

SSB 6508 - H COMM AMD

By Appropriations Subcommittee on General Government & Audit Review

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 36.61.010 and 1987 c 432 s 1 are each amended to read
4 as follows:

5 The legislature finds that the environmental, recreational, and
6 aesthetic values of many of the state's lakes are threatened by
7 eutrophication and other deterioration and that existing governmental
8 authorities are unable to adequately improve and maintain the quality
9 of the state's lakes.

10 The legislature intends that an ecosystem-based beach management
11 approach should be used to help promote the health of aquatic
12 ecosystems and that such a management approach be undertaken in a
13 manner that retains ecosystem values within the state. This management
14 approach should use long-term strategies that focus on reducing
15 nutrient inputs from human activities affecting the aquatic ecosystem,
16 such as decreasing nutrients into storm water sewers, decreasing
17 fertilizer application, promoting the proper disposal of pet waste,
18 promoting the use of vegetative borders, promoting the reduction of
19 nutrients from on-site septic systems where appropriate, and protecting
20 riparian areas. Organic debris, including vegetation, driftwood,
21 seaweed, kelp, and organisms, are extremely important to beach
22 ecosystems.

23 It is the purpose of this chapter to establish a governmental
24 mechanism by which property owners can embark on a program of lake or
25 beach improvement and maintenance for their and the general public's
26 benefit, health, and welfare. Public property, including state
27 property, shall be considered the same as private property in this
28 chapter, except liens for special assessments and liens for rates and
29 charges shall not extend to public property. Lake bottom property and
30 marine property below the line of the ordinary high water mark shall

1 not be considered to be benefited, shall not be subject to special
2 assessments or rates and charges, and shall not receive voting rights
3 under this chapter.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.61 RCW
5 to read as follows:

6 (1) Beach management districts addressing the control and removal
7 of aquatic plants or vegetation must develop a plan for this activity,
8 in consultation with appropriate federal, state, and local agencies.
9 The plan must include an element addressing nutrient loading from land
10 use activities in the subbasin that is tributary to the area targeted
11 for management, and be consistent with the action agenda approved by
12 the Puget Sound partnership, where applicable.

13 (2) Plans for the control and removal of aquatic plants or
14 vegetation must, to the greatest extent possible, meet the following
15 requirements:

16 (a) Avoid or minimize the excess removal of nontarget native
17 vegetation and organisms, whether alive or dead;

18 (b) Avoid or minimize management activities that will result in the
19 compaction of beach sand, gravel, and substrate;

20 (c) Disposal of excessive accumulations of vegetation must be done
21 in a manner that minimizes adverse impacts to the project site and
22 other areas of the beach or deep water environment; and

23 (d) All natural habitat features on the beach, including trees,
24 stumps, logs, and large rocks must be retained on the beach in their
25 natural location.

26 (3) For the purposes of seaweed removal from a beach, "beach" means
27 the shore of a saltwater body that lies between the extreme low tide
28 and the ordinary high water mark, as those terms are defined in RCW
29 90.58.030.

30 **Sec. 3.** RCW 36.61.020 and 2000 c 184 s 5 are each amended to read
31 as follows:

32 Any county may create lake or beach management districts to finance
33 the improvement and maintenance of lakes or beaches located within or
34 partially within the boundaries of the county. All or a portion of a
35 lake or beach and the adjacent land areas may be included within one or

1 more lake or beach management districts. More than one lake or beach,
2 or portions of lakes or beaches, and the adjacent land areas may be
3 included in a single lake or beach management district.

4 Special assessments or rates and charges may be imposed on the
5 property included within a lake or beach management district to finance
6 lake or beach improvement and maintenance activities, including: (1)
7 ~~((The control or removal of))~~ Controlling or removing aquatic plants
8 and vegetation; (2) improving water quality; (3) ~~((the control of))~~
9 controlling water levels; (4) treating and diverting storm water
10 ~~((diversion and treatment))~~; (5) controlling agricultural waste
11 ~~((control))~~; (6) studying lake or marine water quality problems and
12 solutions; (7) cleaning and maintaining ditches and streams entering
13 the lake or marine waters or leaving the lake; ~~((and))~~ (8) monitoring
14 air quality; and (9) the related administrative, engineering, legal,
15 and operational costs, including the costs of creating the lake or
16 beach management district.

17 Special assessments or rates and charges may be imposed annually on
18 all the land in a lake or beach management district for the duration of
19 the lake or beach management district without a related issuance of
20 lake or beach management district bonds or revenue bonds. Special
21 assessments also may be imposed in the manner of special assessments in
22 a local improvement district with each landowner being given the choice
23 of paying the entire special assessment in one payment, or to paying
24 installments, with lake or beach management district bonds being issued
25 to obtain moneys not derived by the initial full payment of the special
26 assessments, and the installments covering all of the costs related to
27 issuing, selling, and redeeming the lake or beach management district
28 bonds.

29 **Sec. 4.** RCW 36.61.025 and 2000 c 184 s 4 are each amended to read
30 as follows:

31 To improve the ability of counties to finance long-term lake or
32 beach management objectives, lake or beach management districts may be
33 created for any needed period of time.

34 **Sec. 5.** RCW 36.61.030 and 1987 c 432 s 3 are each amended to read
35 as follows:

36 A lake or beach management district may be initiated upon either

1 the adoption of a resolution of intention by a county legislative
2 authority or the filing of a petition signed by ten landowners or the
3 owners of at least fifteen percent of the acreage contained within the
4 proposed lake or beach management district, whichever is greater. A
5 petition or resolution of intention shall set forth: (1) The nature of
6 the lake or beach improvement or maintenance activities proposed to be
7 financed; (2) the amount of money proposed to be raised by special
8 assessments or rates and charges; (3) if special assessments are to be
9 imposed, whether the special assessments will be imposed annually for
10 the duration of the lake or beach management district, or the full
11 special assessments will be imposed at one time, with the possibility
12 of installments being made to finance the issuance of lake or beach
13 management district bonds, or both methods; (4) if rates and charges
14 are to be imposed, the annual amount of revenue proposed to be
15 collected and whether revenue bonds payable from the rates and charges
16 are proposed to be issued; (5) the number of years proposed for the
17 duration of the lake or beach management district; and (6) the proposed
18 boundaries of the lake or beach management district.

19 The county legislative authority may require the posting of a bond
20 of up to five thousand dollars before the county considers the proposed
21 creation of a lake or beach management district initiated by petition.
22 The bond may only be used by the county to finance its costs in
23 studying, holding hearings, making notices, preparing special
24 assessment rolls or rolls showing the rates and charges on each parcel,
25 and conducting elections related to the lake or beach management
26 district if the proposed lake or beach management district is not
27 created.

28 A resolution of intention shall also designate the number of the
29 proposed lake or beach management district, and fix a date, time, and
30 place for a public hearing on the formation of the proposed lake or
31 beach management district. The date for the public hearing shall be at
32 least thirty days and no more than ninety days after the adoption of
33 the resolution of intention unless an emergency exists.

34 Petitions shall be filed with the county legislative authority.
35 The county legislative authority shall determine the sufficiency of the
36 signatures, which shall be conclusive upon all persons. No person may
37 withdraw his or her name from a petition after it is filed. If the
38 county legislative authority determines a petition to be sufficient and

1 the proposed lake or beach management district appears to be in the
2 public interest and the financing of the lake or beach improvement or
3 maintenance activities is feasible, it shall adopt a resolution of
4 intention, setting forth all of the details required to be included
5 when a resolution of intention is initiated by the county legislative
6 authority.

7 **Sec. 6.** RCW 36.61.040 and 1994 c 264 s 9 are each amended to read
8 as follows:

9 Notice of the public hearing shall be published in at least two
10 consecutive issues of a newspaper of general circulation in the
11 proposed lake or beach management district, the date of the first
12 publication to be at least fifteen days prior to the date fixed for the
13 public hearing by the resolution of intention. Notice of the public
14 hearing shall also be given to the owner or reputed owner of any lot,
15 tract, parcel of land, or other property within the proposed lake or
16 beach management district by mailing the notice at least fifteen days
17 before the date fixed for the public hearing to the owner or reputed
18 owner of the property as shown on the tax rolls of the county assessor
19 at the address shown thereon. Notice of the public hearing shall also
20 be mailed to the departments of fish and wildlife, natural resources,
21 and ecology at least fifteen days before the date fixed for the public
22 hearing.

23 Notices of the public hearing shall: (1) Refer to the resolution
24 of intention; (2) designate the proposed lake or beach management
25 district by number; (3) set forth a proposed plan describing: (a) The
26 nature of the proposed lake or beach improvement or maintenance
27 activities; (b) the amount of special assessments or rates and charges
28 proposed to be raised by the lake or beach management district; (c) if
29 special assessments are proposed to be imposed, whether the special
30 assessments will be imposed annually for the duration of the lake or
31 beach management district, or the full special assessments will be
32 payable at one time, with the possibility of periodic installments
33 being paid and lake or beach management bonds being issued, or both;
34 (d) if rates and charges are proposed to be imposed, the annual amount
35 of revenue proposed to be collected and whether revenue bonds payable
36 from the rates and charges are proposed to be issued; and (e) the

1 proposed duration of the lake or beach management district; and (4)
2 indicate the date, time, and place of the public hearing designated in
3 the resolution of intention.

4 In the case of the notice sent to each owner or reputed owner by
5 mail, the notice shall set forth the estimated amount of the cost of
6 the lake or beach improvement or maintenance activities to be borne by
7 special assessment, or annual special assessments, or rates and charges
8 on the lot, tract, parcel of land, or other property owned by the owner
9 or reputed owner.

10 If the county legislative authority has designated a committee of
11 itself or an officer to hear complaints and make recommendations to the
12 full county legislative authority, as provided in RCW 36.61.060, the
13 notice shall also describe this additional step before the full county
14 legislative authority may adopt a resolution creating the lake or beach
15 management district.

16 **Sec. 7.** RCW 36.61.050 and 1994 c 264 s 10 are each amended to read
17 as follows:

18 The county legislative authority shall hold a public hearing on the
19 proposed lake or beach management district at the date, time, and place
20 designated in the resolution of intention.

21 At this hearing the county legislative authority shall hear
22 objections from any person affected by the formation of the lake or
23 beach management district. Representatives of the departments of fish
24 and wildlife, natural resources, and ecology shall be afforded
25 opportunities to make presentations on and comment on the proposal.
26 Members of the public shall be afforded an opportunity to comment on
27 the proposal. The county legislative authority must consider
28 recommendations provided to it by the departments of fish and wildlife,
29 natural resources, and ecology. The public hearing may be extended to
30 other times and dates declared at the public hearing. The county
31 legislative authority may make such changes in the boundaries of the
32 lake or beach management district or such modification in plans for the
33 proposed lake or beach improvement or maintenance activities as it
34 deems necessary. The county legislative authority may not change
35 boundaries of the lake or beach management district to include property
36 that was not included previously without first passing an amended
37 resolution of intention and giving new notice to the owners or reputed

1 owners of property newly included in the proposed lake or beach
2 management district in the manner and form and within the time provided
3 for the original notice. The county legislative authority shall not
4 alter the plans for the proposed lake or beach improvement or
5 maintenance activities to result in an increase in the amount of money
6 proposed to be raised, and shall not increase the amount of money
7 proposed to be raised, without first passing an amended resolution of
8 intention and giving new notice to property owners in the manner and
9 form and within the time provided for the original notice.

10 **Sec. 8.** RCW 36.61.060 and 1985 c 398 s 10 are each amended to read
11 as follows:

12 A county legislative authority may adopt an ordinance providing for
13 a committee of itself, or an officer, to hold public hearings on the
14 proposed formation of a lake or beach management district and hear
15 objections to the proposed formation as provided in RCW 36.61.050. The
16 committee or officer shall make a recommendation to the full
17 legislative authority, which need not hold a public hearing on the
18 proposed creation of the lake or beach management district. The full
19 county legislative authority by resolution may approve or disapprove
20 the recommendation and submit the question of creating the lake or
21 beach management district to the property owners as provided in RCW
22 36.61.070 through 36.61.100.

23 **Sec. 9.** RCW 36.61.070 and 1987 c 432 s 5 are each amended to read
24 as follows:

25 After the public hearing, the county legislative authority may
26 adopt a resolution submitting the question of creating the lake or
27 beach management district to the owners of land within the proposed
28 lake or beach management district, including publicly owned land, if
29 the county legislative authority finds that it is in the public
30 interest to create the lake or beach management district and the
31 financing of the lake or beach improvement and maintenance activities
32 is feasible. The resolution shall also include: (1) A plan describing
33 the proposed lake or beach improvement and maintenance activities which
34 avoid adverse impacts on fish and wildlife and provide for appropriate
35 measures to protect and enhance fish and wildlife; (2) the number of
36 years the lake or beach management district will exist; (3) the amount

1 to be raised by special assessments or rates and charges; (4) if
2 special assessments are to be imposed, whether the special assessments
3 shall be imposed annually for the duration of the lake or beach
4 management district or only once with the possibility of installments
5 being imposed and lake or beach management bonds being issued, or both,
6 and, if both types of special assessments are proposed to be imposed,
7 the lake or beach improvement or maintenance activities proposed to be
8 financed by each type of special assessment; (5) if rates and charges
9 are to be imposed, a description of the rates and charges and the
10 possibility of revenue bonds being issued that are payable from the
11 rates and charges; and (6) the estimated special assessment or rate and
12 charge proposed to be imposed on each parcel included in the proposed
13 lake or beach management district.

14 No lake or beach management district may be created by a county
15 that includes territory located in another county without the approval
16 of the legislative authority of the other county.

17 **Sec. 10.** RCW 36.61.080 and 1987 c 432 s 6 are each amended to read
18 as follows:

19 (1) A ballot shall be mailed to each owner or reputed owner of any
20 lot, tract, parcel of land, or other property within the proposed lake
21 management district, including publicly owned land, which ballot shall
22 contain the following proposition:

23 "Shall lake management district No. be formed?
24 Yes
25 No"

26 (2) A ballot shall be mailed to each owner or reputed owner of any
27 lot, tract, parcel of land, or other property within the proposed beach
28 management district, including publicly owned land, which ballot shall
29 contain the following proposition:

30 "Shall beach management district No. be formed?
31 Yes
32 No"

33 (3) In addition, the ballot shall contain appropriate spaces for
34 the signatures of the landowner or landowners, or officer authorized to
35 cast such a ballot. Each ballot shall include a description of the
36 property owner's property and the estimated special assessment, or rate

1 and charge, proposed to be imposed upon the property. A copy of the
2 instructions and the resolution submitting the question to the
3 landowners shall also be included.

4 **Sec. 11.** RCW 36.61.090 and 1987 c 432 s 7 are each amended to read
5 as follows:

6 The balloting shall be subject to the following conditions, which
7 shall be included in the instructions mailed with each ballot, as
8 provided in RCW 36.61.080: (1) All ballots must be signed by the owner
9 or reputed owner of property according to the assessor's tax rolls; (2)
10 each ballot must be returned to the county legislative authority not
11 later than (~~five o'clock~~) 5:00 p.m. of a specified day, which shall
12 be at least twenty but not more than thirty days after the ballots are
13 mailed; (3) each property owner shall mark his or her ballot for or
14 against the creation of the proposed lake or beach management district,
15 with the ballot weighted so that the property owner has one vote for
16 each dollar of estimated special assessment or rate and charge proposed
17 to be imposed on his or her property; and (4) the valid ballots shall
18 be tabulated and a simple majority of the votes cast shall determine
19 whether the proposed lake or beach management district shall be
20 approved or rejected.

21 **Sec. 12.** RCW 36.61.100 and 1987 c 432 s 8 are each amended to read
22 as follows:

23 If the proposal receives a simple majority vote in favor of
24 creating the lake or beach management district, the county legislative
25 authority shall adopt an ordinance creating the lake or beach
26 management district and may proceed with establishing the special
27 assessments or rates and charges, collecting the special assessments or
28 rates and charges, and performing the lake or beach improvement or
29 maintenance activities. If a proposed lake management district
30 includes more than one lake and its adjacent areas, the lake management
31 district may only be established if the proposal receives a simple
32 majority vote in favor of creating it by the voters on each lake and
33 its adjacent areas. The county legislative authority shall publish a
34 notice in a newspaper of general circulation in a lake or beach
35 management district indicating that such an ordinance has been adopted
36 within ten days of the adoption of the ordinance.

1 The ballots shall be available for public inspection after they are
2 counted.

3 **Sec. 13.** RCW 36.61.110 and 1985 c 398 s 11 are each amended to
4 read as follows:

5 No lawsuit may be maintained challenging the jurisdiction or
6 authority of the county legislative authority to proceed with the lake
7 or beach improvement and maintenance activities and creating the lake
8 or beach management district or in any way challenging the validity of
9 the actions or decisions or any proceedings relating to the actions or
10 decisions unless the lawsuit is served and filed no later than forty
11 days after publication of a notice that the ordinance has been adopted
12 ordering the lake or beach improvement and maintenance activities and
13 creating the lake or beach management district. Written notice of the
14 appeal shall be filed with the county legislative authority and clerk
15 of the superior court in the county in which the property is situated.

16 **Sec. 14.** RCW 36.61.115 and 1987 c 432 s 9 are each amended to read
17 as follows:

18 A special assessment, or rate and charge, on any lot, tract, parcel
19 of land, or other property shall not be increased beyond one hundred
20 ten percent of the estimated special assessment, or rate and charge,
21 proposed to be imposed as provided in the resolution adopted in RCW
22 36.61.070, unless the creation of a lake or beach management district
23 is approved under another mailed ballot election that reflects the
24 weighted voting arising from such increases.

25 **Sec. 15.** RCW 36.61.120 and 1985 c 398 s 12 are each amended to
26 read as follows:

27 After a lake or beach management district is created, the county
28 shall prepare a proposed special assessment roll. A separate special
29 assessment roll shall be prepared for annual special assessments if
30 both annual special assessments and special assessments paid at one
31 time are imposed. The proposed special assessment roll shall list:
32 (1) Each separate lot, tract, parcel of land, or other property in the
33 lake or beach management district; (2) the acreage of such property,
34 and the number of feet of lake or beach frontage, if any; (3) the name
35 and address of the owner or reputed owner of each lot, tract, parcel of

1 land, or other property as shown on the tax rolls of the county
2 assessor; and (4) the special assessment proposed to be imposed on each
3 lot, tract, parcel of land, or other property, or the annual special
4 assessments proposed to be imposed on each lot, tract, parcel of land,
5 or other property.

6 At the time, date, and place fixed for a public hearing, the county
7 legislative authority shall act as a board of equalization and hear
8 objections to the special assessment roll, and at the times to which
9 the public hearing may be adjourned, the county legislative authority
10 may correct, revise, raise, lower, change, or modify the special
11 assessment roll or any part thereof, or set the proposed special
12 assessment roll aside and order a new proposed special assessment roll
13 to be prepared. The county legislative authority shall confirm and
14 approve a special assessment roll by adoption of a resolution.

15 If a proposed special assessment roll is amended to raise any
16 special assessment appearing thereon or to include omitted property, a
17 new public hearing shall be held. The new public hearing shall be
18 limited to considering the increased special assessments or omitted
19 property. Notices shall be sent to the owners or reputed owners of the
20 affected property in the same manner and form and within the time
21 provided for the original notice.

22 Objections to a proposed special assessment roll must be made in
23 writing, shall clearly state the grounds for objections, and shall be
24 filed with the governing body prior to the public hearing. Objections
25 to a special assessment or annual special assessments that are not made
26 as provided in this section shall be deemed waived and shall not be
27 considered by the governing body or a court on appeal.

28 **Sec. 16.** RCW 36.61.140 and 1985 c 398 s 14 are each amended to
29 read as follows:

30 Notice of the original public hearing on the proposed special
31 assessment roll, and any public hearing held as a result of raising
32 special assessments or including omitted property, shall be published
33 and mailed to the owner or reputed owner of the property as provided in
34 RCW 36.61.040 for the public hearing on the formation of the lake or
35 beach management district. However, the notice need only provide the
36 total amount to be collected by the special assessment roll and shall
37 state that: (1) A public hearing on the proposed special assessment

1 roll will be held, giving the time, date, and place of the public
2 hearing; (2) the proposed special assessment roll is available for
3 public perusal, giving the times and location where the proposed
4 special assessment roll is available for public perusal; (3) objections
5 to the proposed special assessment must be in writing, include clear
6 grounds for objections, and must be filed prior to the public hearing;
7 and (4) failure to so object shall be deemed to waive an objection.

8 Notices mailed to the owners or reputed owners shall additionally
9 indicate the amount of special assessment ascribed to the particular
10 lot, tract, parcel of land, or other property owned by the person so
11 notified.

12 **Sec. 17.** RCW 36.61.160 and 1987 c 432 s 10 are each amended to
13 read as follows:

14 Whenever special assessments are imposed, all property included
15 within a lake or beach management district shall be considered to be
16 the property specially benefited by the lake or beach improvement or
17 maintenance activities and shall be the property upon which special
18 assessments are imposed to pay the costs and expenses of the lake or
19 beach improvement or maintenance activities, or such part of the costs
20 and expenses as may be chargeable against the property specially
21 benefited. The special assessments shall be imposed on property in
22 accordance with the special benefits conferred on the property up to
23 but not in excess of the total costs and expenses of the lake or beach
24 improvement or maintenance activities as provided in the special
25 assessment roll.

26 Special assessments may be measured by front footage, acreage, the
27 extent of improvements on the property, or any other factors that are
28 deemed to fairly reflect special benefits, including those authorized
29 under RCW 35.51.030. Special assessments may be calculated by using
30 more than one factor. Zones around the public improvement may be used
31 that reflect different levels of benefit in each zone that are measured
32 by a front footage, acreage, the extent of improvements, or other
33 factors.

34 Public property, including property owned by the state of
35 Washington, shall be subject to special assessments to the same extent
36 that private property is subject to the special assessments, except no
37 lien shall extend to public property.

1 **Sec. 18.** RCW 36.61.170 and 1985 c 398 s 17 are each amended to
2 read as follows:

3 The total annual special assessments may not exceed the estimated
4 cost of the lake or beach improvement or maintenance activities
5 proposed to be financed by such special assessments, as specified in
6 the resolution of intention. The total of special assessments imposed
7 in a lake or beach management district that are of the nature of
8 special assessments imposed in a local improvement district shall not
9 exceed one hundred fifty percent of the estimated total cost of the
10 lake or beach improvement or maintenance activities that are proposed
11 to be financed by the lake or beach management district as specified in
12 the resolution of intention. After a lake or beach management district
13 has been created, the resolution of intention may be amended to
14 increase the amount to be financed by the lake or beach management
15 district by using the same procedure in which a lake or beach
16 management district is created.

17 **Sec. 19.** RCW 36.61.190 and 1985 c 398 s 19 are each amended to
18 read as follows:

19 Special assessments and installments on any special assessment
20 shall be collected by the county treasurer.

21 The county treasurer shall publish a notice indicating that the
22 special assessment roll has been confirmed and that the special
23 assessments are to be collected. The notice shall indicate the
24 duration of the lake or beach management district and shall describe
25 whether the special assessments will be paid in annual payments for the
26 duration of the lake or beach management district, or whether the full
27 special assessments will be payable at one time, with the possibility
28 of periodic installments being paid and lake or beach management bonds
29 being issued, or both.

30 If the special assessments are to be payable at one time, the
31 notice additionally shall indicate that all or any portion of the
32 special assessments may be paid within thirty days from the date of
33 publication of the first notice without penalty or interest. This
34 notice shall be published in a newspaper of general circulation in the
35 lake or beach management district.

36 Within ten days of the first newspaper publication, the county
37 treasurer shall notify each owner or reputed owner of property whose

1 name appears on the special assessment roll, at the address shown on
2 the special assessment roll, for each item of property described on the
3 list: (1) Whether one special assessment payable at one time or
4 special assessments payable annually have been imposed; (2) the amount
5 of the property subject to the special assessment or annual special
6 assessments; and (3) the total amount of the special assessment due at
7 one time, or annual amount of special assessments due. If the special
8 assessment is due at one time, the notice shall also describe the
9 thirty-day period during which the special assessment may be paid
10 without penalty, interest, or cost.

11 **Sec. 20.** RCW 36.61.200 and 1985 c 398 s 20 are each amended to
12 read as follows:

13 If the special assessments are to be payable at one time, all or
14 any portion of any special assessment may be paid without interest,
15 penalty, or costs during this thirty-day period and placed into a
16 special fund to defray the costs of the lake or beach improvement or
17 maintenance activities. The remainder shall be paid in installments as
18 provided in a resolution adopted by the county legislative authority,
19 but the last installment shall be due at least two years before the
20 maximum term of the bonds issued to pay for the improvements or
21 maintenance. The installments shall include amounts sufficient to
22 redeem the bonds issued to pay for the lake or beach improvement and
23 maintenance activities. A twenty-day period shall be allowed after the
24 due date of any installment within which no interest, penalty, or costs
25 on the installment may be imposed.

26 The county shall establish by ordinance an amount of interest that
27 will be imposed on late special assessments imposed annually or at
28 once, and on installments of a special assessment. The ordinance shall
29 also specify the penalty, in addition to the interest, that will be
30 imposed on a late annual special assessment, special assessment, or
31 installment which shall not be less than five percent of the delinquent
32 special assessment or installment.

33 The owner of any lot, tract, parcel of land, or other property
34 charged with a special assessment may redeem it from all liability for
35 the unpaid amount of the installments by paying, to the county
36 treasurer, the remaining portion of the installments that is

1 attributable to principal on the lake or beach management district
2 bonds.

3 **Sec. 21.** RCW 36.61.220 and 1985 c 398 s 22 are each amended to
4 read as follows:

5 Within fifteen days after a county creates a lake or beach
6 management district, the county shall cause to be filed with the county
7 treasurer, a description of the lake or beach improvement and
8 maintenance activities proposed that the lake or beach management
9 district finances, the lake or beach management district number, and a
10 copy of the diagram or print showing the boundaries of the lake or
11 beach management district and preliminary special assessment roll or
12 abstract of same showing thereon the lots, tracts, parcels of land, and
13 other property that will be specially benefited thereby and the
14 estimated cost and expense of such lake or beach improvement and
15 maintenance activities to be borne by each lot, tract, parcel of land,
16 or other property. The treasurer shall immediately post the proposed
17 special assessment roll upon his or her index of special assessments
18 against the properties affected by the lake or beach improvement or
19 maintenance activities.

20 **Sec. 22.** RCW 36.61.230 and 1985 c 398 s 23 are each amended to
21 read as follows:

22 The special assessment or annual special assessments imposed upon
23 the respective lots, tracts, parcels of land, and other property in the
24 special assessment roll or annual special assessment roll confirmed by
25 resolution of the county legislative authority for the purpose of
26 paying the cost and expense in whole or in part of any lake or beach
27 improvement or maintenance activities shall be a lien upon the property
28 assessed from the time the special assessment roll is placed in the
29 hands of the county treasurer for collection, but as between the
30 grantor and grantee, or vendor and vendee of any real property, when
31 there is no express agreement as to payment of the special assessments
32 against the real property, the lien of such special assessments shall
33 attach thirty days after the filing of the diagram or print and the
34 estimated cost and expense of such lake or beach improvement or
35 maintenance activities to be borne by each lot, tract, parcel of land,
36 or other property, as provided in RCW 36.61.220. Interest and penalty

1 shall be included in and shall be a part of the special assessment
2 lien. No lien shall extend to public property subjected to special
3 assessments.

4 The special assessment lien shall be paramount and superior to any
5 other lien or encumbrance theretofore or thereafter created except a
6 lien for general taxes.

7 **Sec. 23.** RCW 36.61.260 and 2000 c 184 s 6 are each amended to read
8 as follows:

9 (1) Counties may issue lake or beach management district bonds in
10 accordance with this section. Lake or beach management district bonds
11 may be issued to obtain money sufficient to cover that portion of the
12 special assessments that are not paid within the thirty-day period
13 provided in RCW 36.61.190.

14 Whenever lake or beach management district bonds are proposed to be
15 issued, the county legislative authority shall create a special fund or
16 funds for the lake or beach management district from which all or a
17 portion of the costs of the lake or beach improvement and maintenance
18 activities shall be paid. Lake or beach management district bonds
19 shall not be issued in excess of the costs and expenses of the lake or
20 beach improvement and maintenance activities and shall not be issued
21 prior to twenty days after the thirty days allowed for the payment of
22 special assessments without interest or penalties.

23 Lake or beach management district bonds shall be exclusively
24 payable from the special fund or funds and from a guaranty fund that
25 the county may have created out of a portion of proceeds from the sale
26 of the lake or beach management district bonds.

27 (2) Lake or beach management district bonds shall not constitute a
28 general indebtedness of the county issuing the bond nor an obligation,
29 general or special, of the state. The owner of any lake or beach
30 management district bond shall not have any claim for the payment
31 thereof against the county that issues the bonds except for payment
32 from the special assessments made for the lake or beach improvement or
33 maintenance activities for which the lake or beach management district
34 bond was issued and from a lake or beach management district guaranty
35 fund that may have been created. The county shall not be liable to the
36 owner of any lake or beach management district bond for any loss to the
37 lake or beach management district guaranty fund occurring in the lawful

1 operation of the fund. The owner of a lake or beach management
2 district bond shall not have any claim against the state arising from
3 the lake or beach management district bond, special assessments, or
4 guaranty fund. Tax revenues shall not be used to secure or guarantee
5 the payment of the principal of or interest on lake or beach management
6 district bonds.

7 The substance of the limitations included in this subsection shall
8 be plainly printed, written, engraved, or reproduced on: (a) Each lake
9 or beach management district bond that is a physical instrument; (b)
10 the official notice of sale; and (c) each official statement associated
11 with the lake or beach management district bonds.

12 (3) If the county fails to make any principal or interest payments
13 on any lake or beach management district bond or to promptly collect
14 any special assessment securing the bonds when due, the owner of the
15 lake or beach management district bond may obtain a writ of mandamus
16 from any court of competent jurisdiction requiring the county to
17 collect the special assessments, foreclose on the related lien, and
18 make payments out of the special fund or guaranty fund if one exists.
19 Any number of owners of lake or beach management districts may join as
20 plaintiffs.

21 (4) A county may create a lake or beach management district bond
22 guaranty fund for each issue of lake or beach management district
23 bonds. The guaranty fund shall only exist for the life of the lake or
24 beach management district bonds with which it is associated. A portion
25 of the bond proceeds may be placed into a guaranty fund. Unused moneys
26 remaining in the guaranty fund during the last two years of the
27 installments shall be used to proportionally reduce the required level
28 of installments and shall be transferred into the special fund into
29 which installment payments are placed.

30 (5) Lake or beach management district bonds shall be issued and
31 sold in accordance with chapter 39.46 RCW. The authority to create a
32 special fund or funds shall include the authority to create accounts
33 within a fund.

34 **Sec. 24.** RCW 36.61.270 and 1987 c 432 s 11 are each amended to
35 read as follows:

36 Whenever rates and charges are to be imposed in a lake or beach
37 management district, the county legislative authority shall prepare a

1 roll of rates and charges that includes those matters required to be
2 included in a special assessment roll and shall hold a public hearing
3 on the proposed roll of rates and charges as provided under RCW
4 36.61.120 through 36.61.150 for a special assessment roll. The county
5 legislative authority shall have full jurisdiction and authority to
6 fix, alter, regulate, and control the rates and charges imposed by a
7 lake or beach management district and may classify the rates or charges
8 by any reasonable factor or factors, including benefit, use, front
9 footage, acreage, the extent of improvements on the property, the type
10 of improvements on the property, uses to which the property is put,
11 service to be provided, and any other reasonable factor or factors.
12 The flexibility to establish rates and charges includes the authority
13 to reduce rates and charges on property owned by low-income persons.

14 Except as provided in this section, the collection of rates and
15 charges, lien status of unpaid rates and charges, and method of
16 foreclosing on such liens shall be subject to the provisions of chapter
17 36.94 RCW. Public property, including state property, shall be subject
18 to the rates and charges to the same extent that private property is
19 subject to them, except that liens may not be foreclosed on the public
20 property, and the procedure for imposing such rates and charges on
21 state property shall conform with the procedure provided for in chapter
22 79.44 RCW concerning the imposition of special assessments upon state
23 property. The total amount of rates and charges cannot exceed the cost
24 of lake or beach improvement or maintenance activities proposed to be
25 financed by such rates and charges, as specified in the resolution of
26 intention. Revenue bonds exclusively payable from the rates and
27 charges may be issued by the county under chapter 39.46 RCW.

28 **Sec. 25.** RCW 36.94.020 and 1997 c 447 s 11 are each amended to
29 read as follows:

30 The construction, operation, and maintenance of a system of
31 sewerage and/or water is a county purpose. Subject to the provisions
32 of this chapter, every county has the power, individually or in
33 conjunction with another county or counties to adopt, provide for,
34 accept, establish, condemn, purchase, construct, add to, operate, and
35 maintain a system or systems of sanitary and storm sewers, including
36 outfalls, interceptors, plans, and facilities and services necessary
37 for sewerage treatment and disposal, and/or system or systems of water

1 supply within all or a portion of the county. However, counties shall
2 not have power to condemn sewerage and/or water systems of any
3 municipal corporation or private utility.

4 Such county or counties shall have the authority to control,
5 regulate, operate, and manage such system or systems and to provide
6 funds therefor by general obligation bonds, revenue bonds, local
7 improvement district bonds, utility local improvement district or local
8 improvement district assessments, and in any other lawful fiscal
9 manner. Rates or charges for on-site inspection and maintenance
10 services may not be imposed under this chapter on the development,
11 construction, or reconstruction of property.

12 Under this chapter, after July 1, 1998, any requirements for
13 pumping the septic tank of an on-site sewage system should be based,
14 among other things, on actual measurement of accumulation of sludge and
15 scum by a trained inspector, trained owner's agent, or trained owner.
16 Training must occur in a program approved by the state board of health
17 or by a local health officer.

18 Before adopting on-site inspection and maintenance utility
19 services, or incorporating residences into an on-site inspection and
20 maintenance or sewer utility under this chapter, notification must be
21 provided, prior to the applicable public hearing, to all residences
22 within the proposed service area that have on-site systems permitted by
23 the local health officer. The notice must clearly state that the
24 residence is within the proposed service area and must provide
25 information on estimated rates or charges that may be imposed for the
26 service.

27 A county shall not provide on-site sewage system inspection,
28 pumping services, or other maintenance or repair services under this
29 section using county employees unless the on-site system is connected
30 by a publicly owned collection system to the county's sewerage system,
31 and the on-site system represents the first step in the sewage disposal
32 process. Nothing in this section shall affect the authority of a state
33 or local health officer to carry out their responsibilities under any
34 other applicable law.

35 A county may, as part of a system of sewerage established under
36 this chapter, provide for, finance, and operate any of the facilities
37 and services and may exercise the powers expressly authorized for
38 county storm water, flood control, pollution prevention, and drainage

1 services and activities under chapters 36.89, 86.12, 86.13, and 86.15
2 RCW. A county also may provide for, finance, and operate the
3 facilities and services and may exercise any of the powers authorized
4 for aquifer protection areas under chapter 36.36 RCW; for lake or beach
5 management districts under chapter 36.61 RCW; for diking districts, and
6 diking, drainage, and sewerage improvement districts under chapters
7 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection
8 districts under chapter 90.72 RCW. However, if a county by reference
9 to any of those statutes assumes as part of its system of sewerage any
10 powers granted to such areas or districts and not otherwise available
11 to a county under this chapter, then (1) the procedures and
12 restrictions applicable to those areas or districts apply to the
13 county's exercise of those powers, and (2) the county may not
14 simultaneously impose rates and charges under this chapter and under
15 the statutes authorizing such areas or districts for substantially the
16 same facilities and services, but must instead impose uniform rates and
17 charges consistent with RCW 36.94.140. By agreement with such an area
18 or district that is not part of a county's system of sewerage, a county
19 may operate that area's or district's services or facilities, but a
20 county may not dissolve any existing area or district except in
21 accordance with any applicable provisions of the statute under which
22 that area or district was created.

23 **Sec. 26.** RCW 39.34.190 and 2003 c 327 s 2 are each amended to read
24 as follows:

25 (1) The legislative authority of a city or county and the governing
26 body of any special purpose district enumerated in subsection (2) of
27 this section may authorize up to ten percent of its water-related
28 revenues to be expended in the implementation of watershed management
29 plan projects or activities that are in addition to the county's,
30 city's, or district's existing water-related services or activities.
31 Such limitation on expenditures shall not apply (~~to additional~~
32 ~~revenues for watershed plan implementation that are authorized by voter~~
33 ~~approval under section 5 of this act or~~) to water-related revenues of
34 a public utility district organized according to Title 54 RCW. Water-
35 related revenues include rates, charges, and fees for the provision of
36 services relating to water supply, treatment, distribution, and
37 management generally, and those general revenues of the local

1 government that are expended for water management purposes. A local
2 government may not expend for this purpose any revenues that were
3 authorized by voter approval for other specified purposes or that are
4 specifically dedicated to the repayment of municipal bonds or other
5 debt instruments.

6 (2) The following special purpose districts may exercise the
7 authority provided by this section:

8 (a) Water districts, sewer districts, and water-sewer districts
9 organized under Title 57 RCW;

10 (b) Public utility districts organized under Title 54 RCW;

11 (c) Irrigation, reclamation, conservation, and similar districts
12 organized under Titles 87 and 89 RCW;

13 (d) Port districts organized under Title 53 RCW;

14 (e) Diking, drainage, and similar districts organized under Title
15 85 RCW;

16 (f) Flood control and similar districts organized under Title 86
17 RCW;

18 (g) Lake or beach management districts organized under chapter
19 36.61 RCW;

20 (h) Aquifer protection areas organized under chapter 36.36 RCW; and

21 (i) Shellfish protection districts organized under chapter 90.72
22 RCW.

23 (3) The authority for expenditure of local government revenues
24 provided by this section shall be applicable broadly to the
25 implementation of watershed management plans addressing water supply,
26 water transmission, water quality treatment or protection, or any other
27 water-related purposes. Such plans include but are not limited to
28 plans developed under the following authorities:

29 (a) Watershed plans developed under chapter 90.82 RCW;

30 (b) Salmon recovery plans developed under chapter 77.85 RCW;

31 (c) Watershed management elements of comprehensive land use plans
32 developed under the growth management act, chapter 36.70A RCW;

33 (d) Watershed management elements of shoreline master programs
34 developed under the shoreline management act, chapter 90.58 RCW;

35 (e) Nonpoint pollution action plans developed under the Puget Sound
36 water quality management planning authorities of chapter 90.71 RCW and
37 chapter 400-12 WAC;

1 (f) Other comprehensive management plans addressing watershed
2 health at a WRIA level or sub-WRIA basin drainage level;

3 (g) Coordinated water system plans under chapter 70.116 RCW and
4 similar regional plans for water supply; and

5 (h) Any combination of the foregoing plans in an integrated
6 watershed management plan.

7 (4) The authority provided by this section to expend revenues for
8 watershed management plan implementation shall be construed broadly to
9 include, but not be limited to:

10 (a) The coordination and oversight of plan implementation,
11 including funding a watershed management partnership for this purpose;

12 (b) Technical support, monitoring, and data collection and
13 analysis;

14 (c) The design, development, construction, and operation of
15 projects included in the plan; and

16 (d) Conducting activities and programs included as elements in the
17 plan.

18 **Sec. 27.** RCW 86.09.151 and 1986 c 278 s 52 are each amended to
19 read as follows:

20 (1) Said flood control districts shall have full authority to carry
21 out the objects of their creation and to that end are authorized to
22 acquire, purchase, hold, lease, manage, improve, repair, occupy, and
23 sell real and personal property or any interest therein, either inside
24 or outside the boundaries of the district, to enter into and perform
25 any and all necessary contracts, to appoint and employ the necessary
26 officers, agents and employees, to sue and be sued, to exercise the
27 right of eminent domain, to levy and enforce the collection of special
28 assessments and in the manner herein provided against the lands within
29 the district, for district revenues, and to do any and all lawful acts
30 required and expedient to carry out the purpose of this chapter.

31 (2) In addition to the powers conferred in this chapter and those
32 in chapter 85.38 RCW, flood control districts may engage in activities
33 authorized under RCW 36.61.020 for lake or beach management districts
34 using procedures granted in this chapter and in chapter 85.38 RCW.

35 **Sec. 28.** RCW 35.21.403 and 1985 c 398 s 27 are each amended to
36 read as follows:

1 Any city or town may establish lake and beach management districts
2 within its boundaries as provided in chapter 36.61 RCW. When a city or
3 town establishes a lake or beach management district pursuant to
4 chapter 36.61 RCW, the term "county legislative authority" shall be
5 deemed to mean the city or town governing body, the term "county" shall
6 be deemed to mean the city or town, and the term "county treasurer"
7 shall be deemed to mean the city or town treasurer or other fiscal
8 officer.

9 NEW SECTION. **Sec. 29.** A new section is added to chapter 43.21A
10 RCW to read as follows:

11 (1) The department shall, subject to the availability of amounts
12 appropriated for this specific purpose, provide technical assistance to
13 community groups and county and city legislative authorities requesting
14 assistance with the development of beach management programs. The
15 department shall work with the departments of fish and wildlife,
16 natural resources, and the Puget Sound partnership in coordinating
17 agency assistance to community groups and county and city legislative
18 authorities.

19 (2) The department shall, subject to the availability of amounts
20 appropriated for this specific purpose, develop a study and work plan
21 to address the problem of sea lettuce growth and proliferation in Puget
22 Sound. The study must address issues including underlying causes of
23 intense sea lettuce growth and human health and quality of life impacts
24 of sea lettuce accumulations. The study must further integrate these
25 issues into a larger context of nutrient and environmental conditions
26 in the Puget Sound basin to gain a better understanding of why bay
27 areas are being afflicted. The department shall direct a
28 multidisciplinary team to develop short-term and long-term work plans
29 with specific tasks, phases, and achievable work products to assist
30 with identifying, researching, and implementing solutions to understand
31 the long-term trends of sea lettuce accumulations in Puget Sound as a
32 whole or in particular bays and beaches. The work plan tasks must
33 include:

- 34 (a) Identifying habitat and associated fish and wildlife uses;
- 35 (b) Assessing the most appropriate and environmentally responsible
36 methods to address recurring sea lettuce growth;

1 (c) Providing options for removal efforts of excessive
2 accumulations impacting the environment and local communities;

3 (d) Examining nutrient conditions in nearshore environments; and

4 (e) Analyzing the benefits and harm to deep water and upland
5 disposal of sea lettuce and the environmental impacts of sea lettuce
6 removal. The department shall provide progress reports regarding the
7 study, its tasks, and various findings, to the relevant legislative
8 policy committees, by January 1, 2010, and January 1, 2011.

9 (3) State agencies shall also coordinate technical assistance with
10 marine resources committees established in the area of the beach
11 management district.

12 (4) State agencies shall provide technical assistance to beach
13 management districts so that beach management districts are able to
14 ensure that proposed beach improvement and maintenance plans and
15 activities are consistent with applicable federal, state, and local
16 laws, and consistent with federal, state, and local resource management
17 plans including, but not limited to, shoreline master programs,
18 critical areas ordinances, state and federally identified habitat
19 conservation plans and species recovery plans, state marine species
20 management plans, and shoreline and nearshore protection and
21 restoration plans.

22 NEW SECTION. **Sec. 30.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2008, in the omnibus appropriations act, this act
25 is null and void."

26 Correct the title.

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