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SENATE BILL 6035

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State of Washington

60th Legislature

2007 Regular Session

By Senators Poulsen and Rockefeller

Read first time 02/14/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to beach management districts; amending RCW  
2 36.61.010, 36.61.020, 36.61.025, 36.61.030, 36.61.040, 36.61.050,  
3 36.61.060, 36.61.070, 36.61.080, 36.61.090, 36.61.100, 36.61.110,  
4 36.61.115, 36.61.120, 36.61.140, 36.61.160, 36.61.170, 36.61.190,  
5 36.61.200, 36.61.220, 36.61.230, 36.61.260, 36.61.270, 36.94.020,  
6 39.34.190, and 86.09.151; creating a new section; making  
7 appropriations; and providing an expiration date.

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

9 **Sec. 1.** RCW 36.61.010 and 1987 c 432 s 1 are each amended to read  
10 as follows:

11 The legislature finds that the environmental, recreational, and  
12 aesthetic values of many of the state's lakes and beaches are  
13 threatened by eutrophication and other deterioration and that existing  
14 governmental authorities are unable to adequately improve and maintain  
15 the quality of the state's lakes and beaches.

16 It is the purpose of this chapter to establish a governmental  
17 mechanism by which property owners can embark on a program of lake or  
18 beach improvement and maintenance for their and the general public's  
19 benefit, health, and welfare. Public property, including state

1 property, shall be considered the same as private property in this  
2 chapter, except liens for special assessments and liens for rates and  
3 charges shall not extend to public property. Lake bottom property  
4 shall not be considered to be benefited, shall not be subject to  
5 special assessments or rates and charges, and shall not receive voting  
6 rights under this chapter.

7 **Sec. 2.** RCW 36.61.020 and 2000 c 184 s 5 are each amended to read  
8 as follows:

9 Any county may create lake or beach management districts to finance  
10 the improvement and maintenance of lakes or beaches located within or  
11 partially within the boundaries of the county. All or a portion of a  
12 lake or beach and the adjacent land areas may be included within one or  
13 more lake or beach management districts. More than one lake or beach,  
14 or portions of lakes or beaches, and the adjacent land areas may be  
15 included in a single lake or beach management district.

16 Special assessments or rates and charges may be imposed on the  
17 property included within a lake or beach management district to finance  
18 lake or beach improvement and maintenance activities, including: (1)  
19 ~~((The control or removal of))~~ Controlling or removing aquatic plants  
20 and vegetation; (2) improving water quality; (3) ~~((the control of))~~  
21 controlling water levels; (4) treating and diverting storm water  
22 ~~((diversion and treatment))~~; (5) controlling agricultural waste  
23 ~~((control))~~; (6) studying lake or marine water quality problems and  
24 solutions; (7) cleaning and maintaining ditches and streams entering  
25 the lake or marine waters or leaving the lake; ~~((and))~~ (8) monitoring  
26 air quality; and (9) the related administrative, engineering, legal,  
27 and operational costs, including the costs of creating the lake or  
28 beach management district.

29 Special assessments or rates and charges may be imposed annually on  
30 all the land in a lake or beach management district for the duration of  
31 the lake or beach management district without a related issuance of  
32 lake or beach management district bonds or revenue bonds. Special  
33 assessments also may be imposed in the manner of special assessments in  
34 a local improvement district with each landowner being given the choice  
35 of paying the entire special assessment in one payment, or to paying  
36 installments, with lake or beach management district bonds being issued  
37 to obtain moneys not derived by the initial full payment of the special

1 assessments, and the installments covering all of the costs related to  
2 issuing, selling, and redeeming the lake or beach management district  
3 bonds.

4 **Sec. 3.** RCW 36.61.025 and 2000 c 184 s 4 are each amended to read  
5 as follows:

6 To improve the ability of counties to finance long-term lake or  
7 beach management objectives, lake or beach management districts may be  
8 created for any needed period of time.

9 **Sec. 4.** RCW 36.61.030 and 1987 c 432 s 3 are each amended to read  
10 as follows:

11 A lake or beach management district may be initiated upon either  
12 the adoption of a resolution of intention by a county legislative  
13 authority or the filing of a petition signed by ten landowners or the  
14 owners of at least fifteen percent of the acreage contained within the  
15 proposed lake or beach management district, whichever is greater. A  
16 petition or resolution of intention shall set forth: (1) The nature of  
17 the lake or beach improvement or maintenance activities proposed to be  
18 financed; (2) the amount of money proposed to be raised by special  
19 assessments or rates and charges; (3) if special assessments are to be  
20 imposed, whether the special assessments will be imposed annually for  
21 the duration of the lake or beach management district, or the full  
22 special assessments will be imposed at one time, with the possibility  
23 of installments being made to finance the issuance of lake or beach  
24 management district bonds, or both methods; (4) if rates and charges  
25 are to be imposed, the annual amount of revenue proposed to be  
26 collected and whether revenue bonds payable from the rates and charges  
27 are proposed to be issued; (5) the number of years proposed for the  
28 duration of the lake or beach management district; and (6) the proposed  
29 boundaries of the lake or beach management district.

30 The county legislative authority may require the posting of a bond  
31 of up to five thousand dollars before the county considers the proposed  
32 creation of a lake or beach management district initiated by petition.  
33 The bond may only be used by the county to finance its costs in  
34 studying, holding hearings, making notices, preparing special  
35 assessment rolls or rolls showing the rates and charges on each parcel,

1 and conducting elections related to the lake or beach management  
2 district if the proposed lake or beach management district is not  
3 created.

4 A resolution of intention shall also designate the number of the  
5 proposed lake or beach management district, and fix a date, time, and  
6 place for a public hearing on the formation of the proposed lake or  
7 beach management district. The date for the public hearing shall be at  
8 least thirty days and no more than ninety days after the adoption of  
9 the resolution of intention unless an emergency exists.

10 Petitions shall be filed with the county legislative authority.  
11 The county legislative authority shall determine the sufficiency of the  
12 signatures, which shall be conclusive upon all persons. No person may  
13 withdraw his or her name from a petition after it is filed. If the  
14 county legislative authority determines a petition to be sufficient and  
15 the proposed lake or beach management district appears to be in the  
16 public interest and the financing of the lake or beach improvement or  
17 maintenance activities is feasible, it shall adopt a resolution of  
18 intention, setting forth all of the details required to be included  
19 when a resolution of intention is initiated by the county legislative  
20 authority.

21 **Sec. 5.** RCW 36.61.040 and 1994 c 264 s 9 are each amended to read  
22 as follows:

23 Notice of the public hearing shall be published in at least two  
24 consecutive issues of a newspaper of general circulation in the  
25 proposed lake or beach management district, the date of the first  
26 publication to be at least fifteen days prior to the date fixed for the  
27 public hearing by the resolution of intention. Notice of the public  
28 hearing shall also be given to the owner or reputed owner of any lot,  
29 tract, parcel of land, or other property within the proposed lake or  
30 beach management district by mailing the notice at least fifteen days  
31 before the date fixed for the public hearing to the owner or reputed  
32 owner of the property as shown on the tax rolls of the county assessor  
33 at the address shown thereon. Notice of the public hearing shall also  
34 be mailed to the departments of fish and wildlife, natural resources,  
35 and ecology at least fifteen days before the date fixed for the public  
36 hearing.

1 Notices of the public hearing shall: (1) Refer to the resolution  
2 of intention; (2) designate the proposed lake or beach management  
3 district by number; (3) set forth a proposed plan describing: (a) The  
4 nature of the proposed lake or beach improvement or maintenance  
5 activities; (b) the amount of special assessments or rates and charges  
6 proposed to be raised by the lake or beach management district; (c) if  
7 special assessments are proposed to be imposed, whether the special  
8 assessments will be imposed annually for the duration of the lake or  
9 beach management district, or the full special assessments will be  
10 payable at one time, with the possibility of periodic installments  
11 being paid and lake or beach management bonds being issued, or both;  
12 (d) if rates and charges are proposed to be imposed, the annual amount  
13 of revenue proposed to be collected and whether revenue bonds payable  
14 from the rates and charges are proposed to be issued; and (e) the  
15 proposed duration of the lake or beach management district; and (4)  
16 indicate the date, time, and place of the public hearing designated in  
17 the resolution of intention.

18 In the case of the notice sent to each owner or reputed owner by  
19 mail, the notice shall set forth the estimated amount of the cost of  
20 the lake or beach improvement or maintenance activities to be borne by  
21 special assessment, or annual special assessments, or rates and charges  
22 on the lot, tract, parcel of land, or other property owned by the owner  
23 or reputed owner.

24 If the county legislative authority has designated a committee of  
25 itself or an officer to hear complaints and make recommendations to the  
26 full county legislative authority, as provided in RCW 36.61.060, the  
27 notice shall also describe this additional step before the full county  
28 legislative authority may adopt a resolution creating the lake or beach  
29 management district.

30 **Sec. 6.** RCW 36.61.050 and 1994 c 264 s 10 are each amended to read  
31 as follows:

32 The county legislative authority shall hold a public hearing on the  
33 proposed lake or beach management district at the date, time, and place  
34 designated in the resolution of intention.

35 At this hearing the county legislative authority shall hear  
36 objections from any person affected by the formation of the lake or  
37 beach management district. Representatives of the departments of fish

1 and wildlife, natural resources, and ecology shall be afforded  
2 opportunities to make presentations on and comment on the proposal.  
3 Members of the public shall be afforded an opportunity to comment on  
4 the proposal. The county legislative authority must consider  
5 recommendations provided to it by the departments of fish and wildlife,  
6 natural resources, and ecology. The public hearing may be extended to  
7 other times and dates declared at the public hearing. The county  
8 legislative authority may make such changes in the boundaries of the  
9 lake or beach management district or such modification in plans for the  
10 proposed lake or beach improvement or maintenance activities as it  
11 deems necessary. The county legislative authority may not change  
12 boundaries of the lake or beach management district to include property  
13 that was not included previously without first passing an amended  
14 resolution of intention and giving new notice to the owners or reputed  
15 owners of property newly included in the proposed lake or beach  
16 management district in the manner and form and within the time provided  
17 for the original notice. The county legislative authority shall not  
18 alter the plans for the proposed lake or beach improvement or  
19 maintenance activities to result in an increase in the amount of money  
20 proposed to be raised, and shall not increase the amount of money  
21 proposed to be raised, without first passing an amended resolution of  
22 intention and giving new notice to property owners in the manner and  
23 form and within the time provided for the original notice.

24 **Sec. 7.** RCW 36.61.060 and 1985 c 398 s 10 are each amended to read  
25 as follows:

26 A county legislative authority may adopt an ordinance providing for  
27 a committee of itself, or an officer, to hold public hearings on the  
28 proposed formation of a lake or beach management district and hear  
29 objections to the proposed formation as provided in RCW 36.61.050. The  
30 committee or officer shall make a recommendation to the full  
31 legislative authority, which need not hold a public hearing on the  
32 proposed creation of the lake or beach management district. The full  
33 county legislative authority by resolution may approve or disapprove  
34 the recommendation and submit the question of creating the lake or  
35 beach management district to the property owners as provided in RCW  
36 36.61.070 through 36.61.100.







1 If the proposal receives a simple majority vote in favor of  
2 creating the lake or beach management district, the county legislative  
3 authority shall adopt an ordinance creating the lake or beach  
4 management district and may proceed with establishing the special  
5 assessments or rates and charges, collecting the special assessments or  
6 rates and charges, and performing the lake or beach improvement or  
7 maintenance activities. If a proposed lake management district  
8 includes more than one lake and its adjacent areas, the lake management  
9 district may only be established if the proposal receives a simple  
10 majority vote in favor of creating it by the voters on each lake and  
11 its adjacent areas. The county legislative authority shall publish a  
12 notice in a newspaper of general circulation in a lake or beach  
13 management district indicating that such an ordinance has been adopted  
14 within ten days of the adoption of the ordinance.

15 The ballots shall be available for public inspection after they are  
16 counted.

17 **Sec. 12.** RCW 36.61.110 and 1985 c 398 s 11 are each amended to  
18 read as follows:

19 No lawsuit may be maintained challenging the jurisdiction or  
20 authority of the county legislative authority to proceed with the lake  
21 or beach improvement and maintenance activities and creating the lake  
22 or beach management district or in any way challenging the validity of  
23 the actions or decisions or any proceedings relating to the actions or  
24 decisions unless the lawsuit is served and filed no later than forty  
25 days after publication of a notice that the ordinance has been adopted  
26 ordering the lake or beach improvement and maintenance activities and  
27 creating the lake or beach management district. Written notice of the  
28 appeal shall be filed with the county legislative authority and clerk  
29 of the superior court in the county in which the property is situated.

30 **Sec. 13.** RCW 36.61.115 and 1987 c 432 s 9 are each amended to read  
31 as follows:

32 A special assessment, or rate and charge, on any lot, tract, parcel  
33 of land, or other property shall not be increased beyond one hundred  
34 ten percent of the estimated special assessment, or rate and charge,  
35 proposed to be imposed as provided in the resolution adopted in RCW

1 36.61.070, unless the creation of a lake or beach management district  
2 is approved under another mailed ballot election that reflects the  
3 weighted voting arising from such increases.

4 **Sec. 14.** RCW 36.61.120 and 1985 c 398 s 12 are each amended to  
5 read as follows:

6 After a lake or beach management district is created, the county  
7 shall prepare a proposed special assessment roll. A separate special  
8 assessment roll shall be prepared for annual special assessments if  
9 both annual special assessments and special assessments paid at one  
10 time are imposed. The proposed special assessment roll shall list:  
11 (1) Each separate lot, tract, parcel of land, or other property in the  
12 lake or beach management district; (2) the acreage of such property,  
13 and the number of feet of lake or beach frontage, if any; (3) the name  
14 and address of the owner or reputed owner of each lot, tract, parcel of  
15 land, or other property as shown on the tax rolls of the county  
16 assessor; and (4) the special assessment proposed to be imposed on each  
17 lot, tract, parcel of land, or other property, or the annual special  
18 assessments proposed to be imposed on each lot, tract, parcel of land,  
19 or other property.

20 At the time, date, and place fixed for a public hearing, the county  
21 legislative authority shall act as a board of equalization and hear  
22 objections to the special assessment roll, and at the times to which  
23 the public hearing may be adjourned, the county legislative authority  
24 may correct, revise, raise, lower, change, or modify the special  
25 assessment roll or any part thereof, or set the proposed special  
26 assessment roll aside and order a new proposed special assessment roll  
27 to be prepared. The county legislative authority shall confirm and  
28 approve a special assessment roll by adoption of a resolution.

29 If a proposed special assessment roll is amended to raise any  
30 special assessment appearing thereon or to include omitted property, a  
31 new public hearing shall be held. The new public hearing shall be  
32 limited to considering the increased special assessments or omitted  
33 property. Notices shall be sent to the owners or reputed owners of the  
34 affected property in the same manner and form and within the time  
35 provided for the original notice.

36 Objections to a proposed special assessment roll must be made in  
37 writing, shall clearly state the grounds for objections, and shall be

1 filed with the governing body prior to the public hearing. Objections  
2 to a special assessment or annual special assessments that are not made  
3 as provided in this section shall be deemed waived and shall not be  
4 considered by the governing body or a court on appeal.

5 **Sec. 15.** RCW 36.61.140 and 1985 c 398 s 14 are each amended to  
6 read as follows:

7 Notice of the original public hearing on the proposed special  
8 assessment roll, and any public hearing held as a result of raising  
9 special assessments or including omitted property, shall be published  
10 and mailed to the owner or reputed owner of the property as provided in  
11 RCW 36.61.040 for the public hearing on the formation of the lake or  
12 beach management district. However, the notice need only provide the  
13 total amount to be collected by the special assessment roll and shall  
14 state that: (1) A public hearing on the proposed special assessment  
15 roll will be held, giving the time, date, and place of the public  
16 hearing; (2) the proposed special assessment roll is available for  
17 public perusal, giving the times and location where the proposed  
18 special assessment roll is available for public perusal; (3) objections  
19 to the proposed special assessment must be in writing, include clear  
20 grounds for objections, and must be filed prior to the public hearing;  
21 and (4) failure to so object shall be deemed to waive an objection.

22 Notices mailed to the owners or reputed owners shall additionally  
23 indicate the amount of special assessment ascribed to the particular  
24 lot, tract, parcel of land, or other property owned by the person so  
25 notified.

26 **Sec. 16.** RCW 36.61.160 and 1987 c 432 s 10 are each amended to  
27 read as follows:

28 Whenever special assessments are imposed, all property included  
29 within a lake or beach management district shall be considered to be  
30 the property specially benefited by the lake or beach improvement or  
31 maintenance activities and shall be the property upon which special  
32 assessments are imposed to pay the costs and expenses of the lake or  
33 beach improvement or maintenance activities, or such part of the costs  
34 and expenses as may be chargeable against the property specially  
35 benefited. The special assessments shall be imposed on property in  
36 accordance with the special benefits conferred on the property up to

1 but not in excess of the total costs and expenses of the lake or beach  
2 improvement or maintenance activities as provided in the special  
3 assessment roll.

4 Special assessments may be measured by front footage, acreage, the  
5 extent of improvements on the property, or any other factors that are  
6 deemed to fairly reflect special benefits, including those authorized  
7 under RCW 35.51.030. Special assessments may be calculated by using  
8 more than one factor. Zones around the public improvement may be used  
9 that reflect different levels of benefit in each zone that are measured  
10 by a front footage, acreage, the extent of improvements, or other  
11 factors.

12 Public property, including property owned by the state of  
13 Washington, shall be subject to special assessments to the same extent  
14 that private property is subject to the special assessments, except no  
15 lien shall extend to public property.

16 **Sec. 17.** RCW 36.61.170 and 1985 c 398 s 17 are each amended to  
17 read as follows:

18 The total annual special assessments may not exceed the estimated  
19 cost of the lake or beach improvement or maintenance activities  
20 proposed to be financed by such special assessments, as specified in  
21 the resolution of intention. The total of special assessments imposed  
22 in a lake or beach management district that are of the nature of  
23 special assessments imposed in a local improvement district shall not  
24 exceed one hundred fifty percent of the estimated total cost of the  
25 lake or beach improvement or maintenance activities that are proposed  
26 to be financed by the lake or beach management district as specified in  
27 the resolution of intention. After a lake or beach management district  
28 has been created, the resolution of intention may be amended to  
29 increase the amount to be financed by the lake or beach management  
30 district by using the same procedure in which a lake or beach  
31 management district is created.

32 **Sec. 18.** RCW 36.61.190 and 1985 c 398 s 19 are each amended to  
33 read as follows:

34 Special assessments and installments on any special assessment  
35 shall be collected by the county treasurer.

1 The county treasurer shall publish a notice indicating that the  
2 special assessment roll has been confirmed and that the special  
3 assessments are to be collected. The notice shall indicate the  
4 duration of the lake or beach management district and shall describe  
5 whether the special assessments will be paid in annual payments for the  
6 duration of the lake or beach management district, or whether the full  
7 special assessments will be payable at one time, with the possibility  
8 of periodic installments being paid and lake or beach management bonds  
9 being issued, or both.

10 If the special assessments are to be payable at one time, the  
11 notice additionally shall indicate that all or any portion of the  
12 special assessments may be paid within thirty days from the date of  
13 publication of the first notice without penalty or interest. This  
14 notice shall be published in a newspaper of general circulation in the  
15 lake or beach management district.

16 Within ten days of the first newspaper publication, the county  
17 treasurer shall notify each owner or reputed owner of property whose  
18 name appears on the special assessment roll, at the address shown on  
19 the special assessment roll, for each item of property described on the  
20 list: (1) Whether one special assessment payable at one time or  
21 special assessments payable annually have been imposed; (2) the amount  
22 of the property subject to the special assessment or annual special  
23 assessments; and (3) the total amount of the special assessment due at  
24 one time, or annual amount of special assessments due. If the special  
25 assessment is due at one time, the notice shall also describe the  
26 thirty-day period during which the special assessment may be paid  
27 without penalty, interest, or cost.

28 **Sec. 19.** RCW 36.61.200 and 1985 c 398 s 20 are each amended to  
29 read as follows:

30 If the special assessments are to be payable at one time, all or  
31 any portion of any special assessment may be paid without interest,  
32 penalty, or costs during this thirty-day period and placed into a  
33 special fund to defray the costs of the lake or beach improvement or  
34 maintenance activities. The remainder shall be paid in installments as  
35 provided in a resolution adopted by the county legislative authority,  
36 but the last installment shall be due at least two years before the  
37 maximum term of the bonds issued to pay for the improvements or

1 maintenance. The installments shall include amounts sufficient to  
2 redeem the bonds issued to pay for the lake or beach improvement and  
3 maintenance activities. A twenty-day period shall be allowed after the  
4 due date of any installment within which no interest, penalty, or costs  
5 on the installment may be imposed.

6 The county shall establish by ordinance an amount of interest that  
7 will be imposed on late special assessments imposed annually or at  
8 once, and on installments of a special assessment. The ordinance shall  
9 also specify the penalty, in addition to the interest, that will be  
10 imposed on a late annual special assessment, special assessment, or  
11 installment which shall not be less than five percent of the delinquent  
12 special assessment or installment.

13 The owner of any lot, tract, parcel of land, or other property  
14 charged with a special assessment may redeem it from all liability for  
15 the unpaid amount of the installments by paying, to the county  
16 treasurer, the remaining portion of the installments that is  
17 attributable to principal on the lake or beach management district  
18 bonds.

19 **Sec. 20.** RCW 36.61.220 and 1985 c 398 s 22 are each amended to  
20 read as follows:

21 Within fifteen days after a county creates a lake or beach  
22 management district, the county shall cause to be filed with the county  
23 treasurer, a description of the lake or beach improvement and  
24 maintenance activities proposed that the lake or beach management  
25 district finances, the lake or beach management district number, and a  
26 copy of the diagram or print showing the boundaries of the lake or  
27 beach management district and preliminary special assessment roll or  
28 abstract of same showing thereon the lots, tracts, parcels of land, and  
29 other property that will be specially benefited thereby and the  
30 estimated cost and expense of such lake or beach improvement and  
31 maintenance activities to be borne by each lot, tract, parcel of land,  
32 or other property. The treasurer shall immediately post the proposed  
33 special assessment roll upon his or her index of special assessments  
34 against the properties affected by the lake or beach improvement or  
35 maintenance activities.

1       **Sec. 21.** RCW 36.61.230 and 1985 c 398 s 23 are each amended to  
2 read as follows:

3       The special assessment or annual special assessments imposed upon  
4 the respective lots, tracts, parcels of land, and other property in the  
5 special assessment roll or annual special assessment roll confirmed by  
6 resolution of the county legislative authority for the purpose of  
7 paying the cost and expense in whole or in part of any lake or beach  
8 improvement or maintenance activities shall be a lien upon the property  
9 assessed from the time the special assessment roll is placed in the  
10 hands of the county treasurer for collection, but as between the  
11 grantor and grantee, or vendor and vendee of any real property, when  
12 there is no express agreement as to payment of the special assessments  
13 against the real property, the lien of such special assessments shall  
14 attach thirty days after the filing of the diagram or print and the  
15 estimated cost and expense of such lake or beach improvement or  
16 maintenance activities to be borne by each lot, tract, parcel of land,  
17 or other property, as provided in RCW 36.61.220. Interest and penalty  
18 shall be included in and shall be a part of the special assessment  
19 lien. No lien shall extend to public property subjected to special  
20 assessments.

21       The special assessment lien shall be paramount and superior to any  
22 other lien or encumbrance theretofore or thereafter created except a  
23 lien for general taxes.

24       **Sec. 22.** RCW 36.61.260 and 2000 c 184 s 6 are each amended to read  
25 as follows:

26       (1) Counties may issue lake or beach management district bonds in  
27 accordance with this section. Lake or beach management district bonds  
28 may be issued to obtain money sufficient to cover that portion of the  
29 special assessments that are not paid within the thirty-day period  
30 provided in RCW 36.61.190.

31       Whenever lake or beach management district bonds are proposed to be  
32 issued, the county legislative authority shall create a special fund or  
33 funds for the lake or beach management district from which all or a  
34 portion of the costs of the lake or beach improvement and maintenance  
35 activities shall be paid. Lake or beach management district bonds  
36 shall not be issued in excess of the costs and expenses of the lake or

1 beach improvement and maintenance activities and shall not be issued  
2 prior to twenty days after the thirty days allowed for the payment of  
3 special assessments without interest or penalties.

4 Lake or beach management district bonds shall be exclusively  
5 payable from the special fund or funds and from a guaranty fund that  
6 the county may have created out of a portion of proceeds from the sale  
7 of the lake or beach management district bonds.

8 (2) Lake or beach management district bonds shall not constitute a  
9 general indebtedness of the county issuing the bond nor an obligation,  
10 general or special, of the state. The owner of any lake or beach  
11 management district bond shall not have any claim for the payment  
12 thereof against the county that issues the bonds except for payment  
13 from the special assessments made for the lake or beach improvement or  
14 maintenance activities for which the lake or beach management district  
15 bond was issued and from a lake or beach management district guaranty  
16 fund that may have been created. The county shall not be liable to the  
17 owner of any lake or beach management district bond for any loss to the  
18 lake or beach management district guaranty fund occurring in the lawful  
19 operation of the fund. The owner of a lake or beach management  
20 district bond shall not have any claim against the state arising from  
21 the lake or beach management district bond, special assessments, or  
22 guaranty fund. Tax revenues shall not be used to secure or guarantee  
23 the payment of the principal of or interest on lake or beach management  
24 district bonds.

25 The substance of the limitations included in this subsection shall  
26 be plainly printed, written, engraved, or reproduced on: (a) Each lake  
27 or beach management district bond that is a physical instrument; (b)  
28 the official notice of sale; and (c) each official statement associated  
29 with the lake or beach management district bonds.

30 (3) If the county fails to make any principal or interest payments  
31 on any lake or beach management district bond or to promptly collect  
32 any special assessment securing the bonds when due, the owner of the  
33 lake or beach management district bond may obtain a writ of mandamus  
34 from any court of competent jurisdiction requiring the county to  
35 collect the special assessments, foreclose on the related lien, and  
36 make payments out of the special fund or guaranty fund if one exists.  
37 Any number of owners of lake or beach management districts may join as  
38 plaintiffs.



1 (4) A county may create a lake or beach management district bond  
2 guaranty fund for each issue of lake or beach management district  
3 bonds. The guaranty fund shall only exist for the life of the lake or  
4 beach management district bonds with which it is associated. A portion  
5 of the bond proceeds may be placed into a guaranty fund. Unused moneys  
6 remaining in the guaranty fund during the last two years of the  
7 installments shall be used to proportionally reduce the required level  
8 of installments and shall be transferred into the special fund into  
9 which installment payments are placed.

10 (5) Lake or beach management district bonds shall be issued and  
11 sold in accordance with chapter 39.46 RCW. The authority to create a  
12 special fund or funds shall include the authority to create accounts  
13 within a fund.

14 **Sec. 23.** RCW 36.61.270 and 1987 c 432 s 11 are each amended to  
15 read as follows:

16 Whenever rates and charges are to be imposed in a lake or beach  
17 management district, the county legislative authority shall prepare a  
18 roll of rates and charges that includes those matters required to be  
19 included in a special assessment roll and shall hold a public hearing  
20 on the proposed roll of rates and charges as provided under RCW  
21 36.61.120 through 36.61.150 for a special assessment roll. The county  
22 legislative authority shall have full jurisdiction and authority to  
23 fix, alter, regulate, and control the rates and charges imposed by a  
24 lake or beach management district and may classify the rates or charges  
25 by any reasonable factor or factors, including benefit, use, front  
26 footage, acreage, the extent of improvements on the property, the type  
27 of improvements on the property, uses to which the property is put,  
28 service to be provided, and any other reasonable factor or factors.  
29 The flexibility to establish rates and charges includes the authority  
30 to reduce rates and charges on property owned by low-income persons.

31 Except as provided in this section, the collection of rates and  
32 charges, lien status of unpaid rates and charges, and method of  
33 foreclosing on such liens shall be subject to the provisions of chapter  
34 36.94 RCW. Public property, including state property, shall be subject  
35 to the rates and charges to the same extent that private property is  
36 subject to them, except that liens may not be foreclosed on the public  
37 property, and the procedure for imposing such rates and charges on

1 state property shall conform with the procedure provided for in chapter  
2 79.44 RCW concerning the imposition of special assessments upon state  
3 property. The total amount of rates and charges cannot exceed the cost  
4 of lake or beach improvement or maintenance activities proposed to be  
5 financed by such rates and charges, as specified in the resolution of  
6 intention. Revenue bonds exclusively payable from the rates and  
7 charges may be issued by the county under chapter 39.46 RCW.

8 **Sec. 24.** RCW 36.94.020 and 1997 c 447 s 11 are each amended to  
9 read as follows:

10 The construction, operation, and maintenance of a system of  
11 sewerage and/or water is a county purpose. Subject to the provisions  
12 of this chapter, every county has the power, individually or in  
13 conjunction with another county or counties to adopt, provide for,  
14 accept, establish, condemn, purchase, construct, add to, operate, and  
15 maintain a system or systems of sanitary and storm sewers, including  
16 outfalls, interceptors, plans, and facilities and services necessary  
17 for sewerage treatment and disposal, and/or system or systems of water  
18 supply within all or a portion of the county. However, counties shall  
19 not have power to condemn sewerage and/or water systems of any  
20 municipal corporation or private utility.

21 Such county or counties shall have the authority to control,  
22 regulate, operate, and manage such system or systems and to provide  
23 funds therefor by general obligation bonds, revenue bonds, local  
24 improvement district bonds, utility local improvement district or local  
25 improvement district assessments, and in any other lawful fiscal  
26 manner. Rates or charges for on-site inspection and maintenance  
27 services may not be imposed under this chapter on the development,  
28 construction, or reconstruction of property.

29 Under this chapter, after July 1, 1998, any requirements for  
30 pumping the septic tank of an on-site sewage system should be based,  
31 among other things, on actual measurement of accumulation of sludge and  
32 scum by a trained inspector, trained owner's agent, or trained owner.  
33 Training must occur in a program approved by the state board of health  
34 or by a local health officer.

35 Before adopting on-site inspection and maintenance utility  
36 services, or incorporating residences into an on-site inspection and  
37 maintenance or sewer utility under this chapter, notification must be

1 provided, prior to the applicable public hearing, to all residences  
2 within the proposed service area that have on-site systems permitted by  
3 the local health officer. The notice must clearly state that the  
4 residence is within the proposed service area and must provide  
5 information on estimated rates or charges that may be imposed for the  
6 service.

7 A county shall not provide on-site sewage system inspection,  
8 pumping services, or other maintenance or repair services under this  
9 section using county employees unless the on-site system is connected  
10 by a publicly owned collection system to the county's sewerage system,  
11 and the on-site system represents the first step in the sewage disposal  
12 process. Nothing in this section shall affect the authority of a state  
13 or local health officer to carry out their responsibilities under any  
14 other applicable law.

15 A county may, as part of a system of sewerage established under  
16 this chapter, provide for, finance, and operate any of the facilities  
17 and services and may exercise the powers expressly authorized for  
18 county storm water, flood control, pollution prevention, and drainage  
19 services and activities under chapters 36.89, 86.12, 86.13, and 86.15  
20 RCW. A county also may provide for, finance, and operate the  
21 facilities and services and may exercise any of the powers authorized  
22 for aquifer protection areas under chapter 36.36 RCW; for lake or beach  
23 management districts under chapter 36.61 RCW; for diking districts, and  
24 diking, drainage, and sewerage improvement districts under chapters  
25 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection  
26 districts under chapter 90.72 RCW. However, if a county by reference  
27 to any of those statutes assumes as part of its system of sewerage any  
28 powers granted to such areas or districts and not otherwise available  
29 to a county under this chapter, then (1) the procedures and  
30 restrictions applicable to those areas or districts apply to the  
31 county's exercise of those powers, and (2) the county may not  
32 simultaneously impose rates and charges under this chapter and under  
33 the statutes authorizing such areas or districts for substantially the  
34 same facilities and services, but must instead impose uniform rates and  
35 charges consistent with RCW 36.94.140. By agreement with such an area  
36 or district that is not part of a county's system of sewerage, a county  
37 may operate that area's or district's services or facilities, but a

1 county may not dissolve any existing area or district except in  
2 accordance with any applicable provisions of the statute under which  
3 that area or district was created.

4 **Sec. 25.** RCW 39.34.190 and 2003 c 327 s 2 are each amended to read  
5 as follows:

6 (1) The legislative authority of a city or county and the governing  
7 body of any special purpose district enumerated in subsection (2) of  
8 this section may authorize up to ten percent of its water-related  
9 revenues to be expended in the implementation of watershed management  
10 plan projects or activities that are in addition to the county's,  
11 city's, or district's existing water-related services or activities.  
12 Such limitation on expenditures shall not apply (~~to additional~~  
13 ~~revenues for watershed plan implementation that are authorized by voter~~  
14 ~~approval under section 5 of this act or~~) to water-related revenues of  
15 a public utility district organized according to Title 54 RCW. Water-  
16 related revenues include rates, charges, and fees for the provision of  
17 services relating to water supply, treatment, distribution, and  
18 management generally, and those general revenues of the local  
19 government that are expended for water management purposes. A local  
20 government may not expend for this purpose any revenues that were  
21 authorized by voter approval for other specified purposes or that are  
22 specifically dedicated to the repayment of municipal bonds or other  
23 debt instruments.

24 (2) The following special purpose districts may exercise the  
25 authority provided by this section:

26 (a) Water districts, sewer districts, and water-sewer districts  
27 organized under Title 57 RCW;

28 (b) Public utility districts organized under Title 54 RCW;

29 (c) Irrigation, reclamation, conservation, and similar districts  
30 organized under Titles 87 and 89 RCW;

31 (d) Port districts organized under Title 53 RCW;

32 (e) Diking, drainage, and similar districts organized under Title  
33 85 RCW;

34 (f) Flood control and similar districts organized under Title 86  
35 RCW;

36 (g) Lake or beach management districts organized under chapter  
37 36.61 RCW;

- 1 (h) Aquifer protection areas organized under chapter 36.36 RCW; and
- 2 (i) Shellfish protection districts organized under chapter 90.72
- 3 RCW.

4 (3) The authority for expenditure of local government revenues  
5 provided by this section shall be applicable broadly to the  
6 implementation of watershed management plans addressing water supply,  
7 water transmission, water quality treatment or protection, or any other  
8 water-related purposes. Such plans include but are not limited to  
9 plans developed under the following authorities:

- 10 (a) Watershed plans developed under chapter 90.82 RCW;
- 11 (b) Salmon recovery plans developed under chapter 77.85 RCW;
- 12 (c) Watershed management elements of comprehensive land use plans
- 13 developed under the growth management act, chapter 36.70A RCW;
- 14 (d) Watershed management elements of shoreline master programs
- 15 developed under the shoreline management act, chapter 90.58 RCW;
- 16 (e) Nonpoint pollution action plans developed under the Puget Sound
- 17 water quality management planning authorities of chapter 90.71 RCW and
- 18 chapter 400-12 WAC;
- 19 (f) Other comprehensive management plans addressing watershed
- 20 health at a WRIA level or sub-WRIA basin drainage level;
- 21 (g) Coordinated water system plans under chapter 70.116 RCW and
- 22 similar regional plans for water supply; and
- 23 (h) Any combination of the foregoing plans in an integrated
- 24 watershed management plan.

25 (4) The authority provided by this section to expend revenues for  
26 watershed management plan implementation shall be construed broadly to  
27 include, but not be limited to:

- 28 (a) The coordination and oversight of plan implementation,
- 29 including funding a watershed management partnership for this purpose;
- 30 (b) Technical support, monitoring, and data collection and
- 31 analysis;
- 32 (c) The design, development, construction, and operation of
- 33 projects included in the plan; and
- 34 (d) Conducting activities and programs included as elements in the
- 35 plan.

36 **Sec. 26.** RCW 86.09.151 and 1986 c 278 s 52 are each amended to  
37 read as follows:

1 (1) Said flood control districts shall have full authority to carry  
2 out the objects of their creation and to that end are authorized to  
3 acquire, purchase, hold, lease, manage, improve, repair, occupy, and  
4 sell real and personal property or any interest therein, either inside  
5 or outside the boundaries of the district, to enter into and perform  
6 any and all necessary contracts, to appoint and employ the necessary  
7 officers, agents and employees, to sue and be sued, to exercise the  
8 right of eminent domain, to levy and enforce the collection of special  
9 assessments and in the manner herein provided against the lands within  
10 the district, for district revenues, and to do any and all lawful acts  
11 required and expedient to carry out the purpose of this chapter.

12 (2) In addition to the powers conferred in this chapter and those  
13 in chapter 85.38 RCW, flood control districts may engage in activities  
14 authorized under RCW 36.61.020 for lake or beach management districts  
15 using procedures granted in this chapter and in chapter 85.38 RCW.

16 NEW SECTION. **Sec. 27.** (1) The department of ecology shall provide  
17 technical assistance to community groups and county legislative  
18 authorities requesting assistance with the development of beach  
19 management programs.

20 (2) This section expires June 30, 2009.

21 NEW SECTION. **Sec. 28.** (1) The sum of twenty-five thousand  
22 dollars, or as much thereof as may be necessary, is appropriated for  
23 the fiscal year ending June 30, 2008, from the general fund to the  
24 department of ecology for the purposes of providing technical  
25 assistance to community groups and county legislative authorities  
26 requesting assistance with the development of beach management plans,  
27 program administration, and identification and prioritization of  
28 beaches and near shore areas with decomposing seaweed presenting public  
29 health and water quality issues.

30 (2) The sum of one hundred fifty thousand dollars, or as much  
31 thereof as may be necessary, is appropriated for the fiscal year ending  
32 June 30, 2009, from the general fund to the department of ecology for  
33 the purposes of providing technical assistance to community groups and  
34 county legislative authorities requesting assistance with the  
35 development of beach management plans, program administration, and the

1 removal of seaweed identified and prioritized in beach management  
2 programs as creating public health or water quality issues from beaches  
3 or near shore areas.

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