

# HOUSE BILL REPORT

## ESSB 6286

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**As Passed House:**  
February 28, 2010

**Title:** An act relating to the liability and powers of cities, diking districts, and flood control zone districts.

**Brief Description:** Concerning the liability and powers of cities, diking districts, and flood control zone districts.

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Kline, Haugen, Tom, Keiser, Kauffman and McDermott).

**Brief History:**

**Committee Activity:**

Judiciary: 2/17/10, 2/22/10 [DP].

**Floor Activity:**

Passed House: 2/28/10, 96-0.

**Brief Summary of Engrossed Substitute Bill**

- Provides immunity for cities, diking districts, and flood control zone districts for non-contractual acts or omissions related to flood prevention and navigation purposes of any river or its tributaries.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

**Staff:** Trudes Tango (786-7384).

**Background:**

Counties may adopt comprehensive flood control management plans for any drainage basin that is located wholly or partially within the county. Whenever any river flows through two

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counties, the counties may contract with each other for the purposes of flood control and settling disputes regarding flood control.

No action may be brought against a county alone or acting jointly with another county for any non-contractual acts or omissions of the county, its agents, officers, or employees related to the improvement, protection, regulation, and control for flood prevention and navigation purposes of any river or its tributaries and its beds, banks, and waters.

In addition to counties managing flood waters, special districts may be created for the purposes of flood control. Diking districts may be created in any portion of a county requiring diking. Flood control districts may be organized in a city, in any part of a county, or among counties for purposes that include the planning, development, acquisition, management, or maintenance of any facilities necessary to control floods, lessen their dangers, or reduce damages. Flood control zone districts are authorized to create zones within a county for the purpose of developing or operating flood control projects or storm water control projects. Flood control zone districts have a variety of enumerated powers, such as the authority to exercise all powers vested in a county for flood water or storm water control and to take action necessary to protect life and property within the district.

Covered volunteer emergency workers are volunteers who are registered with the local emergency management organization or Washington State Military Department and are granted immunity from liability for their work during an emergency or disaster.

**Summary of Bill:**

Cities, diking districts, and flood control zone districts are added to the statute granting immunity to counties. No action may be brought against any city, diking district, or flood control zone district for any non-contractual acts or omissions of the city, diking district, or flood control zone district, or any of its agents, officers, or employees relating to the improvement, protection, regulation, and control for flood prevention and navigation purposes of any river or its tributaries and its beds, banks, and waters.

To protect life and property within the flood control zone district from flood water damage, the district may use covered volunteer emergency workers in accordance with the terms of the Emergency Management Act. A flood control zone district may also provide grant funds to political subdivisions of the state that are located within the boundaries of the zone, so long as the use of the grant funds is within the flood control district's authorized purposes.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill is narrowly crafted to respond to the Green River Valley situation. The bill has been worked on by many stakeholders and passed the Senate unanimously. King County has a flood control zone district whose governing body is the King County council members. There is a close working relationship between the county and the flood control zone district. The flood control zone district spends millions of dollars on projects. Counties have immunity and it makes sense that the districts have immunity as well.

(Opposed) None.

**Persons Testifying:** Senator Kline, prime sponsor; Doug Levy, City of Kent and City of Renton; Joseph Rochelle, King County; and Dan Heid, City of Auburn.

**Persons Signed In To Testify But Not Testifying:** None.