

# SENATE BILL REPORT

## HB 2538

---

As Reported By Senate Committee On:  
Government Operations, February 20, 1996

**Title:** An act relating to authority of irrigation districts.

**Brief Description:** Clarifying the authority of irrigation districts.

**Sponsors:** Representatives Clements, Chandler, Mastin, Lisk, Schoesler, Honeyford, Foreman, Grant and Mulliken.

**Brief History:**

**Committee Activity:** Government Operations: 2/14/96, 2/20/96 [DP].

---

### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey, McCaslin and Winsley.

**Staff:** Katie Healy (786-7403)

**Background:** The county treasurer of the county in which an irrigation district's office is located acts as the district's treasurer. Some other person having experience in financial matters may be designated as the treasurer of an irrigation district located entirely within one county, but only with the county treasurer's approval. There is desire that irrigation districts with intensive recordkeeping be able to appoint a treasurer without seeking approval from the county.

A surety bond is required if someone other than the county treasurer is designated to act as treasurer for the district. The amount of or the conditions for the bond are not specified.

The directors of the various irrigation districts throughout the state may designate a state association to act as a coordinating agency for the districts. The association may work to further the reclamation of lands in the state and may make financial contributions to assist this purpose.

Interlocal agreements may be made pursuant to the Interlocal Cooperation Act for joint action with units of local government. Irrigation districts may enter into such agreements. Concern has been expressed about the lack of specificity as to how potential liability is handled during emergency situations.

**Summary of Bill:** A person other than the county treasurer may be designated to act as treasurer of an irrigation district that lies entirely within one county without the need for the county treasurer's approval. The district must have assessments, tolls, and miscellaneous collections in each of two of the preceding three years equal to at least \$2 million.

If an irrigation district board designates another person to act as the treasurer for the district, the board must obtain a bond from a surety company in the amount of \$250,000. The bond is conditioned upon the faithful performance of the duties of the district treasurer's office.

The Association of Irrigation Districts is authorized to enter into contracts with the federal government, the state, irrigation districts, boards of control, municipal or quasi-municipal corporations, cooperatives, other public or private agencies, and associate organizations. The association may also advance funds to promote the development and use of agricultural water and power resources, and to employ technical and professional assistance to prepare and publish information promoting the development and use of such resources. Funds may also be advanced to provide and present information to members of Congress, any congressional committee, and to other federal officials as an aid in securing needed legislation, contracts, and timely appropriations.

An irrigation district may enter into a mutual aid agreement with another irrigation district pursuant to the Interlocal Cooperation Act. The agreement may provide for emergency interdistrict assistance to respond to a breach or other failure of an irrigation water conveyance system when the required response exceeds the existing resources available to the district requesting assistance. Assistance may be provided without compensation. The employees of the irrigation district providing the assistance have the same powers and immunities as if they were performing their duties in the district with which they are employed.

Supervision of the assisting employees may be delegated pursuant to the agreement. The irrigation district being assisted is liable for any loss or damage to equipment used in the district, and must pay any ordinary expenses incurred in its operation. No claim for loss, damage, or expense may be made unless an itemized notice is served upon the secretary of the district where the equipment was used, within 60 days after the loss, damage, or expense.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The most important aspect of this bill is that it affords irrigation districts working together some type of fail safe. It allows them to work cooperatively in designs and in areas like EIS for the benefit of themselves and other districts. It grants a narrow expansion of authority for an irrigation district meeting the appropriate requirements to act as its own treasurer. Districts want to be in the position so they can help each other, without compensation, in situations such as canal breaks where a district can respond quickly. This bill also clarifies the authority of the Association of Irrigation Districts to assume DOE's role at a local level, and to be able to lobby Congress if necessary.

**Testimony Against:** None.

**Testified:** Mike Schwisow, WA State Water Resources Assn. (pro).