

SENATE BILL REPORT

SHB 1729

As Reported By Senate Committee On:
Agriculture & Environment, April 2, 1997

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

Brief Description: Changing irrigation district administration provisions.

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

Brief History:

Committee Activity: Agriculture & Environment: 3/27/97, 4/2/97 [DP].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Newhouse, Oke and Rasmussen.

Staff: Richard Duggan (786-7414)

Background: While most special purpose districts follow the state's general election laws, the law governing irrigation district elections is specifically applicable to those districts. An uncommon feature of irrigation district elections is the voting eligibility of corporations. Corporations owning land in a district may vote in district elections through an agent authorized in writing to do so. In districts of less than 200,000 acres, only domestic corporations are recognized as electors. The law does not authorize participation in the electoral process by any other legal entities.

Irrigation districts also are governed by their own provisions covering contracts for labor and materials. Those laws require successful bidders to provide performance bonds. Unlike water district contracts, irrigation districts are not authorized to require a bidders' bond. The law generally applicable to all state agencies and subdivisions requires performance bonds of all public works contractors.

Irrigation district boundaries may be changed by the board of directors to encompass a body of contiguous land adjacent to a district. A boundary change is initiated by a petition filed by the holders of title to at least half of the land to be included.

Irrigation districts are not covered by a statutory immunity from damages for discharges by others into the waters carried by their works. The district board of directors is, however, authorized to purchase liability insurance protecting its board and employees from losses arising out of the performance of their duties.

Summary of Bill: The right to vote in irrigation districts of less than 200,000 acres is given to all corporations, general partnerships, limited partnerships, limited liability companies, and other legal entities formed pursuant to state laws or qualified to do business in the state.

Irrigation districts and their directors, officers, employees and agents are exonerated from liability for damage to persons or property arising from the disposal of sewage and waste discharged by others under federal or state permit.

Irrigation districts are given the authority to require bid deposits of 5 percent of the bids on construction or maintenance of their works, or on labor or materials. If a contract is not entered and contractor's bond of at least 25 percent of contract price given within 20 days, the deposit must be forfeited. The specific performance bonding authority of irrigation districts is replaced by the general public agency bonding authority.

The limitation on district boundary changes to contiguous tracts adjacent to the district boundary is eliminated.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Changes in the manner business is conducted need to be recognized in district voting rights. Concerns over liability of districts for consequences of legal discharges into their works can be quieted by providing immunity. An adjustment to the boundary change law will help a new area of development in Franklin County get lawn watering off of the city of Pasco's water system.

Testimony Against: None.

Testified: Mike Schwisow, Washington State Water Resources Association (pro).