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ENGROSSED SENATE BILL 6217

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Holmquist Newbry, Pridemore, Schoesler, and Delvin

Read first time 01/16/12. Referred to Committee on Agriculture,  
Water & Rural Economic Development.

1 AN ACT Relating to the administration of irrigation districts; and  
2 amending RCW 87.03.135, 87.03.620, 87.03.630, and 87.06.030.

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

4 **Sec. 1.** RCW 87.03.135 and 1994 c 117 s 1 are each amended to read  
5 as follows:

6 An irrigation district has the power to sell or lease personal  
7 property owned by the district whenever its board of directors, by  
8 resolution: Determines that the property is not necessary or needed  
9 for the use of the district; and authorizes the sale or lease. No sale  
10 or lease of such property shall be made until notice of the sale or  
11 lease is given by publication at least twenty days before the date of  
12 the sale or lease in a newspaper of general circulation in the county  
13 where the property or part of the property is located or, if there is  
14 no such newspaper in the county, in a newspaper of general circulation  
15 published in an adjoining county. The publication shall be made at  
16 least once a week during three consecutive weeks before the day fixed  
17 for making the sale or lease. The publication shall contain notice of  
18 the intention of the board of directors to make the sale or lease and  
19 shall state the time and place at which proposals for the sale or lease

1 will be considered and at which the sale or lease will be made. Any  
2 such property so sold or leased shall be sold or leased to the highest  
3 and best bidder.

4 The provisions of this section relating to publication of notice  
5 shall not apply when the value of the property to be sold or leased is  
6 less than (~~five hundred~~) ten thousand dollars.

7 **Sec. 2.** RCW 87.03.620 and 1939 c 150 s 2 are each amended to read  
8 as follows:

9 Upon the filing of the petition, the board shall fix a time and  
10 place for the hearing of the same which shall not be less than thirty  
11 days and not more than (~~forty five~~) one hundred eighty days from the  
12 date of said filing; and the board shall cause a notice of such hearing  
13 to be published prior to said hearing in three consecutive weekly  
14 issues of the official newspaper of each county in which any of said  
15 land prayed to be included is situated.

16 **Sec. 3.** RCW 87.03.630 and 1939 c 150 s 4 are each amended to read  
17 as follows:

18 The board of directors of the district shall meet at the time and  
19 place specified in the notice and shall have full authority to  
20 determine all matters pertaining to the petition, including the denial  
21 as well as the granting of said petition or any part thereof; and if it  
22 appears at said hearing, or at any adjournment thereof which may be had  
23 not to exceed in all (~~thirty~~) one hundred eighty days, that the land  
24 or any portion thereof petitioned to be included within the district,  
25 is susceptible of irrigation from the water supply and system of works  
26 of the said district and will be benefited by such irrigation; and if  
27 at said hearing or at any adjournment thereof as aforesaid, not more  
28 than fifty percent of the holders of title or evidence of title to the  
29 lands described in the petition and proposed to be included file their  
30 objections in writing to the inclusion of such land within the time and  
31 as (~~in this act~~) provided in RCW 87.03.615 through 87.03.640, the  
32 said board shall make and enter in the records of their proceedings an  
33 order including said land, or such portion thereof as in their judgment  
34 is susceptible of irrigation and will be benefited as aforesaid, within  
35 the operation of said district.

1       **Sec. 4.** RCW 87.06.030 and 2004 c 215 s 4 are each amended to read  
2 as follows:

3       ~~Before preparing a certificate of delinquency, the treasurer shall~~  
4 ~~((order a title search of the property for which a certificate of~~  
5 ~~delinquency has been prepared to determine or verify the legal~~  
6 ~~description of the property to be sold and parties in interest. In~~  
7 ~~districts with two hundred thousand acres or more, the board of~~  
8 ~~directors, upon receiving the certificates of delinquency may, after~~  
9 ~~reviewing the amount of delinquent assessment compared to the costs of~~  
10 ~~foreclosure, including but not limited to title search, court filing~~  
11 ~~fees, costs of service, and attorneys' fees, determine that it is not~~  
12 ~~in the best interest of the district to commence legal action to~~  
13 ~~foreclose the delinquent assessment liens))~~ provide to the board of  
14 directors a list of properties that may be subject to foreclosure for  
15 delinquent assessments. The board of directors shall review the list  
16 of delinquent properties. After comparing the amount of the delinquent  
17 assessment with the costs of foreclosure, including but not limited to  
18 title search, court filing fees, costs of service, and attorneys' fees,  
19 the board of directors may determine that it is not in the best  
20 interest of the district to commence legal action to foreclose the  
21 delinquent assessment liens.

22       Nothing in this section precludes a county treasurer from  
23 proceeding with foreclosure on parcels otherwise delinquent and, in  
24 those actions, from collecting delinquent assessments due under this  
25 title.

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