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SENATE BILL 5254

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State of Washington                      61st Legislature                      2009 Regular Session

By Senators Prentice, Jarrett, Oemig, Kline, Tom, Brandland, and Delvin

Read first time 01/19/09. Referred to Committee on Environment, Water & Energy.

1            AN ACT Relating to the authority of a watershed management  
2 partnership to exercise powers of its forming governments; and adding  
3 a new section to chapter 39.34 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 39.34 RCW  
6 to read as follows:

7            (1) As limited in subsection (3) of this section, a watershed  
8 management partnership formed or qualified under the authority of RCW  
9 39.34.200 and 39.34.210, including a separate legal entity established  
10 by such a partnership to conduct the cooperative undertaking of the  
11 partnership under the same statutory authority, may exercise the power  
12 of eminent domain as provided in chapter 8.12 RCW.

13            (2) The eminent domain authority granted under subsection (1) of  
14 this section may be exercised only for those utility purposes for which  
15 the watershed partnership was formed.

16            (3) Subsection (1) of this section applies only to a watershed  
17 management partnership that:

18            (a) Was formed or qualified before July 1, 2006, under the  
19 authority of RCW 39.34.200 and 39.34.210;

1 (b) Is not engaged in planning or in implementing a plan for a  
2 water resource inventory area under the terms of chapter 90.82 RCW;

3 (c) Is composed entirely of cities and water-sewer districts  
4 authorized to exercise the power of eminent domain in the manner  
5 provided by chapter 8.12 RCW; and

6 (d) Is governed by a board of directors consisting entirely of  
7 elected officials from the cities and water-sewer districts that  
8 constitute the watershed management partnership.

9 (4) A watershed management partnership exercising authority under  
10 this section shall:

11 (a) Comply with the notice requirements of RCW 8.25.290; and

12 (b) Provide notice to the city, town, or county with jurisdiction  
13 over the subject property by certified mail thirty days prior to the  
14 partnership board authorizing condemnation.

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