

FINAL BILL REPORT

SHB 1194

C 349 L 91
Synopsis As Enacted

Brief Description: Revising and adding provisions on special districts.

By House Committee on Local Government (originally sponsored by Representatives Zellinsky, Wynne, Cooper, Rayburn, Roland, Wood, Edmondson, Mitchell, Nealey, Bray, Franklin and Haugen).

House Committee on Local Government
Senate Committee on Governmental Operations

Background: Various special districts may be formed that have voting rights restricted to property owners. Some of these special districts provide diking and drainage-type improvements and services, flood control, storm water control, and surface water control. These special districts include diking districts, drainage districts, diking improvement districts, drainage improvement districts, and flood control districts.

Special district elections are held in December. The initial election of special district governing body members must comply with statutory requirements for a filing period, declaration of candidacy, and arrangement of names on the ballot. There are no requirements for subsequent special district elections.

A special district election must be conducted if no one or just one person files for a position on the special district governing body.

Summary: No election is to be held if no one or only one person files for a position on a governing body of a special district. If only one person files, that person is deemed to have been elected to the position.

The time for holding special district general elections is changed from the second Tuesday in December in each odd-numbered year to the first Tuesday after the first Monday in February in each even-numbered year.

If a special district has at least 500 qualified voters, then the county auditor must publish a notice in a newspaper of general circulation in the district that

states the filing period and place for filing a declaration of candidacy to become a member of the special district's governing body. This notice must be published at least seven days before the closing of the filing period. If a special district has less than 500 qualified voters, then the county auditor must mail or deliver this notice to each qualified voter at least seven days prior to the closing of the filing period.

The procedures used in the initial election of special district governing body members for the filing period, the method for filing declarations of candidacy, and the method for arranging candidates' names on the ballot also apply to subsequent special district elections.

If a special district has less than 500 qualified voters, then the special district must contract with the county auditor to conduct the elections. The county auditor has discretion to conduct these elections by mail. If a special district has at least 500 qualified voters, then the special district may contract with the county auditor to staff the voting site during the election, or contract with the county auditor to conduct the election by mail, or conduct its own election. A special district that conducts its own election must enter into an agreement with the county auditor that specifies each party's responsibilities. The county auditor is not required to publish notice of any special district election conducted by mail.

The voting scheme in special districts is altered so that each property owner receives two votes at any election. If the property is held as community property, both spouses receive one vote if they are eligible to vote - unless one spouse designates in writing that the other spouse may cast both votes. If multiple undivided interests exist, the owner or owners of undivided interests at least equal to a majority interest cast the votes. A corporation, partnership, or governmental entity may designate a natural person to cast its votes.

The maximum number of votes that a property owner may possess is doubled from 20 to 40 for those special districts that have additional votes based upon the acreage held by the property owner. The three types of districts affected by this change are diking improvement districts, drainage improvement districts, and flood control districts.

The authority of a city or town, located outside of a diking or drainage district, to levy assessments on taxable property within the city or town that benefits

from the diking or drainage district's facilities is altered so that the city or town may impose assessments on any benefited property in the city or town.

A statute is repealed that appears to grant intercounty diking and drainage districts the authority to impose property taxes. A provision of law relating to diking improvement districts and drainage improvement districts is recodified in the appropriate chapter of laws.

Special districts are also authorized to engage in lake or river restoration, aquatic plant control, and water quality enhancement activities.

Board members of special districts may be compensated up to \$50 per day for district business. The compensation may not exceed \$4800 a year.

Votes on Final Passage:

House	93	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)
Senate			(Senate receded in part)

Conference Committee

Senate	39	0
House	98	0

Effective: July 28, 1991