

HOUSE BILL REPORT

SSB 5704

As Reported by House Committee On:
Local Government & Housing

Title: An act relating to creation of a flood district by three or more counties.

Brief Description: Concerning creation of a flood district by three or more counties.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens and Roach).

Brief History:

Committee Activity:

Local Government & Housing: 3/19/09, 3/26/09 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House)**

- Exempts flood control districts from certain provisions that require or permit their governing bodies to consist of three members.
- Establishes new composition and appointment provisions for the governing bodies of flood control districts containing three or more counties.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass as amended. Signed by 6 members: Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia, Springer, Upthegrove and White.

Minority Report: Do not pass. Signed by 5 members: Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle, Short and Williams.

Staff: Ethan Moreno (786-7386)

Background:

Flood control districts (flood control districts or districts) may be created and maintained for the protection of life and property, to preserve public health, and to conserve the state's natural resources. Flood control districts may be organized to provide for the necessary

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control of all or part of the stream system of a stream or tributary, or for the protection of tidal or other bodies of water. Among other general authorized purposes, flood control districts may be organized or maintained for the planning, construction, improvement, and repair of dams, dikes, levees, and other works that are convenient and necessary to control floods and lessen their danger and damages. Flood control districts may include all or part of the territory within a county and may include territory in two or more counties.

With some exceptions, flood control districts are managed by three-member boards of directors (boards). District boards, which are also referred to as "governing bodies," are authorized to manage and conduct the business affairs of the district, including adopting rules and regulations, employing personnel, and generally performing any and all acts necessary to carry out the purpose of the district. The initial directors of a newly created district must be appointed by the legislative authority of the county within which the district, or the largest portion of the district, is located. Subsequent directors are elected to six-year terms.

Previously enacted legislation, in part, required flood control district governing bodies with four or more members to be reduced to three members as of January 1, 1986. As directed by the Legislature, the required reductions were to be made by eliminating directors with the shortest remaining terms of office. The remaining directors were required to serve staggered terms according to specified provisions. However, qualifying five-member governing bodies were allowed to be retained if they govern a district that is the result of a consolidation of five or more districts. These same five-member governing bodies may choose to reduce their size to three members by eliminating the two directors with the shortest remaining terms of office.

Summary of Amended Bill:

Flood control districts containing three or more counties are exempted from provisions that:

- require governing bodies with four or more members to be reduced to three members; and
- allow qualifying five-member governing bodies to be retained.

New composition and appointment provisions for the governing bodies of flood control districts containing three or more counties are established. The governing body of a district that contains three or more counties must be comprised of:

- one member from each county contained wholly or partially within the district, as appointed by the legislative authority of each county; and
- one member from one city of each county contained wholly or partially within the district, as appointed by the cities of each county. If the cities of a county within the district fail to appoint a member to the governing body, the city member must be appointed by the legislative authority of the largest city in the county.

If the district abuts or materially impacts tribal lands held in reserve by the federal government, or any lands within a tribe's usual and accustomed fishing area, the governing body must also include one member from each affected tribe, as nominated by the tribal

leadership of each tribe and selected by the members appointed by the county legislative authorities.

Amended Bill Compared to Original Bill:

The amended bill makes the following changes to the Senate Bill:

- removes all amendatory appointment, election, term, and qualification provisions for governing bodies of flood control districts that contain three or more counties; and
- establishes new composition and appointment provisions for the governing bodies of flood control districts that contain three or more counties.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will allow counties to move forward with flood control projects in the Chehalis River basin. Recent floods have caused significant property and financial losses. Creative solutions are needed to move this issue forward. In the past 80 years, several methods to control floods in the Chehalis River basin have been used. The commissioners of Lewis, Grays Harbor, and Thurston counties are willing to jointly develop a response to flood control needs. This bill should be advanced without an amendment. The Chehalis Tribe has been involved with the flood control authority since its inception 15 years ago. The bill will allow a memorandum of understanding to be drafted to protect all rights and interests.

(Opposed) None.

Persons Testifying: Al Carter, Grays Harbor Board of County Commissioners; Lee Grose, Lewis County Board of County Commissioners; and Jeff Warnke, Chehalis Tribe.

Persons Signed In To Testify But Not Testifying: None.