
HOUSE BILL 2756

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Warnick and Fagan

Read first time 02/01/12. Referred to Committee on Local Government.

1 AN ACT Relating to irrigation and rehabilitation district
2 administration; amending RCW 87.84.060, 87.84.070, and 87.84.071; and
3 adding a new section to chapter 87.84 RCW.

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

5 **Sec. 1.** RCW 87.84.060 and 1988 c 127 s 68 are each amended to read
6 as follows:

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

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

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

1 directors of irrigation districts under any other law of the state of
2 Washington.

3 (3) The irrigation and rehabilitation district shall also retain
4 all power, rights, and authority heretofore or hereafter granted to
5 irrigation districts under this title (~~(87-RCW)~~) or any other law or
6 laws of the state of Washington, and use said power and authority
7 including local improvement district provisions to further irrigation
8 and rehabilitation district purposes and in addition shall have
9 authority to rehabilitate or improve all or a portion of any inland
10 body of water including adjacent shore lines located in the district
11 and shall have the further power of modifying or improving any existing
12 or planned water control structure located in the district in order to
13 further the health, recreation, and welfare of the residents in the
14 district.

15 (4) All rights held by the irrigation district to water located
16 wholly or partially in the district including but not limited to rights
17 granted by the department of ecology shall upon formation of the
18 irrigation and rehabilitation district immediately vest in the
19 irrigation and rehabilitation district and in addition all water in the
20 newly formed district as to which the prior district had any rights
21 shall be held by the new district for all the beneficial uses and
22 purposes for which the irrigation and rehabilitation district is
23 formed.

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

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

28 (2) A person at least eighteen years old who is a citizen of the
29 United States and a resident of this state, and who holds title or
30 evidence of title to assessable land in the irrigation and
31 rehabilitation district or proposed district, is entitled to vote in
32 the district regardless of the size of the ownership or number of
33 parcels owned, and is recognized as a qualified elector.

34 (3) Each ownership shall be represented by two votes. If there are
35 multiple owners or joint owners of a single ownership, the owners shall
36 decide among themselves what their two votes shall be. If the
37 ownership is held as community property, each spouse is entitled to one

1 vote or the spouses may vote by common agreement. Each corporation,
2 general partnership, limited partnership, limited liability
3 corporation, or other legal entity formed pursuant to the laws of the
4 state of Washington or qualified to do business in the state of
5 Washington and owning land in the district shall be recognized as an
6 elector with two votes.

7 (4)(a) Ballots for elections of directors, and elections conducted
8 under RCW 87.84.070 shall be conducted by mail and sent to all
9 qualified electors twenty or more calendar days before the date of the
10 election. Any elections held under this chapter shall be scheduled on
11 the second Tuesday in December in the year of the election. A
12 qualified landowner may register with the irrigation and rehabilitation
13 district up to and through the day of the election and receive a
14 ballot.

15 (b) All ballots must indicate that the ballots must be either
16 mailed to the county auditor and contain a postmark on or before
17 election day, or turned in before 5:00 p.m. on election day to the
18 county auditor and stamped by the county auditor with the date and time
19 received. Only ballots that are received by mail within six business
20 days after the required postmarked date and those that are received by
21 the county auditor with the required date and time stamp shall be
22 counted.

23 (5) Ballots shall be counted at the county courthouse by employees
24 provided by the irrigation and rehabilitation district. Ballot
25 counting shall be under the supervision of the district secretary and
26 board of directors of the irrigation and rehabilitation district.
27 Ballot counting may begin at 5:00 p.m. the day of the election.
28 Beginning six business days later at 3:00 p.m., the remaining mail-in
29 ballots received by the county auditor shall be counted.

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

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

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

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

7 (e) Once registered, electors shall remain on the list of qualified
8 electors unless the list showing ownership in the district received
9 from the county assessor shows that they no longer own property in the
10 district.

11 (f) The district shall review the ownership list provided by the
12 county assessor before each election and notify the previously
13 registered electors at least sixty days before an election that their
14 status as qualified electors will be deleted unless the landowner
15 provides sufficient documentation to show that property ownership in
16 the district continues.

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

19 (1) Beginning one year after the effective date of this section,
20 this section provides the sole authority for an irrigation and
21 rehabilitation district to impose assessments. Beginning one year
22 after the effective date of this section, a district may not impose an
23 assessment under the provisions of chapter 87.03 RCW.

24 (2)(a) The directors shall be empowered to (~~specialy~~) assess
25 land located in the district for benefits thereto taking as a basis the
26 last equalized assessment for county purposes(~~(:—PROVIDED, That~~
27 such)). If the assessment (~~shall~~) does not exceed twenty-five cents
28 per thousand dollars of assessed value upon such assessed valuation
29 (~~(without securing authorization by vote of the electors of the~~
30 ~~district at an election called for that purpose)) an election to~~
31 approve the assessment is not required.

32 (b)(i) A district board may, by majority vote, propose that the
33 level of the assessment above twenty-five cents per thousand dollars of
34 assessed value be increased by a stated amount expressed in cents per
35 thousand dollars of assessed value. An assessment proposed under this
36 subsection (2)(b) for increases to assessments above twenty-five cents

1 per thousand dollars of assessed valuation must be approved by a simple
2 majority of electors casting ballots at an election in accordance with
3 subsection (3) of this section.

4 (ii) If a board votes to propose an increase in the level of the
5 assessment in accordance with this subsection (2)(b), it must hold a
6 public hearing at least forty-five days before the election, then may
7 adopt a resolution to place the matter on the ballot. Upon approval by
8 electors, the level of assessment shall continue each year unless an
9 increase in the level of assessment is approved in accordance with this
10 section.

11 (3) The board shall give notice of such an election, ((for the time
12 and)) in the manner and form provided for irrigation district
13 elections. Except as otherwise provided in this chapter, the manner of
14 conducting and voting at such an election, opening and closing polls,
15 canvassing the votes, certifying the returns, and declaring the result
16 shall be nearly as practicable the same as in irrigation district
17 elections.

18 (4) The ((special)) assessment provided for ((herein)) in this
19 section shall be due and payable at such times and in such amounts as
20 designated by the district directors, which designation shall be made
21 to the county auditor in writing, and the amount so designated shall be
22 added to the general taxes, and entered upon the assessment rolls in
23 his office, and collected therewith.

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

26 The ((special)) assessments provided for in RCW 87.84.070 shall be
27 subject to and inferior to existing local improvement district
28 assessments of any city or town which is included within the boundaries
29 of an irrigation and rehabilitation district. The collection of local
30 improvement district assessments of a city or town, and the right to
31 foreclose the same when delinquent, shall not be impaired in any manner
32 whatsoever by subsequent ((special)) assessments of an irrigation and
33 rehabilitation district. In the event that the county treasurer
34 forecloses on land located within the corporate limits of a city or
35 town for nonpayment of irrigation and rehabilitation district
36 assessments, the certificates of sale and the deeds issued pursuant to

1 the foreclosure proceedings shall contain a recital that the
2 certificate of sale and/or deed is subject to outstanding local
3 improvement district assessments of the city or town.

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