
SUBSTITUTE SENATE BILL 6031

State of Washington

53rd Legislature

1994 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Haugen and Winsley)

Read first time 01/24/94.

1 AN ACT Relating to diking and drainage districts; amending RCW
2 85.05.065, 85.06.015, 85.08.015, 85.24.015, 85.38.140, 85.38.160, and
3 85.38.170; adding a new section to chapter 85.15 RCW; adding a new
4 section to chapter 85.16 RCW; adding a new section to chapter 85.18
5 RCW; adding a new section to chapter 85.32 RCW; repealing RCW
6 85.15.010, 85.15.020, 85.15.030, 85.15.040, 85.15.050, 85.15.060,
7 85.15.070, 85.15.080, 85.15.090, 85.15.100, 85.15.110, 85.15.120,
8 85.15.130, 85.15.140, 85.15.150, 85.15.160, 85.15.170, 85.18.005,
9 85.18.010, 85.18.020, 85.18.030, 85.18.040, 85.18.050, 85.18.060,
10 85.18.070, 85.18.080, 85.18.090, 85.18.100, 85.18.110, 85.18.120,
11 85.18.130, 85.18.140, 85.18.150, 85.18.160, 85.18.170, 85.18.180,
12 85.18.900, 85.32.010, 85.32.020, 85.32.030, 85.32.040, 85.32.050,
13 85.32.060, 85.32.070, 85.32.080, 85.32.090, 85.32.100, 85.32.110,
14 85.32.120, 85.32.130, 85.32.140, 85.32.150, 85.32.160, 85.32.170,
15 85.32.180, 85.32.190, 85.32.200, 85.32.210, 85.32.220, 85.32.900, and
16 85.32.910; and providing an effective date.

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

18 **Sec. 1.** RCW 85.05.065 and 1985 c 396 s 31 are each amended to read
19 as follows:

1 Diking districts shall possess the authority and shall be created,
2 district voting rights shall be determined, and district elections
3 shall be held as provided in chapter 85.38 RCW. Beginning January 1,
4 1996, all levies and assessments of property within the district shall
5 be made as provided in chapter 85.38 RCW. Levies and assessments made
6 during 1994 and 1995 that are the same as those made during 1993 are
7 deemed valid unless modified as permitted in this title. Nothing in
8 this section shall compel an act of default by the district on any
9 existing contract or bond under which it has unperformed obligations as
10 of the effective date of this act.

11 **Sec. 2.** RCW 85.06.015 and 1985 c 396 s 32 are each amended to read
12 as follows:

13 Drainage districts shall possess the authority and shall be
14 created, district voting rights shall be determined, and district
15 elections shall be held as provided in chapter 85.38 RCW. Beginning
16 January 1, 1996, all levies and assessments of property within the
17 district shall be made as provided in chapter 85.38 RCW. Levies and
18 assessments made during 1994 and 1995 that are the same as those made
19 during 1993 are deemed valid unless modified as permitted in this
20 title. Nothing in this section shall compel an act of default by the
21 district on any existing contract or bond under which it has
22 unperformed obligations as of the effective date of this act.

23 **Sec. 3.** RCW 85.08.015 and 1985 c 396 s 33 are each amended to read
24 as follows:

25 Diking, drainage, or sewerage improvement districts shall possess
26 the authority and shall be created, district voting rights shall be
27 determined, and district elections shall be held as provided in chapter
28 85.38 RCW. Beginning January 1, 1996, all levies and assessments of
29 property within the district shall be made as provided in chapter 85.38
30 RCW. Levies and assessments made during 1994 and 1995 that are the
31 same as those made during 1993 are deemed valid unless modified as
32 permitted in this title. Nothing in this section shall compel an act
33 of default by the district on any existing contract or bond under which
34 it has unperformed obligations as of the effective date of this act.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 85.15 RCW
36 to read as follows:

1 Beginning January 1, 1996, all levies and assessments of property
2 within the district made for purposes authorized under this chapter
3 shall be made as provided in chapter 85.38 RCW. Levies and assessments
4 made during 1994 and 1995 that are the same as those made during 1993
5 are deemed valid unless modified as permitted in this title. Nothing
6 in this section shall compel an act of default by the district on any
7 contract or bond under which it has unperformed obligations as of the
8 effective date of this act.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 85.16 RCW
10 to read as follows:

11 Beginning January 1, 1996, all levies and assessments of property
12 within the district made for purposes authorized under this chapter
13 shall be made as provided in chapter 85.38 RCW. Levies and assessments
14 made during 1994 and 1995 that are the same as those made during 1993
15 are deemed valid unless modified as permitted in this title. Nothing
16 in this section shall compel an act of default by the district on any
17 contract or bond under which it has unperformed obligations as of the
18 effective date of this act.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 85.18 RCW
20 to read as follows:

21 Beginning January 1, 1996, all levies and assessments of property
22 within the district made for purposes authorized under this chapter
23 shall be made as provided in chapter 85.38 RCW. Levies and assessments
24 made during 1994 and 1995 that are the same as those made during 1993
25 are deemed valid unless modified as permitted in this title. Nothing
26 in this section shall compel an act of default by the district on any
27 existing contract or bond under which it has unperformed obligations as
28 of the effective date of this act.

29 **Sec. 7.** RCW 85.24.015 and 1985 c 396 s 34 are each amended to read
30 as follows:

31 Intercounty diking and drainage districts shall possess the
32 authority and shall be created, district voting rights shall be
33 determined, and district elections shall be held as provided in chapter
34 85.38 RCW. Beginning January 1, 1996, all levies and assessments of
35 property within the district shall be made as provided in chapter 85.38
36 RCW. Levies and assessments made during 1994 and 1995 that are the

1 same as those made during 1993 are deemed valid unless modified as
2 permitted in this title. Nothing in this section shall compel an act
3 of default by the district on any existing contract or bond under which
4 it has unperformed obligations as of the effective date of this act.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 85.32 RCW
6 to read as follows:

7 Beginning January 1, 1996, all levies and assessments of property
8 within the district made for purposes authorized under this chapter
9 shall be made as provided in chapter 85.38 RCW. Levies and assessments
10 made during 1994 and 1995 that are the same as those made during 1993
11 are deemed valid unless modified as permitted in this title. Nothing
12 in this section shall compel an act of default by the district on any
13 contract or bond under which it has unperformed obligations as of the
14 effective date of this act.

15 **Sec. 9.** RCW 85.38.140 and 1993 c 464 s 3 are each amended to read
16 as follows:

17 The process by which budgets are adopted, special assessments are
18 measured and imposed, rates and charges are fixed, and assessment zones
19 are established, as provided in RCW 85.38.140 through 85.38.170, shall,
20 until January 1, 1996, constitute an alternative optional method of
21 financing special districts. Beginning January 1, 1996, RCW 85.38.140
22 through 85.38.170 shall constitute the exclusive method of financing
23 special districts. Until January 1, 1996, a special district in
24 existence prior to July 28, 1985, may conform with RCW 85.38.140
25 through 85.38.170 when its governing body adopts a resolution
26 indicating its intention to conform with such laws. Whenever such a
27 resolution is adopted, or a new special district is created on or after
28 July 28, 1985, RCW 85.38.140 through 85.38.170 shall be the exclusive
29 method by which the special district measures and imposes special
30 assessments and adopts its budget. ((The governing body of a special
31 district that was created before July 28, 1985, and which operates
32 under RCW 85.38.140 through 85.38.170, may adopt a resolution removing
33 the special district from operating under RCW 85.38.140 through
34 85.38.170, and operate under alternative procedures available to the
35 special district.)) A county may charge a special district for costs
36 the county incurs in establishing a system or systems of assessment for
37 the special district pursuant to RCW 85.38.140 through 85.38.170.

1 **Sec. 10.** RCW 85.38.160 and 1985 c 396 s 17 are each amended to
2 read as follows:

3 (1) The county within which each special district is located shall
4 establish a system or systems of assessment for the special district as
5 provided in this section. A differing system of assessment shall be
6 established for different classes of facilities that a special district
7 provides or will provide, including a separate system of assessment for
8 diking and drainage facilities if both classes of facilities are
9 provided. Whenever a special district is located in more than one
10 county, the county within which the largest portion of the special
11 district is located shall establish the system or systems of assessment
12 for the entire special district. A system of assessment shall include
13 assessment zones, the acreage included in each assessment zone, a
14 dollar value of benefit or use per acre, and various classes or types
15 of improvements together with a dollar value of benefit or use for an
16 improvement included in each of the classes or types of improvements.
17 The county shall establish which improvements shall be subject to
18 special assessments and shall establish one or more types or classes of
19 such improvements.

20 (2) The engineer of the county shall prepare a preliminary system
21 or systems of assessment for each special district. Each system of
22 assessment that is prepared for a special district shall be designed to
23 generate a total of one thousand dollars in revenue for the special
24 district.

25 The preliminary system or systems of assessment shall be filed with
26 the county legislative authority. A public hearing on the preliminary
27 system or systems of assessment shall be held by the county legislative
28 authority. Notice of the public hearing shall be published in a
29 newspaper, in general circulation in the special district, for two
30 consecutive weeks with the final notice being published not less than
31 fourteen, nor more than twenty-one days, before the public hearing.
32 Notice shall also be mailed to each owner or reputed owner, as shown on
33 the assessor's tax rolls, of each lot or parcel subject to such
34 assessments. The mailed notice shall indicate the amount of assessment
35 on the lot or parcel that, together with all other assessments in the
36 system of assessment, would raise one thousand dollars. The mailed
37 notice shall indicate that this assessment amount is not being imposed,
38 but is a hypothetical assessment that, if combined with all other
39 hypothetical assessments in the system of assessment, would generate

1 one thousand dollars, and that this hypothetical assessment is proposed
2 to be used to establish a system or systems of assessment for the
3 special district. Where a special district currently is imposing
4 special assessments and a property owner's property is subject to these
5 special assessments, the mailed notice to this property owner also
6 shall use the hypothetical special assessment in conjunction with the
7 total special assessments imposed by the special district in that year
8 to provide a comparison special assessment value to the property owner.
9 This notice shall indicate that the comparison special assessment value
10 is not being imposed, and should be considered for comparative purposes
11 only. Where a special district is not currently imposing special
12 assessments, the mailed notice may include, if deemed appropriate by
13 the county engineer and if such figures are available, an estimated
14 special assessment value for the property owner's property using this
15 hypothetical special assessment in conjunction with special district-
16 wide level of special assessments that possibly would be imposed in the
17 following year. Where a county is imposing rates and charges for storm
18 water or surface water control facilities pursuant to chapters 36.89 or
19 36.94 RCW, the county shall credit such rates and charges with
20 assessments imposed under this section by a special district to fund
21 drainage facilities and the maintenance of drainage facilities unless
22 the facilities or services provided by the county are separate from and
23 in addition to those provided by the special district.

24 (3) The county legislative authority shall hold a public hearing on
25 the preliminary system or systems of assessment on the day specified in
26 the notices. Persons objecting to the preliminary system or systems of
27 assessment may present their objections at this public hearing, which
28 may be continued if necessary. The county legislative authority shall
29 adopt an ordinance finalizing the system or systems of assessment after
30 making any changes that in its discretion are necessary. The county
31 legislative authority shall have broad discretion in establishing
32 systems of assessment. The decision of the county legislative
33 authority shall be final, except for appeals. Any person objecting to
34 the system or systems of assessment must appeal such decision to the
35 superior court of the county within which all, or the largest portion,
36 of the special district is located within twenty days of the adoption
37 of the ordinance.

38 (4) The system or systems of assessment of each special district
39 shall be reviewed by the county engineer and finalized by the county

1 legislative authority at least once every four years. A system or
2 systems of assessment shall be finalized on or before the first of
3 September in the year that it is finalized. The legislative authority
4 of a county that is responsible for establishing a system or systems of
5 assessment for more than one special district may, at its option,
6 stagger the initial finalization of such systems of assessment for
7 different special districts over a period of up to four years.
8 Assessments shall be collected in special districts pursuant to the
9 district's previous system of assessment until the system or systems of
10 assessment under this chapter is finalized under this section.

11 (5) New improvements shall be noted by the special district as they
12 are made and shall be subject to special assessments in the year after
13 the improvement is made.

14 (6) The county legislative authority, upon request by a special
15 district, may authorize the special district to impose and collect
16 emergency assessments pursuant to the special district's system or
17 systems of assessment whenever the emergent protection of life or
18 property is necessary.

19 **Sec. 11.** RCW 85.38.170 and 1985 c 396 s 18 are each amended to
20 read as follows:

21 Budgets for each special district shall be adopted, and special
22 assessments imposed, annually for the succeeding calendar year. On or
23 before December 1st of each year, the governing body of the special
24 district shall adopt a resolution approving a budget for the succeeding
25 year and special assessments and rates and charges sufficient to
26 finance the budget. A copy of the resolution and the budget shall be
27 forwarded immediately to the county legislative authority of the county
28 or counties within which the special district is located and to the
29 treasurer of the county or counties in which the special district is
30 located. Special assessments necessary to generate funds for this
31 budget shall be imposed pursuant to the system or systems of assessment
32 established by the county. Special assessments shall be collected by
33 the county treasurer or treasurers within which the special district is
34 located. Notice of the special assessments due may be included on the
35 notice of property taxes due, may be included on a separate notice that
36 is mailed with the notice of property taxes due, or may be sent
37 separately from the notice of property taxes due. Special assessments
38 shall be due at the same time property taxes are due and shall

1 constitute liens on the land or improvements upon which they are
2 imposed. Delinquent special assessments shall be foreclosed in the
3 same manner, and subject to the same time schedules, interest, and
4 penalties as delinquent property taxes. County treasurers may impose
5 a fee for collecting special assessments not to exceed one percent of
6 the dollar value of special assessments collected.

7 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
8 each repealed:

- 9 (1) RCW 85.15.010 and 1967 c 184 s 2;
- 10 (2) RCW 85.15.020 and 1967 c 184 s 3;
- 11 (3) RCW 85.15.030 and 1973 1st ex.s. c 195 s 111 & 1967 c 184 s 4;
- 12 (4) RCW 85.15.040 and 1985 c 469 s 75 & 1967 c 184 s 5;
- 13 (5) RCW 85.15.050 and 1967 c 184 s 6;
- 14 (6) RCW 85.15.060 and 1973 1st ex.s. c 195 s 112 & 1967 c 184 s 7;
- 15 (7) RCW 85.15.070 and 1973 1st ex.s. c 195 s 113 & 1967 c 184 s 8;
- 16 (8) RCW 85.15.080 and 1967 c 184 s 9;
- 17 (9) RCW 85.15.090 and 1967 c 184 s 10;
- 18 (10) RCW 85.15.100 and 1967 c 184 s 11;
- 19 (11) RCW 85.15.110 and 1967 c 184 s 12;
- 20 (12) RCW 85.15.120 and 1967 c 184 s 13;
- 21 (13) RCW 85.15.130 and 1988 c 202 s 78, 1971 c 81 s 163, & 1967 c
22 184 s 14;
- 23 (14) RCW 85.15.140 and 1973 1st ex.s. c 195 s 114 & 1967 c 184 s
24 15;
- 25 (15) RCW 85.15.150 and 1967 c 184 s 16;
- 26 (16) RCW 85.15.160 and 1967 c 184 s 17;
- 27 (17) RCW 85.15.170 and 1967 c 184 s 18;
- 28 (18) RCW 85.18.005 and 1951 c 45 s 1;
- 29 (19) RCW 85.18.010 and 1973 1st ex.s. c 195 s 115 & 1951 c 45 s 2;
- 30 (20) RCW 85.18.020 and 1951 c 45 s 3;
- 31 (21) RCW 85.18.030 and 1973 1st ex.s. c 195 s 116 & 1951 c 45 s 4;
- 32 (22) RCW 85.18.040 and 1985 c 469 s 76 & 1951 c 45 s 5;
- 33 (23) RCW 85.18.050 and 1951 c 45 s 6;
- 34 (24) RCW 85.18.060 and 1951 c 45 s 7;
- 35 (25) RCW 85.18.070 and 1951 c 45 s 8;
- 36 (26) RCW 85.18.080 and 1973 1st ex.s. c 195 s 117 & 1951 c 45 s 9;
- 37 (27) RCW 85.18.090 and 1951 c 45 s 10;
- 38 (28) RCW 85.18.100 and 1951 c 45 s 11;

1 (29) RCW 85.18.110 and 1951 c 45 s 12;
2 (30) RCW 85.18.120 and 1951 c 45 s 13;
3 (31) RCW 85.18.130 and 1951 c 45 s 14;
4 (32) RCW 85.18.140 and 1988 c 202 s 81, 1971 c 81 s 166, & 1951 c
5 45 s 15;
6 (33) RCW 85.18.150 and 1973 1st ex.s. c 195 s 118 & 1951 c 45 s 16;
7 (34) RCW 85.18.160 and 1951 c 45 s 17;
8 (35) RCW 85.18.170 and 1951 c 45 s 18;
9 (36) RCW 85.18.180 and 1951 c 45 s 19;
10 (37) RCW 85.18.900 and 1951 c 45 s 20;
11 (38) RCW 85.32.010 and 1961 c 131 s 2;
12 (39) RCW 85.32.020 and 1961 c 131 s 3;
13 (40) RCW 85.32.030 and 1973 1st ex.s. c 195 s 120 & 1961 c 131 s 4;
14 (41) RCW 85.32.040 and 1973 1st ex.s. c 195 s 121 & 1961 c 131 s 5;
15 (42) RCW 85.32.050 and 1973 1st ex.s. c 195 s 122 & 1961 c 131 s 6;
16 (43) RCW 85.32.060 and 1985 c 469 s 84, 1973 1st ex.s. c 195 s 123,
17 & 1961 c 131 s 7;
18 (44) RCW 85.32.070 and 1961 c 131 s 8;
19 (45) RCW 85.32.080 and 1961 c 131 s 9;
20 (46) RCW 85.32.090 and 1961 c 131 s 10;
21 (47) RCW 85.32.100 and 1973 1st ex.s. c 195 s 124 & 1961 c 131 s
22 11;
23 (48) RCW 85.32.110 and 1973 1st ex.s. c 195 s 125 & 1961 c 131 s
24 12;
25 (49) RCW 85.32.120 and 1973 1st ex.s. c 195 s 126 & 1961 c 131 s
26 13;
27 (50) RCW 85.32.130 and 1961 c 131 s 14;
28 (51) RCW 85.32.140 and 1986 c 278 s 39 & 1961 c 131 s 15;
29 (52) RCW 85.32.150 and 1961 c 131 s 16;
30 (53) RCW 85.32.160 and 1961 c 131 s 17;
31 (54) RCW 85.32.170 and 1961 c 131 s 18;
32 (55) RCW 85.32.180 and 1961 c 131 s 19;
33 (56) RCW 85.32.190 and 1961 c 131 s 20;
34 (57) RCW 85.32.200 and 1988 c 202 s 84, 1971 c 81 s 169, & 1961 c
35 131 s 21;
36 (58) RCW 85.32.210 and 1973 1st ex.s. c 195 s 127 & 1961 c 131 s
37 22;
38 (59) RCW 85.32.220 and 1961 c 131 s 23;
39 (60) RCW 85.32.900 and 1961 c 131 s 24; and

1 (61) RCW 85.32.910 and 1961 c 131 s 25.

2 NEW SECTION. **Sec. 13.** Section 12 of this act shall take effect
3 January 1, 1996.

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