

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2008

Chapter 464, Laws of 1993

53rd Legislature
1993 Regular Session

SPECIAL DISTRICTS--WITHDRAWAL OF AREAS WITHIN CITY OR TOWN

EFFECTIVE DATE: 7/25/93

Passed by the House April 20, 1993
Yeas 97 Nays 0

BRIAN EBERSOLE
**Speaker of the
House of Representatives**

Passed by the Senate April 8, 1993
Yeas 46 Nays 1

JOEL PRITCHARD
President of the Senate

Approved May 17, 1993

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2008** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 17, 1993 - 2:00 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2008

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Representative Dunshee

Read first time 02/19/93. Referred to Committee on Local Government.

1 AN ACT Relating to special districts; amending RCW 85.22.010 and
2 85.38.140; adding new sections to chapter 85.38 RCW; and repealing RCW
3 85.07.080.

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

5 **Sec. 1.** RCW 85.22.010 and 1933 c 182 s 1 are each amended to read
6 as follows:

7 Any diking district (~~organized under the provisions of chapter~~
8 ~~CXVII (117) of the Laws of 1895, and the acts amendatory thereof, which~~
9 ~~has been reorganized under the provisions of chapter 131 of the Laws of~~
10 ~~1917, and the acts amendatory thereof, and any~~); drainage district
11 ((organized under the provisions of chapter CXV (115) of the Laws of
12 1895, and the acts amendatory thereof, whether the same has been
13 organized as a drainage and irrigation improvement district or as a
14 drainage district,)); irrigation improvement district; intercounty
15 diking and drainage district; diking, drainage, and/or sewerage
16 improvement district; consolidated diking district, drainage district,
17 diking improvement district, and/or drainage improvement district; or
18 flood control district may reorganize as a drainage and irrigation

1 improvement district or as a diking, drainage and irrigation
2 improvement district in the manner provided in this chapter.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 85.38 RCW
4 to read as follows:

5 A special district may withdraw area from its boundaries that is
6 located within the boundaries of a city or town, or area that includes
7 area both within and adjacent to the boundaries of any city or town,
8 under this section.

9 (1) The withdrawal of area is authorized upon the following
10 conditions being met: (a) Adoption of a resolution by the special
11 district requesting withdrawal of the area from the district; (b)
12 adoption of a resolution by the city or town council approving the
13 withdrawal of the special district from the area; (c) assumption by the
14 city or town of full responsibility for the maintenance, improvements,
15 and collection of payment for the operation of the system previously
16 operated by the special district in the area; (d) transfer by the
17 special district of all rights-of-way or easements in the area to the
18 city or town by quit claim or deed; and (e) adoption of an interlocal
19 agreement between the special district and the city or town that
20 reimburses the special district for lost assessment revenue from the
21 withdrawn area, that transfers any facilities or improvements owned by
22 the special district to the city or town as agreed between the parties,
23 and that requires the city or town to maintain existing water run-off
24 and water quality levels in the area.

25 (2) Property in the territory withdrawn from the boundaries of a
26 special district under this section shall remain liable for any special
27 assessments of the special district from which it was withdrawn, if the
28 special assessments are associated with bonds or notes used to finance
29 facilities serving the property, to the same extent as if the
30 withdrawal of property had not occurred.

31 **Sec. 3.** RCW 85.38.140 and 1985 c 396 s 15 are each amended to read
32 as follows:

33 The process by which budgets are adopted, special assessments are
34 measured and imposed, rates and charges are fixed, and assessment zones
35 are established, as provided in RCW 85.38.140 through 85.38.170, shall
36 constitute an alternative optional method of financing special
37 districts. A special district in existence prior to July 28, 1985, may

1 conform with RCW 85.38.140 through 85.38.170 when its governing body
2 adopts a resolution indicating its intention to conform with such laws.
3 Whenever such a resolution is adopted, or a new special district is
4 created on or after July 28, 1985, RCW 85.38.140 through 85.38.170
5 shall be the exclusive method by which the special district measures
6 and imposes special assessments and adopts its budget. The governing
7 body of a special district that was created before July 28, 1985, and
8 which operates under RCW 85.38.140 through 85.38.170, may adopt a
9 resolution removing the special district from operating under RCW
10 85.38.140 through 85.38.170, and operate under alternative procedures
11 available to the special district. A county may charge a special
12 district for costs the county incurs in establishing a system or
13 systems of assessment for the special district pursuant to RCW
14 85.38.140 through 85.38.170.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 85.38 RCW
16 to read as follows:

17 Regardless of whether any special assessments have been or may be
18 imposed on a particular parcel of real property pursuant to this
19 chapter, in order to implement the authority granted under RCW
20 85.38.180(3), a special district may fix rates and charges payable by
21 owners or occupiers of real estate within the special district. When
22 fixing rates and charges, the district may consider the degree to which
23 activities on a parcel of real property, including on-site septic
24 systems, contribute to the problems that the special district is
25 authorized to address under RCW 85.38.180(3).

26 NEW SECTION. **Sec. 5.** RCW 85.07.080 and 1983 c 167 s 191 and 1935
27 c 103 s 3 are each repealed.

Passed the House April 20, 1993.

Passed the Senate April 8, 1993.

Approved by the Governor May 17, 1993.

Filed in Office of Secretary of State May 17, 1993.