

HOUSE BILL REPORT

SHB 1729

As Amended by the Senate

Title: An act relating to the administration of irrigation districts.

Brief Description: Changing irrigation district administration provisions.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Schoesler, Grant and Linville).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/19/97, 2/24/97 [DPS].

Floor Activity:

Passed House: 3/11/97, 97-0.

Senate Amended.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

Staff: Bill Lynch (786-7092).

Background: Property owners, including corporations, are allowed to vote in irrigation district elections. The statutes do not specify that other legal entities which own property, such as partnerships, are authorized to vote in irrigation district elections.

Irrigation districts do not regulate what is discharged into the water moving through the district. There is no statutory release from liability for irrigation districts for discharges into the water by other persons.

Water-sewer districts are allowed to require each bid to be accompanied by a deposit in the amount of 5 percent of the bid, and to require a successful bidder to enter into a contract and furnish the required bond within 10 days after being awarded the contract. Irrigation districts do not have this same authority.

Property owners may submit a petition to an irrigation district requesting that lands be added within the boundaries of the district. The lands must be adjacent to the boundaries of the irrigation district, contiguous, and constitute one tract of land when taken together.

Summary of Bill: A general partnership, limited partnership, limited liability company, or any other legal entity that owns land and is formed pursuant to state law or qualified to do business in the state may vote in an irrigation district election.

An irrigation district, its directors, officers, employees, or agents operating and maintaining irrigation works for any purpose, are not liable for any damages to persons or property arising from the disposal of sewage and waste disposed by others into the irrigation works pursuant to federal or state law permitting the discharge.

An irrigation district may require bidders to accompany their bids with a deposit in an amount equal to 5 percent of the amount of the bid, and the bid cannot be considered without the deposit. If the lowest responsible bidder cannot enter into the contract and furnish the satisfactory bonds as required by law within 20 days of the award, the deposit is forfeited and the district may award the contract to the second lowest bidder. Once the contract is awarded, the deposits of the unsuccessful bidders must be returned.

A petition submitted by property owners to an irrigation district requesting that lands be added within the boundaries of the irrigation district, is no longer limited to lands that are adjacent to the boundary of the irrigation district, are contiguous, and which constitute one tract of land when taken together.

EFFECT OF SENATE AMENDMENT(S): The immunity for irrigation districts from liability for damages from the disposal of sewage and waste by others only applies when the sewage and waste is discharged directly into the irrigation works.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This updates irrigation district law. Voting rights need to be clarified to recognize new forms of business. The release from liability is critical because the district has no authority over what is discharged into the water. The boundary adjustment change will help a new area of development in Franklin County get off of the city of Pasco's water system for lawn watering.

Testimony Against (original bill): Pre-qualifying contractors is not the best way to assure performance. Performance bonds are a better protection for the district. Bonding companies do a lot of investigation of a contractor before issuing a performance bond.

Testified: Mike Schwisow, Washington State Water Resource Association (pro); Shannon McDaniel, Washington State Columbia Basin Irrigation District (pro); and Dick Ducharme, Utilities Contractors Association (con for original bill)