
HOUSE BILL 3042

State of Washington

55th Legislature

1998 Regular Session

By Representative Romero

Read first time 01/27/98. Referred to Committee on Government Administration.

1 AN ACT Relating to lake management service areas; amending RCW
2 85.38.010; and adding a new chapter to Title 90 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the
5 environmental, recreational, and aesthetic values of many of the
6 state's lakes are threatened by eutrophication and other deterioration
7 and that existing governmental authorities are unable to improve and
8 maintain the quality of the state's lakes adequately. It is the
9 purpose of this chapter to allow the creation of a new type of special
10 district authorized to embark on a program of lake improvement and
11 maintenance for the general public's benefit, health, and welfare.

12 NEW SECTION. **Sec. 2.** (1) Lake management service areas may be
13 created and provide lake management services and facilities, including
14 facilities and services to: (a) Maintain and restore lakes; (b)
15 enhance water quality; (c) control and maintain water levels; (d)
16 provide fish ladders and other devices to conserve fish and game fish;
17 (e) divert and treat storm water before its disposal in a lake; (f)
18 control agricultural wastes; (g) study lake water quality problems and

1 solutions; (h) clean and maintain ditches and streams entering or
2 leaving a lake; and (i) provide drainage control, storm water control,
3 and surface water control improvements and activities. A lake
4 management service area may take the necessary administrative,
5 engineering, legal, and operational actions associated with its
6 substantive authorities.

7 (2) A lake management service area is a quasi-municipal corporation
8 possessing the normal authorities of a quasi-municipal corporation
9 including, but not limited to, the authority to: (a) Acquire,
10 purchase, condemn by power of eminent domain pursuant to chapters 8.08
11 and 8.25 RCW, or lease, in its own name, necessary property, property
12 rights, facilities, and equipment; (b) sell or exchange surplus
13 property, property rights, facilities, and equipment; (c) accept funds
14 and property by loan, grant, gift, or otherwise from the United States,
15 the state of Washington, or any other public or private source; (d)
16 hire staff, employees, or services, or use voluntary labor; (e) sue and
17 be sued; (f) enter into contracts, including interlocal contracts and
18 agreements under chapter 39.34 RCW; and (g) cooperate with or join the
19 United States, the state of Washington, or any other public or private
20 entity or person for municipality purposes.

21 NEW SECTION. **Sec. 3.** A lake management service area shall be
22 governed by a three-member governing body, the members of which are
23 elected to six-year staggered terms of office. The provisions of
24 chapter 85.38 RCW relating to the appointing of the initial members of
25 the governing body of a special district, subsequent election of
26 members of the governing body of a special district, and filling of a
27 vacancy, apply to the governing body of a lake management service area.

28 NEW SECTION. **Sec. 4.** Elections and franchise rights in a lake
29 management service area shall conform with the provisions of chapter
30 85.38 RCW relating to the elections and franchise rights in a special
31 district, except that a property owner shall not receive added votes
32 based upon the extent of his or her ownership of land within the
33 service area and the ownership of lake bottom property within the lake
34 management service area shall not grant franchise rights.

1 NEW SECTION. **Sec. 5.** The provisions of chapter 85.38 RCW relating
2 to the following matters in special districts apply to lake management
3 service areas:

4 (1) The procedure to create a special district;

5 (2) The filing of bonds by members of the governing body;

6 (3) The adoption of a budget, imposition of special assessments,
7 and imposition of rates and charges by a special district that was
8 created after July 28, 1985, except that liens for special assessments
9 and liens for rates and charges shall not extend to public property and
10 special assessments or rates and charges shall not be imposed on lake
11 bottom property;

12 (4) Issuing special assessment bonds, refunding special assessment
13 bonds, and creating a special assessment bond guaranty fund;

14 (5) Limitations on constructing improvements by employees of the
15 special district; and

16 (6) Annexing contiguous territory, consolidating contiguous special
17 districts, withdrawing areas from a special district that are located
18 in a city or town, transferring territory from one special district to
19 another special district, suspending the operations of a special
20 district, and reactivating a special district that had its operations
21 suspended.

22 **Sec. 6.** RCW 85.38.010 and 1991 c 349 s 1 are each amended to read
23 as follows:

24 Unless the context clearly requires otherwise, the definitions in
25 this section apply throughout this chapter:

26 (1) "Governing body" means the board of commissioners, board of
27 supervisors, or board of directors of a special district.

28 (2) "Owner of land" means the record owner of at least a majority
29 ownership interest in a separate and legally created lot or parcel of
30 land, as determined by the records of the county auditor, except that
31 if the lot or parcel has been sold under a real estate contract, the
32 vendee or grantee shall be deemed to be the owner of such land for
33 purposes of authorizing voting rights. It is assumed, unless shown
34 otherwise, that the name appearing as the owner of property on the
35 property tax rolls is the current owner.

36 (3) "Qualified voter of a special district" means a person who is
37 either: (a) A natural person who is a voter under general state
38 election laws, registered to vote in the state of Washington for a

1 period of not less than thirty days before the election, and the owner
2 of land located in the special district for a period of not less than
3 thirty days before the election; (b) a corporation or partnership that
4 has owned land located in the special district for a period of not less
5 than sixty days before the election; or (c) the state, its agencies or
6 political subdivisions that own land in the special district or lands
7 proposed to be annexed into the special district except that the state,
8 its agencies and political subdivisions shall not be eligible to vote
9 to elect a member of the governing board of a special district.

10 (4) "Special district" means: (a) A diking district; (b) a
11 drainage district; (c) a diking, drainage, and/or sewerage improvement
12 district; (d) an intercounty diking and drainage district; (e) a
13 consolidated diking district, drainage district, diking improvement
14 district, and/or drainage improvement district; (~~(f)~~) (f) a flood
15 control district; or (g) a lake management service area.

16 (5) "Special district general election" means the election of a
17 special district regularly held on the first Tuesday after the first
18 Monday in February in each even-numbered year at which a member of the
19 special district governing body is regularly elected.

20 NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act constitute
21 a new chapter in Title 90 RCW.

22 NEW SECTION. **Sec. 8.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

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