

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2538

Chapter 214, Laws of 1996

54th Legislature
1996 Regular Session

IRRIGATION DISTRICTS--CLARIFICATION OF AUTHORITY

EFFECTIVE DATE: 6/6/96

Passed by the House February 6, 1996
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 27, 1996
Yeas 48 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 28, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2538** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 28, 1996 - 4:33 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 2538

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Representatives Clements, Chandler, Mastin, Lisk, Schoesler,
Honeyford, Foreman, Grant and Mulliken

Read first time 01/12/96. Referred to Committee on Agriculture &
Ecology.

1 AN ACT Relating to authority of irrigation districts; amending RCW
2 87.03.440 and 87.76.040; and adding a new section to chapter 87.03 RCW.

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

4 **Sec. 1.** RCW 87.03.440 and 1993 c 449 s 12 are each amended to read
5 as follows:

6 The treasurer of the county in which is located the office of the
7 district shall be ex officio treasurer of the district, and any county
8 treasurer handling district funds shall be liable upon his or her
9 official bond and to criminal prosecution for malfeasance and
10 misfeasance, or failure to perform any duty as county or district
11 treasurer. The treasurer of each county in which lands of the district
12 are located shall collect and receipt for all assessments levied on
13 lands within his or her county. There shall be deposited with the
14 district treasurer all funds of the district. The district treasurer
15 shall pay out such funds upon warrants issued by the county auditor
16 against the proper funds of the district, except the sums to be paid
17 out of the bond fund for interest and principal payments on bonds:
18 PROVIDED, That in those districts which designate their own treasurer,
19 the treasurer may issue the warrants or any checks when the district is

1 authorized to issue checks. All warrants shall be paid in the order of
2 their issuance. The district treasurer shall report, in writing, on
3 the first Monday in each month to the directors, the amount in each
4 fund, the receipts for the month preceding in each fund, and file the
5 report with the secretary of the board. The secretary shall report to
6 the board, in writing, at the regular meeting in each month, the amount
7 of receipts and expenditures during the preceding month, and file the
8 report in the office of the board.

9 The preceding paragraph of this section notwithstanding, the board
10 of directors or board of control of an irrigation district which lies
11 in more than one county and which had assessments in each of two of the
12 preceding three years equal to at least five hundred thousand dollars
13 may designate some other person having experience in financial or
14 fiscal matters as treasurer of the district. In addition, the board of
15 directors of an irrigation district which lies entirely within one
16 county may designate some other person having experience in financial
17 or fiscal matters as treasurer of the district if the district had
18 assessments, tolls, and miscellaneous collections in each of two of the
19 preceding three years equal to at least two million dollars or if the
20 board has the approval of the county treasurer to designate some other
21 person. If ~~((the))~~ a board designates a treasurer, it shall require a
22 bond with a surety company authorized to do business in the state of
23 Washington in an amount ~~((and under the terms and conditions which it~~
24 ~~finds from time to time will protect the district against loss))~~ of two
25 hundred fifty thousand dollars conditioned that he or she will
26 faithfully perform the duties of his or her office as treasurer of the
27 district. The premium on the bond shall be paid by the district. The
28 designated treasurer shall collect and receipt for all irrigation
29 district assessments on lands within the district and shall act with
30 the same powers and duties and be under the same restrictions as
31 provided by law for county treasurers acting in matters pertaining to
32 irrigation districts, except the powers, duties, and restrictions in
33 RCW 87.56.110 and 87.56.210 which shall continue to be those of county
34 treasurers.

35 In those districts which have designated their own treasurers, the
36 provisions of law pertaining to irrigation districts which require
37 certain acts to be done and which refer to and involve a county
38 treasurer or the office of a county treasurer or the county officers
39 charged with the collection of irrigation district assessments, except

1 RCW 87.56.110 and 87.56.210 shall be construed to refer to and involve
2 the designated district treasurer or the office of the designated
3 district treasurer.

4 Any claim against the district for which it is liable under
5 existing laws shall be presented to the board as provided in RCW
6 4.96.020 and upon allowance it shall be attached to a voucher and
7 approved by the chairman and signed by the secretary and directed to
8 the proper official for payment: PROVIDED, That in the event
9 claimant's claim is for crop damage, the claimant in addition to filing
10 his or her claim within the applicable period of limitations within
11 which an action must be commenced and in the manner specified in RCW
12 4.96.020 must file with the secretary of the district, or in the
13 secretary's absence one of the directors, not less than three days
14 prior to the severance of the crop alleged to be damaged, a written
15 preliminary notice pertaining to the crop alleged to be damaged. Such
16 preliminary notice, so far as claimant is able, shall advise the
17 district; that the claimant has filed a claim or intends to file a
18 claim against the district for alleged crop damage; shall give the name
19 and present residence of the claimant; shall state the cause of the
20 damage to the crop alleged to be damaged and the estimated amount of
21 damage; and shall accurately locate and describe where the crop alleged
22 to be damaged is located. Such preliminary notice may be given by
23 claimant or by anyone acting in his or her behalf and need not be
24 verified. No action may be commenced against an irrigation district
25 for crop damages unless claimant has complied with the provisions of
26 RCW 4.96.020 and also with the preliminary notice requirements of this
27 section.

28 **Sec. 2.** RCW 87.76.040 and 1987 c 124 s 2 are each amended to read
29 as follows:

30 To avoid duplication of effort the state association may, in the
31 discretion of its officers, affiliate and cooperate with other
32 organizations and agencies engaged in the furthering of reclamation of
33 lands in the state and make financial contributions to them for such
34 purpose. In carrying out the powers authorized by this chapter, the
35 association of irrigation districts is authorized to enter into
36 contracts with the federal government, the state, irrigation districts,
37 boards of control, municipal or quasi-municipal corporations,
38 cooperatives, other public or private agencies, and associate

1 organizations. The association of irrigation districts is authorized
2 to advance funds to promote the development and utilization of
3 agricultural water and power resources and to employ the technical and
4 professional assistance necessary to survey, plan, investigate, study,
5 print, and publish information and literature to promote the
6 development and utilization of such resources and provide and present
7 data and information to members of congress, any committee of congress,
8 and to other federal officials as an aid in securing needed
9 legislation, contracts, and timely appropriations.

10 NEW SECTION. Sec. 3. A new section is added to chapter 87.03 RCW
11 to read as follows:

12 (1) Under the interlocal cooperation act, chapter 39.34 RCW, an
13 irrigation district may enter into a mutual aid agreement with any
14 other irrigation district to provide emergency interdistrict assistance
15 to respond to a breach or other failure of an irrigation water
16 conveyance system when the required response exceeds the existing
17 resources available to the district requesting assistance. Assistance
18 may be provided without compensation.

19 (2) Whenever the employees of an irrigation district are rendering
20 outside aid pursuant to the authority contained in this section, the
21 employees have the same powers, duties, rights, privileges, and
22 immunities as if they were performing their duties in the irrigation
23 district in which they are normally employed. Supervision of the
24 employees may be temporarily delegated as provided by the mutual aid
25 agreement.

26 (3) The irrigation district in which any equipment is used pursuant
27 to this section is liable for any loss or damage caused to the
28 equipment and shall pay any ordinary expense incurred in the daily
29 operation and maintenance of the equipment. No claim for loss, damage,
30 or expense may be allowed unless, within sixty days after the loss,
31 damage, or expense is sustained or incurred, an itemized notice of the
32 claim under oath is served by mail or otherwise upon the secretary of
33 the irrigation district where the equipment was used.

Passed the House February 6, 1996.

Passed the Senate February 27, 1996.

Approved by the Governor March 28, 1996.

Filed in Office of Secretary of State March 28, 1996.