

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1955

Chapter 71, Laws of 1994

53rd Legislature
1994 Regular Session

LOCAL IMPROVEMENT DISTRICTS AND COUNTY ROAD
IMPROVEMENT DISTRICTS--HEARINGS

EFFECTIVE DATE: 6/9/94

Passed by the House January 28, 1994
Yeas 97 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 2, 1994
Yeas 47 Nays 1

R. LORRAINE WOJAHN

President of the Senate

Approved March 23, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1955** as passed by the House of Representatives and the Senate on the dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

March 23, 1994 - 9:32 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1955

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Dunshee, H. Myers and Edmondson)

Read first time 03/03/93.

1 AN ACT Relating to hearings related to improvement districts;
2 amending RCW 35.44.070 and 35.43.140; and adding new sections to
3 chapter 36.88 RCW.

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

5 **Sec. 1.** RCW 35.44.070 and 1979 ex.s. c 100 s 1 are each amended to
6 read as follows:

7 The assessment roll for local improvements when prepared as
8 provided by law shall be filed with the city or town clerk. The
9 council or other legislative authority shall thereupon fix a date for
10 a hearing thereon before such legislative authority or may direct that
11 the hearing shall be held before a committee thereof or the legislative
12 authority of any city (~~having a population of 15,000 or more~~) or town
13 may designate an officer to conduct such hearings. The committee (~~of~~
14 ~~for~~) or officer designated shall hold a hearing on the assessment
15 roll and consider all objections filed following which the committee or
16 officer shall make recommendations to such legislative authority which
17 shall either adopt or reject the recommendations of the committee or
18 officer. If a hearing is held before such a committee or officer it
19 shall not be necessary to hold a hearing on the assessment roll before

1 such legislative authority(~~(:—PROVIDED, That)~~). A local ordinance
2 shall provide for an appeal by any person protesting his or her
3 assessment to the legislative authority of a decision made by such
4 officer. The same procedure may if so directed by such legislative
5 authority be followed with respect to any assessment upon the roll
6 which is raised or changed to include omitted property. Such
7 legislative authority shall direct the clerk to give notice of the
8 hearing and of the time and place thereof.

9 **Sec. 2.** RCW 35.43.140 and 1989 c 243 s 2 are each amended to read
10 as follows:

11 Any local improvement to be paid for in whole or in part by the
12 levy and collection of assessments upon the property within the
13 proposed improvement district may be initiated by a resolution of the
14 city or town council or other legislative authority of the city or
15 town, declaring its intention to order the improvement, setting forth
16 the nature and territorial extent of the improvement, containing a
17 statement that actual assessments may vary from assessment estimates so
18 long as they do not exceed a figure equal to the increased true and
19 fair value the improvement, or street lighting, adds to the property,
20 and notifying all persons who may desire to object thereto to appear
21 and present their objections at a time to be fixed therein.

22 In the case of trunk sewers and trunk water mains the resolution
23 must describe the routes along which the trunk sewer, subsewer and
24 branches of trunk water main and laterals are to be constructed.

25 In case of dikes or other structures to protect the city or town or
26 any part thereof from overflow or to open, deepen, straighten, or
27 enlarge watercourses, waterways and other channels the resolution must
28 set forth the place of commencement and ending thereof and the route to
29 be used.

30 In the case of auxiliary water systems, or extensions thereof or
31 additions thereto for protection of the city or town or any part
32 thereof from fire, the resolution must set forth the routes along which
33 the auxiliary water system or extensions thereof or additions thereto
34 are to be constructed and specifications of the structures or works
35 necessary thereto or forming a part thereof.

36 The resolution shall be published in at least two consecutive
37 issues of the official newspaper of the city or town, the first

1 publication to be at least fifteen days before the day fixed for the
2 hearing.

3 The hearing herein required may be held before the city or town
4 council, or other legislative authority, or before a committee thereof.
5 The legislative authority of a city (~~having a population of fifteen~~
6 ~~thousand or more~~) or town may designate an officer to conduct the
7 hearings. The committee or hearing officer shall report
8 recommendations on the resolution to the legislative authority for
9 final action.

10 NEW SECTION. Sec. 3. A new section is added to chapter 36.88 RCW
11 to read as follows:

12 In lieu of the county legislative authority holding the hearing
13 under RCW 36.88.060 to create the road improvement district, the county
14 legislative authority may adopt an ordinance providing for a committee
15 of the county legislative authority or an officer to conduct the
16 hearings. The committee or hearing officer shall report
17 recommendations on the resolution to the full county legislative
18 authority for final action, which need not hold a hearing on the
19 proposed assessment role and shall either adopt or reject the
20 recommendations.

21 NEW SECTION. Sec. 4. A new section is added to chapter 36.88 RCW
22 to read as follows:

23 In lieu of the county legislative authority holding the hearing on
24 assessment roll under RCW 36.88.090 as the board of equalization, the
25 county legislative authority may adopt an ordinance providing for a
26 committee of the county legislative authority or an officer to conduct
27 the hearing on the assessment roll as the board of equalization.

28 A committee or an officer that sits as a board of adjustment shall
29 conduct a hearing on the proposed assessment roll and shall make
30 recommendations to the full county legislative authority, which need
31 not hold a hearing on the proposed assessment roll and shall either
32 adopt or reject the recommendations. The ordinance shall provide for
33 an appeal procedure by which a property owner may protest his or her
34 assessment that is proposed by the committee or officer to the full
35 county legislative authority and the full county legislative authority
36 may reject or accept any appealed protested assessment and if accepted
37 shall modify the assessment roll accordingly.

Passed the House January 28, 1994.

Passed the Senate March 2, 1994.

Approved by the Governor March 23, 1994.

Filed in Office of Secretary of State March 23, 1994.