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SECOND SUBSTITUTE HOUSE BILL 3186

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State of Washington                      60th Legislature                      2008 Regular Session

By House Appropriations Subcommittee on General Government & Audit Review (originally sponsored by Representative Nelson)

READ FIRST TIME 02/07/08.

1            AN ACT Relating to beach management districts; amending RCW  
2 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050,  
3 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110,  
4 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190,  
5 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020,  
6 39.34.190, 86.09.151, and 35.21.403; adding a new section to chapter  
7 36.61 RCW; adding a new section to chapter 43.21A RCW; and creating a  
8 new section.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10            **Sec. 1.** RCW 36.61.010 and 1987 c 432 s 1 are each amended to read  
11 as follows:

12            The legislature finds that the environmental, recreational, and  
13 aesthetic values of many of the state's lakes are threatened by  
14 eutrophication and other deterioration and that existing governmental  
15 authorities are unable to adequately improve and maintain the quality  
16 of the state's lakes.

17            The legislature intends that an ecosystem-based beach management  
18 approach should be used to help promote the health of aquatic  
19 ecosystems and that such a management approach be undertaken in a

1 manner that retains ecosystem values within the state. This management  
2 approach should use long-term strategies that focus on reducing  
3 nutrient inputs from human activities affecting the aquatic ecosystem,  
4 such as decreasing nutrients into storm water sewers, decreasing  
5 fertilizer application, promoting the proper disposal of pet waste,  
6 promoting the use of vegetative borders, promoting the reduction of  
7 nutrients from on-site septic systems where appropriate, and protecting  
8 riparian areas. Organic debris, including vegetation, driftwood,  
9 seaweed, kelp, and organisms, are extremely important to beach  
10 ecosystems.

11 It is the purpose of this chapter to establish a governmental  
12 mechanism by which property owners can embark on a program of lake or  
13 beach improvement and maintenance for their and the general public's  
14 benefit, health, and welfare. Public property, including state  
15 property, shall be considered the same as private property in this  
16 chapter, except liens for special assessments and liens for rates and  
17 charges shall not extend to public property. Lake bottom property and  
18 marine property below the line of the ordinary high water mark shall  
19 not be considered to be benefited, shall not be subject to special  
20 assessments or rates and charges, and shall not receive voting rights  
21 under this chapter.

22 NEW SECTION. Sec. 2. A new section is added to chapter 36.61 RCW  
23 to read as follows:

24 (1) Beach management districts may be created for the purpose of  
25 controlling nonnative invasive vegetation or to address nutrient  
26 loading from land use activities in a subbasin that is a tributary to  
27 the area targeted for management.

28 (2)(a) The department of ecology must select two beach management  
29 districts located in a county with a population of one million or more  
30 that, in addition to the activities listed in subsection (1) of this  
31 section, are authorized to control and remove aquatic plants or  
32 vegetation. These districts must develop a plan for these activities,  
33 in consultation with appropriate federal, state, and local agencies.  
34 The plan must be consistent with the action agenda approved by the  
35 Puget Sound partnership, where applicable.

36 (b) Plans developed under (a) of this subsection for the control

1 and removal of aquatic plants or vegetation must, to the greatest  
2 extent possible, meet the following requirements:

3 (i) Avoid or minimize the excess removal of living and nonliving  
4 nontarget native vegetation and organisms;

5 (ii) Avoid or minimize management activities that will result in  
6 compacting beach sand, gravel, and substrate;

7 (iii) Minimize adverse impact to the project site when disposing of  
8 excessive accumulations of vegetation and other areas of the beach or  
9 deep water environment; and

10 (iv) Retain all natural habitat features on the beach, including  
11 trees, stumps, logs, and large rocks on the beach in their natural  
12 location.

13 (c) Seaweed removal under this subsection may only occur on the  
14 shore of a saltwater body that lies between the extreme low tide and  
15 the ordinary high water mark, as those terms are defined in RCW  
16 90.58.030.

17 **Sec. 3.** RCW 36.61.020 and 2000 c 184 s 5 are each amended to read  
18 as follows:

19 Any county may create lake or beach management districts to finance  
20 the improvement and maintenance of lakes or beaches located within or  
21 partially within the boundaries of the county. All or a portion of a  
22 lake or beach and the adjacent land areas may be included within one or  
23 more lake or beach management districts. More than one lake or beach,  
24 or portions of lakes or beaches, and the adjacent land areas may be  
25 included in a single lake or beach management district.

26 Special assessments or rates and charges may be imposed on the  
27 property included within a lake or beach management district to finance  
28 lake or beach improvement and maintenance activities, including: (1)  
29 ~~((The control or removal of))~~ Controlling or removing aquatic plants  
30 and vegetation; (2) improving water quality; (3) ~~((the control of))~~  
31 controlling water levels; (4) treating and diverting storm water  
32 ~~((diversion and treatment))~~; (5) controlling agricultural waste  
33 ~~((control))~~; (6) studying lake or marine water quality problems and  
34 solutions; (7) cleaning and maintaining ditches and streams entering  
35 the lake or marine waters or leaving the lake; ~~((and))~~ (8) monitoring  
36 air quality; and (9) the related administrative, engineering, legal,

1 and operational costs, including the costs of creating the lake or  
2 beach management district.

3 Special assessments or rates and charges may be imposed annually on  
4 all the land in a lake or beach management district for the duration of  
5 the lake or beach management district without a related issuance of  
6 lake or beach management district bonds or revenue bonds. Special  
7 assessments also may be imposed in the manner of special assessments in  
8 a local improvement district with each landowner being given the choice  
9 of paying the entire special assessment in one payment, or to paying  
10 installments, with lake or beach management district bonds being issued  
11 to obtain moneys not derived by the initial full payment of the special  
12 assessments, and the installments covering all of the costs related to  
13 issuing, selling, and redeeming the lake or beach management district  
14 bonds.

15 **Sec. 4.** RCW 36.61.025 and 2000 c 184 s 4 are each amended to read  
16 as follows:

17 To improve the ability of counties to finance long-term lake or  
18 beach management objectives, lake or beach management districts may be  
19 created for any needed period of time.

20 **Sec. 5.** RCW 36.61.030 and 1987 c 432 s 3 are each amended to read  
21 as follows:

22 A lake or beach management district may be initiated upon either  
23 the adoption of a resolution of intention by a county legislative  
24 authority or the filing of a petition signed by ten landowners or the  
25 owners of at least fifteen percent of the acreage contained within the  
26 proposed lake or beach management district, whichever is greater. A  
27 petition or resolution of intention shall set forth: (1) The nature of  
28 the lake or beach improvement or maintenance activities proposed to be  
29 financed; (2) the amount of money proposed to be raised by special  
30 assessments or rates and charges; (3) if special assessments are to be  
31 imposed, whether the special assessments will be imposed annually for  
32 the duration of the lake or beach management district, or the full  
33 special assessments will be imposed at one time, with the possibility  
34 of installments being made to finance the issuance of lake or beach  
35 management district bonds, or both methods; (4) if rates and charges  
36 are to be imposed, the annual amount of revenue proposed to be

1 collected and whether revenue bonds payable from the rates and charges  
2 are proposed to be issued; (5) the number of years proposed for the  
3 duration of the lake or beach management district; and (6) the proposed  
4 boundaries of the lake or beach management district.

5 The county legislative authority may require the posting of a bond  
6 of up to five thousand dollars before the county considers the proposed  
7 creation of a lake or beach management district initiated by petition.  
8 The bond may only be used by the county to finance its costs in  
9 studying, holding hearings, making notices, preparing special  
10 assessment rolls or rolls showing the rates and charges on each parcel,  
11 and conducting elections related to the lake or beach management  
12 district if the proposed lake or beach management district is not  
13 created.

14 A resolution of intention shall also designate the number of the  
15 proposed lake or beach management district, and fix a date, time, and  
16 place for a public hearing on the formation of the proposed lake or  
17 beach management district. The date for the public hearing shall be at  
18 least thirty days and no more than ninety days after the adoption of  
19 the resolution of intention unless an emergency exists.

20 Petitions shall be filed with the county legislative authority.  
21 The county legislative authority shall determine the sufficiency of the  
22 signatures, which shall be conclusive upon all persons. No person may  
23 withdraw his or her name from a petition after it is filed. If the  
24 county legislative authority determines a petition to be sufficient and  
25 the proposed lake or beach management district appears to be in the  
26 public interest and the financing of the lake or beach improvement or  
27 maintenance activities is feasible, it shall adopt a resolution of  
28 intention, setting forth all of the details required to be included  
29 when a resolution of intention is initiated by the county legislative  
30 authority.

31 **Sec. 6.** RCW 36.61.040 and 1994 c 264 s 9 are each amended to read  
32 as follows:

33 Notice of the public hearing shall be published in at least two  
34 consecutive issues of a newspaper of general circulation in the  
35 proposed lake or beach management district, the date of the first  
36 publication to be at least fifteen days prior to the date fixed for the  
37 public hearing by the resolution of intention. Notice of the public

1 hearing shall also be given to the owner or reputed owner of any lot,  
2 tract, parcel of land, or other property within the proposed lake or  
3 beach management district by mailing the notice at least fifteen days  
4 before the date fixed for the public hearing to the owner or reputed  
5 owner of the property as shown on the tax rolls of the county assessor  
6 at the address shown thereon. Notice of the public hearing shall also  
7 be mailed to the departments of fish and wildlife, natural resources,  
8 and ecology at least fifteen days before the date fixed for the public  
9 hearing.

10 Notices of the public hearing shall: (1) Refer to the resolution  
11 of intention; (2) designate the proposed lake or beach management  
12 district by number; (3) set forth a proposed plan describing: (a) The  
13 nature of the proposed lake or beach improvement or maintenance  
14 activities; (b) the amount of special assessments or rates and charges  
15 proposed to be raised by the lake or beach management district; (c) if  
16 special assessments are proposed to be imposed, whether the special  
17 assessments will be imposed annually for the duration of the lake or  
18 beach management district, or the full special assessments will be  
19 payable at one time, with the possibility of periodic installments  
20 being paid and lake or beach management bonds being issued, or both;  
21 (d) if rates and charges are proposed to be imposed, the annual amount  
22 of revenue proposed to be collected and whether revenue bonds payable  
23 from the rates and charges are proposed to be issued; and (e) the  
24 proposed duration of the lake or beach management district; and (4)  
25 indicate the date, time, and place of the public hearing designated in  
26 the resolution of intention.

27 In the case of the notice sent to each owner or reputed owner by  
28 mail, the notice shall set forth the estimated amount of the cost of  
29 the lake or beach improvement or maintenance activities to be borne by  
30 special assessment, or annual special assessments, or rates and charges  
31 on the lot, tract, parcel of land, or other property owned by the owner  
32 or reputed owner.

33 If the county legislative authority has designated a committee of  
34 itself or an officer to hear complaints and make recommendations to the  
35 full county legislative authority, as provided in RCW 36.61.060, the  
36 notice shall also describe this additional step before the full county  
37 legislative authority may adopt a resolution creating the lake or beach  
38 management district.

1       **Sec. 7.** RCW 36.61.050 and 1994 c 264 s 10 are each amended to read  
2 as follows:

3       The county legislative authority shall hold a public hearing on the  
4 proposed lake or beach management district at the date, time, and place  
5 designated in the resolution of intention.

6       At this hearing the county legislative authority shall hear  
7 objections from any person affected by the formation of the lake or  
8 beach management district. Representatives of the departments of fish  
9 and wildlife, natural resources, and ecology shall be afforded  
10 opportunities to make presentations on and comment on the proposal.  
11 Members of the public shall be afforded an opportunity to comment on  
12 the proposal. The county legislative authority must consider  
13 recommendations provided to it by the departments of fish and wildlife,  
14 natural resources, and ecology. The public hearing may be extended to  
15 other times and dates declared at the public hearing. The county  
16 legislative authority may make such changes in the boundaries of the  
17 lake or beach management district or such modification in plans for the  
18 proposed lake or beach improvement or maintenance activities as it  
19 deems necessary. The county legislative authority may not change  
20 boundaries of the lake or beach management district to include property  
21 that was not included previously without first passing an amended  
22 resolution of intention and giving new notice to the owners or reputed  
23 owners of property newly included in the proposed lake or beach  
24 management district in the manner and form and within the time provided  
25 for the original notice. The county legislative authority shall not  
26 alter the plans for the proposed lake or beach improvement or  
27 maintenance activities to result in an increase in the amount of money  
28 proposed to be raised, and shall not increase the amount of money  
29 proposed to be raised, without first passing an amended resolution of  
30 intention and giving new notice to property owners in the manner and  
31 form and within the time provided for the original notice.

32       **Sec. 8.** RCW 36.61.060 and 1985 c 398 s 10 are each amended to read  
33 as follows:

34       A county legislative authority may adopt an ordinance providing for  
35 a committee of itself, or an officer, to hold public hearings on the  
36 proposed formation of a lake or beach management district and hear  
37 objections to the proposed formation as provided in RCW 36.61.050. The

1 committee or officer shall make a recommendation to the full  
2 legislative authority, which need not hold a public hearing on the  
3 proposed creation of the lake or beach management district. The full  
4 county legislative authority by resolution may approve or disapprove  
5 the recommendation and submit the question of creating the lake or  
6 beach management district to the property owners as provided in RCW  
7 36.61.070 through 36.61.100.

8 **Sec. 9.** RCW 36.61.070 and 1987 c 432 s 5 are each amended to read  
9 as follows:

10 After the public hearing, the county legislative authority may  
11 adopt a resolution submitting the question of creating the lake or  
12 beach management district to the owners of land within the proposed  
13 lake or beach management district, including publicly owned land, if  
14 the county legislative authority finds that it is in the public  
15 interest to create the lake or beach management district and the  
16 financing of the lake or beach improvement and maintenance activities  
17 is feasible. The resolution shall also include: (1) A plan describing  
18 the proposed lake or beach improvement and maintenance activities which  
19 avoid adverse impacts on fish and wildlife and provide for appropriate  
20 measures to protect and enhance fish and wildlife; (2) the number of  
21 years the lake or beach management district will exist; (3) the amount  
22 to be raised by special assessments or rates and charges; (4) if  
23 special assessments are to be imposed, whether the special assessments  
24 shall be imposed annually for the duration of the lake or beach  
25 management district or only once with the possibility of installments  
26 being imposed and lake or beach management bonds being issued, or both,  
27 and, if both types of special assessments are proposed to be imposed,  
28 the lake or beach improvement or maintenance activities proposed to be  
29 financed by each type of special assessment; (5) if rates and charges  
30 are to be imposed, a description of the rates and charges and the  
31 possibility of revenue bonds being issued that are payable from the  
32 rates and charges; and (6) the estimated special assessment or rate and  
33 charge proposed to be imposed on each parcel included in the proposed  
34 lake or beach management district.

35 No lake or beach management district may be created by a county  
36 that includes territory located in another county without the approval  
37 of the legislative authority of the other county.



1       **Sec. 10.** RCW 36.61.080 and 1987 c 432 s 6 are each amended to read  
2 as follows:

3       (1) A ballot shall be mailed to each owner or reputed owner of any  
4 lot, tract, parcel of land, or other property within the proposed lake  
5 management district, including publicly owned land, which ballot shall  
6 contain the following proposition:

7           "Shall lake management district No. . . . . be formed?  
8           Yes . . . . .  
9           No . . . . ."

10       (2) A ballot shall be mailed to each owner or reputed owner of any  
11 lot, tract, parcel of land, or other property within the proposed beach  
12 management district, including publicly owned land, which ballot shall  
13 contain the following proposition:

14           "Shall beach management district No. . . . . be formed?  
15           Yes . . . . .  
16           No . . . . ."

17       (3) In addition, the ballot shall contain appropriate spaces for  
18 the signatures of the landowner or landowners, or officer authorized to  
19 cast such a ballot. Each ballot shall include a description of the  
20 property owner's property and the estimated special assessment, or rate  
21 and charge, proposed to be imposed upon the property. A copy of the  
22 instructions and the resolution submitting the question to the  
23 landowners shall also be included.

24       **Sec. 11.** RCW 36.61.090 and 1987 c 432 s 7 are each amended to read  
25 as follows:

26       The balloting shall be subject to the following conditions, which  
27 shall be included in the instructions mailed with each ballot, as  
28 provided in RCW 36.61.080: (1) All ballots must be signed by the owner  
29 or reputed owner of property according to the assessor's tax rolls; (2)  
30 each ballot must be returned to the county legislative authority not  
31 later than (~~five o'clock~~) 5:00 p.m. of a specified day, which shall  
32 be at least twenty but not more than thirty days after the ballots are  
33 mailed; (3) each property owner shall mark his or her ballot for or  
34 against the creation of the proposed lake or beach management district,  
35 with the ballot weighted so that the property owner has one vote for  
36 each dollar of estimated special assessment or rate and charge proposed

1 to be imposed on his or her property; and (4) the valid ballots shall  
2 be tabulated and a simple majority of the votes cast shall determine  
3 whether the proposed lake or beach management district shall be  
4 approved or rejected.

5 **Sec. 12.** RCW 36.61.100 and 1987 c 432 s 8 are each amended to read  
6 as follows:

7 If the proposal receives a simple majority vote in favor of  
8 creating the lake or beach management district, the county legislative  
9 authority shall adopt an ordinance creating the lake or beach  
10 management district and may proceed with establishing the special  
11 assessments or rates and charges, collecting the special assessments or  
12 rates and charges, and performing the lake or beach improvement or  
13 maintenance activities. If a proposed lake management district  
14 includes more than one lake and its adjacent areas, the lake management  
15 district may only be established if the proposal receives a simple  
16 majority vote in favor of creating it by the voters on each lake and  
17 its adjacent areas. The county legislative authority shall publish a  
18 notice in a newspaper of general circulation in a lake or beach  
19 management district indicating that such an ordinance has been adopted  
20 within ten days of the adoption of the ordinance.

21 The ballots shall be available for public inspection after they are  
22 counted.

23 **Sec. 13.** RCW 36.61.110 and 1985 c 398 s 11 are each amended to  
24 read as follows:

25 No lawsuit may be maintained challenging the jurisdiction or  
26 authority of the county legislative authority to proceed with the lake  
27 or beach improvement and maintenance activities and creating the lake  
28 or beach management district or in any way challenging the validity of  
29 the actions or decisions or any proceedings relating to the actions or  
30 decisions unless the lawsuit is served and filed no later than forty  
31 days after publication of a notice that the ordinance has been adopted  
32 ordering the lake or beach improvement and maintenance activities and  
33 creating the lake or beach management district. Written notice of the  
34 appeal shall be filed with the county legislative authority and clerk  
35 of the superior court in the county in which the property is situated.

1       **Sec. 14.** RCW 36.61.115 and 1987 c 432 s 9 are each amended to read  
2 as follows:

3       A special assessment, or rate and charge, on any lot, tract, parcel  
4 of land, or other property shall not be increased beyond one hundred  
5 ten percent of the estimated special assessment, or rate and charge,  
6 proposed to be imposed as provided in the resolution adopted in RCW  
7 36.61.070, unless the creation of a lake or beach management district  
8 is approved under another mailed ballot election that reflects the  
9 weighted voting arising from such increases.

10       **Sec. 15.** RCW 36.61.120 and 1985 c 398 s 12 are each amended to  
11 read as follows:

12       After a lake or beach management district is created, the county  
13 shall prepare a proposed special assessment roll. A separate special  
14 assessment roll shall be prepared for annual special assessments if  
15 both annual special assessments and special assessments paid at one  
16 time are imposed. The proposed special assessment roll shall list:  
17 (1) Each separate lot, tract, parcel of land, or other property in the  
18 lake or beach management district; (2) the acreage of such property,  
19 and the number of feet of lake or beach frontage, if any; (3) the name  
20 and address of the owner or reputed owner of each lot, tract, parcel of  
21 land, or other property as shown on the tax rolls of the county  
22 assessor; and (4) the special assessment proposed to be imposed on each  
23 lot, tract, parcel of land, or other property, or the annual special  
24 assessments proposed to be imposed on each lot, tract, parcel of land,  
25 or other property.

26       At the time, date, and place fixed for a public hearing, the county  
27 legislative authority shall act as a board of equalization and hear  
28 objections to the special assessment roll, and at the times to which  
29 the public hearing may be adjourned, the county legislative authority  
30 may correct, revise, raise, lower, change, or modify the special  
31 assessment roll or any part thereof, or set the proposed special  
32 assessment roll aside and order a new proposed special assessment roll  
33 to be prepared. The county legislative authority shall confirm and  
34 approve a special assessment roll by adoption of a resolution.

35       If a proposed special assessment roll is amended to raise any  
36 special assessment appearing thereon or to include omitted property, a  
37 new public hearing shall be held. The new public hearing shall be

1 limited to considering the increased special assessments or omitted  
2 property. Notices shall be sent to the owners or reputed owners of the  
3 affected property in the same manner and form and within the time  
4 provided for the original notice.

5       Objections to a proposed special assessment roll must be made in  
6 writing, shall clearly state the grounds for objections, and shall be  
7 filed with the governing body prior to the public hearing. Objections  
8 to a special assessment or annual special assessments that are not made  
9 as provided in this section shall be deemed waived and shall not be  
10 considered by the governing body or a court on appeal.

11       **Sec. 16.** RCW 36.61.140 and 1985 c 398 s 14 are each amended to  
12 read as follows:

13       Notice of the original public hearing on the proposed special  
14 assessment roll, and any public hearing held as a result of raising  
15 special assessments or including omitted property, shall be published  
16 and mailed to the owner or reputed owner of the property as provided in  
17 RCW 36.61.040 for the public hearing on the formation of the lake or  
18 beach management district. However, the notice need only provide the  
19 total amount to be collected by the special assessment roll and shall  
20 state that: (1) A public hearing on the proposed special assessment  
21 roll will be held, giving the time, date, and place of the public  
22 hearing; (2) the proposed special assessment roll is available for  
23 public perusal, giving the times and location where the proposed  
24 special assessment roll is available for public perusal; (3) objections  
25 to the proposed special assessment must be in writing, include clear  
26 grounds for objections, and must be filed prior to the public hearing;  
27 and (4) failure to so object shall be deemed to waive an objection.

28       Notices mailed to the owners or reputed owners shall additionally  
29 indicate the amount of special assessment ascribed to the particular  
30 lot, tract, parcel of land, or other property owned by the person so  
31 notified.

32       **Sec. 17.** RCW 36.61.160 and 1987 c 432 s 10 are each amended to  
33 read as follows:

34       Whenever special assessments are imposed, all property included  
35 within a lake or beach management district shall be considered to be  
36 the property specially benefited by the lake or beach improvement or

1 maintenance activities and shall be the property upon which special  
2 assessments are imposed to pay the costs and expenses of the lake or  
3 beach improvement or maintenance activities, or such part of the costs  
4 and expenses as may be chargeable against the property specially  
5 benefited. The special assessments shall be imposed on property in  
6 accordance with the special benefits conferred on the property up to  
7 but not in excess of the total costs and expenses of the lake or beach  
8 improvement or maintenance activities as provided in the special  
9 assessment roll.

10 Special assessments may be measured by front footage, acreage, the  
11 extent of improvements on the property, or any other factors that are  
12 deemed to fairly reflect special benefits, including those authorized  
13 under RCW 35.51.030. Special assessments may be calculated by using  
14 more than one factor. Zones around the public improvement may be used  
15 that reflect different levels of benefit in each zone that are measured  
16 by a front footage, acreage, the extent of improvements, or other  
17 factors.

18 Public property, including property owned by the state of  
19 Washington, shall be subject to special assessments to the same extent  
20 that private property is subject to the special assessments, except no  
21 lien shall extend to public property.

22 **Sec. 18.** RCW 36.61.170 and 1985 c 398 s 17 are each amended to  
23 read as follows:

24 The total annual special assessments may not exceed the estimated  
25 cost of the lake or beach improvement or maintenance activities  
26 proposed to be financed by such special assessments, as specified in  
27 the resolution of intention. The total of special assessments imposed  
28 in a lake or beach management district that are of the nature of  
29 special assessments imposed in a local improvement district shall not  
30 exceed one hundred fifty percent of the estimated total cost of the  
31 lake or beach improvement or maintenance activities that are proposed  
32 to be financed by the lake or beach management district as specified in  
33 the resolution of intention. After a lake or beach management district  
34 has been created, the resolution of intention may be amended to  
35 increase the amount to be financed by the lake or beach management  
36 district by using the same procedure in which a lake or beach  
37 management district is created.

1       **Sec. 19.** RCW 36.61.190 and 1985 c 398 s 19 are each amended to  
2 read as follows:

3       Special assessments and installments on any special assessment  
4 shall be collected by the county treasurer.

5       The county treasurer shall publish a notice indicating that the  
6 special assessment roll has been confirmed and that the special  
7 assessments are to be collected. The notice shall indicate the  
8 duration of the lake or beach management district and shall describe  
9 whether the special assessments will be paid in annual payments for the  
10 duration of the lake or beach management district, or whether the full  
11 special assessments will be payable at one time, with the possibility  
12 of periodic installments being paid and lake or beach management bonds  
13 being issued, or both.

14       If the special assessments are to be payable at one time, the  
15 notice additionally shall indicate that all or any portion of the  
16 special assessments may be paid within thirty days from the date of  
17 publication of the first notice without penalty or interest. This  
18 notice shall be published in a newspaper of general circulation in the  
19 lake or beach management district.

20       Within ten days of the first newspaper publication, the county  
21 treasurer shall notify each owner or reputed owner of property whose  
22 name appears on the special assessment roll, at the address shown on  
23 the special assessment roll, for each item of property described on the  
24 list: (1) Whether one special assessment payable at one time or  
25 special assessments payable annually have been imposed; (2) the amount  
26 of the property subject to the special assessment or annual special  
27 assessments; and (3) the total amount of the special assessment due at  
28 one time, or annual amount of special assessments due. If the special  
29 assessment is due at one time, the notice shall also describe the  
30 thirty-day period during which the special assessment may be paid  
31 without penalty, interest, or cost.

32       **Sec. 20.** RCW 36.61.200 and 1985 c 398 s 20 are each amended to  
33 read as follows:

34       If the special assessments are to be payable at one time, all or  
35 any portion of any special assessment may be paid without interest,  
36 penalty, or costs during this thirty-day period and placed into a  
37 special fund to defray the costs of the lake or beach improvement or

1 maintenance activities. The remainder shall be paid in installments as  
2 provided in a resolution adopted by the county legislative authority,  
3 but the last installment shall be due at least two years before the  
4 maximum term of the bonds issued to pay for the improvements or  
5 maintenance. The installments shall include amounts sufficient to  
6 redeem the bonds issued to pay for the lake or beach improvement and  
7 maintenance activities. A twenty-day period shall be allowed after the  
8 due date of any installment within which no interest, penalty, or costs  
9 on the installment may be imposed.

10 The county shall establish by ordinance an amount of interest that  
11 will be imposed on late special assessments imposed annually or at  
12 once, and on installments of a special assessment. The ordinance shall  
13 also specify the penalty, in addition to the interest, that will be  
14 imposed on a late annual special assessment, special assessment, or  
15 installment which shall not be less than five percent of the delinquent  
16 special assessment or installment.

17 The owner of any lot, tract, parcel of land, or other property  
18 charged with a special assessment may redeem it from all liability for  
19 the unpaid amount of the installments by paying, to the county  
20 treasurer, the remaining portion of the installments that is  
21 attributable to principal on the lake or beach management district  
22 bonds.

23 **Sec. 21.** RCW 36.61.220 and 1985 c 398 s 22 are each amended to  
24 read as follows:

25 Within fifteen days after a county creates a lake or beach  
26 management district, the county shall cause to be filed with the county  
27 treasurer, a description of the lake or beach improvement and  
28 maintenance activities proposed that the lake or beach management  
29 district finances, the lake or beach management district number, and a  
30 copy of the diagram or print showing the boundaries of the lake or  
31 beach management district and preliminary special assessment roll or  
32 abstract of same showing thereon the lots, tracts, parcels of land, and  
33 other property that will be specially benefited thereby and the  
34 estimated cost and expense of such lake or beach improvement and  
35 maintenance activities to be borne by each lot, tract, parcel of land,  
36 or other property. The treasurer shall immediately post the proposed

1 special assessment roll upon his or her index of special assessments  
2 against the properties affected by the lake or beach improvement or  
3 maintenance activities.

4 **Sec. 22.** RCW 36.61.230 and 1985 c 398 s 23 are each amended to  
5 read as follows:

6 The special assessment or annual special assessments imposed upon  
7 the respective lots, tracts, parcels of land, and other property in the  
8 special assessment roll or annual special assessment roll confirmed by  
9 resolution of the county legislative authority for the purpose of  
10 paying the cost and expense in whole or in part of any lake or beach  
11 improvement or maintenance activities shall be a lien upon the property  
12 assessed from the time the special assessment roll is placed in the  
13 hands of the county treasurer for collection, but as between the  
14 grantor and grantee, or vendor and vendee of any real property, when  
15 there is no express agreement as to payment of the special assessments  
16 against the real property, the lien of such special assessments shall  
17 attach thirty days after the filing of the diagram or print and the  
18 estimated cost and expense of such lake or beach improvement or  
19 maintenance activities to be borne by each lot, tract, parcel of land,  
20 or other property, as provided in RCW 36.61.220. Interest and penalty  
21 shall be included in and shall be a part of the special assessment  
22 lien. No lien shall extend to public property subjected to special  
23 assessments.

24 The special assessment lien shall be paramount and superior to any  
25 other lien or encumbrance theretofore or thereafter created except a  
26 lien for general taxes.

27 **Sec. 23.** RCW 36.61.260 and 2000 c 184 s 6 are each amended to read  
28 as follows:

29 (1) Counties may issue lake or beach management district bonds in  
30 accordance with this section. Lake or beach management district bonds  
31 may be issued to obtain money sufficient to cover that portion of the  
32 special assessments that are not paid within the thirty-day period  
33 provided in RCW 36.61.190.

34 Whenever lake or beach management district bonds are proposed to be  
35 issued, the county legislative authority shall create a special fund or  
36 funds for the lake or beach management district from which all or a



1 portion of the costs of the lake or beach improvement and maintenance  
2 activities shall be paid. Lake or beach management district bonds  
3 shall not be issued in excess of the costs and expenses of the lake or  
4 beach improvement and maintenance activities and shall not be issued  
5 prior to twenty days after the thirty days allowed for the payment of  
6 special assessments without interest or penalties.

7 Lake or beach management district bonds shall be exclusively  
8 payable from the special fund or funds and from a guaranty fund that  
9 the county may have created out of a portion of proceeds from the sale  
10 of the lake or beach management district bonds.

11 (2) Lake or beach management district bonds shall not constitute a  
12 general indebtedness of the county issuing the bond nor an obligation,  
13 general or special, of the state. The owner of any lake or beach  
14 management district bond shall not have any claim for the payment  
15 thereof against the county that issues the bonds except for payment  
16 from the special assessments made for the lake or beach improvement or  
17 maintenance activities for which the lake or beach management district  
18 bond was issued and from a lake or beach management district guaranty  
19 fund that may have been created. The county shall not be liable to the  
20 owner of any lake or beach management district bond for any loss to the  
21 lake or beach management district guaranty fund occurring in the lawful  
22 operation of the fund. The owner of a lake or beach management  
23 district bond shall not have any claim against the state arising from  
24 the lake or beach management district bond, special assessments, or  
25 guaranty fund. Tax revenues shall not be used to secure or guarantee  
26 the payment of the principal of or interest on lake or beach management  
27 district bonds.

28 The substance of the limitations included in this subsection shall  
29 be plainly printed, written, engraved, or reproduced on: (a) Each lake  
30 or beach management district bond that is a physical instrument; (b)  
31 the official notice of sale; and (c) each official statement associated  
32 with the lake or beach management district bonds.

33 (3) If the county fails to make any principal or interest payments  
34 on any lake or beach management district bond or to promptly collect  
35 any special assessment securing the bonds when due, the owner of the  
36 lake or beach management district bond may obtain a writ of mandamus  
37 from any court of competent jurisdiction requiring the county to  
38 collect the special assessments, foreclose on the related lien, and

1 make payments out of the special fund or guaranty fund if one exists.  
2 Any number of owners of lake or beach management districts may join as  
3 plaintiffs.

4 (4) A county may create a lake or beach management district bond  
5 guaranty fund for each issue of lake or beach management district  
6 bonds. The guaranty fund shall only exist for the life of the lake or  
7 beach management district bonds with which it is associated. A portion  
8 of the bond proceeds may be placed into a guaranty fund. Unused moneys  
9 remaining in the guaranty fund during the last two years of the  
10 installments shall be used to proportionally reduce the required level  
11 of installments and shall be transferred into the special fund into  
12 which installment payments are placed.

13 (5) Lake or beach management district bonds shall be issued and  
14 sold in accordance with chapter 39.46 RCW. The authority to create a  
15 special fund or funds shall include the authority to create accounts  
16 within a fund.

17 **Sec. 24.** RCW 36.61.270 and 1987 c 432 s 11 are each amended to  
18 read as follows:

19 Whenever rates and charges are to be imposed in a lake or beach  
20 management district, the county legislative authority shall prepare a  
21 roll of rates and charges that includes those matters required to be  
22 included in a special assessment roll and shall hold a public hearing  
23 on the proposed roll of rates and charges as provided under RCW  
24 36.61.120 through 36.61.150 for a special assessment roll. The county  
25 legislative authority shall have full jurisdiction and authority to  
26 fix, alter, regulate, and control the rates and charges imposed by a  
27 lake or beach management district and may classify the rates or charges  
28 by any reasonable factor or factors, including benefit, use, front  
29 footage, acreage, the extent of improvements on the property, the type  
30 of improvements on the property, uses to which the property is put,  
31 service to be provided, and any other reasonable factor or factors.  
32 The flexibility to establish rates and charges includes the authority  
33 to reduce rates and charges on property owned by low-income persons.

34 Except as provided in this section, the collection of rates and  
35 charges, lien status of unpaid rates and charges, and method of  
36 foreclosing on such liens shall be subject to the provisions of chapter  
37 36.94 RCW. Public property, including state property, shall be subject

1 to the rates and charges to the same extent that private property is  
2 subject to them, except that liens may not be foreclosed on the public  
3 property, and the procedure for imposing such rates and charges on  
4 state property shall conform with the procedure provided for in chapter  
5 79.44 RCW concerning the imposition of special assessments upon state  
6 property. The total amount of rates and charges cannot exceed the cost  
7 of lake or beach improvement or maintenance activities proposed to be  
8 financed by such rates and charges, as specified in the resolution of  
9 intention. Revenue bonds exclusively payable from the rates and  
10 charges may be issued by the county under chapter 39.46 RCW.

11 **Sec. 25.** RCW 36.94.020 and 1997 c 447 s 11 are each amended to  
12 read as follows:

13 The construction, operation, and maintenance of a system of  
14 sewerage and/or water is a county purpose. Subject to the provisions  
15 of this chapter, every county has the power, individually or in  
16 conjunction with another county or counties to adopt, provide for,  
17 accept, establish, condemn, purchase, construct, add to, operate, and  
18 maintain a system or systems of sanitary and storm sewers, including  
19 outfalls, interceptors, plans, and facilities and services necessary  
20 for sewerage treatment and disposal, and/or system or systems of water  
21 supply within all or a portion of the county. However, counties shall  
22 not have power to condemn sewerage and/or water systems of any  
23 municipal corporation or private utility.

24 Such county or counties shall have the authority to control,  
25 regulate, operate, and manage such system or systems and to provide  
26 funds therefor by general obligation bonds, revenue bonds, local  
27 improvement district bonds, utility local improvement district or local  
28 improvement district assessments, and in any other lawful fiscal  
29 manner. Rates or charges for on-site inspection and maintenance  
30 services may not be imposed under this chapter on the development,  
31 construction, or reconstruction of property.

32 Under this chapter, after July 1, 1998, any requirements for  
33 pumping the septic tank of an on-site sewage system should be based,  
34 among other things, on actual measurement of accumulation of sludge and  
35 scum by a trained inspector, trained owner's agent, or trained owner.  
36 Training must occur in a program approved by the state board of health  
37 or by a local health officer.

1 Before adopting on-site inspection and maintenance utility  
2 services, or incorporating residences into an on-site inspection and  
3 maintenance or sewer utility under this chapter, notification must be  
4 provided, prior to the applicable public hearing, to all residences  
5 within the proposed service area that have on-site systems permitted by  
6 the local health officer. The notice must clearly state that the  
7 residence is within the proposed service area and must provide  
8 information on estimated rates or charges that may be imposed for the  
9 service.

10 A county shall not provide on-site sewage system inspection,  
11 pumping services, or other maintenance or repair services under this  
12 section using county employees unless the on-site system is connected  
13 by a publicly owned collection system to the county's sewerage system,  
14 and the on-site system represents the first step in the sewage disposal  
15 process. Nothing in this section shall affect the authority of a state  
16 or local health officer to carry out their responsibilities under any  
17 other applicable law.

18 A county may, as part of a system of sewerage established under  
19 this chapter, provide for, finance, and operate any of the facilities  
20 and services and may exercise the powers expressly authorized for  
21 county storm water, flood control, pollution prevention, and drainage  
22 services and activities under chapters 36.89, 86.12, 86.13, and 86.15  
23 RCW. A county also may provide for, finance, and operate the  
24 facilities and services and may exercise any of the powers authorized  
25 for aquifer protection areas under chapter 36.36 RCW; for lake or beach  
26 management districts under chapter 36.61 RCW; for diking districts, and  
27 diking, drainage, and sewerage improvement districts under chapters  
28 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection  
29 districts under chapter 90.72 RCW. However, if a county by reference  
30 to any of those statutes assumes as part of its system of sewerage any  
31 powers granted to such areas or districts and not otherwise available  
32 to a county under this chapter, then (1) the procedures and  
33 restrictions applicable to those areas or districts apply to the  
34 county's exercise of those powers, and (2) the county may not  
35 simultaneously impose rates and charges under this chapter and under  
36 the statutes authorizing such areas or districts for substantially the  
37 same facilities and services, but must instead impose uniform rates and  
38 charges consistent with RCW 36.94.140. By agreement with such an area

1 or district that is not part of a county's system of sewerage, a county  
2 may operate that area's or district's services or facilities, but a  
3 county may not dissolve any existing area or district except in  
4 accordance with any applicable provisions of the statute under which  
5 that area or district was created.

6 **Sec. 26.** RCW 39.34.190 and 2003 c 327 s 2 are each amended to read  
7 as follows:

8 (1) The legislative authority of a city or county and the governing  
9 body of any special purpose district enumerated in subsection (2) of  
10 this section may authorize up to ten percent of its water-related  
11 revenues to be expended in the implementation of watershed management  
12 plan projects or activities that are in addition to the county's,  
13 city's, or district's existing water-related services or activities.  
14 Such limitation on expenditures shall not apply (~~to additional~~  
15 ~~revenues for watershed plan implementation that are authorized by voter~~  
16 ~~approval under section 5 of this act or~~) to water-related revenues of  
17 a public utility district organized according to Title 54 RCW. Water-  
18 related revenues include rates, charges, and fees for the provision of  
19 services relating to water supply, treatment, distribution, and  
20 management generally, and those general revenues of the local  
21 government that are expended for water management purposes. A local  
22 government may not expend for this purpose any revenues that were  
23 authorized by voter approval for other specified purposes or that are  
24 specifically dedicated to the repayment of municipal bonds or other  
25 debt instruments.

26 (2) The following special purpose districts may exercise the  
27 authority provided by this section:

28 (a) Water districts, sewer districts, and water-sewer districts  
29 organized under Title 57 RCW;

30 (b) Public utility districts organized under Title 54 RCW;

31 (c) Irrigation, reclamation, conservation, and similar districts  
32 organized under Titles 87 and 89 RCW;

33 (d) Port districts organized under Title 53 RCW;

34 (e) Diking, drainage, and similar districts organized under Title  
35 85 RCW;

36 (f) Flood control and similar districts organized under Title 86  
37 RCW;

1 (g) Lake or beach management districts organized under chapter  
2 36.61 RCW;

3 (h) Aquifer protection areas organized under chapter 36.36 RCW; and

4 (i) Shellfish protection districts organized under chapter 90.72  
5 RCW.

6 (3) The authority for expenditure of local government revenues  
7 provided by this section shall be applicable broadly to the  
8 implementation of watershed management plans addressing water supply,  
9 water transmission, water quality treatment or protection, or any other  
10 water-related purposes. Such plans include but are not limited to  
11 plans developed under the following authorities:

12 (a) Watershed plans developed under chapter 90.82 RCW;

13 (b) Salmon recovery plans developed under chapter 77.85 RCW;

14 (c) Watershed management elements of comprehensive land use plans  
15 developed under the growth management act, chapter 36.70A RCW;

16 (d) Watershed management elements of shoreline master programs  
17 developed under the shoreline management act, chapter 90.58 RCW;

18 (e) Nonpoint pollution action plans developed under the Puget Sound  
19 water quality management planning authorities of chapter 90.71 RCW and  
20 chapter 400-12 WAC;

21 (f) Other comprehensive management plans addressing watershed  
22 health at a WRIA level or sub-WRIA basin drainage level;

23 (g) Coordinated water system plans under chapter 70.116 RCW and  
24 similar regional plans for water supply; and

25 (h) Any combination of the foregoing plans in an integrated  
26 watershed management plan.

27 (4) The authority provided by this section to expend revenues for  
28 watershed management plan implementation shall be construed broadly to  
29 include, but not be limited to:

30 (a) The coordination and oversight of plan implementation,  
31 including funding a watershed management partnership for this purpose;

32 (b) Technical support, monitoring, and data collection and  
33 analysis;

34 (c) The design, development, construction, and operation of  
35 projects included in the plan; and

36 (d) Conducting activities and programs included as elements in the  
37 plan.

1       **Sec. 27.** RCW 86.09.151 and 1986 c 278 s 52 are each amended to  
2 read as follows:

3       (1) Said flood control districts shall have full authority to carry  
4 out the objects of their creation and to that end are authorized to  
5 acquire, purchase, hold, lease, manage, improve, repair, occupy, and  
6 sell real and personal property or any interest therein, either inside  
7 or outside the boundaries of the district, to enter into and perform  
8 any and all necessary contracts, to appoint and employ the necessary  
9 officers, agents and employees, to sue and be sued, to exercise the  
10 right of eminent domain, to levy and enforce the collection of special  
11 assessments and in the manner herein provided against the lands within  
12 the district, for district revenues, and to do any and all lawful acts  
13 required and expedient to carry out the purpose of this chapter.

14       (2) In addition to the powers conferred in this chapter and those  
15 in chapter 85.38 RCW, flood control districts may engage in activities  
16 authorized under RCW 36.61.020 for lake or beach management districts  
17 using procedures granted in this chapter and in chapter 85.38 RCW.

18       **Sec. 28.** RCW 35.21.403 and 1985 c 398 s 27 are each amended to  
19 read as follows:

20       Any city or town may establish lake and beach management districts  
21 within its boundaries as provided in chapter 36.61 RCW. When a city or  
22 town establishes a lake or beach management district pursuant to  
23 chapter 36.61 RCW, the term "county legislative authority" shall be  
24 deemed to mean the city or town governing body, the term "county" shall  
25 be deemed to mean the city or town, and the term "county treasurer"  
26 shall be deemed to mean the city or town treasurer or other fiscal  
27 officer.

28       NEW SECTION. **Sec. 29.** A new section is added to chapter 43.21A  
29 RCW to read as follows:

30       (1) The department shall, within available funds, provide technical  
31 assistance to community groups and county and city legislative  
32 authorities requesting assistance with the development of beach  
33 management programs. The department shall work with the departments of  
34 fish and wildlife, natural resources, and the Puget Sound partnership  
35 in coordinating agency assistance to community groups and county and  
36 city legislative authorities.

1 (2) The department shall coordinate with relevant state agencies  
2 and marine resources committees established in the area of beach  
3 management districts to provide technical assistance to beach  
4 management districts.

5 (3) The department shall, within available funds, coordinate with  
6 relevant state agencies to provide technical assistance to beach  
7 management districts so that beach management districts are able to  
8 ensure that proposed beach improvement and maintenance plans and  
9 activities of these districts are consistent with applicable federal,  
10 state, and local laws, and federal, state, and local resource  
11 management plans including, but not limited to:

- 12 (a) Shoreline master programs;
- 13 (b) Development regulations adopted to protect critical areas;
- 14 (c) State and federally identified habitat conservation plans and  
15 species recovery plans;
- 16 (d) State marine species management plans; and
- 17 (e) Shoreline and nearshore protection and restoration plans.

18 NEW SECTION. **Sec. 30.** If specific funding for the purposes of  
19 this act, referencing this act by bill or chapter number, is not  
20 provided by June 30, 2008, in the omnibus appropriations act, this act  
21 is null and void.

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