

CHAPTER 243

[Substitute Senate Bill No. 5128]

LOCAL IMPROVEMENT DISTRICTS—ASSESSMENTS—NOTICE OF POSSIBLE
RATE VARIATIONS

AN ACT Relating to local improvements; amending RCW 35.43.120, 35.43.140, 35.43.150, 79.44.003, 79.44.040, and 79.44.050; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 52.20 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; adding a new section to chapter 79.44 RCW; and adding a new section to chapter 87.03 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 35.43.120, chapter 7, Laws of 1965 as last amended by section 1, chapter 323, Laws of 1981 and RCW 35.43.120 are each amended to read as follows:

Any local improvement may be initiated upon a petition signed by the owners of property aggregating a majority of the area within the proposed district. The petition must briefly describe: (1) The nature of the proposed improvement, (2) the territorial extent of the proposed improvement, ~~((and))~~ (3) what proportion of the area within the proposed district is owned by the petitioners as shown by the records in the office of the county auditor, and (4) the fact that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property.

If any of the property within the area of the proposed district stands in the name of a deceased person, or of any person for whom a guardian has been appointed and not discharged, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property on the petition. The petition must be filed with the clerk or with such other officer as the city or town by charter or ordinance may require.

Sec. 2. Section 35.43.140, chapter 7, Laws of 1965 as last amended by section 29, chapter 469, Laws of 1985 and RCW 35.43.140 are each amended to read as follows:

Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city or town council or other legislative authority of the city or town, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement, containing a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds

to the property, and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

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

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

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

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, the first publication to be at least fifteen days before the day fixed for the hearing.

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

Sec. 3. Section 35.43.150, chapter 7, Laws of 1965 as amended by section 2, chapter 303, Laws of 1983 and RCW 35.43.150 are each amended to read as follows:

Notice of the hearing upon a resolution declaring the intention of the legislative authority of a city or town to order an improvement shall be given by mail at least fifteen days before the day fixed for hearing to the owners or reputed owners of all lots, tracts, and parcels of land or other property to be specially benefited by the proposed improvement, as shown on the rolls of the county assessor, directed to the address thereon shown.

The notice shall set forth the nature of the proposed improvement, the estimated cost, a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property, and the estimated benefits of the particular lot, tract, or parcel.

NEW SECTION. Sec. 4. A new section is added to chapter 36.69 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment

estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 5. A new section is added to chapter 36.88 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a county road improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 6. A new section is added to chapter 36.94 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district or utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 7. A new section is added to chapter 52.20 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 8. A new section is added to chapter 53.08 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 9. A new section is added to chapter 54.16 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local utility district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement, or street lighting, adds to the property.

NEW SECTION. Sec. 10. A new section is added to chapter 56.20 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a utility local improvement district shall contain a statement that actual assessments may vary from

assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 11. A new section is added to chapter 57.16 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district or utility local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

NEW SECTION. Sec. 12. A new section is added to chapter 87.03 RCW to read as follows:

Any notice given to the public or to the owners of specific lots, tracts, or parcels of land relating to the formation of a local improvement district shall contain a statement that actual assessments may vary from assessment estimates so long as they do not exceed a figure equal to the increased true and fair value the improvement adds to the property.

Sec. 13. Section 1, chapter 20, Laws of 1963 as amended by section 14, chapter 234, Laws of 1971 ex. sess. and RCW 79.44.003 are each amended to read as follows:

As used in this chapter "assessing district" means:

- (1) Incorporated cities and towns;
- (2) Diking districts;
- (3) Drainage districts;
- (4) Port districts;
- (5) Irrigation districts;
- (6) Water districts;
- (7) Sewer districts;
- (8) Counties; and
- (9) Any municipal corporation or public agency having power to levy local improvement or other assessments, rates, or charges which by statute are expressly made applicable to lands of the state.

Sec. 14. Section 4, chapter 164, Laws of 1919 as last amended by section 177, chapter 151, Laws of 1979 and RCW 79.44.040 are each amended to read as follows:

Notice of the intention to make such improvement, or impose any assessment, together with the estimate of the amount to be charged to each lot, tract or parcel of land, or other property owned by the state to be assessed (~~for said improvement~~), shall be forwarded by registered or certified mail to the director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over such lands at least thirty days prior to the date

fixed for hearing on the resolution or petition initiating said ~~((improvement))~~ assessment. Such assessing district, shall not have jurisdiction to order such improvement as to the interest of the state in harbor areas and state tidelands until the written consent of the commissioner of public lands to the making of such improvement shall have been obtained, unless other means be provided for paying that portion of the cost which would otherwise be levied on the interest of the state of Washington in and to said tidelands, and nothing herein shall prevent the city from assessing the proportionate cost of said improvement against any leasehold, contractual or possessory interest in and to any tideland or harbor area owned by the state: **PROVIDED, HOWEVER,** That in the case of tidelands and harbor areas within the boundaries of any port district, notice of intention to make such improvement shall also be forwarded to the commissioners of said port district.

Sec. 15. Section 5, chapter 164, Laws of 1919 as last amended by section 178, chapter 151, Laws of 1979 and RCW 79.44.050 are each amended to read as follows:

Upon the approval and confirmation of the assessment roll ~~((for any local improvement))~~ ordered by the proper authorities of any assessing district, the treasurer of such assessing district shall certify and forward to the director of financial management and to the chief administrative officer of the agency of state government occupying, using, or having jurisdiction over the lands, in accordance with such rules and regulations as the director of financial management may provide, a statement of all the lots or parcels of land held or owned by the state and charged on such assessment roll ~~((for the cost of such improvement))~~, separately describing each such lot or parcel of the state's land, with the amount of the local assessment charged against it, or the proportionate amount assessed against the fee simple interest of the state, in case said land has been leased. The chief administrative officer upon receipt of such statement shall cause a proper record to be made in his office of the cost of such ~~((improvement))~~ assessment upon the lands occupied, used, or under the jurisdiction of his agency.

No penalty shall be provided or enforced against the state, and the interest upon such assessments shall be computed and paid at the rate paid by other property situated in the same ~~((improvement))~~ assessing district.

NEW SECTION. Sec. 16. A new section is added to chapter 79.44 RCW to read as follows:

As used in this chapter, "assessment" shall mean any assessment, rate or charge levied, assessed, imposed, or charged by any assessing district as

defined in RCW 79.44.003, and which assessments, rates or charges by statute are expressly made applicable to lands of the state.

Passed the Senate April 18, 1989.

Passed the House April 13, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

CHAPTER 244

[Substitute House Bill No. 1386]

COUNTIES—SMALL WORKS ROSTER

AN ACT Relating to the creation of small works rosters by counties; reenacting and amending RCW 36.32.250; and adding new sections to chapter 36.32 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A county may use a small works roster and award contracts under sections 2 through 4 of this act for any project for which the estimated cost is one hundred thousand dollars or less.

NEW SECTION. Sec. 2. Each county may maintain a small works roster which shall be comprised of all contractors requesting to be on the roster and who are, where required by law, properly licensed or registered to perform work in the state of Washington. Whenever possible, the county shall actively solicit participation by women and minority contractors.

NEW SECTION. Sec. 3. Whenever construction is done by contract for which the estimated cost is one hundred thousand dollars or less and the county uses a small works roster, the county shall invite proposals from appropriate contractors on the small works roster. Such invitation shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Whenever possible, not less than five separate appropriate contractors shall be requested to submit proposals on any individual contract.

Once a contractor on the small works roster has been offered an opportunity to submit a proposal, that contractor shall not be offered another opportunity on any contract until all other appropriate contractors, including minority and women contractors, have been afforded an opportunity to submit a proposal on a contract.

NEW SECTION. Sec. 4. When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the county shall award the contract to the contractor submitting the lowest responsible proposal.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act are each added to chapter 36.32 RCW.