

SENATE BILL REPORT

ESSB 5704

As Amended by House, March 8, 2010

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: Government Operations & Elections: 2/17/09 [DPS].

Passed Senate: 3/07/09, 45-0; 2/09/10, 48-0; 3/08/10, 47-0.

Passed House: 2/28/10, 94-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5704 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott and Swecker.

Staff: Edward Redmond (786-7471)

Background: Special districts are created to provide diking, drainage, and flood control in a defined area. Some of the many allowed activities are flood control; drainage control; protecting life and property from flood water; acquiring, purchasing, or leasing property; restoring lake or river environments; controlling aquatic plants; and enhancing water quality.

The district is government by three members who serve staggered six-year terms. An exception is made whenever five or more special districts consolidate and have five members in its governing body. Such districts may adopt a resolution to retain the five members or reduce its governing body to three members.

Summary of Engrossed Substitute Bill: Flood districts that contain three or more counties must have a governing body comprised of one member from each county and two additional members. The legislative authority of each county will select one member for initial appointment. The two most populous counties will each choose an additional member; however, no more than two members may be from the same county.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: In December 2007, the headwaters of the Chehalis River proceeded to flood Lewis, Thurston, and Grays Harbor Counties. The Chehalis River Basin is 90 miles long, passes through 11 jurisdictions, three counties, the Confederated Tribes of the Chehalis Reservation, as well as several cities and towns. The RCWs that regulate the formation of flood districts are pretty old, dating back to the 1930s. These statutes mainly address the formation of flood districts consisting of one to two counties at most. Additionally, the statutes generally only allow for the governing body to consist of three members. We need a watershed-wide plan to deal with flooding from the Chehalis River Basin. This bill allows for the development of a larger flood district to address this critical issue and we urge its passage.

Persons Testifying: PRO: Ron Averill, Lewis County.

House Amendment(s): The House amendment stipulates that the governing body of a flood control district created in three or more counties is not permitted to reduce the size of its governing body. Includes a provision requiring an elected or appointed member of the flood control district to be a registered voter of the district who has resided in the district at least 30 days before the election. Stipulates that land ownership is not a requirement for serving on the governing body of the district. Removes language that restricted the state, its agencies, and political subdivisions, or their designees from being eligible for election. Changes "flood districts" to "flood control districts."