

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2037

57th Legislature
2001 Regular Session

Passed by the House March 9, 2001
Yeas 93 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 9, 2001
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2037** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

Secretary of State
State of Washington

HOUSE BILL 2037

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representative G. Chandler

Read first time 02/13/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to administration of irrigation districts; and
2 amending RCW 87.03.845, 85.08.850, 87.03.560, and 87.03.445.

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

4 **Sec. 1.** RCW 87.03.845 and 1998 c 84 s 1 are each amended to read
5 as follows:

6 This section and RCW 87.03.847 through 87.03.855 provide the
7 procedures by which a minor irrigation district may be merged into
8 a major irrigation district as authorized by RCW 87.03.530(2).

9 To institute proceedings for such a merger, the board of
10 directors of the minor district shall adopt a resolution
11 requesting the board of directors of the major district to
12 consider the merger, or proceedings for such a merger may be
13 instituted by a petition requesting the board of directors of the
14 major district to consider the merger, signed by ten owners of
15 land within the minor district or five percent of the total number
16 of landowners within the minor district, whichever is greater.
17 However, if there are fewer than twenty owners of land within the

1 minor irrigation district, the petition shall be signed by a
2 majority of the landowners and filed with the board of directors
3 of the major irrigation district.

4 For the purpose of determining the number of landowners
5 required to initiate merger proceedings under this section, a
6 husband and wife owning property as community property shall be
7 considered a single landowner; two or more persons or entities
8 holding title to property as tenants in common, joint tenants,
9 tenants in partnership, or other form of joint ownership shall be
10 considered a single landowner; and the petition requesting the
11 merger shall be considered by the board of directors of the major
12 irrigation district may be signed by either the husband or wife
13 and by any one of the co-owners of jointly owned property.

14 The board of directors of the major irrigation district shall
15 consider the request at the next regularly scheduled meeting of
16 the board of directors of the major district following its receipt
17 of the minor district's request or at a special meeting called for
18 the purpose of considering the request. If the board of the major
19 district denies the request of the minor district, no further
20 action on the request shall be taken.

21 If the board of the major district does not deny the request,
22 it shall conduct a public hearing on the request and shall give
23 notice regarding the hearing. The notice shall describe the
24 proposed merger and shall be published once a week for two
25 consecutive weeks preceding the date of the hearing and the last
26 publication shall be not more than seven days before the date of
27 the hearing. The notice shall contain a statement that unless the
28 holders of title or evidence of title to at least twenty percent
29 of the assessed lands within the major district file a protest
30 opposing the merger with the board of the major district at or
31 before the hearing, the board is free to approve the request for
32 the merger without an election being conducted in the major
33 district on the request. If the board of the major district is
34 considering requests from more than one minor district, the
35 hearing shall be conducted on all such requests.

36 **Sec. 2.** RCW 85.08.850 and 1996 c 313 s 1 are each amended to read
37 as follows:

1 The petition requesting the merger shall be signed by the board
2 of supervisors of, or by ten (~~owners of land~~) landowners located
3 within, the drainage improvement district, joint drainage
4 improvement district, or consolidated drainage improvement
5 district and presented to the clerk or clerks of the appropriate
6 county legislative authority or authorities, at a regular or
7 special meeting.

8 **Sec. 3.** RCW 87.03.560 and 1889-90 p 694 s 48 are each amended to
9 read as follows:

10 The holder or holders of title, or evidence of title,
11 representing one-half or more of any body of lands (~~adjacent to~~
12 ~~the boundary of an irrigation district, which are contiguous and~~
13 ~~which, taken together, constitute one tract of land,~~) may file
14 with the board of directors of ((said)) an irrigation district a
15 petition in writing, praying that the boundaries of ((said)) the
16 district may be so changed as to include ((~~therein said~~)) such
17 lands. The petition shall describe the boundaries of ((said)) the
18 parcel or tract of land, and shall also describe the boundaries of
19 the several parcels owned by the petitioners, if the petitioners
20 be the owners respectively of distinct parcels, but such
21 descriptions need not be more particular than they are required to
22 be when such lands are entered by the county assessor in the
23 assessment book. Such petition must contain the assent of the
24 petitioners to the inclusion within ((said)) the district of the
25 parcels or tracts of land described in the petition, and of which
26 ((said)) the petition alleges they are respectively the owners;
27 and it must be acknowledged in the same manner that conveyances of
28 land are required to be acknowledged.

29 **Sec. 4.** RCW 87.03.445 and 1998 c 285 s 3 are each amended to read
30 as follows:

31 (1) The cost and expense of purchasing and acquiring property,
32 and construction, reconstruction, extension, and betterment of the
33 works and improvements herein provided for, and the expenses
34 incidental thereto, and indebtedness to the United States for
35 district lands assumed by the district, and for the carrying out

1 of the purposes of this chapter, may be paid for by the board of
2 directors out of the funds received from bond sales as well as
3 other district funds.

4 (2) For the purpose of defraying the costs and expenses of the
5 organization of the district, and of the care, operation,
6 management, maintenance, repair, and improvement of the district
7 and its irrigation water, domestic water, electric power,
8 drainage, or sewer facilities or of any portion thereof, or for
9 the payment of any indebtedness due the United States or the state
10 of Washington, or for the payment of district bonds, the board may
11 either fix rates or tolls and charges, and collect the same from
12 all persons for whom district service is made available for
13 irrigation water, domestic water, electric power, drainage or
14 sewerage, and other purposes, or it may provide for the payment of
15 said costs and expenses by a levy of assessment therefor, or by
16 both said rates or tolls and charges and assessment.

17 (3) If the assessment method is utilized, the levy of
18 assessments shall be made on the completion and equalization of
19 the assessment roll each year, and the board shall have the same
20 powers and functions for the purpose of said levy as possessed by
21 it in case of levy to pay bonds of the district. The procedure for
22 the collection of assessments by such levy shall in all respects
23 conform with the provisions of this chapter, relating to the
24 collection of assessments for the payment of principal and
25 interest of bonds herein provided for, and shall be made at the
26 same time.

27 (4) If the rates or tolls and charges method is adopted in
28 whole or in part, the secretary shall deliver to the board of
29 directors, within the time for filing the assessment roll, a
30 schedule containing the names of the owners or reputed owners, as
31 shown on the rolls of the county treasurer as of the first Tuesday
32 in November of each year such a schedule is filed of the various
33 parcels of land against which rates or tolls and charges are to be
34 levied, the description of each such parcel of land and the amount
35 to be charged against each parcel for irrigation water, domestic
36 water, electric power, drainage, sewerage, and other district
37 costs and expenses. Said schedule of rates or tolls and charges
38 shall be equalized pursuant to the same notice, in the same

1 manner, at the same time and with the same legal effect as in the
2 case of assessments. Such schedule of rates or tolls and charges
3 for a given year shall be filed with the proper county treasurer
4 within the same time as that provided by law for the filing of the
5 annual assessment roll, and the county treasurer shall collect and
6 receipt for the payment of said rates or tolls and charges and
7 credit them to the proper funds of the district. The board may
8 designate the time and manner of making such collections and shall
9 require the same to be paid in advance of delivery of water and
10 other service. All tolls and charges levied shall also at once
11 become and constitute an assessment upon and against the lands for
12 which they are levied, with the same force and effect, and the
13 same manner of enforcement, and with the same rate of interest
14 from date of delinquency, in case of nonpayment, as other district
15 assessments.

16 (5) As an alternative method of imposing, collecting, and
17 enforcing such rates or tolls and charges, the board may also base
18 such rates or tolls and charges upon the quantity of irrigation
19 water, domestic water, or electric power delivered, or drainage or
20 sewage disposed of, and may fix a minimum rate or toll and charge
21 to be paid by each parcel of land or use within the district for
22 the delivery or disposal of a stated quantity of each such service
23 with a graduated charge for additional quantities of such services
24 delivered or disposed of. If the board elects to utilize this
25 alternative method of imposing, collecting, and enforcing such
26 rates or tolls and charges, there shall be no requirement that the
27 schedule referred to in the preceding paragraph be prepared, be
28 filed with the board of directors by the secretary, be equalized,
29 or be filed with a county treasurer. The board shall enforce
30 collection of such rates or tolls and charges against property to
31 which and its owners to whom the service is available, such rates
32 or tolls and charges being deemed charges and a lien against the
33 property to which the service is available, until paid in
34 full. Prior to furnishing services, a board may require a deposit
35 to guarantee payment for services. However, failure to require a
36 deposit does not affect the validity of any lien authorized by
37 this section.

38 (6) The board may provide by resolution that where such rates

1 or tolls and charges are delinquent for any specified period of
2 time, the district shall certify the delinquencies to the
3 treasurer of the county in which the real property is located, and
4 the charges and any penalties added thereto and interest thereon
5 at the rate not to exceed twelve percent per annum fixed by
6 resolution shall be a lien against the property to which the
7 service was available, subject only to the lien for general
8 taxes. The district may, at any time after such rates or tolls and
9 charges and penalties provided for herein are delinquent for a
10 period of one year, bring suit in foreclosure by civil action in
11 the superior court of the county in which the real property is
12 situated.

13 (7) A board may determine how to apply partial payments on past
14 due accounts.

15 (8) A board may provide a real property owner or the owner's
16 designee with duplicate bills for service to tenants, or may
17 notify an owner or the owner's designee that a tenant's service
18 account is delinquent. However, if an owner or the owner's designee
19 notifies the board in writing that a property served by the board
20 is a rental property, asks to be notified of a tenant's
21 delinquency, and has provided, in writing, a complete and accurate
22 mailing address, the board shall notify the owner or the owner's
23 designee of a tenant's delinquency at the same time and in the
24 same manner the board notifies the tenant of the tenant's
25 delinquency or by mail. When a district provides a real property
26 owner or the owner's designee with duplicates of tenant utility
27 service bills or notice that a tenant's utility account is
28 delinquent, the district shall notify the tenant that it is
29 providing the duplicate bills or delinquency notice to the owner
30 or the owner's designee. After January 1, 1999, if a board fails to
31 notify the owner of a tenant's delinquency after receiving a
32 written request to do so and after receiving the other information
33 required by this subsection (8), the board shall have no lien
34 against the premises for the tenant's delinquent and unpaid
35 charges.

36 (9) The court may allow, in addition to the costs and
37 disbursements provided by statute, such attorneys' fees as it may
38 adjudge reasonable. The action shall be in rem against the

1 property, and in addition may be brought in the name of the
2 district against an individual, or against all of those who are
3 delinquent, in one action, and the rules of the court shall
4 control as in other civil actions. The board may in the same year
5 use the assessment method for part of the lands in the district
6 and the rates or tolls and charges method for the remaining lands
7 in the district in such proportion as it may deem advisable for
8 the best interest of the district.

9 (10) The procedures herein provided for the collection and
10 enforcement of rates, tolls, and charges also shall be applicable
11 and available to the districts board of directors for the
12 collection and enforcement of charges for water imposed by
13 contract entered into or administered by the district's board of
14 d i r e c t o r s .

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