

SSB 6512 - S AMD 61

By Senators Holmquist Newbry, Morton, Hatfield

ADOPTED 02/10/2012

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

3 "Sec. 1. RCW 87.84.060 and 1988 c 127 s 68 are each amended to
4 read as follows:

5 (1)(a) The directors of the irrigation and rehabilitation district
6 elected before the effective date of this section shall ((be the same
7 as of the irrigation district and)) continue to serve for the remainder
8 of their current terms.

9 (b) The elections held for directors of the irrigation and
10 rehabilitation district after the effective date of this section shall
11 be as provided in section 2 of this act.

12 (2) The directors of an irrigation and rehabilitation district
13 shall, except as provided in RCW 87.84.070, retain all power, rights,
14 and authority heretofore granted to them or hereafter granted to them
15 as directors of an irrigation district under any provision of this
16 title ((87-RCW)) or any amendments thereto or any authority granted to
17 directors of irrigation districts under any other law of the state of
18 Washington.

19 (3) The irrigation and rehabilitation district shall also retain
20 all power, rights, and authority heretofore or hereafter granted to
21 irrigation districts under this title ((87-RCW)) or any other law or
22 laws of the state of Washington, and use said power and authority
23 including local improvement district provisions to further irrigation
24 and rehabilitation district purposes and in addition shall have
25 authority to rehabilitate or improve all or a portion of any inland
26 body of water including adjacent shore lines located in the district
27 and shall have the further power of modifying or improving any existing
28 or planned water control structure located in the district in order to
29 further the health, recreation, and welfare of the residents in the
30 district.

1 (4) All rights held by the irrigation district to water located
2 wholly or partially in the district including but not limited to rights
3 granted by the department of ecology shall upon formation of the
4 irrigation and rehabilitation district immediately vest in the
5 irrigation and rehabilitation district and in addition all water in the
6 newly formed district as to which the prior district had any rights
7 shall be held by the new district for all the beneficial uses and
8 purposes for which the irrigation and rehabilitation district is
9 formed. The authority to impose new assessments under chapter 87.03
10 RCW expires January 1, 2013.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 87.84 RCW
12 to read as follows:

13 (1) This section applies for elections held after the effective
14 date of this section.

15 (2) A person at least eighteen years old who is a citizen of the
16 United States and a resident of this state, and who holds title or
17 evidence of title to assessable land in the irrigation and
18 rehabilitation district or proposed district, is entitled to vote in
19 the district as one ownership regardless of the size of the ownership
20 or number of parcels owned, and is recognized as a qualified elector.

21 (3) Each ownership shall be represented by two votes. If there are
22 multiple owners or joint owners of a single ownership, the owners shall
23 decide among themselves what their two votes shall be. If the
24 ownership is held as community property, each spouse is entitled to one
25 vote or the spouses may vote by common agreement. Each corporation,
26 general partnership, limited partnership, limited liability
27 corporation, or other legal entity formed pursuant to the laws of the
28 state of Washington or qualified to do business in the state of
29 Washington and owning land in the district shall be recognized as an
30 elector with two votes regardless of the size of the ownership or
31 number of parcels owned, and is recognized as a qualified elector.

32 (4)(a) Ballots for elections of directors, and elections conducted
33 under RCW 87.84.070 shall be conducted by mail and sent to all
34 qualified electors twenty or more calendar days before the date of the
35 election. A qualified landowner may register with the irrigation and
36 rehabilitation district up to and through the day of the election and
37 receive a ballot.

1 (b) Any elections held under this chapter shall be scheduled on the
2 second Tuesday in December in the year of the election.

3 (c) All ballots must indicate that the ballots must be either
4 mailed to the county auditor and contain a postmark on or before
5 election day, or turned in before 5:00 p.m. on election day to the
6 county auditor and stamped by the county auditor with the date and time
7 received. Only ballots that are received by mail within six business
8 days after the required postmarked date and those that are received by
9 the county auditor with the required date and time stamp shall be
10 counted.

11 (5) Ballots shall be counted at the county courthouse by employees
12 provided by the irrigation and rehabilitation district. Ballot
13 counting shall be under the supervision of the district secretary and
14 board of directors of the irrigation and rehabilitation district.
15 Ballot counting may begin at 5:00 p.m. the day of the election.
16 Beginning six business days later at 3:00 p.m., the remaining mail-in
17 ballots received by the county auditor shall be counted.

18 (6)(a) In order to receive a ballot, a qualifying elector must be
19 preregistered with the district.

20 (b) To register, the person, or an authorized representative of
21 other legal entities, must show to an employee of the district at the
22 district office a current driver's license or other government-issued
23 photo identification that shows the elector's date of birth.

24 (c) If the district office records do not show land ownership
25 within the district, then the person or entity owning the land must
26 provide proof of ownership to the district.

27 (d) Preregistration may also be done by mail if a copy of the
28 current driver's license or other government-issued photo
29 identification is included and if the district office records show the
30 person satisfies the ownership requirements of this section. If
31 ownership is not shown in the district's records, further proof may be
32 mailed or hand delivered to the district office.

33 (e) Once registered, electors shall remain on the list of qualified
34 electors unless the list showing ownership in the district received
35 from the county assessor shows that they no longer own property in the
36 district or otherwise fail to meet the qualifications in this section.

37 (f) The district shall review the ownership list provided by the
38 county assessor before each election and notify the previously

1 registered electors at least sixty days before an election that their
2 status as qualified electors will be deleted unless the landowner
3 provides sufficient documentation to show that property ownership in
4 the district continues.

5 **Sec. 3.** RCW 87.84.070 and 1973 1st ex.s. c 195 s 132 are each
6 amended to read as follows:

7 (1) Beginning January 1, 2013, this section provides the sole
8 authority for an irrigation and rehabilitation district to impose
9 assessments. Any increase to the assessment rates in effect on January
10 1, 2013, must comply with subsection (2) of this section.

11 (2)(a) The directors shall be empowered to ((specially)) assess
12 land located in the district for benefits thereto taking as a basis the
13 last equalized assessment for county purposes: PROVIDED, That such
14 assessment shall not ((exceed twenty-five cents per thousand dollars of
15 assessed value upon such assessed valuation)) go into effect without
16 securing authorization by vote of the electors of the district at an
17 election called for that purpose. The increase in the assessed
18 valuation per thousand dollars must be approved by a simple majority of
19 electors casting ballots at an election in accordance with section 2 of
20 this act, except that the provisions of section 2(4)(b) of this act do
21 not apply. A district board may, by majority vote, decrease the level
22 of the assessment without securing authorization by vote of the
23 electors of the district.

24 (b) If a board votes to propose an increase in the level of the
25 assessment in accordance with (a) of this subsection, it must hold a
26 public hearing at least forty-five days before the election, then may
27 adopt a resolution to place the matter on the ballot.

28 (3) The board shall give notice of such an election, ((for the time
29 and)) in the manner and form provided for irrigation district
30 elections. Except as otherwise provided in this chapter, the manner of
31 conducting and voting at such an election, opening and closing polls,
32 canvassing the votes, certifying the returns, and declaring the result
33 shall be nearly as practicable the same as in irrigation district
34 elections.

35 (4) The ((special)) assessment provided for ((herein)) in this
36 section shall be due and payable at such times and in such amounts as
37 designated by the district directors, which designation shall be made

1 to the county auditor in writing, and the amount so designated shall be
2 added to the general taxes, and entered upon the assessment rolls in
3 his office, and collected therewith.

4 **Sec. 4.** RCW 87.84.071 and 1965 ex.s. c 6 s 5 are each amended to
5 read as follows:

6 The ((~~special~~)) assessments provided for in RCW 87.84.070 shall be
7 subject to and inferior to existing local improvement district
8 assessments of any city or town which is included within the boundaries
9 of an irrigation and rehabilitation district. The collection of local
10 improvement district assessments of a city or town, and the right to
11 foreclose the same when delinquent, shall not be impaired in any manner
12 whatsoever by subsequent ((~~special~~)) assessments of an irrigation and
13 rehabilitation district. In the event that the county treasurer
14 forecloses on land located within the corporate limits of a city or
15 town for nonpayment of irrigation and rehabilitation district
16 assessments, the certificates of sale and the deeds issued pursuant to
17 the foreclosure proceedings shall contain a recital that the
18 certificate of sale and/or deed is subject to outstanding local
19 improvement district assessments of the city or town."

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20 On page 1, line 2 of the title, after "administration;" strike the
21 remainder of the title and insert "amending RCW 87.84.060, 87.84.070,
22 and 87.84.071; and adding a new section to chapter 87.84 RCW."

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