering into the construction of any improvement authorized by the district shall be awarded at public bidding except as herein otherwise provided. A notice calling for sealed proposals shall be published in such newspaper or newspapers of general circulation as the board shall designate for a period of not less than two weeks (three weekly issues) prior to the day of opening of the bids. Such proposals shall be accompanied by a certified check for such amount as the board shall decide upon, to guarantee a compliance with the bid and shall be opened in public at the time and place designated in the notice. The contract shall be awarded to the lowest and best responsible bidder: *Provided*, That the board shall have authority to reject any or all bids, in which event they shall readvertise for bids and, when no satisfactory bid is then received and with the written approval of the director, may proceed to construct the works by force account.

Construction contracts—  
Public bids,  
procedure.

SEC. 3. Section 61, chapter 72, Laws of 1937 and RCW 86.09.181 are each amended to read as follows:

RCW 86.09.181 amended.

Any person, except the state of Washington and the United States, acting under the provisions of this chapter, to whom or to which a contract may have been awarded by the district for construction purposes, or for labor or materials entering therein when

Contractor's bond.

Flood control districts.

the total amount to be paid therefor exceeds one thousand dollars, shall enter into a bond to the state of Washington, with good and sufficient sureties, to be approved and filed with the state director, for one hundred percent of the contract price, conditioned for the faithful performance of said contract and with such further conditions as may be required by law.

RCW 86.09.187 amended.

SEC. 4. Section 63, chapter 72, Laws of 1937 and RCW 86.09.187 are each amended to read as follows:

Improvements by force account.

Any proposed improvement or part thereof, not exceeding one thousand dollars in cost may be constructed by the district by force account.

RCW 86.09.229 amended.

SEC. 5. Section 77, chapter 72, Laws of 1937 and RCW 86.09.229 are each amended to read as follows:

Crossing road or public utility—  
Notice, plan, cost, etc.

Whenever in the progress of the construction of the system of district improvement, it shall become necessary to construct a portion of such system across any public or other road or public utility, the district board shall serve notice in writing upon the public officers, corporation or person having charge of or controlling or owning such road or public utility, as the case may be, of the present necessity of such crossing, giving the location, kind, dimensions and requirement thereof, for the purpose of the system of improvement, and stating a reasonable time, to be fixed by the board, within which plans for such crossing must be filed for approval in case the public officer, corporation or person controlling or owning such road or public utility desire to design and construct such crossing. As soon as convenient, within the time fixed in the notice, the public officers, corporation or person shall, if they desire to construct such crossing, prepare and submit to the board for approval duplicate detailed plans and specifications for such crossing. Upon the return of such approved plans, the public officers, corporation or person controlling such road or public utility shall, within the

time fixed by the board, construct such crossing in accordance with the approved plans. In case such public officers, corporation or person controlling or owning such road or public utility shall fail to file plans for such crossing within the time prescribed in the notice, the district board shall proceed with the construction of such crossing in such manner as will cause no unnecessary injury to or interference with such road or public utility. The cost of construction and maintenance of only such crossings or such portion of such cost as would not have been necessary but for the construction of the system of improvement shall be a proper charge against the district, and only the actual cost of such improvement constructed in accordance with the approved plans shall be charged against the district in the case of crossings constructed by others than the district. The amount of costs of construction allowed as a charge against the district shall be credited ratably on the assessments against the property on which the crossing is constructed if chargeable therewith, until the same is fully satisfied.

SEC. 6. Section 86, chapter 72, Laws of 1937 and RCW 86.09.256 are each amended to read as follows:

Said state supervisor shall also have supervision and control over all dams and obstructions in streams flowing into any flood control district as provided by chapter 86.16 RCW.

Supervisor's control over dams and obstructions.

SEC. 7. Section 91, chapter 72, Laws of 1937 and RCW 86.09.271 are each amended to read as follows:

The office of the directors and principal place of business of the district shall be located, if possible, at some place within the district to be designated by the board. If a place convenient and suitable for conducting district business and public hearings required by this chapter cannot be found within the district, said office may be located in the county within which the

Board of directors. District office—Change of location.

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major portion of district lands is situated. Said office and place of business cannot thereafter be changed, except with the previous written consent of the state director and without passing a resolution to that effect at a previous regular meeting of the board, entered in the minutes thereof and without posting a notice of the change in a conspicuous public place at or near the place of business which is to be changed at least ten days prior thereto and by the previous posting of a copy of said notice for the same length of time at or near the new location of the office.

RCW 86.09.283 amended.

SEC. 8. Section 95, chapter 72, Laws of 1937 and RCW 86.09.283 are each amended to read as follows:

—Compensation and expenses of board members and employees.

The board of directors shall each receive not to exceed ten dollars per day in attending the meetings, to be determined by said board, and such compensation, not exceeding ten dollars per day, for other services rendered the district as shall be fixed by resolution adopted by vote of the directors and entered in the minutes of their proceedings, and in addition thereto, directors shall receive necessary expenses in attending meetings or when otherwise engaged on district business. The board shall fix the compensation to be paid to the secretary and all other agents and employees of the district. A director using his own automobile shall be entitled to compensation therefor for the actual and necessary number of miles traveled, based on a resolution fixing the rate per mile not in excess of eight cents per mile.

RCW 86.09.364 amended.

SEC. 9. Section 122, chapter 72, Laws of 1937 and RCW 86.09.364 are each amended to read as follows:

Elections, Qualifications of electors.

Any person of the age of twenty-one years, being a citizen of the United States who holds title to land or evidence of title to land determined to receive benefits within the boundaries of any district, shall be entitled to vote at any election held therein. Additional qualifications for voting, required by the

general election laws of the state shall not apply: *Provided*, That where the title or evidence of title to community land is held by the husband or the wife, both members of such community shall be entitled to vote: *Provided further*, That the elector qualification based on holding title or evidence of title to land determined to receive benefits shall not apply for the election to establish the district: *Provided further*, That each elector holding title or evidence of title to more than ten acres of benefited land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof: *And provided further*, That at any election held under the provisions of this chapter, one officer or agent of any corporation owning land in the district, duly authorized thereto in writing may cast a vote on behalf of said corporation; when so voting he shall file with the election officers such written instrument of his authority, and such officer or agent shall be deemed an elector within the meaning of this chapter. An elector resident within the district shall vote in the precinct in which he resides; and an elector not residing in the district shall vote in the precinct which includes his land, or the great[er] area thereof.

SEC. 10. Section 129, chapter 72, Laws of 1937 and RCW 86.09.385 are each amended to read as follows:

RCW 86.09.385 amended.

As a basis for the levy of all assessments authorized under this chapter, the state supervisor of flood control, soon after the creation of the district, shall cause to be prepared a base map of the lands within the district and deliver the same to the secretary of the district: *Provided*, That said state supervisor shall not be required to prepare said base map unless ample appropriation of funds for the purpose has been made.

Assessments.  
Base map of  
benefited  
lands.

SEC. 11. Section 130, chapter 72, Laws of 1937 and RCW 86.09.388 are each amended to read as follows:

RCW 86.09.388 amended.

Flood control districts. Assessments. Appointment of appraisers—Determination of benefit ratios.

Upon receipt of said base map the board of directors of the district shall appoint a board of three appraisers subject to the written approval of the state director, whose duty it shall be to determine the ratio of benefits which the several tracts of land shall receive with respect to each other from the organization and operation of the district and the construction and maintenance of the district works in accordance with the comprehensive plan therefor adopted by the directors of the district.

RCW 86.09.619 amended.

SEC. 12. Section 207, chapter 72, Laws of 1937 and RCW 86.09.619 are each amended to read as follows:

Bonds—District directors to make provision for payment—Procedure upon failure to do so.

It shall be the duty of the board of directors of the district to make adequate provision for the payment of all district bonds in accordance with their terms by levy and collection of assessments or otherwise and upon its failure so to do said levy and collection of assessments shall be made as follows:

(1) If the annual assessment roll has not been delivered to the county treasurer on or before the fifteenth day of January, he shall notify the secretary by registered mail that the roll must be delivered to him forthwith.

(2) If the roll is not delivered within ten days from the date of mailing the notice, or if the roll has not been equalized and the levy made, the treasurer shall immediately notify the county commissioners of the county in which the office of the directors is situated, and such commissioners shall cause an assessment roll for the district to be prepared and shall equalize it if necessary, and make the levy in the same manner and with like effect as if it had been made and equalized by the directors, and all expenses incident thereto shall be borne by the district.

(3) In case of neglect or refusal of the secretary to perform his duties, the district treasurer shall perform them, and shall be accountable therefor, on his official bond, as in other cases.

SEC. 13. There is added to chapter 72, Laws of 1937 and to chapter 86.09 RCW a new section to read as follows: New section.

When the assessment roll is completed as finally equalized by the board of directors and the total assessment against any tract or contiguous tracts owned by one person or corporation is less than two dollars, the county treasurer shall levy such a minimum amount of two dollars against such tract or contiguous tracts. Minimum assessment.

SEC. 14. There is added to chapter 72, Laws of 1937 and to chapter 86.09 RCW a new section to read as follows: New section.

A board may amend the district comprehensive plan of flood control, alter, reduce or enlarge the district system of improvement, within or without the district, and change the district boundaries so as to include land likely to be benefited by said amendment, alteration, reduction or enlargement by filing a petition to that effect with the director. Amending plan of flood control, altering system of improvements, changing boundaries. Initiated by petition.

SEC. 15. There is added to chapter 72, Laws of 1937 and to chapter 86.09 RCW a new section to read as follows: New section.

If funds are available the director shall, at the expense of his department, refer the petition to the supervisor for a preliminary investigation as to the feasibility of the objects sought by the petition. If the investigation discloses that the matter petitioned for is feasible, conducive to the public welfare, consistent with a comprehensive plan of development and in the best interest of the district and will promote the purposes for which the district was organized, the director shall so find, approve the petition, enter an order in his records declaring the establishment of the new boundaries as petitioned for, or as modified by him, and file a certified copy —Investigation—Approval—Reassessments.



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of the order with each county auditor, without filing fee, and with the board.

The board shall forthwith cause a review of the classifications and ratio of benefits, in the same manner and with the same effect as for the determination of such matters in the first instance.

The lands in the original district shall remain bound for the whole of the original unpaid assessment thereon for the payment of any outstanding warrants or bonds to be paid by such assessments. Until the assessments are collected and all indebtedness of the original district paid, separate funds shall be maintained for the original district and the revised district.

Repeal—  
Savings—Val-  
idation—  
Rights and  
obligations  
preserved.

SEC. 16. Sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are each repealed: *Provided*, That districts heretofore established pursuant to said laws may continue to be operated and maintained as provided therein; or may take such action as may be required to conform to the provisions of chapter 72, Laws of 1937 and chapter 86.09 RCW regulating the maintenance and operation of flood control districts to the same extent and to the same effect as if originally organized under said act: *Provided further*, That the organization of such districts and the validation of indebtedness heretofore incurred shall be governed as follows:

(1) Each and all of the flood control districts heretofore organized and established under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby validated and declared to be duly existing flood control districts having their respective boundaries as set forth in their organization proceedings as

shown by the files in the offices of the auditors of each of the counties affected;

(2) All debts, contracts, and obligations heretofore made by or in favor of, and all bonds or other obligations heretofore executed in connection with or in pursuance of attempted organization, and all other things and proceedings heretofore done or taken by any flood control district heretofore established, operated and maintained under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby declared legal and valid and of full force and effect until such are fully satisfied and/or discharged.

SEC. 17. The following acts or parts of acts are Repeal.  
each repealed:

(1) Section 64, chapter 72, Laws of 1937 and RCW 86.09.190;

(2) Section 65, chapter 72, Laws of 1937 and RCW 86.09.193;

(3) Section 67, chapter 72, Laws of 1937 and RCW 86.09.199;

(4) Section 146, chapter 72, Laws of 1937 and RCW 86.09.436.

Passed the House March 5, 1965.

Passed the Senate March 9, 1965.

Approved by the Governor March 20, 1965.

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## CHAPTER 27.

[ House Bill No. 248. ]

### HORTICULTURAL PESTS AND DISEASES.

AN ACT relating to horticultural pests and diseases; and adding a new section to chapter 11, Laws of 1961 and chapter 15.08 RCW.

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