

---

HOUSE BILL 1061

---

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Rayburn, Chandler, Schoesler, Lisk, Grant, Hansen and Morton

Read first time 01/13/93. Referred to Committee on Agriculture & Rural Development.

1 AN ACT Relating to irrigation districts; amending RCW 87.03.530;  
2 adding new sections to chapter 87.03 RCW; and adding a new section to  
3 chapter 36.93 RCW.

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

5 **Sec. 1.** RCW 87.03.530 and 1919 c 180 s 18 are each amended to read  
6 as follows:

7 (1) Two or more irrigation districts may be consolidated into one  
8 district as provided in RCW 87.03.535 through 87.03.551 and may include  
9 in such district other lands susceptible of irrigation in the manner  
10 provided in this act, and upon the organization of such consolidated  
11 district it shall be an organized irrigation district subject to  
12 ((all)) the provisions of this chapter.

13 (2) A smaller irrigation district may be merged into a larger  
14 irrigation district as provided in sections 2 through 7 of this act if  
15 the assessed acreage in the smaller district constitutes not more than  
16 twenty-five percent of the combined assessed acreage of the two  
17 districts. In such a proceeding, the smaller district is referred to  
18 as the "minor" irrigation district and the larger district is referred  
19 to as the "major" irrigation district. The district resulting from

1 such a merger shall be an organized district subject to the provisions  
2 of this chapter.

3 NEW SECTION. **Sec. 2.** This section and sections 3 through 7 of  
4 this act provide the procedures by which a minor irrigation district  
5 may be merged into a major irrigation district as authorized by RCW  
6 87.03.530(2).

7 To institute proceedings for such a merger, the board of directors  
8 of the minor district shall adopt a resolution requesting the board of  
9 directors of the major district to consider the merger.

10 The board of directors of the major irrigation district shall  
11 consider the request at the next regularly scheduled meeting of the  
12 board of directors of the major district following its receipt of the  
13 minor district's request or at a special meeting called for the purpose  
14 of considering the request. If the board of the major district denies  
15 the request of the minor district, no further action on the request  
16 shall be taken.

17 If the board of the major district does not deny the request, it  
18 shall conduct a public hearing on the request and shall give notice  
19 regarding the hearing. The notice shall be published once a week for  
20 two consecutive weeks preceding the date of the hearing and the last  
21 publication shall be not more than seven days before the date of the  
22 hearing. The notice shall contain a statement that unless the holders  
23 of title or evidence of title to at least twenty percent of the  
24 assessed lands within the major district file a protest opposing the  
25 merger with the board of the major district at or before the hearing,  
26 the board is free to approve the request for the merger without an  
27 election being conducted in the major district on the request.

28 NEW SECTION. **Sec. 3.** (1) If, following the public hearing  
29 conducted under section 2 of this act, the board of directors of the  
30 major irrigation district denies the request for a merger, no further  
31 action shall be taken on the request. If, following the public  
32 hearing, the board adopts a resolution approving the merger, the merger  
33 is approved by the major irrigation district and no election shall be  
34 held in the major district to approve the merger. However, if the  
35 holders of title or evidence of title to at least twenty percent of the  
36 assessed lands within the major district file a protest opposing the  
37 merger with the board of the major district at or before the public

1 hearing, the board shall call a special election and submit to the  
2 voters of the major district the question of whether the merger should  
3 or should not be approved. Votes shall be cast as "Merger - Yes" or  
4 "Merger - No." If such a special election must be conducted and a  
5 majority of all votes cast in the district approve the merger, the  
6 merger is approved by the major district. Such an approval is  
7 effective on the date the returns of the election are canvassed under  
8 RCW 87.03.105.

9 (2) Except as provided in subsection (3) of this section, the board  
10 of directors of the minor irrigation district shall, within thirty days  
11 of the date the merger is approved by the major district or of the date  
12 the board of the major district issues its call for a special election  
13 on the merger, call a special election within the minor district and  
14 submit to the voters of the minor district the question of whether the  
15 merger should or should not be approved. If special elections must be  
16 conducted in both districts, both elections shall be conducted on the  
17 date set by the board of the major district. If only the minor  
18 district must conduct such a special election, the election shall be  
19 held not later than sixty days after the date the merger has been  
20 approved by the board of the major district. Votes on the question  
21 shall be cast as "Merger - Yes" or "Merger - No." If a majority of all  
22 votes cast in the district are cast for "Merger - Yes," the merger is  
23 approved by the minor irrigation district. Such an approval is  
24 effective on the date the returns of the election are canvassed under  
25 RCW 87.03.105.

26 (3) In lieu of conducting a special election in the minor district  
27 to approve the merger it has proposed, the board of directors of the  
28 minor district may secure the signatures of the holders of title or  
29 evidence of title to not less than seventy-five percent of the acreage  
30 of the district on a petition supporting the merger. The petition  
31 signatures shall be secured: Not later than sixty days after the date  
32 that the board of the major district approves the merger if no special  
33 election is required in the major district; or, if such a special  
34 election is conducted in the major district, not later than the date of  
35 the special election. If the board of directors of the minor district  
36 finds that a sufficient number of valid signatures have been secured on  
37 the petition by such date, the board shall certify its finding. The  
38 merger is approved by the minor district effective on the date of the  
39 certification.

1 (4) Notice of election in each district on the merger question  
2 shall conform to the requirements of notices for elections in the major  
3 district. Elections and voting in each district shall be consistent  
4 with RCW 87.03.045, 87.03.051, and 87.03.071. If the majority of all  
5 votes cast in a special election in either the major or a minor  
6 district are cast for "Merger - No," the merger is not approved. If a  
7 petition is used in a minor district in lieu of a special election as  
8 authorized by subsection (3) of this section, but a sufficient number  
9 of signatures of voters is not secured on the petition by the required  
10 date, the merger is not approved.

11 (5) If the merger is approved by the major irrigation district and  
12 by the minor irrigation district as provided by this section, the minor  
13 irrigation district is merged into the major irrigation district. If  
14 two or more minor districts are merging with a major district in one  
15 process as authorized by section 7 of this act and if the merger is  
16 approved by the major irrigation district and by at least one of the  
17 minor irrigation districts as provided by this section, each minor  
18 irrigation district so approving is merged into the major irrigation  
19 district. The effective date of the merger is the date by which  
20 approval of the merger has been secured in both districts or, under  
21 section 7 of this act, in the major and minor district or districts.  
22 The board or boards of county commissioners of the county or counties  
23 containing territory of the merged districts and the director of the  
24 department of ecology shall be notified that the districts have merged.

25 NEW SECTION. **Sec. 4.** The members of the board of directors of the  
26 major irrigation district shall hold office as directors of the  
27 district formed by the merger until the end of their terms of office.  
28 This board shall initially reapportion the district created by the  
29 merger into director divisions to reflect the new boundaries of the  
30 district and this requirement regarding the directors of the major  
31 district. The reapportionment shall be approved by the legislative  
32 authority of the county in which a majority of the territory within the  
33 merged district lies. The board of directors of the major irrigation  
34 district shall submit to the county legislative authority the proposed  
35 reapportionment prior to approving the merger.

36 On the effective date of the merger, the directors of the minor  
37 district shall transfer the property and other assets of the district  
38 as required in section 6 of this act. Following the transfer of the

1 property and other assets, the minor irrigation district and the office  
2 of director of the minor district shall cease to exist.

3 The board of directors of the district formed by the merger shall  
4 have all the powers and obligations of the boards of the major and  
5 minor districts that were merged to form the district including, but  
6 not limited to, such boards' powers and obligations for any local  
7 improvement districts created in the minor or major district under this  
8 chapter.

9 NEW SECTION. **Sec. 5.** (1) The merger of irrigation districts shall  
10 not affect or impair any bonds or obligations of the merged districts  
11 and the holders of the bonds of any merged district shall be entitled  
12 to all remedies for their enforcement as if the district had not been  
13 merged. All obligations incurred by the district prior to its merger  
14 shall be a prior lien to any obligation that may be incurred against  
15 the district created by the merger. However, the board of directors of  
16 the merged district may, when authorized under RCW 87.03.200 and with  
17 the consent of the bondholders, exchange the bonds of the district  
18 created by the merger for the bonds of the districts that merged. If  
19 the major or minor district entered, prior to the merger, into a  
20 contract with the United States under this chapter and the board of  
21 directors of the district created by the merger proposes that the  
22 merged district enter into a contract with the United States, the board  
23 may do so when authorized under RCW 87.03.200 and may, with the consent  
24 of the United States, cancel any contract previously entered into  
25 between the major or minor district and the United States.

26 (2) The district created by the merger shall be entitled to all  
27 remedies for the enforcement of the irrigation district assessments and  
28 other obligations of lands to the districts that merged as if the  
29 districts had not merged. All obligations incurred for irrigation  
30 district or local improvement district purposes by the lands within the  
31 major or minor district prior to its merger shall be a prior lien to  
32 any obligation that may be incurred against those lands after the  
33 merger.

34 (3) Until premerger assessments have been collected and all of the  
35 premerger indebtedness of the major and minor districts that merged  
36 have been paid, separate funds shall be maintained for each district as  
37 were maintained in each prior to the merger. The board of directors of  
38 the irrigation district created by the merger may establish a local

1 improvement district for each district included in the merger to carry  
2 out the obligations of each such district. This board shall have all  
3 the powers possessed by the boards of directors of the districts  
4 included in the merger to carry out all contracts of the included  
5 districts and to levy, assess, and cause to be collected any and all  
6 assessments or charges against the lands of each of the included  
7 districts. A petition shall not be required for the formation of a  
8 local improvement district created for this purpose.

9 NEW SECTION. **Sec. 6.** Prior to or on the effective date of a  
10 merger of a minor irrigation district and a major irrigation district,  
11 the board of directors of the minor district shall cause to be prepared  
12 a statement of all property and other assets of the minor district.  
13 The statement shall be filed with the board of directors of the  
14 district created by the merger and on the effective date of the merger.  
15 The statement shall also be filed with the county auditor of the county  
16 containing the majority of the territory of the district after the  
17 merger. Upon the filing with the board, the property and other assets  
18 of the minor district shall, subject to the rights of the holders of  
19 bonds or other obligations of the minor district, become the property  
20 and other assets of the district created by the merger.

21 NEW SECTION. **Sec. 7.** More than two irrigation districts may merge  
22 under RCW 87.03.530(2) and sections 2 through 6 of this act in one  
23 merger process. However, only one of the districts may be a "major"  
24 irrigation district and the assessed acreage in all of the other  
25 districts merging in the process, when taken collectively, shall not  
26 constitute more than twenty-five percent of the combined assessed  
27 acreage of all of the merging districts. In such a case, each of these  
28 other, nonmajor districts is considered to be a "minor" irrigation  
29 district under RCW 87.03.530(2) and sections 2 through 6 of this act.

30 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.93 RCW  
31 to read as follows:

32 This chapter does not apply to the merger of irrigation districts  
33 authorized under RCW 87.03.530(2) and sections 2 through 7 of this act.

1        NEW SECTION.    **Sec. 9.**    Sections 2 through 7 of this act are each  
2    added to chapter 87.03 RCW.

--- END ---