

---

HOUSE BILL 2538

---

State of Washington

54th Legislature

1996 Regular Session

By Representatives Clements, Chandler, Mastin, Lisk, Schoesler, Honeyford, Foreman, Grant and Mulliken

Read first time 01/12/96. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to authority of irrigation districts; amending RCW  
2 87.03.440 and 87.76.040; and adding a new section to chapter 87.03 RCW.

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

4 **Sec. 1.** RCW 87.03.440 and 1993 c 449 s 12 are each amended to read  
5 as follows:

6 The treasurer of the county in which is located the office of the  
7 district shall be ex officio treasurer of the district, and any county  
8 treasurer handling district funds shall be liable upon his or her  
9 official bond and to criminal prosecution for malfeasance and  
10 misfeasance, or failure to perform any duty as county or district  
11 treasurer. The treasurer of each county in which lands of the district  
12 are located shall collect and receipt for all assessments levied on  
13 lands within his or her county. There shall be deposited with the  
14 district treasurer all funds of the district. The district treasurer  
15 shall pay out such funds upon warrants issued by the county auditor  
16 against the proper funds of the district, except the sums to be paid  
17 out of the bond fund for interest and principal payments on bonds:  
18 PROVIDED, That in those districts which designate their own treasurer,  
19 the treasurer may issue the warrants or any checks when the district is

1 authorized to issue checks. All warrants shall be paid in the order of  
2 their issuance. The district treasurer shall report, in writing, on  
3 the first Monday in each month to the directors, the amount in each  
4 fund, the receipts for the month preceding in each fund, and file the  
5 report with the secretary of the board. The secretary shall report to  
6 the board, in writing, at the regular meeting in each month, the amount  
7 of receipts and expenditures during the preceding month, and file the  
8 report in the office of the board.

9 The preceding paragraph of this section notwithstanding, the board  
10 of directors or board of control of an irrigation district which lies  
11 in more than one county and which had assessments in each of two of the  
12 preceding three years equal to at least five hundred thousand dollars  
13 may designate some other person having experience in financial or  
14 fiscal matters as treasurer of the district. In addition, the board of  
15 directors of an irrigation district which lies entirely within one  
16 county may designate some other person having experience in financial  
17 or fiscal matters as treasurer of the district if the district had  
18 assessments, tolls, and miscellaneous collections in each of two of the  
19 preceding three years equal to at least two million dollars or if the  
20 board has the approval of the county treasurer to designate some other  
21 person. If ((the)) a board designates a treasurer, it shall require a  
22 bond with a surety company authorized to do business in the state of  
23 Washington in an amount ((and under the terms and conditions which it  
24 finds from time to time will protect the district against loss)) of two  
25 hundred fifty thousand dollars conditioned that he or she will  
26 faithfully perform the duties of his or her office as treasurer of the  
27 district. The premium on the bond shall be paid by the district. The  
28 designated treasurer shall collect and receipt for all irrigation  
29 district assessments on lands within the district and shall act with  
30 the same powers and duties and be under the same restrictions as  
31 provided by law for county treasurers acting in matters pertaining to  
32 irrigation districts, except the powers, duties, and restrictions in  
33 RCW 87.56.110 and 87.56.210 which shall continue to be those of county  
34 treasurers.

35 In those districts which have designated their own treasurers, the  
36 provisions of law pertaining to irrigation districts which require  
37 certain acts to be done and which refer to and involve a county  
38 treasurer or the office of a county treasurer or the county officers  
39 charged with the collection of irrigation district assessments, except

1 RCW 87.56.110 and 87.56.210 shall be construed to refer to and involve  
2 the designated district treasurer or the office of the designated  
3 district treasurer.

4 Any claim against the district for which it is liable under  
5 existing laws shall be presented to the board as provided in RCW  
6 4.96.020 and upon allowance it shall be attached to a voucher and  
7 approved by the chairman and signed by the secretary and directed to  
8 the proper official for payment: PROVIDED, That in the event  
9 claimant's claim is for crop damage, the claimant in addition to filing  
10 his or her claim within the applicable period of limitations within  
11 which an action must be commenced and in the manner specified in RCW  
12 4.96.020 must file with the secretary of the district, or in the  
13 secretary's absence one of the directors, not less than three days  
14 prior to the severance of the crop alleged to be damaged, a written  
15 preliminary notice pertaining to the crop alleged to be damaged. Such  
16 preliminary notice, so far as claimant is able, shall advise the  
17 district; that the claimant has filed a claim or intends to file a  
18 claim against the district for alleged crop damage; shall give the name  
19 and present residence of the claimant; shall state the cause of the  
20 damage to the crop alleged to be damaged and the estimated amount of  
21 damage; and shall accurately locate and describe where the crop alleged  
22 to be damaged is located. Such preliminary notice may be given by  
23 claimant or by anyone acting in his or her behalf and need not be  
24 verified. No action may be commenced against an irrigation district  
25 for crop damages unless claimant has complied with the provisions of  
26 RCW 4.96.020 and also with the preliminary notice requirements of this  
27 section.

28 **Sec. 2.** RCW 87.76.040 and 1987 c 124 s 2 are each amended to read  
29 as follows:

30 To avoid duplication of effort the state association may, in the  
31 discretion of its officers, affiliate and cooperate with other  
32 organizations and agencies engaged in the furthering of reclamation of  
33 lands in the state and make financial contributions to them for such  
34 purpose. In carrying out the powers authorized by this chapter, the  
35 association of irrigation districts is authorized to enter into  
36 contracts with the federal government, the state, irrigation districts,  
37 boards of control, municipal or quasi-municipal corporations,  
38 cooperatives, other public or private agencies, and associate

1 organizations. The association of irrigation districts is authorized  
2 to advance funds to promote the development and utilization of  
3 agricultural water and power resources and to employ the technical and  
4 professional assistance necessary to survey, plan, investigate, study,  
5 print, and publish information and literature to promote the  
6 development and utilization of such resources and provide and present  
7 data and information to members of congress, any committee of congress,  
8 and to other federal officials as an aid in securing needed  
9 legislation, contracts, and timely appropriations.

10 NEW SECTION. Sec. 3. A new section is added to chapter 87.03 RCW  
11 to read as follows:

12 (1) Under the interlocal cooperation act, chapter 39.34 RCW, an  
13 irrigation district may enter into a mutual aid agreement with any  
14 other irrigation district to provide emergency interdistrict assistance  
15 to respond to a breach or other failure of an irrigation water  
16 conveyance system when the required response exceeds the existing  
17 resources available to the district requesting assistance. Assistance  
18 may be provided without compensation.

19 (2) Whenever the employees of an irrigation district are rendering  
20 outside aid pursuant to the authority contained in this section, the  
21 employees have the same powers, duties, rights, privileges, and  
22 immunities as if they were performing their duties in the irrigation  
23 district in which they are normally employed. Supervision of the  
24 employees may be temporarily delegated as provided by the mutual aid  
25 agreement.

26 (3) The irrigation district in which any equipment is used pursuant  
27 to this section is liable for any loss or damage caused to the  
28 equipment and shall pay any ordinary expense incurred in the daily  
29 operation and maintenance of the equipment. No claim for loss, damage,  
30 or expense may be allowed unless, within sixty days after the loss,  
31 damage, or expense is sustained or incurred, an itemized notice of the  
32 claim under oath is served by mail or otherwise upon the secretary of  
33 the irrigation district where the equipment was used.

--- END ---