
SENATE BILL 5331

State of Washington

65th Legislature

2017 Regular Session

By Senators Takko and Warnick

Read first time 01/20/17. Referred to Committee on Agriculture, Water, Trade & Economic Development.

1 AN ACT Relating to irrigation district administration; and
2 amending RCW 87.03.240, 87.03.445, 87.03.565, and 87.03.820.

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

4 **Sec. 1.** RCW 87.03.240 and 1933 c 43 s 3 are each amended to read
5 as follows:

6 (1) Assessments made in order to carry out the purpose of this
7 act shall be made in proportion to the benefits accruing to the lands
8 assessed and equitable credit shall be given to the lands having a
9 partial or full water right: PROVIDED, That nothing herein shall be
10 construed to affect or impair the obligation of any existing contract
11 providing for a water supply to lands so assessed, unless the right
12 under such contract shall first have been acquired by said district,
13 and in acquiring such rights, the district may exercise the right of
14 eminent domain.

15 (2) The secretary must between the first Monday in March and the
16 first Tuesday in November each year prepare an assessment roll with
17 appropriate headings in which must be listed all the lands within the
18 district. In such book must be specified, in separate columns, under
19 the appropriate headings:

1 (a) First, the name of the person to whom the property is
2 assessed. If the name is not known to the secretary, the property
3 shall be assessed to "unknown owners."

4 (b)(i) Second, land by township, range and section or fractional
5 section, and when such land is not a legal subdivision, by metes and
6 bounds, or other description sufficient to identify it, giving an
7 estimate of the number of acres, city and town lots, naming the city
8 or town, and the number and block according to the system of
9 numbering in such city or town.

10 (ii) Assessors' plat tax numbers used by county assessors for
11 general state and county taxes in the county where such land is
12 situate may be used for such identification in such assessment roll.

13 (c) Third, in further columns with appropriate headings shall be
14 specified the ratio of benefits, or, when deemed by the secretary
15 more practicable, the per acre value, or the amount of benefits, for
16 general and special district and local improvement district purposes,
17 and the total amount assessed against each tract of land.

18 (3) Any property which may have escaped assessment for any year
19 or years, shall in addition to the assessment for the then current
20 year, be assessed for such year or years with the same effect and
21 with the same penalties as are provided for such current year and any
22 property delinquent in any year may be directly assessed during the
23 current year for any expenses caused the district on account of such
24 delinquency.

25 (4) Where the district embraces lands lying in more than one
26 county the assessment roll shall be so arranged that the lands lying
27 in each county shall be segregated and grouped according to the
28 county in which the same are situated.

29 **Sec. 2.** RCW 87.03.445 and 2001 c 149 s 4 are each amended to
30 read as follows:

31 (1) The cost and expense of purchasing and acquiring property,
32 and construction, reconstruction, extension, and betterment of the
33 works and improvements herein provided for, and the expenses
34 incidental thereto, and indebtedness to the United States for
35 district lands assumed by the district, and for the carrying out of
36 the purposes of this chapter, may be paid for by the board of
37 directors out of the funds received from bond sales as well as other
38 district funds.

1 (2) For the purpose of defraying the costs and expenses of the
2 organization of the district, and of the care, operation, management,
3 maintenance, repair, and improvement of the district and its
4 irrigation water, domestic water, electric power, drainage, or sewer
5 facilities or of any portion thereof, or for the payment of any
6 indebtedness due the United States or the state of Washington, or for
7 the payment of district bonds, the board may either fix reasonable
8 rates or tolls and charges, and collect the same from all persons for
9 whom district service is made available for irrigation water,
10 domestic water, electric power, drainage or sewerage, and other
11 purposes, or it may provide for the payment of said costs and
12 expenses by a levy of assessment therefor, or by both said rates or
13 tolls and charges and assessment.

14 (3) If the assessment method is utilized, the levy of assessments
15 shall be made on the completion and equalization of the assessment
16 roll each year, and the board shall have the same powers and
17 functions for the purpose of said levy as possessed by it in case of
18 levy to pay bonds of the district. The procedure for the collection
19 of assessments by such levy shall in all respects conform with the
20 provisions of this chapter, relating to the collection of assessments
21 for the payment of principal and interest of bonds herein provided
22 for, and shall be made at the same time.

23 (4) If the rates or tolls and charges method is adopted in whole
24 or in part, the secretary shall deliver to the board of directors,
25 within the time for filing the assessment roll, a schedule containing
26 the names of the owners or reputed owners, as shown on the rolls of
27 the county treasurer as of the first Tuesday in November of each year
28 such a schedule is filed of the various parcels of land against which
29 rates or tolls and charges are to be levied, the description of each
30 such parcel of land and the amount to be charged against each parcel
31 for irrigation water, domestic water, electric power, drainage,
32 sewerage, and other district costs and expenses. Said schedule of
33 rates or tolls and charges shall be equalized pursuant to the same
34 notice, in the same manner, at the same time and with the same legal
35 effect as in the case of assessments. Such schedule of rates or tolls
36 and charges for a given year shall be filed with the proper county
37 treasurer within the same time as that provided by law for the filing
38 of the annual assessment roll, and the county treasurer shall collect
39 and receipt for the payment of said rates or tolls and charges and
40 credit them to the proper funds of the district. The board may

1 designate the time and manner of making such collections and shall
2 require the same to be paid in advance of delivery of water and other
3 service. For the purposes of collection and enforcement, all tolls
4 and charges levied shall also at once become and constitute an
5 assessment upon and against the lands for which they are levied, with
6 the same force and effect, and the same manner of enforcement, and
7 with the same rate of interest from date of delinquency, in case of
8 nonpayment, as other district assessments. Any tolls and charges
9 constituting an assessment for collection and enforcement purposes
10 under this section are not subject to the provisions of RCW
11 87.03.240(1).

12 (5) As an alternative method of imposing, collecting, and
13 enforcing such rates or tolls and charges, the board may also base
14 such rates or tolls and charges upon the quantity of irrigation
15 water, domestic water, or electric power delivered, or drainage or
16 sewage disposed of, and may fix a minimum rate or toll and charge to
17 be paid by each parcel of land or use within the district for the
18 delivery or disposal of a stated quantity of each such service with a
19 graduated charge for additional quantities of such services delivered
20 or disposed of. If the board elects to utilize this alternative
21 method of imposing, collecting, and enforcing such rates or tolls and
22 charges, there shall be no requirement that the schedule referred to
23 in the preceding paragraph be prepared, be filed with the board of
24 directors by the secretary, be equalized, or be filed with a county
25 treasurer. The board shall enforce collection of such rates or tolls
26 and charges against property to which and its owners to whom the
27 service is available, such rates or tolls and charges being deemed
28 charges and a lien against the property to which the service is
29 available, until paid in full. Prior to furnishing services, a board
30 may require a deposit to guarantee payment for services. However,
31 failure to require a deposit does not affect the validity of any lien
32 authorized by this section.

33 (6) The board may provide by resolution that where such rates or
34 tolls and charges are delinquent for any specified period of time,
35 the district shall certify the delinquencies to the treasurer of the
36 county in which the real property is located, and the charges and any
37 penalties added thereto and interest thereon at the rate not to
38 exceed twelve percent per annum fixed by resolution shall be a lien
39 against the property to which the service was available, subject only
40 to the lien for general taxes. The district may, at any time after

1 such rates or tolls and charges and penalties provided for herein are
2 delinquent for a period of one year, bring suit in foreclosure by
3 civil action in the superior court of the county in which the real
4 property is situated.

5 (7) A board may determine how to apply partial payments on past
6 due accounts.

7 (8) A board may provide a real property owner or the owner's
8 designee with duplicate bills for service to tenants, or may notify
9 an owner or the owner's designee that a tenant's service account is
10 delinquent. However, if an owner or the owner's designee notifies the
11 board in writing that a property served by the board is a rental
12 property, asks to be notified of a tenant's delinquency, and has
13 provided, in writing, a complete and accurate mailing address, the
14 board shall notify the owner or the owner's designee of a tenant's
15 delinquency at the same time and in the same manner the board
16 notifies the tenant of the tenant's delinquency or by mail. When a
17 district provides a real property owner or the owner's designee with
18 duplicates of tenant utility service bills or notice that a tenant's
19 utility account is delinquent, the district shall notify the tenant
20 that it is providing the duplicate bills or delinquency notice to the
21 owner or the owner's designee. After January 1, 1999, if a board
22 fails to notify the owner of a tenant's delinquency after receiving a
23 written request to do so and after receiving the other information
24 required by this subsection (8), the board shall have no lien against
25 the premises for the tenant's delinquent and unpaid charges.

26 (9) The court may allow, in addition to the costs and
27 disbursements provided by statute, such attorneys' fees as it may
28 adjudge reasonable. The action shall be in rem against the property,
29 and in addition may be brought in the name of the district against an
30 individual, or against all of those who are delinquent, in one
31 action, and the rules of the court shall control as in other civil
32 actions. The board may in the same year use the assessment method for
33 part of the lands in the district and the rates or tolls and charges
34 method for the remaining lands in the district in such proportion as
35 it may deem advisable for the best interest of the district.

36 (10) The procedures herein provided for the collection and
37 enforcement of rates, tolls, and charges also shall be applicable and
38 available to the districts board of directors for the collection and
39 enforcement of charges for water imposed by contract entered into or
40 administered by the district's board of directors.

1 **Sec. 3.** RCW 87.03.565 and 1963 c 68 s 3 are each amended to read
2 as follows:

3 The secretary of the board of directors shall cause a notice of
4 the filing of such petition to be published in the same manner and
5 for the same time that notice of special elections for the issue of
6 bonds are required by this chapter to be given. The notice shall
7 state the filing of such petition and the names of the petitioners, a
8 description of the lands mentioned in said petition, and the prayer
9 of said petition, and it shall notify all persons interested in or
10 that may be affected by such change of the boundaries of the district
11 to appear at the office of said board at a time named in said notice,
12 and show cause in writing, if any they have, why the change in the
13 boundaries of said district, as proposed in said petition, should not
14 be made. The time to be specified in the notice at which they shall
15 be required to show cause shall be the regular meeting of the board
16 next after the expiration of the time for the publication of the
17 notice. The petitioners shall advance to the secretary sufficient
18 money to pay the estimated costs of all proceedings under this
19 chapter, however should the board of directors determine that the
20 annexation would be of benefit to the irrigation district as a whole,
21 the board of directors may waive payment and deposits in whole or in
22 part for the cost of the annexation proceedings.

23 **Sec. 4.** RCW 87.03.820 and 2013 c 23 s 510 are each amended to
24 read as follows:

25 Whenever as the result of abandonment of an irrigation district
26 right-of-way real property held by an irrigation district is to be
27 sold or otherwise disposed of, notice shall be given to the owners of
28 lands adjoining that real property and such owners shall have a right
29 of first refusal to purchase at the appraised price all or any part
30 of the real property to be sold or otherwise disposed of which
31 adjoins or is adjacent to their land.

32 Real property to be sold or otherwise disposed of under this
33 section shall have been first appraised by the county assessor or by
34 a person designated by him or her.

35 Notice under this section shall be sufficient if sent by
36 registered mail to the owner, and at the address, as shown in the tax
37 records of the county in which the land is situated. Notice under
38 this section shall be in addition to any other notice required by
39 law.

1 After sixty days from the date of sending of notice, if no
2 applications for purchase have been received by the irrigation
3 district or other person or entity sending notice, the rights of
4 first refusal of owners of adjoining lands shall be deemed to have
5 been waived, and the real property may be sold or otherwise disposed
6 of. When no applications for purchase have been received, if the
7 irrigation district board of directors determines that due to the
8 configuration of the abandoned right-of-way, or other facts, it
9 appears unlikely that the property, or a portion of the property, can
10 be sold for the appraised price, and the property is considered a
11 burden to the irrigation district, the real property may be sold at a
12 negotiated price, including a transfer for no payment, without
13 further publication or notice to all adjoining owners.

14 If two or more owners of adjoining lands apply to purchase the
15 same real property, or apply to purchase overlapping parts of the
16 real property, the respective rights of the applicants may be
17 determined in the superior court of the county in which the real
18 property is situated; and the court may divide the real property in
19 question between some or all of the applicants or award the whole to
20 one applicant, as justice may require.

21 Any sale or other disposal of real property pursuant to chapters
22 87.52, 87.53, and 87.56 RCW shall be made in accordance with the
23 requirements of this section.

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