
SUBSTITUTE HOUSE BILL 1960

State of Washington **63rd Legislature** **2013 Regular Session**

By House Finance (originally sponsored by Representative Seaquist)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to establishing benefit assessment charges for
2 metropolitan park districts; and adding a new chapter to Title 84 RCW.

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

4 NEW SECTION. **Sec. 1.** (1) The governing board of a metropolitan
5 park district may by resolution, as authorized in the plan and approved
6 by the voters, for district purposes authorized by law, fix and impose
7 a benefit charge on real property that is located within the district
8 on the date specified and which have received or will receive the
9 benefits provided by the district, to be paid by the owners of the
10 properties. The aggregate amount of these benefit charges in any one
11 year may not exceed an amount equal to the maximum amount that could be
12 collected under RCW 35.61.210. It is the duty of the county
13 legislative authority or authorities of the county or counties in which
14 the metropolitan park district is located to make any necessary
15 adjustments to assure compliance with this limitation and to
16 immediately notify the governing board of a district of any changes
17 thereof.

18 (2) A benefit charge imposed must be reasonably proportioned to the
19 measurable benefits to property resulting from the proximity of parks,

1 parkways, boulevards, and recreational facilities maintained by the
2 district. Any method that reasonably apportions the benefit charges to
3 the actual benefits resulting from the degree of benefit, which may
4 include but is not limited to the distance from regularly maintained
5 parks, parkways, boulevards, and recreational facilities, may be
6 specified in the resolution and is subject to contest on the grounds of
7 unreasonable or capricious action or action in excess of the measurable
8 benefits to the property resulting from the district. The governing
9 board of a district may determine that certain properties or types or
10 classes of properties are not receiving measurable benefits based on
11 criteria they establish by resolution.

12 (3) For administrative purposes, the benefit charge imposed on any
13 individual property may be compiled into a single charge, provided that
14 the district, upon request of the property owner, provide an itemized
15 list of charges for each measurable benefit included in the charge.

16 NEW SECTION. **Sec. 2.** All property not assessed and subjected to
17 ad valorem taxation under this title is exempt from the benefit charge
18 imposed under this chapter.

19 NEW SECTION. **Sec. 3.** (1) The resolution establishing benefit
20 charges as specified in section 1 of this act must specify, by legal
21 geographical areas or other specific designations, the charge to apply
22 to each property by location, type, or other designation, or other
23 information that is necessary to the proper computation of the benefit
24 charge to be charged to each property owner subject to the resolution.

25 (2) The county assessor of each county in which the metropolitan
26 park district is located must determine and identify the property that
27 is subject to a benefit charge in each district and must furnish and
28 deliver to the county treasurer of that county a listing of the
29 properties with information describing the location, legal description,
30 and address of the person to whom the statement of benefit charges is
31 to be mailed, the name of the owner, and the value of the property,
32 together with the benefit charge to apply to each.

33 NEW SECTION. **Sec. 4.** Each metropolitan park district must
34 contract, prior to the imposition of a benefit charge, for the
35 administration and collection of the benefit charge by each county

1 treasurer, who must deduct a percentage, as provided by contract to
2 reimburse the county for expenses incurred by the county assessor and
3 county treasurer in the administration of the resolution and this
4 chapter. The county treasurer must make distributions each year, as
5 the charges are collected, in the amount of the benefit charges imposed
6 on behalf of each district, less the deduction provided for in the
7 contract.

8 NEW SECTION. **Sec. 5.** (1) Notwithstanding any other provision in
9 this chapter to the contrary, any benefit charge authorized by this
10 chapter is not effective unless a proposition to impose the benefit
11 charge is approved by a majority of the voters of the metropolitan park
12 district voting at a general election or at a special election called
13 by the district for that purpose, held within the district. An
14 election held under this section must be held not more than twelve
15 months prior to the date on which the first charge is to be assessed.
16 A benefit charge approved at an election expires in six years or fewer
17 as authorized by the voters, unless subsequently reapproved by the
18 voters.

19 (2) The ballot must be submitted so as to enable the voters
20 favoring the authorization of a metropolitan park district benefit
21 charge to vote "Yes" and those opposed to vote "No." The ballot
22 question is as follows:

23 "Shall the metropolitan park district be authorized to impose
24 benefit charges each year for (insert number of years
25 not to exceed six) years, not to exceed an amount equal to
26 sixty percent of its operating budget, and be prohibited from
27 imposing an additional property tax under RCW 84.52.120.

28 Yes
29 No

30 (3) Districts renewing the benefit charge may elect to use the
31 following alternative ballot:

32 "Shall the metropolitan park district be authorized to continue
33 voter-authorized benefit charges each year for (insert

1 number of years not to exceed six) years and not to exceed an
2 amount equal to sixty percent of its operating budget?

3 Yes
4 No

5 NEW SECTION. **Sec. 6.** (1) Not fewer than ten days nor more than
6 six months before the election at which the proposition to impose the
7 benefit charge is submitted as provided in this chapter, the governing
8 board of the metropolitan park district must hold a public hearing
9 specifically setting forth its proposal to impose benefit charges for
10 the support of its legally authorized activities that will maintain or
11 improve the access to parks, parkways, boulevards, and recreational
12 facilities. A report of the public hearing must be filed with the
13 county treasurer of each county in which the property is located and be
14 available for public inspection.

15 (2) Prior to November 15th of each year the governing board of the
16 district must hold a public hearing to review and establish the
17 metropolitan park district benefit charges for the subsequent year.

18 (3) All resolutions imposing or changing the benefit charges must
19 be filed with the county treasurer or treasurers of each county in
20 which the property is located, together with the record of each public
21 hearing, before November 30th immediately preceding the year in which
22 the benefit charges are to be collected on behalf of the district.

23 (4) After the benefit charges have been established, the owners of
24 the property subject to the charge must be notified of the amount of
25 the charge.

26 NEW SECTION. **Sec. 7.** After notice has been given to the property
27 owners of the amount of the benefit charge, the governing board of a
28 metropolitan park district imposing a benefit charge under this chapter
29 must form a review board for at least a two-week period and must, upon
30 complaint in writing of an aggrieved party owning property in the
31 district, reduce the charge of a person who, in their opinion, has been
32 charged too large a sum, to a sum or amount as they believe to be the
33 true, fair, and just amount.

1 NEW SECTION. **Sec. 8.** A person who is receiving the exemption
2 contained in RCW 84.36.381 through 84.36.389 is exempt from any legal
3 obligation to pay a portion of the benefit charge imposed under this
4 chapter as follows:

5 (1) A person who meets the income limitation contained in RCW
6 84.36.381(5)(a) and does not meet the income limitation contained in
7 RCW 84.36.381(5)(b) (i) or (ii) is exempt from twenty-five percent of
8 the charge;

9 (2) A person who meets the income limitation contained in RCW
10 84.36.381(5)(b)(i) is exempt from fifty percent of the charge; and

11 (3) A person who meets the income limitation contained in RCW
12 84.36.381(5)(b)(ii) is exempt from seventy-five percent of the charge.

13 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
14 a new chapter in Title 84 RCW.

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