

In the assessment of any mobile home, the assessment record shall contain a description of the mobile home including the make, model, and serial number. The property tax roll shall identify any mobile home.

Passed the House April 28, 1985.

Passed the Senate April 27, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

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## CHAPTER 396

[Substitute House Bill No. 150]

### DIKING, DRAINAGE, FLOOD CONTROL—DISTRICT CREATION AND OPERATION

AN ACT Relating to special districts; amending RCW 85.05.085, 85.05.280, 85.05.410, 85.05.580, 85.06.080, 85.06.250, 85.06.380, 85.08.290, 85.08.300, 85.08.320, 85.08.610, 85.20.030, 85.20.050, 85.22.030, 85.22.050, 85.22.070, 85.24.070, 85.24.080, 85.36.010, 86.09.184, 86.09.187, 86.09.259, 86.09.271, 86.09.274, 86.09.283, 86.09.301, 86.09.304, 86.09.385, 86.09.388, 86.09.391, 86.09.409, 86.09.418, 86.09.433, 86.09.442, 86.09.448, 86.09.451, 86.09.457, 86.09.463, 86.09.466, 86.09.568, 86.09.577, 86.09.592, 86.09.598, 86.09.604, 86.09.607, 86.09.610, 86.09.622, 86.09.625, 86.09.700, and 86.09.703; adding a new chapter to Title 85 RCW; adding new sections to chapter 85.05 RCW; adding new sections to chapter 85.06 RCW; adding new sections to chapter 85.08 RCW; adding new sections to chapter 85.24 RCW; adding new sections to chapter 85.36 RCW; adding new sections to chapter 86.09 RCW; and repealing RCW 85.05.020, 85.05.030, 85.05.040, 85.05.050, 85.05.060, 85.06.020, 85.06.030, 85.06.040, 85.06.050, 85.08.020, 85.08.040, 85.08.050, 85.08.060, 85.08.070, 85.08.080, 85.08.090, 85.08.100, 85.08.110, 85.08.120, 85.08.130, 85.08.140, 85.08.150, 85.08.160, 85.08.170, 85.08.180, 85.08.290, 85.20.040, 85.22.040, 85.24.020, 85.24.030, 85.24.040, 86.09.007, 86.09.022, 86.09.025, 86.09.028, 86.09.031, 86.09.034, 86.09.037, 86.09.040, 86.09.043, 86.09.046, 86.09.049, 86.09.052, 86.09.055, 86.09.058, 86.09.061, 86.09.064, 86.09.067, 86.09.070, 86.09.073, 86.09.076, 86.09.079, 86.09.082, 86.09.085, 86.09.088, 86.09.091, 86.09.094, 86.09.097, 86.09.100, 86.09.103, 86.09.106, 86.09.109, 86.09.112, 86.09.115, 86.09.118, 86.09.121, 86.09.124, 86.09.127, 86.09.130, 86.09.133, 86.09.136, 86.09.139, 86.09.142, 86.09.145, 86.09.238, 86.09.241, 86.09.244, 86.09.247, 86.09.250, 86.09.253, 86.09.256, 86.09.262, 86.09.289, 86.09.295, 86.09.298, 86.09.316, 86.09.331, 86.09.334, 86.09.337, 86.09.340, 86.09.343, 86.09.346, 86.09.349, 86.09.352, 86.09.355, 86.09.358, 86.09.361, 86.09.364, 86.09.367, 86.09.370, 86.09.373, and 86.09.376.

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

**NEW SECTION.** Sec. 1. The purpose of this chapter is to provide uniform and simplified procedures for the creation, elections, and operations of various special districts that provide diking, drainage, and flood control facilities and services. The legislature finds that it is in the public interest to clarify and standardize the laws relating to these special districts.

**NEW SECTION.** Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Governing body" means the board of commissioners, board of supervisors, or board of directors of a special district.

(2) "Owner of land" means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the county auditor, except that if the lot or

parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is assumed, unless shown otherwise, that the name appearing as the owner of property on the property tax rolls is the current owner.

(3) "Qualified voter of a special district" means a person who is either: (a) A natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than sixty days before the election, and the owner of land located in the special district for a period of not less than sixty days before the election; or (b) a corporation or partnership that has owned land located in the special district for a period of not less than sixty days before the election. If land is owned as community property, both spouses may vote if otherwise qualified. If other multiple undivided interests exist in a lot or parcel, and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing which owner is eligible to vote. A corporation or partnership shall designate a natural person to exercise its voting powers. Except as provided in sections 21 and 22 of this act, no owner of land may cast more than one vote, or have more than one vote cast for it, in a special district election.

(4) "Special district" means: (a) A diking district; (b) a drainage district; (c) a diking, drainage, and/or sewerage improvement district; (d) an intercounty diking and drainage district; (e) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (f) a flood control district.

(5) "Special district general election" means the election of a special district regularly held on the second Tuesday of December in each odd-numbered year at which a member of the special district governing body is regularly elected.

NEW SECTION. Sec. 3. The establishment of a special district may be initiated by either petition of the owners of property located within the proposed special district, or by resolution of the county legislative authority or authorities within which the proposed special district is located.

A petition calling for the creation of a special district, which is signed by at least ten owners of land located within the proposed district, shall be filed with the county legislative authority within which a proposed special district, or the largest portion of a special district, is located. If the proposed special district is proposed to be located within more than one county, the county legislative authority receiving the petitions shall notify the other county legislative authorities of the proposal. The petition shall set forth in general terms: (1) The objects sought by the creation of the special district; (2) the projects proposed to be completed by the special district that will accomplish these objects; (3) the boundaries of the proposed special district, which may be stated in terms of sections, townships, and ranges; and (4) any other matters deemed material by the petitioners. The jurisdiction of

the county legislative authority to proceed with consideration of the creation of the proposed special district shall not be affected by the form of the petition or allegations on the petition. The petition shall be accompanied by proof of land ownership that is sufficient in the opinion of the county legislative authority to evidence the ownership of land by the petitioners within the proposed special district. A petition calling for the creation of a special district shall be accompanied by a bond of five thousand dollars to defray the costs incurred by the county, or counties, in considering the creation of the special district.

A resolution proposing the creation of a special district shall contain the same items as are required and permitted to be contained in a petition to create a special district.

NEW SECTION. Sec. 4. Upon the filing of a valid petition or upon the adoption of the resolution, the county legislative authority shall direct the county engineer to investigate the proposed boundaries of the special district and the feasibility of the projects located in the county as proposed in the petition or resolution. The engineer shall report to the county legislative authority within ninety days of such direction on the proposed boundaries of the special district within the county and feasibility of that portion of the proposed project. If the proposed special district is located in more than one county, the county legislative authority of each county shall direct its county engineer to investigate and report on the proposal within its boundaries.

NEW SECTION. Sec. 5. The county legislative authority shall schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are feasible. If the engineers of each of the counties within which a proposed special district is located indicate that the proposed projects are feasible, the county legislative authorities shall schedule a joint public hearing on the proposed special district. The county legislative authority may, on its own initiative, schedule a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are not feasible. The county legislative authorities of counties within which a proposed special district is located may, on their own initiative, schedule a joint public hearing on the proposed special district if one or more of the county engineers' reports indicate that the proposed projects are not feasible.

Notice of the public hearing shall be published and posted as provided in section 13 of this act for notices of elections. Additional notice of the public hearing shall be published in the newspaper in general circulation within the proposed special district, which notice shall be purchased in the manner of a general advertisement, not to be included with legal advertisements or with classified advertisements. This additional notice shall be published at least twice, not more than twenty nor less than three days before

public hearing. Additional notice shall be made as required in RCW 79.44.040.

The notice must contain the following: (1) The date, time, and place of the public hearing; (2) a statement that a particular special district is proposed to be created; (3) a general description of the proposed projects to be completed by the special district; (4) a general description of the proposed special district boundaries; and (5) a statement that all affected persons may appear and present their comments in favor of or against the creation of the proposed special district.

**NEW SECTION.** Sec. 6. The county legislative authority or authorities shall conduct the public hearing at the date, time, and place indicated in the notice. Public hearings may be continued to other dates, times, and places specified by the county legislative authority or authorities before the adjournment of the public hearing. Each county legislative authority may alter those portions of boundaries of the proposed special district that are located within the county, but if territory is added that was not described in the original proposed boundaries, an additional hearing on the proposal shall be held with notice being posted and published as provided in section 5 of this act.

After receiving the public testimony, the county legislative authority may cause an election to be held to authorize the creation of a special district if it finds:

(1) That creation of the special district will be conducive to the public health, convenience and welfare;

(2) That the creation of the special district will be of special benefit to a majority of the lands included within the special district; and

(3) That the proposed improvements are feasible and economical, and that the benefits of these improvements exceed costs for the improvements.

If the proposed special district is located within two or more counties, the county legislative authorities may cause an election to be held to authorize the creation of the special district upon making the findings set forth in subsections (1) through (3) of this section.

The county legislative authority or authorities may also choose not to allow such an election to be held by either failing to act or finding that one or more of these factors are not met.

**NEW SECTION.** Sec. 7. The county legislative authority or authorities shall cause an election on the question of creating the special district to be held if findings as provided in section 6 of this act are made. The county legislative authority or authorities shall designate a time and date for such election, which shall be one of the special election dates provided for in RCW 29.13.020, together with the site or sites at which votes may be cast. The persons allowed to vote on the creation of a special district shall be those persons who, if the special district were created, would be qualified voters of the special district as described in section 2 of this act. The county

auditor or auditors of the counties within which the proposed special district is located shall conduct the election and prepare a list of presumed eligible voters.

Notices for the election shall be published and posted as provided in section 5 of this act. The special district shall be created if the proposition to create the special district is approved by a simple majority vote of the voters voting on the proposition and the special district may assume operations whenever the initial members of the governing body are appointed as provided in section 8 of this act.

Any special district created after the effective date of this act may only have special assessments measured and imposed, and budgets adopted, as provided in sections 15 through 18 of this act.

If the special district is created, the county or counties may charge the special district for the costs incurred by the county engineer or engineers pursuant to section 4 of this act and the costs of the auditor or auditors related to the election to authorize the creation of the special district pursuant to this section. Such county actions shall be deemed to be special benefits of the property located within the special district that are paid through the imposition of special assessments.

NEW SECTION. Sec. 8. (1) Except as provided in section 10 of this act, each special district shall be governed by a three-member governing board. The term of office for each member of a special district governing body shall be six years and until his or her successor is elected and qualified. One member of the governing body shall be elected at the time of special district general elections in each odd-numbered year for a term of six years beginning as provided in RCW 29.04.170 for assumption of office by elected officials of cities.

(2) The terms of office of members of the governing bodies of special districts, who are holding office on the effective date of this act, shall be altered to provide staggered six-year terms as provided in this subsection. The member who on the effective date of this act has the longest term remaining shall have his or her term altered so that the position will be filled at the December, 1991, special district general election; the member with the second longest term remaining shall have his or her term altered so that the position will be filled at the December, 1989, special district general election; and the member with the third longest term of office shall have his or her term altered so that the position will be filled at the December, 1987, special district general election.

(3) The initial members of the governing body of a newly created special district shall be appointed by the legislative authority of the county within which the special district, or the largest portion of the special district, is located. These initial governing body members shall serve until their successors are elected and qualified at the next special district general election held at least ninety days after the special district is established. At that

election the first elected members of the governing body shall be elected. No primary elections may be held. Any voter of a special district may become a candidate for such a position by filing written notice of this intention with the governing body of the special district at least thirty, but not more than sixty, days before a special district general election. The names of all candidates for such positions shall be listed alphabetically. At this first election, the candidate receiving the greatest number of votes shall have a six-year term, the candidate receiving the second greatest number of votes shall have a four-year term, and the candidate receiving the third greatest number of votes shall have a two-year term of office. The initially elected members of a governing body shall take office immediately when qualified as defined in RCW 29.01.135. Thereafter the candidate receiving the greatest number of votes shall be elected for a six-year term of office. Members of a governing body shall hold their office until their successors are elected and qualified, and assume office as provided in RCW 29.04.170.

(4) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve the remaining term of office. A vacancy occurs upon the death, resignation, or incapacity of a governing body member or whenever the governing body member ceases being a qualified voter of the special district.

(5) An elected or appointed member of a special district governing body must be a qualified voter of the special district.

**NEW SECTION.** Sec. 9. Each member of a governing body of a special district, whether elected or appointed, shall enter into a bond, payable to the special district. The bond shall be in the sum of not less than one thousand dollars nor more than five thousand dollars, as determined by the county legislative authority of the county within which the special district, or the largest portion of the special district, is located. The bond shall be conditioned on the faithful performance of his or her duties as a member of the governing body of the special district and shall be filed with the county treasurer of the county within which the special district, or the largest portion of the special district, is located.

**NEW SECTION.** Sec. 10. (1) Whenever the governing body of a special district has more than three members, the governing body shall be reduced to three members as of January 1, 1986, by eliminating the positions of those district governing body members with the shortest remaining terms of office. The remaining three governing body members shall have staggered terms with the one having the shortest remaining term having his or her position filled at the 1987 special district general election, the one with the next shortest remaining term having his or her position filled at the 1989 special district general election, and the one with the longest remaining term having his or her position filled at the 1991 special district general

election. If any of these remaining three governing body members have identical remaining terms of office, the newly calculated remaining terms of these persons shall be determined by lot with the county auditor who assists the special district in its elections managing such lot procedure. The newly established terms shall be recorded by the county auditor.

(2) However, whenever five or more special districts have consolidated under chapter 85.36 RCW and the consolidated district has five members in its governing body on the effective date of this act, the consolidated district may adopt a resolution retaining a five-member governing body. At any time thereafter, such a district may adopt a resolution and reduce the size of the governing body to three members with the reduction occurring as provided in subsection (1) of this section, but the years of the effective dates shall be extended so that the reduction occurs at the next January 1st occurring after the date of the adoption of the resolution. Whenever a special district is so governed by a five-member governing body, two members shall be elected at each of two consecutive special district general elections, and one member shall be elected at the following special district general election, each to serve a six-year staggered term.

NEW SECTION. Sec. 11. General elections shall be held in each special district on the second Tuesday in December in each odd-numbered year. The auditor of the county within which a special district, or the largest portion of a special district, is located may provide for special elections whenever necessary.

NEW SECTION. Sec. 12. A list of presumed eligible voters shall be prepared and maintained by each special district. The list shall include the assessor's tax number for each lot or parcel in the district, the name or the names of the owners of such lots and parcels, the extent of the ownership interest of such persons, and if such persons are natural persons, whether they are known to be registered voters in the state of Washington. Whenever such a list is prepared, the district shall attempt to notify each owner of the requirements necessary to establish voting authority to vote. Whenever lots or parcels in the district are sold, the district shall attempt to notify the purchasers of the requirements necessary to establish voting authority. Each special district shall provide a copy of this list, and any revised list, to the auditor of the county within which all or the largest portion of the special district is located.

NEW SECTION. Sec. 13. The auditor of the county within which a special district, or the largest portion of a special district, is located shall assist such special district with its elections as provided in this section. The county auditor shall both publish and post notices for such elections. Notices shall be posted in at least four conspicuous public places within the special district at least two weeks before the election. Notices shall also be published in a newspaper of general circulation in the special district at

least once not more than ten nor less than three days before the election. The notices shall describe the election, give its date and times to be held, and indicate the election site or sites in the special district where ballots may be cast. All costs of the county auditor incurred related to such elections shall be reimbursed by the special district. A special district may also contract with the county auditor to staff the voting site during the election or contract with the county auditor to conduct the election pursuant to RCW 29.36.120.

NEW SECTION. Sec. 14. The governing body of each special district shall appoint three voters of the special district, who may be members of the governing body, to act as election officials, unless the special district contracts with the county auditor to staff the election site. The election officials shall distribute a ballot or ballots to each voter of the special district who arrives at the voting place during the hours for the election on the day of the election and requests a ballot. Ballots shall also be provided to those persons arriving at the polling place during the hours for the election on the day of the election who present documents or evidence sufficient to establish their eligibility to vote. A person arriving at the polling place at such times who demands a ballot, but who fails to present documents or evidence which in the opinion of the election officials is sufficient to establish eligibility to vote, shall be given a ballot clearly marked as "challenged" and shall be allowed to vote. Each challenged ballot shall be numbered consecutively and a list of such persons and their ballot numbers shall be made.

The governing body of each special district shall designate those hours from 7 a.m. to 8 p.m. during which the election shall be held: PROVIDED, That at least two consecutive hours must be designated. When the election is over, the election officials shall secure the ballots and transport the ballots to the county auditor's office by noon of the day following the election. The auditor may, at his or her discretion, station a deputy auditor or auditors at the election site who shall observe the election and transport the ballots to the auditor's office. The auditor shall count the ballots and certify the count of votes for and against each measure and for each candidate appearing on the ballot. A separate count shall be made of any challenged ballots. A challenged ballot shall be counted as a normal ballot if documents or evidence are supplied to the auditor before 4:00 p.m. on the day after the election that, in the opinion of the auditor, are sufficient to establish the person's eligibility to vote.

Additionally, voting by absentee ballot shall be allowed in every special district. A request for an absentee ballot may be made by an eligible voter by mail or in person to the county auditor who supervises the special district elections. An absentee ballot shall be provided to each voter of a special district requesting such a ballot under this section. A person requesting such a ballot may present information establishing his or her eligibility to vote in such a special district. The auditor shall provide an absentee ballot to each



person requesting an absentee ballot who is either included on the list of presumed eligible voters or who submits information which, in the auditor's opinion, establishes his or her eligibility to vote. The names of these persons so determined to be eligible to vote shall be added to the list of presumed eligible voters for the appropriate special district. The request for an absentee ballot must be made no more than forty-five days before the election. To be valid, absentee ballots must be postmarked on or before the day of the election and mailed to the county auditor.

**NEW SECTION.** Sec. 15. The process by which budgets are adopted, special assessments are measured and imposed, and assessment zones are established, as provided in sections 15 through 18 of this act, shall constitute an alternative optional method of financing special districts. A special district in existence prior to the effective date of this act may conform with sections 15 through 18 of this act when its governing body adopts a resolution indicating its intention to conform with such laws. Whenever such a resolution is adopted, or a new special district is created on or after the effective date of this act, sections 15 through 18 of this act shall be the exclusive method by which the special district measures and imposes special assessments and adopts its budget. The governing body of a special district that was created before the effective date of this act, and which operates under sections 15 through 18 of this act, may adopt a resolution removing the special district from operating under sections 15 through 18 of this act, and operate under alternative procedures available to the special district. A county may charge a special district for costs the county incurs in establishing a system or systems of assessment for the special district pursuant to sections 15 through 18 of this act.

**NEW SECTION.** Sec. 16. (1) Special district special assessments shall be imposed only on real property within the district that uses or will use the special district's facilities or receives or will receive special benefits from the special district's operations and facilities. Both privately owned and publicly owned real property, including real property owned by the state, is subject to these special assessments. Mobile homes located on real property within a special district shall be considered an improvement to the real property for purposes of imposing special assessments.

(2) Special assessments imposed upon real property, other than improvements, shall be a function of the dollar value of benefit or use per acre and the assessment zone in which the real property is located. Special assessments imposed upon an improvement shall be a function of the dollar value of benefit or use assigned to the type or class of improvements and the assessment zone in which the improvement is located.

(3) Assessment zones shall be established in which each zone reflects a different relative ratio of benefit or use that the real property within such a zone receives, or will receive, from the special district's operations and facilities. That real property receiving the greatest benefits, or which uses the

special district's facilities to the greatest extent, shall be placed into class No. 1 and assigned a value of one hundred percent; that real property receiving the next greatest benefits, or which uses the special district's facilities to the next greatest extent, shall be placed into class No. 2 and assigned a lower percentage value; and so on, extending to the class of least benefits or use. That real property receiving no benefits or use shall be designated "nonbenefit." If all real property in the special district is found to have the same relative ratio of benefit or use, a single assessment zone may be established.

(4) Any one or more of the following criteria shall be used in measuring the manifest degrees or ratios of benefit or use: (a) Proximity to the special district's facilities; (b) height above or below dikes and levees; (c) easier accessibility; (d) facility of drainage; (e) minimization of flood or inundation damage; (f) actual flood protection; (g) use of the special district's facilities; and (h) any other criteria established by the county under section 17 of this act that measure manifest degrees of benefit or use from the special district's facilities and operations.

(5) Special assessments may be imposed to pay for the construction, repair, and maintenance of special district facilities and for special district operations. Administrative and operational costs of the special district shall be proportionally included in these special assessments.

NEW SECTION. Sec. 17. (1) The county within which each special district is located shall establish a system or systems of assessment for the special district as provided in this section. A differing system of assessment shall be established for different classes of facilities that a special district provides or will provide, including a separate system of assessment for diking and drainage facilities if both classes of facilities are provided. Whenever a special district is located in more than one county, the county within which the largest portion of the special district is located shall establish the system or systems of assessment for the entire special district. A system of assessment shall include assessment zones, the acreage included in each assessment zone, a dollar value of benefit or use per acre, and various classes or types of improvements together with a dollar value of benefit or use for an improvement included in each of the classes or types of improvements. The county shall establish which improvements shall be subject to special assessments and shall establish one or more types or classes of such improvements.

(2) The engineer of the county shall prepare a preliminary system or systems of assessment for each special district. Each system of assessment that is prepared for a special district shall be designed to generate a total of one thousand dollars in revenue for the special district.

The preliminary system or systems of assessment shall be filed with the county legislative authority. A public hearing on the preliminary system or

systems of assessment shall be held by the county legislative authority. Notice of the public hearing shall be published in a newspaper, in general circulation in the special district, for two consecutive weeks with the final notice being published not less than fourteen, nor more than twenty-one days, before the public hearing. Notice shall also be mailed to each owner or reputed owner, as shown on the assessor's tax rolls, of each lot or parcel subject to such assessments. The mailed notice shall indicate the amount of assessment on the lot or parcel that, together with all other assessments in the system of assessment, would raise one thousand dollars. The mailed notice shall indicate that this assessment amount is not being imposed, but is a hypothetical assessment that, if combined with all other hypothetical assessments in the system of assessment, would generate one thousand dollars, and that this hypothetical assessment is proposed to be used to establish a system or systems of assessment for the special district. Where a special district currently is imposing special assessments and a property owner's property is subject to these special assessments, the mailed notice to this property owner also shall use the hypothetical special assessment in conjunction with the total special assessments imposed by the special district in that year to provide a comparison special assessment value to the property owner. This notice shall indicate that the comparison special assessment value is not being imposed, and should be considered for comparative purposes only. Where a special district is not currently imposing special assessments, the mailed notice may include, if deemed appropriate by the county engineer and if such figures are available, an estimated special assessment value for the property owner's property using this hypothetical special assessment in conjunction with special district-wide level of special assessments that possibly would be imposed in the following year. Where a county is imposing rates and charges for stormwater or surface water control facilities pursuant to chapters 36.89 or 36.94 RCW, the county shall credit such rates and charges with assessments imposed under this section by a special district to fund drainage facilities and the maintenance of drainage facilities.

(3) The county legislative authority shall hold a public hearing on the preliminary system or systems of assessment on the day specified in the notices. Persons objecting to the preliminary system or systems of assessment may present their objections at this public hearing, which may be continued if necessary. The county legislative authority shall adopt an ordinance finalizing the system or systems of assessment after making any changes that in its discretion are necessary. The county legislative authority shall have broad discretion in establishing systems of assessment. The decision of the county legislative authority shall be final, except for appeals. Any person objecting to the system or systems of assessment must appeal such decision to the superior court of the county within which all, or the largest portion,

of the special district is located within twenty days of the adoption of the ordinance.

(4) The system or systems of assessment of each special district shall be reviewed by the county engineer and finalized by the county legislative authority at least once every four years. A system or systems of assessment shall be finalized on or before the first of September in the year that it is finalized. The legislative authority of a county that is responsible for establishing a system or systems of assessment for more than one special district may, at its option, stagger the initial finalization of such systems of assessment for different special districts over a period of up to four years. Assessments shall be collected in special districts pursuant to the district's previous system of assessment until the system or systems of assessment under this chapter is finalized under this section.

(5) New improvements shall be noted by the special district as they are made and shall be subject to special assessments in the year after the improvement is made.

(6) The county legislative authority, upon request by a special district, may authorize the special district to impose and collect emergency assessments pursuant to the special district's system or systems of assessment whenever the emergent protection of life or property is necessary.

NEW SECTION. Sec. 18. Budgets for each special district shall be adopted, and special assessments imposed, annually for the succeeding calendar year. On or before December 1st of each year, the governing body of the special district shall adopt a resolution approving a budget for the succeeding year and special assessments sufficient to finance the budget. A copy of the resolution and the budget shall be forwarded immediately to the county legislative authority of the county or counties within which the special district is located and to the treasurer of the county or counties in which the special district is located. Special assessments necessary to generate funds for this budget shall be imposed pursuant to the system or systems of assessment established by the county. Special assessments shall be collected by the county treasurer or treasurers within which the special district is located. Notice of the special assessments due may be included on the notice of property taxes due, may be included on a separate notice that is mailed with the notice of property taxes due, or may be sent separately from the notice of property taxes due. Special assessments shall be due at the same time property taxes are due and shall constitute liens on the land or improvements upon which they are imposed. Delinquent special assessments shall be foreclosed in the same manner, and subject to the same time schedules, interest, and penalties as delinquent property taxes. County treasurers may impose a fee for collecting special assessments not to exceed one percent of the dollar value of special assessments collected.

NEW SECTION. Sec. 19. A special district may:

(1) Engage in flood control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to prevent inundation or flooding from rivers, streams, tidal waters or other waters. Such facilities include dikes, levees, dams, banks, revetments, channels, canals, and other works, appliances, machinery, and equipment.

(2) Engage in drainage control, stormwater control, and surface water control activities, and investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities necessary to control and treat stormwater, surface water, and flood water. Such facilities include drains, ditches, canals, nonsanitary sewers, pumps, and other works, appliances, machinery, and equipment.

(3) Take actions necessary to protect life and property from inundation or flow of flood waters, stormwaters, or surface waters.

(4) Acquire, purchase, condemn by power of eminent domain pursuant to chapters 8.08 and 8.25 RCW, or lease, in its own name, necessary property, property rights, facilities, and equipment.

(5) Sell or exchange surplus property, property rights, facilities, and equipment.

(6) Accept funds and property by loan, grant, gift, or otherwise from the United States, the state of Washington, or any other public or private source.

(7) Hire staff, employees, or services, or use voluntary labor.

(8) Sue and be sued.

(9) Cooperate with or join the United States, the state of Washington, or any other public or private entity or person for district purposes.

(10) Enter into contracts.

(11) Exercise any of the usual powers of a corporation for public purposes.

NEW SECTION. Sec. 20. Sections 1 through 19 of this act shall constitute a new chapter in Title 85 RCW.

NEW SECTION. Sec. 21. A new section is added to chapter 85.05 RCW to read as follows:

Each qualified voter of a diking or drainage improvement district who owns more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof located within the district, up to a maximum total of twenty votes for any voter, or in the case of community property, a maximum total of ten votes per member of the marital community: PROVIDED, That this additional voting provision shall only apply in districts that were not in operation and did not have improvements as of May 14, 1925.

NEW SECTION. Sec. 22. A new section is added to chapter 86.09 RCW to read as follows:

Each qualified voter of a flood control district who owns more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof located within the district, up to a maximum total of twenty votes for any voter, or in the case of community property, a maximum total of ten votes per member of the marital community.

**NEW SECTION.** Sec. 23. A new section is added to chapter 85.08 RCW to read as follows:

The county engineer shall continue to act as a supervisor of a diking, drainage, or sewerage improvement district that is governed by a three-member board of supervisors until a replacement assumes office after being elected at the 1987 special district general election. At that election two supervisors shall be elected, with the person receiving the greatest number of votes being elected to a six-year term, and the person receiving the second greatest number of votes being elected to a four-year term. Thereafter, all supervisors shall be elected to six-year terms.

**NEW SECTION.** Sec. 24. A new section is added to chapter 85.05 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which diking districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which diking districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 25. A new section is added to chapter 85.06 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which drainage districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which drainage districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 26. A new section is added to chapter 85.08 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which diking, drainage, or sewerage improvement districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which diking, drainage, or sewerage improvement districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 27. A new section is added to chapter 85.24 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which intercounty diking and drainage districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which intercounty diking and drainage districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 28. A new section is added to chapter 85.36 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 29. A new section is added to chapter 86.09 RCW to read as follows:

Sections 15 through 18 of this act constitute a mutually exclusive alternative method by which flood control districts in existence as of the effective date of this act may measure and impose special assessments and adopt budgets. Sections 16 through 18 of this act constitute the exclusive method by which flood control districts created after the effective date of this act may measure and impose special assessments and adopt budgets.

**NEW SECTION.** Sec. 30. A new section is added to chapter 85.08 RCW to read as follows:

Sewerage improvement districts may investigate, plan, construct, acquire, repair, maintain, and operate improvements, works, projects, and facilities to collect, treat, and dispose of sanitary, industrial, and other sewage. Such facilities include on-site and off-site sewerage facilities, including approved septic tanks or septic tank systems.

**NEW SECTION.** Sec. 31. A new section is added to chapter 85.05 RCW to read as follows:

Diking districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

**NEW SECTION.** Sec. 32. A new section is added to chapter 85.06 RCW to read as follows:

Drainage districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85.\_\_\_\_ RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 33. A new section is added to chapter 85.08 RCW to read as follows:

Diking, drainage, or sewerage improvement districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 34. A new section is added to chapter 85.24 RCW to read as follows:

Intercounty diking and drainage districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 35. A new section is added to chapter 85.36 RCW to read as follows:

Consolidated diking districts, drainage districts, diking improvement districts, and drainage improvement districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

NEW SECTION. Sec. 36. A new section is added to chapter 86.09 RCW to read as follows:

Flood control districts shall possess the authority and shall be created, district voting rights shall be determined, and district elections shall be held as provided in chapter 85. RCW (sections 1 through 19 of this act).

Sec. 37. Section 8, chapter 117, Laws of 1895 as amended by section 5, chapter 146, Laws of 1921 and RCW 85.05.085 are each amended to read as follows:

~~((Said))~~ The board of dike commissioners shall consist of three elected commissioners. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act). ~~The board of dike commissioners ((hereinbefore provided for)) shall have the exclusive charge of the construction and maintenance of all dikes or dike systems which may be constructed within the ((said)) district, and shall be the executive officers thereof, with full power to bind ((said)) the district by their acts in the performance of their duties, as provided by law. ((In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district, such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of the county owning land in the district by the judge of the superior court of said county, and said appointee shall serve the unexpired term,~~



~~or until the next general election or until a successor is elected and qualified. PROVIDED, That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment.))~~

Sec. 38. Section 28, chapter 117, Laws of 1895 and RCW 85.05.280 are each amended to read as follows:

The board of commissioners of such district shall elect one of their number chairman and shall either elect one of their number, or appoint a voter of the district, as secretary, ((and)) who shall keep minutes of all ((their meetings, and)) the district's proceedings. The board of commissioners may issue warrants of such district in payment of all claims of indebtedness against such district. Such warrants shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: PROVIDED, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

Sec. 39. Section 41, chapter 117, Laws of 1895 as last amended by section 1, chapter 39, Laws of 1974 ex. sess. and RCW 85.05.410 are each amended to read as follows:

Members of the board of diking commissioners of any diking district in this state may receive as compensation the sum of ((eight)) up to twenty-five dollars ((per day)) for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as commissioners, and shall receive the same compensation as other labor of a like character for all other necessary work or services performed in connection with their duties: PROVIDED, That such compensation shall not exceed ((one)) three thousand dollars in one calendar year, except when the commissioners declare an emergency. Allowance of such compensation shall be established and approved ((and made)) at ((a)) regular meetings of ((said)) the board, and when a copy of the extracts of minutes of the board meeting relative thereto showing such approval is certified by the secretary of such board and filed with the county auditor, the allowance made shall be paid as are other claims against ((said)) the district.

Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.

Sec. 40. Section 3, chapter 43, Laws of 1913 and RCW 85.05.580 are each amended to read as follows:

The manner of conducting ~~((said))~~ the election and the hours between the opening and closing of the polls and the officers of ~~((said))~~ the election shall be the same as provided in ~~((the general diking law for the annual election of officers of diking districts, and in case a canvass of the votes cast at said election shall show))~~ chapter 85.— RCW (sections 1 through 19 of this 1985 act). If a majority of the votes cast in each of the districts seeking to consolidate to be in favor of consolidation, an order shall at once be ~~((entered upon the minutes of each of said districts by the commissioners thereof))~~ issued by the county legislative authority, showing the result of ~~((said))~~ the vote cast at ~~((said))~~ the election, and setting forth therein the name of such consolidated district ~~((, and a copy)).~~ Two copies of the ~~((minutes so entered duly certified by the commissioners of each of said districts))~~ order shall be filed, one each with the auditor and treasurer of the county within which ~~((said))~~ the districts are located, ~~((and one with the clerk of the superior court of such county, to be entered and filed by the clerk of such court in the original proceedings establishing said districts;))~~ and a certified copy of such entry shall be transmitted to the secretary of state ~~((by the clerk of said court, and)).~~ Thereafter the territory embraced in ~~((said))~~ the districts so consolidated shall be known and designated as "Consolidated Diking District No. . . . . (here insert number) of . . . . . (here insert name of county) County, Washington," as provided in said order, and thereafter the ~~((said))~~ district shall have the same powers and duties as other diking districts organized under the diking laws of the state of Washington.

Sec. 41. Section 8, chapter 115, Laws of 1895 as amended by section 3, chapter 86, Laws of 1913 and RCW 85.06.080 are each amended to read as follows:

~~((Said))~~ The board of drainage commissioners ~~((hereinbefore provided for;))~~ shall consist of three elected commissioners. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act). The board shall have exclusive charge of the construction and maintenance of all drainage systems which may be constructed by said district and shall be the executive officers thereof, with full power to bind said district by their acts in the performance of their duties as provided by law. ~~((In case of vacancy or vacancies occurring in said board by the death, failure to elect, failure to qualify, resignation or removal of one or more of the members thereof from said district such vacancy or vacancies shall be filled at once from the freeholders and qualified electors of said district by the judge of the superior court of said county, and said appointee shall serve the unexpired term or until the next general election: PROVIDED, That in counties where there may be more than one superior judge, the judge eldest in age shall make such appointment:))~~

Sec. 42. Section 25, chapter 115, Laws of 1895 and RCW 85.06.250 are each amended to read as follows:

The board of commissioners of such district shall elect one of their number chairman and shall either elect one of their number, or appoint a voter of the district, as secretary, ((and)) who shall keep minutes of all ((their)) the district's proceedings((, and)). The board of commissioners may issue warrants of such district in payment of all claims of indebtedness against such district(~~(, such warrants)~~), which shall be in form and substance the same as county warrants, or as near the same as may be practicable, and shall draw the legal rate of interest from the date of their presentation to the treasurer for payment, as hereinafter provided, and shall be signed by the chairman and attested by the secretary of said board: PROVIDED, That no warrants shall be issued by said board of commissioners in payment of any indebtedness of such district for less than the face or par value.

Sec. 43. Section 38, chapter 115, Laws of 1895 as last amended by section 2, chapter 23, Laws of 1980 and RCW 85.06.380 are each amended to read as follows:

In performing their duties under the provisions of this title the board and members of the board of drainage commissioners shall receive as compensation up to twenty-five dollars for attendance at official meetings of the district and for each day or major part thereof for all necessary services actually performed((;)) in connection with their duties((, including the attendance at meetings)) as commissioners: PROVIDED, That such services and compensation are allowed and approved at a regular meeting of the board. Upon the submission of a copy, certified by the secretary, of the extracts of the relevant minutes of the board showing such approval, to the county auditor, the same shall be paid as other claims against the district are paid. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including his subsistence and lodging, while away from the commissioner's place of residence and mileage for use of a privately-owned vehicle in accordance with chapter 42.24 RCW.

*\*Sec. 44. Section 19, chapter 176, Laws of 1913 as last amended by section 1, chapter 89, Laws of 1925 ex. sess. and RCW 85.08.290 are each amended to read as follows:*

*Upon the determination by the ~~((board of)) county ((commissioners)) legislative authority to proceed with the work of construction, ((said board)) the county legislative authority shall order an election to be held in some place within the district to be designated by the ~~((board, and shall appoint an election board to consist of one inspector and two judges, who shall qualify in like manner and receive like compensation as election officers at general elections. Notice of said election shall be given by the clerk of the board of county commissioners by publication once a week for two consecutive weeks~~~~*

~~in a newspaper to be designated by the board and of general circulation in the district, the last of which publications shall be not less than seven nor more than fourteen days prior to the date of said election, and such notice shall also be posted by the sheriff of the county not less than fourteen days prior to the date of said election, in three of the most public places in the district. That at all elections held within the diking district the polls shall be open from one o'clock p.m. until seven o'clock p.m. All electors of the state owning land in the district shall be entitled to vote at any election held within the district, and each elector owning more than ten acres of land within the district shall be entitled to one additional vote for each ten acres or major fraction thereof. PROVIDED, This amendment shall not apply to any districts already constructed and in operation.~~

~~At such election the officers may require any person offering to vote to take an oath that he is qualified to vote as in this act provided. An officer or agent of any corporation, organized under the laws of this state owning land in the district, duly authorized thereto in writing, may, upon filing with the election officers such written instrument of authority, cast a vote on behalf of such corporation)) county legislative authority, to determine if the proposed district shall be created as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act).~~

\*Sec. 44 was vetoed, see message at end of chapter.

Sec. 45. Section 20, chapter 176, Laws of 1913 as last amended by section 1, chapter 120, Laws of 1965 and RCW 85.08.300 are each amended to read as follows:

~~((At the election, two electors of the county owning land in the district shall be elected, who, with the district engineer, shall constitute the first))~~  
The board of supervisors of the district((The supervisors)) shall consist of three elected supervisors. The initial supervisors shall be appointed, and the first elected supervisor elected, as provided in chapter 85.-- RCW (sections 1 through 19 of this 1985 act). The board of supervisors shall have charge of the construction and maintenance of the systems of improvements, subject to the limitations hereinafter set forth, and may employ a superintendent of construction and maintenance who may be one of the two elected supervisors. The ((elected)) supervisors may be employed upon the construction or maintenance, receiving the same compensation as other labor of like character. ((The engineer shall receive compensation for his services as supervisor in the maintenance of the system at the per diem rate allowed him for other work; and if he is a salaried officer the compensation shall be a charge against the district in favor of the engineer's office.

The term of office of each elected district supervisor shall be four years, and until his successor is elected and qualified except that the terms of those chosen at the first election in each district shall be as follows: The one receiving the highest number of votes shall serve for a period ending four years after the first Monday of January of the first odd-numbered year

~~following the election, and the one receiving the second highest number of votes shall serve for a period ending two years after the first Monday of January of the first odd-numbered year following the election. Elections after the first election in a district shall be held biennially on the fourth Tuesday of November in the even-numbered years, except that where the first election is in an odd-numbered year no election shall be held in the next even-numbered year. Terms of office shall begin on the first Monday of January next following the election, except that the terms of the supervisors elected at the first election shall begin immediately on their qualifying. Every duly elected supervisor shall qualify in the same manner as other county officers. A vacancy on the board shall be filled by a district elector appointed by the board of county commissioners.~~

~~Elections, except for the first election as provided in RCW 85.08.290, shall be conducted by the board of supervisors of such district, who shall prepare the ballot therefor. The expenses of the election shall be defrayed by the district, and the judges, clerks and inspectors of the election shall each receive not to exceed the sum of fifteen dollars per day for services so rendered. At least thirty days before the election the district supervisors shall post notice thereof in four public places in the district, and publish notice of the election at least once in a legal newspaper published in the district, or if none is published therein, then in a legal newspaper in the county in which the district is situated. Such notice shall contain the names of the two judges and one inspector of the election, who shall be electors of the district appointed by the supervisors. The supervisors may declare the entire district as one precinct and shall designate in the notice of election the number and places of voting. The supervisors shall meet on the day following the election and canvass the votes, declare the results, and issue the certificates of election:))~~

~~When a district contains not more than five hundred acres, or when a petition is presented to the ((board of)) county ((commissioners)) legislative authority signed by the owners of fifty percent of the acreage of the district praying for such action, the ((district)) county engineer shall act as the sole supervisor of the district; and in such case the allowance of all claims against the district shall be by the county ((commissioners)) legislative authority.~~

Sec. 46. Section 23, chapter 176, Laws of 1913 as last amended by section 23, chapter 156, Laws of 1981 and RCW 85.08.320 are each amended to read as follows:

The compensation of the ((board of supervisors,)) superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the ((county legislative authority)) district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by

the ~~((county legislative authority))~~ district board of supervisors. The compensation for members of the board of supervisors shall be fixed by the county legislative authority. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. Each member of the county legislative authority, except in counties of the first class, shall receive pay at the rate of four dollars per day for the number of days he is engaged in the performance of any duty under this chapter, which sum shall be additional to his salary in case he receive an annual salary; and none of the statutory provisions limiting the number of days that a member of the county legislative authority shall draw pay for or limiting the number of sessions for attendance upon which he shall be entitled to mileage shall apply to any proceedings under this chapter. All officers and members of boards performing duties under this chapter shall receive in addition to their fees or salaries their actual necessary expenses incurred in the performance of their duties hereunder. All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

If at the hearing provided for in RCW 85.08.160 the county legislative authority shall determine that bonds shall be issued to pay the costs of the improvement or warrants sold to procure funds with which to pay such cost, as therein provided, temporary warrants may be issued for any part or all of such costs, expenses, fees, and charges, and shall be paid in cash upon the issuance and sale of such bonds, or shall be exchanged for an equal amount par value of such bonds. All such temporary warrants shall recite that they are temporary warrants and that they draw interest until called to be paid in cash or to be exchanged for bonds. All warrants issued under the provisions of this chapter and sold by the county legislative authority, or issued to any contractor and by him sold or hypothecated for a valuable consideration, shall be claims and liens against the fund against which they are drawn, prior and superior to any right, lien or claim of any surety upon any bond or bonds given to secure the performance of the contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or provisions and supplies for the carrying on of the work.

Sec. 47. Section 4, chapter 130, Laws of 1917 and RCW 85.08.610 are each amended to read as follows:

Until the ~~((expiration of the terms of the elected supervisors having the shortest term to serve in each of the districts so consolidated, the two elected))~~ first special district general election after the consolidation of the districts, the supervisors of each district~~((, together with the county engineer;))~~ shall form the board of supervisors of such consolidated district.

At the ~~((annual))~~ special district general election following the entry of the order of consolidation, ~~((one supervisor shall be elected in the consolidated district and shall serve for two years and until his successor is elected and qualified, and together with the supervisor of each district included in the consolidation whose term of office has not expired and the county engineer, shall constitute the board of supervisors of the consolidated district until the next annual election:~~

~~At the next annual election and at each succeeding annual election, one supervisor shall be elected in the consolidated district for a term of two years))~~ all supervisors shall have their positions filled. The person receiving the greatest number of votes for supervisor shall have a six-year term, the person receiving the second greatest number of votes for supervisor shall have a four-year term, and the person receiving the third greatest number of votes shall have a two-year term.

Sec. 48. Section 3, chapter 131, Laws of 1917 and RCW 85:20.030 are each amended to read as follows:

Whenever a petition is presented as provided in RCW 85.20.020, the ~~((clerk of the board of county commissioners shall give notice of an election to be held on a day, and at a place within the district, to be fixed in such notice, at which the electors of the district shall vote for or against the reorganization of the district so petitioning as a drainage or a diking improvement district))~~ county legislative authority shall order an election to be held to determine if the district shall be reorganized. The county legislative authority shall specify the election date which may or may not be at the normal special district general election. Notice of the election shall be posted and published, and the election shall be conducted, as for any special district election. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held~~((, and shall require the voters to cast ballots which shall contain the words "Reorganization, Yes", or "Reorganization, No". Such notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places in the district, and if the board of county commissioners shall so direct, shall be published once a week for four successive weeks in some newspaper published in the county, the last publication of which shall be not less than ten days prior to the day fixed for such election))~~. The auditor shall certify the results of the election to the county legislative authority. If the proposition to reorganize the district is approved by a simple majority vote of the voters voting on the proposition, the district shall be reorganized as either a diking improvement district or drainage

improvement district upon the county legislative authority ordering the reorganization. The district shall be liable to the county for its costs incurred for the election.

Sec. 49. Section 5, chapter 131, Laws of 1917 and RCW 85.20.050 are each amended to read as follows:

~~((Upon the entry of the order provided for in RCW 85.20.040, such reorganized district shall be known as a drainage or a diking improvement district of the same number as borne by it as a diking or a drainage district; and))~~ The board of commissioners of ((such)) the drainage or diking district shall((, together with the county engineer,)) constitute the board of supervisors of the reorganized district ((until the second Tuesday of December following such reorganization, when an election shall be held as provided for annual elections in drainage improvement districts, at which two supervisors shall be elected, who shall serve for the terms and whose successors shall be elected in the manner provided for the first board of supervisors in drainage improvement districts)). From the entry of ~~((said))~~ an order under RCW 85.20.030 reorganizing the district, such reorganized district, and its board of supervisors ((herein provided for)), shall have all the rights and powers of and be subject to all laws applicable to a diking or drainage improvement district, and such district so reorganized shall be dissolved without any further proceedings therefor. Notwithstanding such dissolution and reorganization, none of the outstanding bonds, warrants or other indebtedness of the district, shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such reorganization had not been made, and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired and shall be collected in the same manner as if no such reorganization had been had. The ((board of county commissioners)) legislative authority of the county in which such reorganized district is situated shall have all the powers possessed at the time of the reorganization by the board of commissioners of such district to levy, assess, and cause to be collected any and all assessments or charges against any of the lands within such district that may be necessary or required to provide funds for the payment of all the bonds, warrants and other indebtedness thereof.

Sec. 50. Section 3, chapter 182, Laws of 1933 and RCW 85.22.030 are each amended to read as follows:

Whenever a petition is presented as provided in RCW 85.22.020, the ((clerk of the board of county commissioners shall give notice of an election to be held on a day, and at a place within the district, to be fixed in such notice, at which the electors of the district shall vote for or against the reorganization. of the district so petitioning as a drainage and irrigation improvement district or diking, drainage and irrigation improvement district)) county legislative authority shall order an election to be held to determine if



the district shall be reorganized. The county legislative authority shall specify the election date which may or may not be the same as the regular special district general election. Notice of the election shall be posted and published, and the election shall be conducted, as for any special district election. The notice shall state the number of the district so petitioning to reorganize, the place where and the time when the election is to be held(; and shall require the voters to cast ballots which shall contain the words "Reorganization, Yes", or "Reorganization, No". Such notice shall be posted for at least twenty days prior to the date fixed for the election in four of the public places of said district; and if the board of county commissioners shall so direct, shall be published once a week for four successive weeks in some newspaper published in the county, the last publication of which shall be not less than ten days prior to the day fixed for such election)). The auditor shall certify the results of the election to the county legislative authority. If the proposition to reorganize the district is approved by a simple majority vote of the voters voting on the proposition, the district shall be reorganized as either a diking improvement district or drainage improvement district upon the county legislative authority ordering the reorganization. The district shall be liable to the county for its costs incurred for the election.

Sec. 51. Section 5, chapter 182, Laws of 1933 and RCW 85.22.050 are each amended to read as follows:

~~((Upon the entry of the order provided for in RCW 85.22.040, such reorganized district shall be known as a drainage and irrigation improvement district or diking, drainage and irrigation improvement district of the same number borne by it as a diking or drainage district. Such preexisting district so reorganized shall be dissolved without any further proceedings therefor.))~~ The commissioners of the old district shall become the ~~((commissioners))~~ supervisors of the reorganized district and shall have all the rights and powers and be subject to all laws applicable to a diking or drainage improvement district. The ~~((said commissioners))~~ supervisors shall also have the power of using such drainage ditches and equipment in the district for irrigation purposes at proper times and may adapt such ditches to such purposes by making the necessary improvements therein. The ~~((said commissioners))~~ supervisors shall also have the right to purchase and install machinery, pumps and other equipment for the carrying on of such irrigation within the district. Notwithstanding such dissolution and reorganization, none of the outstanding bonds, warrants or other indebtedness of the district, shall be affected thereby; and all lands liable to be assessed to pay any of such bonds, warrants or other indebtedness shall remain liable to the same extent as if such reorganization had not been made, and any and all assessments theretofore levied or made against any such lands shall be and remain unimpaired and shall be collected in the same manner as if no such

reorganization had been had. The (~~board of county commissioners~~) legislative authority of the county in which such reorganized district is situated shall have all the powers possessed at the time of the reorganization by the board of commissioners of such district to levy, assess, and cause to be collected any and all assessments or charges against any of the lands within such district that may be necessary or required to provide funds for the payment of all the bonds, warrants and other indebtedness thereof.

Sec. 52. Section 7, chapter 182, Laws of 1933 and RCW 85.22.070 are each amended to read as follows:

The (~~board~~) county legislative authority shall determine the amount of the assessment necessary to be levied to provide funds to liquidate the bonds of the district then payable and shall cause such assessment to be apportioned to the lands of the district in proportion to the maximum benefits as fixed by the judgment of the jury, and shall cause to be prepared an assessment roll showing the assessment apportioned against each tract, lot and parcel of land contained in such judgment and shall file such roll with the clerk of the (~~board~~) county legislative authority. Thereupon the (~~board~~) county legislative authority shall adopt a resolution which shall set forth:

(1) A schedule showing the bonds outstanding against the district then payable which they propose to refund, and the assessment necessary to be levied to provide funds for the payment thereof.

(2) That the assessment roll for the collection of the assessments proposed to be levied against the lands of the district is on file with the clerk of the (~~board~~) county legislative authority and open to the inspection of all persons interested.

(3) That the (~~commissioners~~) district proposes to levy such assessments for collection in installments according to the schedule attached thereto.

(4) A schedule showing the installments in which such assessments are to be paid.

(5) That the assessments contained in such assessment roll may be paid in full at any time prior to the expiration of thirty days after such assessment roll shall have been turned over to the treasurer for collection and he shall have published a notice to that effect, and that all assessments not so paid shall thereafter bear interest until due at a rate to be fixed therein.

(6) That the (~~commissioners~~) district proposes to issue bonds under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, payable in . . . . years (to be stated in the resolution), to refund such outstanding bonds then payable.

(7) A date which shall be not more than sixty nor less than thirty days after the date of the adoption of such resolution, on which the (~~board~~) county legislative authority will hear any objections offered to the proposed

levy and issuance of refunding bonds, or to the assessment roll prepared by the ~~((commissioners))~~ supervisors.

Sec. 53. Section 5, chapter 225, Laws of 1909 as last amended by section 26, chapter 156, Laws of 1981 and RCW 85.24.070 are each amended to read as follows:

A three-member board of commissioners shall be the governing body of an intercounty diking and drainage district. The initial commissioners shall be appointed, and the elected commissioners elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act).

The members of such board, before entering upon their duties, shall take and subscribe on oath substantially as follows:

State of Washington, }  
County of ..... } ss.

I, the undersigned, a member of the board of commissioners of the diking and drainage district No. ...., in ..... and ..... counties, do solemnly swear (or affirm) that I will ~~((well and truly))~~ faithfully discharge my duties as a member of ((said)) the commission.

~~((The members shall also, before entering upon their duties, give a bond to the state of Washington for the benefit of such diking and drainage district, for the faithful performance of their duties as such board of commissioners, in the penal sum of five thousand dollars with a company or corporation as surety, authorized to make and execute official bonds under the laws of the state, the district to bear the expense of such bond, and))~~ Upon the taking of such oath and the entering into a bond ((being filed with the commissioner of public lands, that officer)), as provided in section 9 of this 1985 act, the county legislative authority shall enter an order upon ((his)) its records that the three persons named ((as aforesaid)) have qualified as the board of commissioners for diking and drainage district No. ...., in ..... and ..... counties, and that ((said)) those persons and their successors do and shall constitute a board of commissioners for the ((aforesaid)) diking and drainage district((; which)). The order when made shall be conclusive of the regularity of the election and qualification of the board of diking and drainage commissioners for the particular district, and the persons named therein shall constitute ((such)) the board of diking and drainage commissioners.

The ~~((said))~~ board of diking and drainage commissioners shall thereupon immediately organize and elect one of their number as chairman and may either appoint a voter of the district or another diking and drainage commissioner to act as secretary. The ~~((said))~~ board shall then proceed to make and cause to be made specifications and details of a system which may be adopted by the board for the improvements to be made, together with an estimate of the total cost thereof; and shall, upon the adoption of

~~((a))~~ the plan of improvement of the district (~~((as aforesaid))~~), proceed to acquire the necessary property and property rights for the construction, establishment and maintenance of ~~((said))~~ the system either by purchase or by power of eminent domain as hereinafter provided. Upon such acquisition being had, the board shall then proceed with the construction of ~~((said))~~ the diking and drainage system and in doing so shall have the power to do the work directly or in its discretion to have all or any part of ~~((said))~~ the work done by contract. In case the board shall decide upon doing the same by contract, it shall advertise for bids for ~~((said))~~ the construction work, or such part thereof as they may determine to have done by contract, and shall have the authority to let a contract to the lowest responsible bidder after advertising for bids.

Any contractor doing work hereunder shall be required to furnish a bond as provided by the laws of the state of Washington relating to contractors of public work.

The board shall have the right, power and authority to issue vouchers or warrants in payment or evidence of payment of any and all expenses incurred under ~~((the provisions of))~~ this chapter, and shall have the power to issue the same to any contractor as the work progresses, the same to be based upon the partial estimates furnished from time to time by engineers of ~~((said))~~ the district. All warrants issued hereunder shall draw interest at a rate determined by the board.

Upon the completion of the construction of ~~((said))~~ the system, and ascertainment of the total cost thereof including all compensation and damages and costs and expenses incident to the acquiring of the necessary property and property right, the board shall then proceed to levy an assessment upon the taxable real property within the ~~((said))~~ district which the board may find to be specially benefited by the proposed improvements; and shall make and levy such assessment upon each piece, lot, parcel and separate tract of real estate in proportion to the particular and special benefits thereto. Upon determining the amount of the assessment against each particular tract of real estate as aforesaid, the commissioners shall make or cause to be made an assessment roll, in which shall appear the names of the owners of the property assessed, so far as known, and a general description of each lot, block, parcel or tract of land within ~~((such))~~ the district, and the amount assessed against the same, as separate, special or particular benefits. The board shall thereupon make an order setting and fixing a day for hearing any objections to the assessment roll by any one affected thereby, which day shall be at least twenty days after the mailing of notices thereof, postage prepaid, as herein provided. The board shall send or cause to be sent by mail to each owner of the premises assessed, whose name and place of residence is known, a notice, substantially in the following form(~~;~~ to-wit):

To . . . . .: Your property (here describe the property) is assessed \$. . . . . A hearing on the assessment roll will be had before the undersigned at the office of the ((said)) board at . . . . . on the . . . . . day of . . . . . at which time you are notified to be and appear and to make any and all objections which you may have as to the amount of the assessment against your property, or as to whether it should be assessed at all; and to make any and all objections which you may have to the ((said)) assessment against your lands, or any part or portion thereof.

The failure to send or cause to be sent such notice shall not be fatal to the proceedings herein described. The secretary of the board on the mailing of ((said)) the notices shall certify generally that he has mailed such notices to the known address of all owners, and such certificate shall be prima facie evidence of the mailing of all such notices at the date mentioned in the certificate.

The board shall cause at least ten days' notice of the hearing to be given by posting notice in at least ten public places within the boundaries of the district, and by publishing the same at least five successive times in a daily newspaper published in each of the counties affected; and for at least two successive weeks in one or more weekly newspapers within the boundaries of ((said)) the district, in each county if there ((be)) are such newspapers published therein, and if there ((be)) is no such newspaper published, then in one or more weekly newspapers, having a circulation in the district, for two successive weeks(~~(, which)~~). The notice shall be signed by the chairman or secretary of the ((said)) board of commissioners, and shall state the date and place of hearing of objections to the assessment roll and levy, and of all other objections; and that all interested parties will be heard as to any objection to ((said)) the assessment roll and the levies as therein made.

Sec. 54. Section 33, chapter 225, Laws of 1909 and RCW 85.24.080 are each amended to read as follows:

The members of the board shall receive as compensation (~~(the sum of five))~~ up to twenty-five dollars ((per day)) for attendance at official meetings of the district and for each day ((while engaged in the actual performance of)) or major part thereof for all necessary services actually performed in connection with their duties(~~(, and in addition thereto their actual incurred expenses in the performance of their duties))~~ as commissioners; PROVIDED, That the board may fix a different salary for the secretary thereof in lieu of the per diem. Each commissioner is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the commissioner's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. The salary and expenses shall be paid by the treasurer of the fund, upon orders made by the board. Each member of the board must before being paid for expenses, take vouchers

therefore from the person or persons to whom the particular amount was paid, and must also make affidavit that the amounts were necessarily incurred and expended in the performance of his duties.

Sec. 55. Section 2, chapter 154, Laws of 1967 and RCW 85.36.010 are each amended to read as follows:

(1) Any two or more diking districts, two or more drainage districts, or two or more diking and/or drainage improvement districts, heretofore organized or which may hereafter be organized pursuant to any of the laws of the state of Washington desiring to consolidate into one district may ((upon petition)) initiate a process to consolidate the districts and become a flood control district by either: (a) Submitting a petition to the legislative authority of the county within which the proposed district, or the largest portion of the proposed district, is located, which petition requests the consolidation and is signed by the owners of real property representing a majority of the acreage ((therein)) in each district to the governing body of the respective districts((;)); or((,-in the alternative,-by)) (b) resolution of a majority of the members of the governing body of each district((,-effect such consolidation by the governing body of said district so desiring to consolidate, giving thirty days notice of an election for such purpose to be held in each of said districts, setting forth in said notice the date of said election and the object of the same, said notice to be given and posted as notice of the annual election of members of the governing body within said district, and if no provision is made for the giving of such notice, then as provided in the general diking law, and then publication of the same for at least three successive issues in a weekly newspaper published in the county in which such districts are located and of general circulation in said districts. PROVIDED, That where there is no newspaper so published or circulated, then publication of the notice of said election may be dispensed with)). The auditor of the county, or auditors of the counties, within which these districts are located shall authenticate the signatures on the petitions and certify the results. Whenever the resolutions have been adopted, or the valid petitions have been submitted, a proposition authorizing the consolidation shall be submitted to the voters of each of the special districts proposed to be consolidated at the next special district general election held at least sixty days after the last resolution has been adopted, or the signatures on the petitions have been certified as being valid. Consolidation shall become effective only upon approval of the proposition by simple majority vote of the voters of each district voting on the proposition. The elections shall be held as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act).

(2) Upon consolidation, the governing body of the consolidated district shall be three persons appointed, with their successors elected, as provided for the creation of a new special district in chapter 85.— RCW (sections 1 through 19 of this 1985 act).

(3) Nothing contained herein shall be construed to limit or interfere with the existing power or authority presently held by any of ~~((said))~~ the districts to consolidate one with another.

~~((Implementation of a consolidation pursuant hereto and future repair, improvement or maintenance of any district system may be as provided for consolidated diking districts in RCW 85.05.570 et seq. through RCW 85.05.600 and such provisions thereof as can be made applicable shall fully apply to consolidation of any districts therein provided for:))~~

Sec. 56. Section 62, chapter 72, Laws of 1937 as amended by section 10, chapter 104, Laws of 1982 and RCW 86.09.184 are each amended to read as follows:

Districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor or materials entering therein, without public bidding, with the written approval and consent of the ~~((state director))~~ county legislative authority in instances of genuine emergency to be declared by ~~((said director))~~ the county legislative authority or in any instance where the contract price does not exceed ~~((two))~~ ten thousand ~~((five hundred))~~ dollars.

Sec. 57. Section 63, chapter 72, Laws of 1937 as last amended by section 4, chapter 104, Laws of 1982 and RCW 86.09.187 are each amended to read as follows:

Any proposed improvement or part thereof, not exceeding ~~((two thousand five hundred))~~ five thousand dollars in cost may be constructed by ~~((the))~~ district ~~((by force account))~~ employees.

Sec. 58. Section 87, chapter 72, Laws of 1937 as amended by section 7, chapter 154, Laws of 1967 and RCW 86.09.259 are each amended to read as follows:

A flood control district((s)) shall be managed by a board of directors consisting of three members~~((: PROVIDED, That when a new district is created by consolidation pursuant to the provisions of chapter 85.36 RCW, there shall be five directors))~~. The initial directors shall ~~((organize as a board each year, after any new members have qualified and))~~ be appointed, and the elected directors elected, as provided in chapter 85.— RCW (sections 1 through 19 of this 1985 act). The directors shall elect a chairman from their number and shall either elect one of their number, or appoint a voter of the district, as secretary to hold office at its pleasure and who shall keep a record of its proceedings.

Sec. 59. Section 91, chapter 72, Laws of 1937 as amended by section 7, chapter 26, Laws of 1965 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))~~ the office may be located in the county within which the major portion of district lands is situated. ~~((Said))~~ The office and place of business cannot thereafter be changed, except with the previous written consent of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, 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))~~ the notice for the same length of time at or near the new location of the office.

Sec. 60. Section 92, chapter 72, Laws of 1937 and RCW 86.09.274 are each amended to read as follows:

The directors shall hold a regular ~~((monthly))~~ meeting at their office ~~((on such day in each month as))~~ at least once a year, or more frequently, on the date or dates the board shall designate in their bylaws, and may adjourn any meeting from time to time as may be required for the proper transaction of business: PROVIDED, That the day of the regular ~~((monthly))~~ meeting cannot be changed, except in the manner prescribed herein for changing the place of business of the district.

Sec. 61. Section 95, chapter 72, Laws of 1937 as amended by section 8, chapter 26, Laws of 1965 and RCW 86.09.283 are each amended to read as follows:

The board of directors shall each receive ~~((not to exceed ten))~~ up to twenty-five dollars ~~((per day in attending the))~~ for attendance at official 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))~~ of the board and for each day or major part thereof for all necessary services actually performed in connection with their duties as director. The board shall fix the compensation to be paid to the directors, 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))~~ is entitled to reimbursement for reasonable expenses actually incurred in connection with such business, including subsistence and lodging, while away from the director's place of residence, and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW.



Sec. 62. Section 101, chapter 72, Laws of 1937 and RCW 86.09.301 are each amended to read as follows:

Every district officer, upon taking office, shall take and subscribe an official oath for the faithful discharge of the duties of his office during the term of his incumbency (~~and each director shall at the cost of the district furnish an official bond conditioned upon the faithful performance of the duties of his office in such amount as the director of the department of conservation shall prescribe, to be approved by said director as to sufficiency, and all said oaths and bonds shall be filed in the office of the county clerk of the county in which the office of the district is located~~)).

Sec. 63. Section 102, chapter 72, Laws of 1937 and RCW 86.09.304 are each amended to read as follows:

Every district officer or employee handling any district funds (~~{shall}~~) shall execute a surety bond payable to the district in the sum of double the estimated amount of funds handled monthly, conditioned that the principal will strictly account for all moneys or credit received by him for the use of the district. Each bond and the amount thereof shall be approved by the (~~state director and the same shall be recorded in the office of his department~~) county legislative authority of the county within which the major portion of the district is situated, and thereafter filed with the secretary of the district.

Sec. 64. Section 129, chapter 72, Laws of 1937 as amended by section 10, chapter 26, Laws of 1965 and RCW 86.09.385 are each amended to read as follows:

As a basis for the levy of all assessments authorized under this chapter, the (~~state supervisor of flood control~~) county legislative authority of the county within which the major portion of the district is situated, 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~~) county legislative authority shall not be required to prepare said base map unless ample appropriation of funds for the purpose has been made.

Sec. 65. Section 130, chapter 72, Laws of 1937 as amended by section 11, chapter 26, Laws of 1965 and RCW 86.09.388 are each amended to read as follows:

Upon receipt of (~~said~~) the 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~~) county legislative authority of the county within which the major portion of the district is situated, 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.

Sec. 66. Section 131, chapter 72, Laws of 1937 and RCW 86.09.391 are each amended to read as follows:

~~((Said))~~ The board of appraisers shall elect a member as chairman and the secretary of the district or his deputy shall be ex officio secretary of the board of appraisers. ~~((Said))~~ The appraisers shall receive such compensation and expenses as the board of directors of the district, with the approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, shall determine, and which may forthwith be paid by the issuance of district warrants.

Sec. 67. Section 137, chapter 72, Laws of 1937 and RCW 86.09.409 are each amended to read as follows:

As an independent and alternative method to any other method herein authorized and subject to the prior written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, the ratio of benefits herein mentioned may be determined in their relation to the relative values of the respective benefited lands, including the improvements thereon, and the same shall be expressed on a relative percentage basis.

Sec. 68. Section 140, chapter 72, Laws of 1937 and RCW 86.09.418 are each amended to read as follows:

Upon completion of the control works of the district or of any unit thereof, ~~((said))~~ the board of directors of the district may, with the written consent of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, and upon petition signed by landowners representing twenty-five percent of the acreage of the lands in the district shall, appoint three qualified persons who shall be approved in writing by the ~~((state director))~~ county legislative authority, to act as a board of appraisers and who shall reconsider and revise and/or reaffirm the classification and relative percentages, or any part or parts thereof, in the same manner and with the same legal effect as that provided herein for the determination of such matters in the first instance: PROVIDED, That such reexamination shall have no legal effect on any assessments regularly levied prior to the order of appraisal by ~~((said))~~ the reexamining board of appraisers.

Sec. 69. Section 145, chapter 72, Laws of 1937 and RCW 86.09.433 are each amended to read as follows:

At the time set for said hearing the ~~((state supervisor))~~ county legislative authority shall be present at the place designated in the notice and if it appears that due notice of the hearing has been given, shall proceed to hear such objections to the base map as shall be presented and shall hear all pertinent evidence that may be offered. ~~((Said state supervisor))~~ The county

legislative authority shall have authority to adjourn said hearings from time to time to study the record and evidence presented, to make such independent investigation as ~~((he))~~ it shall deem necessary and to correct, modify or confirm the things set out on said base map or any part thereof and to determine all questions concerning the matter and shall finally make an order confirming said map with such substitutions, changes or corrections, if any, as may have been made thereon, which order shall be signed by ~~((said state supervisor))~~ the chairman of the county legislative authority and attached to said map.

Sec. 70. Section 148, chapter 72, Laws of 1937 and RCW 86.09.442 are each amended to read as follows:

When confirmed by order of said ~~((state supervisor))~~ county legislative authority as aforesaid, or by order of said ~~((state supervisor))~~ county legislative authority making any changes decreed by the court on appeal to the superior court, it shall be the duty of the secretary of the district to prepare a correct copy of so much of said base assessment map as includes the lands in the district situated in each county in which the lands in the district are situated, with the assessment classes and ratios properly designated thereon, and file the same with the respective county assessors of said counties for record therein.

Sec. 71. Section 150, chapter 72, Laws of 1937 and RCW 86.09.448 are each amended to read as follows:

Any person, firm or corporation feeling aggrieved at any determination by said ~~((state supervisor))~~ county legislative authority of the classification or relative percentage of his or its lands, aforesaid, may have the same reviewed by a proceeding for that purpose, in the nature of an appeal, initiated in the superior court of the county in which the land affected is situated. The matter shall be heard and tried by the court and shall be informal and summary but full opportunity to be heard and present evidence shall be given before judgment is pronounced.

Sec. 72. Section 151, chapter 72, Laws of 1937 and RCW 86.09.451 are each amended to read as follows:

No such appeal shall be entertained by the court unless notice of the same containing a statement of the substance of the matter complained of and the manner in which the same injuriously affects the appellant's interests shall have been served personally or by registered mail, upon ~~((said state director at his office at the state capitol))~~ the county legislative authority of the county within which the major portion of the district is situated, and upon the secretary of the district, within twenty days following the date of ~~((said))~~ the determination appealed from.

Sec. 73. Section 153, chapter 72, Laws of 1937 and RCW 86.09.457 are each amended to read as follows:

Costs shall be paid as in civil cases brought in the superior court, and the practices in civil cases shall apply: PROVIDED, That any costs awarded against said ~~((state supervisor))~~ county legislative authority shall be in ~~((his))~~ its official capacity only and shall be against and paid by the district.

Sec. 74. Section 155, chapter 72, Laws of 1937 and RCW 86.09.463 are each amended to read as follows:

In all said appeals from the determination of said ~~((state supervisor))~~ county legislative authority, as herein provided, said determination and all parts thereof shall be deemed to be prima facie correct.

Sec. 75. Section 156, chapter 72, Laws of 1937 and RCW 86.09.466 are each amended to read as follows:

The secretary of the district on or before the first day of November in each year shall estimate the amount of money necessary to be raised for any and all district purposes during the ensuing year based upon a budget furnished him by the district board ~~((on forms prescribed by the director of the department of conservation with the advice of the state auditor,))~~ and submit the same to ~~((said director))~~ the county legislative authority of the county within which the major portion of the district is situated for ~~((his))~~ its suggestions, approval and revision and upon the approval of the budget by said ~~((director))~~ county legislative authority, either as originally submitted or as revised, the secretary shall prepare an assessment roll with appropriate headings in which must be listed all the lands in each assessment classification shown on the base assessment map.

Sec. 76. Section 190, chapter 72, Laws of 1937 and RCW 86.09.568 are each amended to read as follows:

Upon previous written approval of the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated, the district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district, in the manner provided herein.

Sec. 77. Section 193, chapter 72, Laws of 1937 and RCW 86.09.577 are each amended to read as follows:

The notice of election for the authorization of such bonds shall set forth the proposition generally as to the amount, maturities and the purpose thereof, shall state that the issuance of the proposed bonds has been approved by the ~~((state director of the department of conservation))~~ county legislative authority of the county within which the major portion of the district is situated, shall specify the day and place or places of election, the hours during which the polls will be open and shall be signed by the secretary of the district.

Sec. 78. Section 198, chapter 72, Laws of 1937 and RCW 86.09.592 are each amended to read as follows:

In any instance where the district is using, selling or leasing water for beneficial purposes or furnishing other service under the provisions of this chapter and there is reasonable certainty of a permanent fixed income from this source, the district board, upon previous written approval of the ((state director)) county legislative authority of the county within which the major portion of the district is situated, shall have authority to pledge the revenues derived from a fixed proportion of the gross income thus obtained and to issue bonds of the district payable from the utility bond fund and to sell the same to raise money for district purposes.

Sec. 79. Section 200, chapter 72, Laws of 1937 as last amended by section 207, chapter 167, Laws of 1983 and RCW 86.09.598 are each amended to read as follows:

(1) Said utility bonds shall be numbered consecutively, shall mature in series amortized in a definite schedule during a period not to exceed twenty years from the date of their issuance, shall be in such denominations and form and shall be payable, with annual or semiannual interest at such rate or rates and at such place as the ((department of ecology)) county legislative authority of the county within which the major portion of the district is situated shall provide. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 80. Section 202, chapter 72, Laws of 1937 as amended by section 208, chapter 167, Laws of 1983 and RCW 86.09.604 are each amended to read as follows:

(1) Upon approval of the ((department of ecology)) county legislative authority, of the county within which the major portion of the district is situated, first obtained, the district board shall have authority to issue and dispose of short term general obligation bonds of the district in such amount or amounts, not exceeding the aggregate amount of the district's collected revenue for the year next previous to the date of their issue, on such conditions and in such form as said ((department of ecology)) county legislative authority shall prescribe including issuance and sale in accordance with chapter 39.46 RCW. Such bonds shall not run for a longer term than five years and may be issued without a district election authorizing them: PROVIDED, That a second issue of such bonds shall not be authorized until all outstanding short term bonds of the previous issue have been paid. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

Sec. 81. Section 203, chapter 72, Laws of 1937 as amended by section 209, chapter 167, Laws of 1983 and RCW 86.09.607 are each amended to read as follows:

(1) Bonds of flood control districts issued under the provisions of this chapter shall not be sold nor disposed of for less than ninety percent of par and where issued in exchange for labor or service, materials or machinery and appliances, such labor or service and/or property given in exchange shall be appraised in writing and approved by the ~~((department of ecology))~~ county legislative authority of the county within which the major portion of the district is situated.

(2) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter 39.46 RCW.

Sec. 82. Section 204, chapter 72, Laws of 1937 and RCW 86.09.610 are each amended to read as follows:

District bonds may be disposed of at public or private offering in such manner as the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated shall prescribe.

Sec. 83. Section 208, chapter 72, Laws of 1937 and RCW 86.09.622 are each amended to read as follows:

Flood control districts may be dissolved upon a favorable sixty percent vote of the electors voting at an election for that purpose called, noticed, conducted and canvassed in the manner provided in this chapter for special elections and no further district obligations shall thereafter be incurred: PROVIDED, That ~~((said))~~ the election shall not abridge or cancel any of the outstanding obligations of the district, and the ~~((state director))~~ county legislative authority of the county within which the major portion of the district is situated shall each year at the time and in the manner provided in this chapter for the levy of district assessments, levy assessments against the lands in the district and the same shall be collected and enforced in the manner provided herein, until ~~((said))~~ the outstanding obligations of the district are fully paid.

Sec. 84. Section 209, chapter 72, Laws of 1937 and RCW 86.09.625 are each amended to read as follows:

When the obligations have been fully paid, all moneys in any of the funds of the district and all collections of unpaid district assessments shall be transferred to the ~~((state reclamation revolving))~~ general fund of the county within which the major portion of the district is situated as partial reimbursement for moneys expended and services rendered by the ~~((state department of conservation))~~ county for and in behalf of ~~((said))~~ the district, and thereupon ~~((said state director))~~ the county legislative authority of that county shall file a statement of the full payment of the district's obligations for record in the county auditor's office in each county in which any lands in the district were situated and thereafter the dissolution of ~~((said))~~ the district shall be complete and its corporate existence ended.

Sec. 85. Section 14, chapter 26, Laws of 1965 and RCW 86.09.700 are each amended to read as follows:

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))~~ county legislative authority of the county within which the major portion of the district is situated.

Sec. 86. Section 15, chapter 26, Laws of 1965 and RCW 86.09.703 are each amended to read as follows:

If funds are available the ~~((director))~~ county legislative authority shall, at the expense of ~~((his department))~~ the county, refer the petition to the ~~((supervisor))~~ county engineer 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))~~ county legislative authority 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 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.

NEW SECTION. Sec. 87. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 117, Laws of 1895, section 2, chapter 146, Laws of 1921 and RCW 85.05.020;

(2) Section 3, chapter 117, Laws of 1895, section 1, chapter 87, Laws of 1905, section 3, chapter 146, Laws of 1921 and RCW 85.05.030;

(3) Section 4, chapter 117, Laws of 1895 and RCW 85.05.040;

(4) Section 5, chapter 117, Laws of 1895, section 1, chapter 115, Laws of 1899, section 1, chapter 84, Laws of 1915 and RCW 85.05.050;

(5) Section 1, chapter 84, Laws of 1953 and RCW 85.05.060;

(6) Section 2, chapter 115, Laws of 1895, section 1, chapter 86, Laws of 1913 and RCW 85.06.020;

(7) Section 3, chapter 115, Laws of 1895, section 1, chapter 175, Laws of 1905, section 2, chapter 86, Laws of 1913 and RCW 85.06.030;

(8) Section 4, chapter 115, Laws of 1895 and RCW 85.06.040;

(9) Section 5, chapter 115, Laws of 1895, section 1, chapter 143, Laws of 1909, section 1, chapter 183, Laws of 1941 and RCW 85.06.050;

(10) Section 1, chapter 176, Laws of 1913, section 12, chapter 130, Laws of 1917, section 1, chapter 160, Laws of 1921, section 1, chapter 46, Laws of 1923, section 1, chapter 79, Laws of 1925 ex. sess., section 1, chapter 240, Laws of 1927 and RCW 85.08.020;

(11) Section 3, chapter 176, Laws of 1913, section 14, chapter 130, Laws of 1917, section 3, chapter 46, Laws of 1923, section 2, chapter 209, Laws of 1959 and RCW 85.08.040;

(12) Section 4, chapter 209, Laws of 1959 and RCW 85.08.050;

(13) Section 5, chapter 209, Laws of 1959 and RCW 85.08.060;

(14) Section 6, chapter 209, Laws of 1959 and RCW 85.08.070;

(15) Section 7, chapter 209, Laws of 1959 and RCW 85.08.080;

(16) Section 8, chapter 209, Laws of 1959 and RCW 85.08.090;

(17) Section 9, chapter 209, Laws of 1959 and RCW 85.08.100;

(18) Section 5, chapter 176, Laws of 1913 and RCW 85.08.110;

(19) Section 6, chapter 176, Laws of 1913, Section 16, chapter 130, Laws of 1917, section 4, chapter 46, Laws of 1923 and RCW 85.08.120;

(20) Section 7, chapter 176, Laws of 1913, section 17, chapter 130, Laws of 1917, section 5, chapter 46, Laws of 1923 and RCW 85.08.130;

(21) Section 8, chapter 176, Laws of 1913, section 18, chapter 130, Laws of 1917 and RCW 85.08.140;

(22) Section 9, chapter 176, Laws of 1913, section 19, chapter 130, Laws of 1917 and RCW 85.08.150;

(23) Section 10, chapter 176, Laws of 1913, section 20, chapter 130, Laws of 1917, section 6, chapter 46, Laws of 1923 and RCW 85.08.160;

(24) Section 11, chapter 176, Laws of 1913 and RCW 85.08.170;

(25) Section 12, chapter 176, Laws of 1913 and RCW 85.08.180;

(26) Section 19, chapter 176, Laws of 1913, section 25, chapter 130, Laws of 1917, section 1, chapter 89, Laws of 1925 ex. sess. and RCW 85.08.290;

(27) Section 4, chapter 131, Laws of 1917 and RCW 85.20.040;

(28) Section 4, chapter 182, Laws of 1933 and RCW 85.22.040;

(29) Section 2, chapter 225, Laws of 1909, section 2, chapter 140, Laws of 1923 and RCW 85.24.020;

(30) Section 3, chapter 225, Laws of 1909 and RCW 85.24.030;

(31) Section 4, chapter 225, Laws of 1909, section 3, chapter 140, Laws of 1923 and RCW 85.24.040;

(32) Section 3, chapter 72, Laws of 1937 and RCW 86.09.007;

(33) Section 8, chapter 72, Laws of 1937 and RCW 86.09.022;

(34) Section 9, chapter 72, Laws of 1937 and RCW 86.09.025;

(35) Section 10, chapter 72, Laws of 1937 and RCW 86.09.028;

(36) Section 11, chapter 72, Laws of 1937 and RCW 86.09.031;

(37) Section 12, chapter 72, Laws of 1937 and RCW 86.09.034;



- (38) Section 13, chapter 72, Laws of 1937 and RCW 86.09.037;
- (39) Section 14, chapter 72, Laws of 1937 and RCW 86.09.040;
- (40) Section 15, chapter 72, Laws of 1937 and RCW 86.09.043;
- (41) Section 16, chapter 72, Laws of 1937 and RCW 86.09.046;
- (42) Section 17, chapter 72, Laws of 1937 and RCW 86.09.049;
- (43) Section 18, chapter 72, Laws of 1937 and RCW 86.09.052;
- (44) Section 19, chapter 72, Laws of 1937 and RCW 86.09.055;
- (45) Section 20, chapter 72, Laws of 1937 and RCW 86.09.058;
- (46) Section 21, chapter 72, Laws of 1937 and RCW 86.09.061;
- (47) Section 22, chapter 72, Laws of 1937 and RCW 86.09.064;
- (48) Section 23, chapter 72, Laws of 1937 and RCW 86.09.067;
- (49) Section 24, chapter 72, Laws of 1937 and RCW 86.09.070;
- (50) Section 25, chapter 72, Laws of 1937 and RCW 86.09.073;
- (51) Section 26, chapter 72, Laws of 1937 and RCW 86.09.076;
- (52) Section 27, chapter 72, Laws of 1937 and RCW 86.09.079;
- (53) Section 28, chapter 72, Laws of 1937 and RCW 86.09.082;
- (54) Section 29, chapter 72, Laws of 1937 and RCW 86.09.085;
- (55) Section 30, chapter 72, Laws of 1937 and RCW 86.09.088;
- (56) Section 31, chapter 72, Laws of 1937 and RCW 86.09.091;
- (57) Section 32, chapter 72, Laws of 1937 and RCW 86.09.094;
- (58) Section 33, chapter 72, Laws of 1937 and RCW 86.09.097;
- (59) Section 34, chapter 72, Laws of 1937 and RCW 86.09.100;
- (60) Section 35, chapter 72, Laws of 1937 and RCW 86.09.103;
- (61) Section 36, chapter 72, Laws of 1937 and RCW 86.09.106;
- (62) Section 37, chapter 72, Laws of 1937 and RCW 86.09.109;
- (63) Section 38, chapter 72, Laws of 1937 and RCW 86.09.112;
- (64) Section 39, chapter 72, Laws of 1937 and RCW 86.09.115;
- (65) Section 40, chapter 72, Laws of 1937 and RCW 86.09.118;
- (66) Section 41, chapter 72, Laws of 1937 and RCW 86.09.121;
- (67) Section 42, chapter 72, Laws of 1937 and RCW 86.09.124;
- (68) Section 43, chapter 72, Laws of 1937 and RCW 86.09.127;
- (69) Section 44, chapter 72, Laws of 1937 and RCW 86.09.130;
- (70) Section 45, chapter 72, Laws of 1937 and RCW 86.09.133;
- (71) Section 46, chapter 72, Laws of 1937 and RCW 86.09.136;
- (72) Section 47, chapter 72, Laws of 1937 and RCW 86.09.139;
- (73) Section 48, chapter 72, Laws of 1937, section 6, chapter 154,  
Laws of 1967 and RCW 86.09.142;
- (74) Section 49, chapter 72, Laws of 1937 and RCW 86.09.145;
- (75) Section 80, chapter 72, Laws of 1937 and RCW 86.09.238;
- (76) Section 81, chapter 72, Laws of 1937 and RCW 86.09.241;
- (77) Section 82, chapter 72, Laws of 1937 and RCW 86.09.244;
- (78) Section 83, chapter 72, Laws of 1937 and RCW 86.09.247;
- (79) Section 84, chapter 72, Laws of 1937 and RCW 86.09.250;
- (80) Section 85, chapter 72, Laws of 1937 and RCW 86.09.253;

- (81) Section 86, chapter 72, Laws of 1937, section 6, chapter 26, Laws of 1965 and RCW 86.09.256;
- (82) Section 88, chapter 72, Laws of 1937 and RCW 86.09.262;
- (83) Section 97, chapter 72, Laws of 1937 and RCW 86.09.289;
- (84) Section 99, chapter 72, Laws of 1937 and RCW 86.09.295;
- (85) Section 100, chapter 72, Laws of 1937, section 8, chapter 154, Laws of 1967 and RCW 86.09.298;
- (86) Section 106, chapter 72, Laws of 1937 and RCW 86.09.316;
- (87) Section 111, chapter 72, Laws of 1937, section 5, chapter 104, Laws of 1982 and RCW 86.09.331;
- (88) Section 112, chapter 72, Laws of 1937 and RCW 86.09.334;
- (89) Section 113, chapter 72, Laws of 1937 and RCW 86.09.337;
- (90) Section 114, chapter 72, Laws of 1937 and RCW 86.09.340;
- (91) Section 115, chapter 72, Laws of 1937 and RCW 86.09.343;
- (92) Section 116, chapter 72, Laws of 1937 and RCW 86.09.346;
- (93) Section 117, chapter 72, Laws of 1937 and RCW 86.09.349;
- (94) Section 118, chapter 72, Laws of 1937 and RCW 86.09.352;
- (95) Section 119, chapter 72, Laws of 1937 and RCW 86.09.355;
- (96) Section 120, chapter 72, Laws of 1937, section 6, chapter 104, Laws of 1982 and RCW 86.09.358;
- (97) Section 121, chapter 72, Laws of 1937, section 7, chapter 104, Laws of 1982 and RCW 86.09.361;
- (98) Section 122, chapter 72, Laws of 1937, section 9, chapter 26, Laws of 1965, section 71, chapter 292, Laws of 1971 ex. sess. and RCW 86.09.364;
- (99) Section 123, chapter 72, Laws of 1937, section 8, chapter 104, Laws of 1982 and RCW 86.09.367;
- (100) Section 124, chapter 72, Laws of 1937, section 9, chapter 104, Laws of 1982 and RCW 86.09.370;
- (101) Section 125, chapter 72, Laws of 1937 and RCW 86.09.373; and
- (102) Section 126, chapter 72, Laws of 1937 and RCW 86.09.376.

**NEW SECTION.** Sec. 88. 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.

Passed the House April 23, 1985.

Passed the Senate April 19, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to one section Substitute House Bill No. 150, entitled:

"AN ACT Relating to special districts;"

I am vetoing Section 44 in order to eliminate a conflict with Section 87. Section 44 would amend RCW 85.08.290; Section 87 would repeal the same. The procedures set forth in Section 44 are not needed, it refers back to Sections 1 through 19 which do contain the formation procedures.

With the exception of Section 44, which I have vetoed, the remainder of Substitute House Bill No. 150 is approved."

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## CHAPTER 397

[Engrossed Substitute House Bill No. 379]

### LOCAL IMPROVEMENT DISTRICTS—UTILITY LOCAL IMPROVEMENT DISTRICTS—POWERS AND AUTHORITY—ASSESSMENTS

AN ACT Relating to local improvement districts and utility local improvement districts; amending RCW 35.43.040, 35.43.050, 35.44.010, 35.44.020, 35.44.190, and 36.94.280; adding a new chapter to Title 35 RCW; and creating a new section.

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

Sec. 1. Section 35.43.040, chapter 7, Laws of 1965 as last amended by section 1, chapter 291, Laws of 1983 and RCW 35.43.040 are each amended to read as follows:

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regraveling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational ((σ)), playground, museum, cultural, or arts facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;