

SENATE BILL REPORT

SB 6031

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
JANUARY 21, 1994**

Brief Description: Providing procedures for diking and drainage districts' levies and assessments of property.

SPONSORS: Senators Haugen and Winsley

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6031 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, McCaslin, Oke, Owen and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: January 20, 1994; January 21, 1994

BACKGROUND:

Diking and drainage districts have been authorized since territorial times. Subsequent to statehood there have been numerous additions to the statutes providing alternative means for forming and operating such districts. While new methods of assessment and governance have been added, the preceding provisions have not been repealed. As a result, under current law, there are, at least, twelve different possible types of diking and/or drainage districts.

Under these different provisions, assessments may be made by (1) a court determination of the benefits per acre for each landowner; (2) a board of appraiser's apportionment of costs among all properties based on the benefits accruing to each parcel; (3) the county legislative authority, based upon a recommendation of the diking or drainage district commissioners using the assessed value as a prima facie indication of the value received; (4) the county legislative authority determining annual maintenance costs based upon the benefit to each parcel; (5) the board of commissioners of the diking and drainage district operating in more than one county, based upon a determination of benefits; and (6) the county legislative authority, based upon assessment zones in which the dollar value of benefit per acre and per type of improvement is established (uniform method).

In 1985, a new chapter was enacted which provided a uniform alternative under which any diking or drainage district could elect to make assessments and govern itself. Not all districts have chosen to use this uniform alternative. In addition, some districts do not have their original records and there is uncertainty as to which provisions govern their

assessments and operations. This uncertainty has clouded the validity of their assessments.

It is believed that the legal uncertainty regarding assessments by diking and drainage districts would be alleviated by requiring that all districts utilize the uniform assessment process established in 1985.

A county which imposes rates and charges for storm water or surface water control facilities must credit such rates and charges with assessments imposed by a diking or drainage district under the uniform alternative. It is unclear whether this requirement applies when the storm water or surface water facilities are provided to address a different problem than those addressed by the diking or drainage district.

SUMMARY:

Commencing January 1, 1996, all diking and drainage districts, whenever and however created, shall make assessments by the uniform procedure enacted in 1985. The county legislative authority for the county in which the district is located shall establish assessment zones in which the dollar value of benefit is determined, both per acre and per type or class of improvement. Assessments made in 1994 and 1995 shall be presumed valid if they are the same as those made in 1993, or if they have been subsequently changed in accordance with existing law.

A county which imposes rates and charges for storm water or surface water control facilities must credit such rates and charges with assessments imposed by a diking or drainage district under the uniform alternative, unless the facilities or services provided by the county are separate from and in addition to those provided by the diking or drainage district.

EFFECT OF PROPOSED SUBSTITUTE:

The effective date of repealers of various assessment procedures is delayed to coincide with the date that the uniform assessment procedure becomes mandatory.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one