

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1061

Chapter 235, Laws of 1993

53rd Legislature
1993 Regular Session

IRRIGATION DISTRICTS--MERGER OF MINOR DISTRICT INTO MAJOR DISTRICT

EFFECTIVE DATE: 7/25/93

Passed by the House April 19, 1993
Yeas 96 Nays 0

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

Passed by the Senate April 6, 1993
Yeas 47 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 7, 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 **SUBSTITUTE HOUSE BILL 1061** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 7, 1993 - 11:19 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1061

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Agriculture & Rural Development (originally sponsored by Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton)

Read first time 02/17/93.

1 AN ACT Relating to irrigation districts; amending RCW 87.03.530;
2 adding new sections to chapter 87.03 RCW; adding a new section to
3 chapter 87.04 RCW; adding a new section to chapter 36.93 RCW; and
4 creating a new section.

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

6 **Sec. 1.** RCW 87.03.530 and 1919 c 180 s 18 are each amended to read
7 as follows:

8 (1) Two or more irrigation districts may be consolidated into one
9 district as provided in RCW 87.03.535 through 87.03.551 and may include
10 in such district other lands susceptible of irrigation in the manner
11 provided in this act, and upon the organization of such consolidated
12 district it shall be an organized irrigation district subject to
13 ((all)) the provisions of this chapter.

14 (2) A smaller irrigation district may be merged into a larger
15 irrigation district as provided in sections 2 through 7 of this act if
16 the assessed acreage in the smaller district constitutes not more than
17 thirty percent of the combined assessed acreage of the two districts.
18 In such a proceeding, the smaller district is referred to as the
19 "minor" irrigation district and the larger district is referred to as

1 the "major" irrigation district. The district resulting from such a
2 merger shall be an organized district subject to the provisions of this
3 chapter.

4 NEW SECTION. **Sec. 2.** This section and sections 3 through 7 of
5 this act provide the procedures by which a minor irrigation district
6 may be merged into a major irrigation district as authorized by RCW
7 87.03.530(2).

8 To institute proceedings for such a merger, the board of directors
9 of the minor district shall adopt a resolution requesting the board of
10 directors of the major district to consider the merger.

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

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

32 NEW SECTION. **Sec. 3.** (1) If, following the public hearing
33 conducted under section 2 of this act, the board of directors of the
34 major irrigation district denies the request for a merger, no further
35 action shall be taken on the request. If, following the public
36 hearing, the board adopts a resolution approving the merger, the merger
37 is approved by the major irrigation district and no election shall be

1 held in the major district to approve the merger. However, if the
2 holders of title or evidence of title to at least twenty percent of the
3 assessed lands within the major district file a protest opposing the
4 merger with the board of the major district at or before the public
5 hearing, the board shall call a special election and submit to the
6 voters of the major district the question of whether the merger should
7 or should not be approved. Votes shall be cast as "Merger - Yes" or
8 "Merger - No." If such a special election must be conducted and a
9 majority of all votes cast in the district approve the merger, the
10 merger is approved by the major district. Such an approval is
11 effective on the date the returns of the election are canvassed under
12 RCW 87.03.105.

13 (2) The board of directors of the minor irrigation district shall,
14 within thirty days of the date the merger is approved by the major
15 district or of the date the board of the major district issues its call
16 for a special election on the merger, call a special election within
17 the minor district and submit to the voters of the minor district the
18 question of whether the merger should or should not be approved. If
19 special elections must be conducted in both districts, both elections
20 shall be conducted on the date set by the board of the major district.
21 If only the minor district must conduct such a special election, the
22 election shall be held not later than sixty days after the date the
23 merger has been approved by the board of the major district. Votes on
24 the question shall be cast as "Merger - Yes" or "Merger - No." If a
25 majority of all votes cast in the district are cast for "Merger - Yes,"
26 the merger is approved by the minor irrigation district. Such an
27 approval is effective on the date the returns of the election are
28 canvassed under RCW 87.03.105.

29 (3) Notice of election in each district on the merger question
30 shall conform to the requirements of notices for elections in the major
31 district. Elections and voting in each district shall be consistent
32 with RCW 87.03.045, 87.03.051, and 87.03.071. If the majority of all
33 votes cast in a special election in either the major or a minor
34 district are cast for "Merger - No," the merger is not approved.

35 (4) If the merger is approved by the major irrigation district and
36 by the minor irrigation district as provided by this section, the minor
37 irrigation district is merged into the major irrigation district. If
38 two or more minor districts are merging with a major district in one
39 process as authorized by section 7 of this act and if the merger is

1 approved by the major irrigation district and by at least one of the
2 minor irrigation districts as provided by this section, each minor
3 irrigation district so approving is merged into the major irrigation
4 district. The effective date of the merger is the date by which
5 approval of the merger has been secured in both districts or, under
6 section 7 of this act, in the major and minor district or districts.
7 The board or boards of county commissioners of the county or counties
8 containing territory of the merged districts and the director of the
9 department of ecology shall be notified that the districts have merged.

10 NEW SECTION. **Sec. 4.** The members of the board of directors of the
11 major irrigation district shall hold office as directors of the
12 district formed by the merger until the end of their terms of office.
13 If the major district is divided into director divisions, the board of
14 the major district shall propose a plan for redividing the district
15 into divisions that reflect the boundaries of the district created by
16 the merger and this requirement regarding the directors of the major
17 district. If the major district is considering a merger with more than
18 one minor district, the board shall submit plans for the various
19 possible mergers. The proposal or proposals shall be filed with the
20 county legislative authority before the merger is approved in the major
21 district or the minor district or districts. Following the merger, the
22 county legislative authority shall approve the plan submitted for the
23 districts that actually merged.

24 On the effective date of the merger, the directors of the minor
25 district shall transfer the property and other assets of the district
26 as required in section 6 of this act. Following the transfer of the
27 property and other assets, the minor irrigation district and the office
28 of director of the minor district shall cease to exist.

29 The board of directors of the district formed by the merger shall
30 have all the powers and obligations of the boards of the major and
31 minor districts that were merged to form the district including, but
32 not limited to, such boards' powers and obligations for any local
33 improvement districts created in the minor or major district under this
34 chapter.

35 NEW SECTION. **Sec. 5.** (1) The merger of irrigation districts shall
36 not affect or impair any bonds or obligations of the merged districts
37 and the holders of the bonds of any merged district shall be entitled

1 to all remedies for their enforcement as if the district had not been
2 merged. All obligations incurred by the district prior to its merger
3 shall be a prior lien to any obligation that may be incurred against
4 the district created by the merger. However, the board of directors of
5 the merged district may, when authorized under RCW 87.03.200 and with
6 the consent of the bondholders, exchange the bonds of the district
7 created by the merger for the bonds of the districts that merged. If
8 the major or minor district entered, prior to the merger, into a
9 contract with the United States under this chapter and the board of
10 directors of the district created by the merger proposes that the
11 merged district enter into a contract with the United States, the board
12 may do so when authorized under RCW 87.03.200 and may, with the consent
13 of the United States, cancel any contract previously entered into
14 between the major or minor district and the United States.

15 (2) The district created by the merger shall be entitled to all
16 remedies for the enforcement of the irrigation district assessments and
17 other obligations of lands to the districts that merged as if the
18 districts had not merged. All obligations incurred for irrigation
19 district or local improvement district purposes by the lands within the
20 major or minor district prior to its merger shall be a prior lien to
21 any obligation that may be incurred against those lands after the
22 merger.

23 (3) Until premerger assessments have been collected and all of the
24 premerger indebtedness of the major and minor districts that merged
25 have been paid, separate funds shall be maintained for each district as
26 were maintained in each prior to the merger. The board of directors of
27 the irrigation district created by the merger may establish a local
28 improvement district for each district included in the merger to carry
29 out the obligations of each such district. This board shall have all
30 the powers possessed by the boards of directors of the districts
31 included in the merger to carry out all contracts of the included
32 districts and to levy, assess, and cause to be collected any and all
33 assessments or charges against the lands of each of the included
34 districts. A petition shall not be required for the formation of a
35 local improvement district created for this purpose.

36 NEW SECTION. **Sec. 6.** Prior to or on the effective date of a
37 merger of a minor irrigation district and a major irrigation district,
38 the board of directors of the minor district shall cause to be prepared

1 a statement of all property and other assets of the minor district.
2 The statement shall be filed with the board of directors of the
3 district created by the merger and on the effective date of the merger.
4 The statement shall also be filed with the county auditor of the county
5 containing the majority of the territory of the district after the
6 merger. Upon the filing with the board, the property and other assets
7 of the minor district shall, subject to the rights of the holders of
8 bonds or other obligations of the minor district, become the property
9 and other assets of the district created by the merger.

10 NEW SECTION. **Sec. 7.** More than two irrigation districts may merge
11 under RCW 87.03.530(2) and sections 2 through 6 of this act in one
12 merger process. However, only one of the districts may be a "major"
13 irrigation district and the assessed acreage in all of the other
14 districts merging in the process, when taken collectively, shall not
15 constitute more than thirty percent of the combined assessed acreage of
16 all of the merging districts. In such a case, each of these other,
17 nonmajor districts is considered to be a "minor" irrigation district
18 under RCW 87.03.530(2) and sections 2 through 6 of this act.

19 NEW SECTION. **Sec. 8.** Nothing in RCW 87.03.530(2) and sections 2
20 through 7 of this act shall authorize the impairment or operate to
21 impair any existing water rights.

22 NEW SECTION. **Sec. 9.** A new section is added to chapter 87.04 RCW
23 to read as follows:

24 RCW 87.04.030 through 87.04.055 do not apply to redividing a
25 district immediately following a merger as provided in section 4 of
26 this act.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.93 RCW
28 to read as follows:

29 This chapter does not apply to the merger of irrigation districts
30 authorized under RCW 87.03.530(2) and sections 2 through 7 of this act.

31 NEW SECTION. **Sec. 11.** Sections 2 through 7 of this act are each
32 added to chapter 87.03 RCW.

Passed the House April 19, 1993.
Passed the Senate April 6, 1993.
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