
HOUSE BILL 2794

State of Washington

61st Legislature

2010 Regular Session

By Representatives Upthegrove, Rodne, Orwall, Roach, Hasegawa, Nelson, Sullivan, Kelley, Chase, Wallace, and Simpson

Read first time 01/14/10. Referred to Committee on Judiciary.

1 AN ACT Relating to the liability and powers of cities and flood
2 control zone districts; and amending RCW 86.12.037 and 86.15.080.

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

4 **Sec. 1.** RCW 86.12.037 and 1921 c 185 s 1 are each amended to read
5 as follows:

6 No action shall be brought or maintained against any county, city,
7 or flood control zone district when acting alone or when acting jointly
8 with any other county, city, or flood control zone district under any
9 law, or any of its or their agents, officers, or employees, for any
10 noncontractual acts or omissions of such county or counties, city or
11 cities, flood control zone district or districts, or any of its or
12 their agents, officers, or employees, relating to the improvement,
13 protection, regulation, and control for flood prevention and navigation
14 purposes of any river or its tributaries and the beds, banks, and
15 waters thereof: PROVIDED, That nothing contained in this section shall
16 apply to or affect any action now pending or begun prior to the passage
17 of this section.

1 **Sec. 2.** RCW 86.15.080 and 1983 c 315 s 13 are each amended to read
2 as follows:

3 A zone or participating zone may:

4 (1) Exercise all the powers and immunities vested in a county for
5 flood water or storm water control purposes under the provisions of
6 chapters 86.12, 86.13, 36.89, and 36.94 RCW: PROVIDED, That in
7 exercising such powers, all actions shall be taken in the name of the
8 zone and title to all property or property rights shall vest in the
9 zone;

10 (2) Plan, construct, acquire, repair, maintain, and operate all
11 necessary equipment, facilities, improvements, and works to control,
12 conserve, and remove flood waters and storm waters and to otherwise
13 carry out the purposes of this chapter including, but not limited to,
14 protection of the quality of water sources;

15 (3) Take action necessary to protect life and property within the
16 district from flood water damage, including in the context of an
17 emergency, as defined in RCW 38.52.010, using covered volunteer
18 emergency workers, as defined in RCW 38.52.010 and 38.52.180(5)(a),
19 subject to and in accordance with the terms of RCW 38.52.180;

20 (4) Control, conserve, retain, reclaim, and remove flood waters and
21 storm waters, including waters of lakes and ponds within the district,
22 and dispose of the same for beneficial or useful purposes under such
23 terms and conditions as the board may deem appropriate, subject to the
24 acquisition by the board of appropriate water rights in accordance with
25 the statutes;

26 (5) Acquire necessary property, property rights, facilities, and
27 equipment necessary to the purposes of the zone by purchase, gift, or
28 condemnation: PROVIDED, That property of municipal corporations may
29 not be acquired without the consent of such municipal corporation;

30 (6) Sue and be sued in the name of the zone;

31 (7) Acquire or reclaim lands when incidental to the purposes of the
32 zone and dispose of such lands as are surplus to the needs of the zone
33 in the manner provided for the disposal of county property in chapter
34 36.34 RCW;

35 (8) Cooperate with or join with the state of Washington, United
36 States, another state, any agency, corporation or political subdivision
37 of the United States or any state, Canada, or any private corporation
38 or individual for the purposes of this chapter;

1 (9) Accept funds or property by loan, grant, gift or otherwise from
2 the United States, the state of Washington, or any other public or
3 private source;

4 (10) Remove debris, logs, or other material which may impede the
5 orderly flow of waters in streams or water courses: PROVIDED, That
6 such material shall become property of the zone and may be sold for the
7 purpose of recovering the cost of removal: PROVIDED FURTHER, That
8 valuable material or minerals removed from public lands shall remain
9 the property of the state;

10 (11) Provide grant funds to political subdivisions of the state
11 that are located within the boundaries of the zone, so long as the
12 grant funds are within the authorized purposes of this chapter.

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