
SUBSTITUTE SENATE BILL 6259

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Agriculture & Environment (originally sponsored by Senators Swecker, Rasmussen and Winsley)

Read first time 01/30/98.

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. No lake management service area activities
7 shall adversely affect any existing property or water rights.

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

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

29 NEW SECTION. **Sec. 4.** Elections and franchise rights in a lake
30 management service area shall conform with the provisions of chapter
31 85.38 RCW relating to the elections and franchise rights in a special
32 district, except that a property owner shall not receive added votes
33 based upon the extent of his or her ownership of land within the
34 service area and the ownership of lake bottom property within the lake
35 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, and except that the special assessments or rates and
12 charges imposed on public property may not exceed the special
13 assessments or rates and charges imposed on adjacent private property;

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

16 (5) Limitations on constructing improvements by employees of the
17 special district; and

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

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

26 Unless the context clearly requires otherwise, the definitions in
27 this section apply throughout this chapter:

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

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

1 (3) "Qualified voter of a special district" means a person who is
2 either: (a) A natural person who is a voter under general state
3 election laws, registered to vote in the state of Washington for a
4 period of not less than thirty days before the election, and the owner
5 of land located in the special district for a period of not less than
6 thirty days before the election; (b) a corporation or partnership that
7 has owned land located in the special district for a period of not less
8 than sixty days before the election; or (c) the state, its agencies or
9 political subdivisions that own land in the special district or lands
10 proposed to be annexed into the special district except that the state,
11 its agencies and political subdivisions shall not be eligible to vote
12 to elect a member of the governing board of a special district.

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

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

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

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

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