

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2037

Chapter 149, Laws of 2001

57th Legislature
2001 Regular Session

IRRIGATION DISTRICTS--ADMINISTRATION

EFFECTIVE DATE: 7/22/01

Passed by the House March 9, 2001
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

CLYDE BALLARD

Speaker of the House of Representatives

Passed by the Senate April 9, 2001
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 2, 2001.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2037** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 2, 2001 - 10:41 a.m.

**Secretary of State
State of Washington**

HOUSE BILL 2037

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Representative G. Chandler

Read first time 02/13/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to administration of irrigation districts; and
2 amending RCW 87.03.845, 85.08.850, 87.03.560, and 87.03.445.

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

4 **Sec. 1.** RCW 87.03.845 and 1998 c 84 s 1 are each amended to read
5 as follows:

6 This section and RCW 87.03.847 through 87.03.855 provide the
7 procedures by which a minor irrigation district may be merged into a
8 major irrigation district as authorized by RCW 87.03.530(2).

9 To institute proceedings for such a merger, the board of directors
10 of the minor district shall adopt a resolution requesting the board of
11 directors of the major district to consider the merger, or proceedings
12 for such a merger may be instituted by a petition requesting the board
13 of directors of the major district to consider the merger, signed by
14 ten owners of land within the minor district or five percent of the
15 total number of landowners within the minor district, whichever is
16 greater. However, if there are fewer than twenty owners of land within
17 the minor irrigation district, the petition shall be signed by a
18 majority of the landowners and filed with the board of directors of the
19 major irrigation district.

1 For the purpose of determining the number of landowners required to
2 initiate merger proceedings under this section, a husband and wife
3 owning property as community property shall be considered a single
4 landowner; two or more persons or entities holding title to property as
5 tenants in common, joint tenants, tenants in partnership, or other form
6 of joint ownership shall be considered a single landowner; and the
7 petition requesting the merger shall be considered by the board of
8 directors of the major irrigation district may be signed by either the
9 husband or wife and by any one of the co-owners of jointly owned
10 property.

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 **Sec. 2.** RCW 85.08.850 and 1996 c 313 s 1 are each amended to read
33 as follows:

34 The petition requesting the merger shall be signed by the board of
35 supervisors of, or by ten (~~owners of land~~) landowners located within,
36 the drainage improvement district, joint drainage improvement district,
37 or consolidated drainage improvement district and presented to the

1 clerk or clerks of the appropriate county legislative authority or
2 authorities, at a regular or special meeting.

3 **Sec. 3.** RCW 87.03.560 and 1889-90 p 694 s 48 are each amended to
4 read as follows:

5 The holder or holders of title, or evidence of title, representing
6 one-half or more of any body of lands (~~((adjacent to the boundary of an~~
7 ~~irrigation district, which are contiguous and which, taken together,~~
8 ~~constitute one tract of land,))~~) may file with the board of directors of
9 ((said)) an irrigation district a petition in writing, praying that the
10 boundaries of ((said)) the district may be so changed as to include
11 (~~therein—said~~) such lands. The petition shall describe the
12 boundaries of ((said)) the parcel or tract of land, and shall also
13 describe the boundaries of the several parcels owned by the
14 petitioners, if the petitioners be the owners respectively of distinct
15 parcels, but such descriptions need not be more particular than they
16 are required to be when such lands are entered by the county assessor
17 in the assessment book. Such petition must contain the assent of the
18 petitioners to the inclusion within ((said)) the district of the
19 parcels or tracts of land described in the petition, and of which
20 ((said)) the petition alleges they are respectively the owners; and it
21 must be acknowledged in the same manner that conveyances of land are
22 required to be acknowledged.

23 **Sec. 4.** RCW 87.03.445 and 1998 c 285 s 3 are each amended to read
24 as follows:

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

32 (2) For the purpose of defraying the costs and expenses of the
33 organization of the district, and of the care, operation, management,
34 maintenance, repair, and improvement of the district and its irrigation
35 water, domestic water, electric power, drainage, or sewer facilities or
36 of any portion thereof, or for the payment of any indebtedness due the
37 United States or the state of Washington, or for the payment of

1 district bonds, the board may either fix rates or tolls and charges,
2 and collect the same from all persons for whom district service is made
3 available for irrigation water, domestic water, electric power,
4 drainage or sewerage, and other purposes, or it may provide for the
5 payment of said costs and expenses by a levy of assessment therefor, or
6 by both said rates or tolls and charges and assessment.

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

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

1 rate of interest from date of delinquency, in case of nonpayment, as
2 other district assessments.

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

24 (6) The board may provide by resolution that where such rates or
25 tolls and charges are delinquent for any specified period of time, the
26 district shall certify the delinquencies to the treasurer of the county
27 in which the real property is located, and the charges and any
28 penalties added thereto and interest thereon at the rate not to exceed
29 twelve percent per annum fixed by resolution shall be a lien against
30 the property to which the service was available, subject only to the
31 lien for general taxes. The district may, at any time after such rates
32 or tolls and charges and penalties provided for herein are delinquent
33 for a period of one year, bring suit in foreclosure by civil action in
34 the superior court of the county in which the real property is
35 situated.

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

38 (8) A board may provide a real property owner or the owner's
39 designee with duplicate bills for service to tenants, or may notify an

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

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

28 (10) The procedures herein provided for the collection and
29 enforcement of rates, tolls, and charges also shall be applicable and
30 available to the districts board of directors for the collection and
31 enforcement of charges for water imposed by contract entered into or
32 administered by the district's board of directors.

Passed the House March 9, 2001.

Passed the Senate April 9, 2001.

Approved by the Governor May 2, 2001.

Filed in Office of Secretary of State May 2, 2001.