
SUBSTITUTE SENATE BILL 6512

State of Washington

62nd Legislature

2012 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Holmquist Newbry, Kastama, and Morton)

READ FIRST TIME 02/01/12.

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. The authority to impose assessments under chapter 87.03 RCW
24 expires one year after the effective date of this section.

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

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

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

35 (3) Each ownership shall be represented by two votes. If there are
36 multiple owners or joint owners of a single ownership, the owners shall
37 decide among themselves what their two votes shall be. If the

1 ownership is held as community property, each spouse is entitled to one
2 vote or the spouses may vote by common agreement. Each corporation,
3 general partnership, limited partnership, limited liability
4 corporation, or other legal entity formed pursuant to the laws of the
5 state of Washington or qualified to do business in the state of
6 Washington and owning land in the district shall be recognized as an
7 elector with two votes regardless of the size of the ownership or
8 number of parcels owned, and is recognized as a qualified elector.

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

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

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

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

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

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

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

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

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

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

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

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

35 (b)(i) A district board may, by majority vote, propose that the
36 level of the assessment above twenty-five cents per thousand dollars of
37 assessed value be increased by a stated amount expressed in cents per

1 thousand dollars of assessed value. An assessment proposed under this
2 subsection (2)(b) for increases to assessments above twenty-five cents
3 per thousand dollars of assessed valuation must be approved by a simple
4 majority of electors casting ballots at an election in accordance with
5 subsection (3) of this section.

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

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

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

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

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

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

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