

HOUSE BILL REPORT

SHB 1677

As Amended by the Senate

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

Brief Description: Changing irrigation district provisions.

Sponsors: By House Committee on Agriculture & Ecology (Originally sponsored by Representatives B. Chandler, Grant, G. Chandler, Linville, Mastin, Delvin and Parlette).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/22/99, 2/25/99 [DPS].

Floor Activity:

Passed House: 3/9/99, 96-0.

Senate Amended.

Passed Senate: 4/13/99, 49-0.

Brief Summary of Substitute Bill

- Irrigation districts may provide assistance for the conservation or more efficient use of water. Irrigation districts may use the uniform process to award contracts for purchases instead of formal sealed bidding. The types or irrigation districts which may convert to irrigation and rehabilitation districts is expanded.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

Staff: Bill Lynch (786-7092).

Background:

In 1989, the voters approved an amendment to the Washington Constitution to allow local governments engaged in the sale or distribution of water to provide assistance for the conservation or more efficient use of water. Cities, towns, counties, public utility districts, and water-sewer districts are authorized to provide assistance to owners of structures in financing the acquisition and installation of fixtures, systems, and equipment for the conservation or more efficient use of water under an adopted water conservation plan. The type of assistance that can be provided includes arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and equipment. The fixtures, systems, and equipment must be purchased or installed by a private business, the owner, or the local government. Different forms of pay-back are authorized, including incremental additions to the utility bill. Irrigation districts are not authorized to provide this type of assistance.

Most units of local government are authorized to use a uniform process to award contracts for purchases instead of following formal sealed bidding requirements. The particular statutes pertaining to a unit of local government specify the maximum dollar threshold of the contracts that can be awarded under this process. Under this process, the local government must obtain quotations from at least three different vendors whenever possible to assure that a competitive price has been established, and then award the contract to the lowest responsible bidder. Irrigation districts are authorized to use small works rosters, but are not authorized to use this process to award contracts for purchases.

An irrigation district which has a major portion of an inland body of water within its exterior boundaries, and which also has a water right certificate from the Department of Ecology for at least 50,000 acre feet of water, may convert to an irrigation and rehabilitation district. An irrigation and rehabilitation district has all the powers of an irrigation district, and may also be organized to increase recreation potential of the area, further the rehabilitation or improvement of inland lakes and shorelines, and modify or improve existing or planned water control structures located in the district. An irrigation and rehabilitation district retains all the rights it held as an irrigation district.

The irrigation and rehabilitation district regulates the water in any natural or impounded lake located wholly or partially within the boundaries of the district, along with all use of the water and the bottom and shorelines to the line established by the highest level of the lake. Other powers of the district directors include controlling and regulating the use of boats, skiers, swimmers, and other use of the lake; controlling mosquitoes; except for state highways, constructing, maintaining, placing, or restoring roads, buildings, docks, dams, and canals; controlling the direct or indirect introduction into the lake of human, animal, or industrial waste products, sewage or effluent; placing and maintaining boat accesses; controlling the taking of carp; and except for state highways, controlling the

placing of any buildings, fill, etc. in, on or above the line established for the highest level of the lake.

Irrigation and rehabilitation districts may impose a special assessment on land located in the district. The assessment may not to exceed 25 cents per thousand dollars of assessed valuation without the approval of the district electors. These special assessments are subordinate to any local improvement district assessments imposed by a city or town within the district's boundaries.

The directors of an irrigation and rehabilitation district may enact rules which are punishable as a misdemeanor, but the rules must be approved by the county legislative authority before they are given any force or effect. These rules are enforceable by the county sheriff. The penalty for a violation of the rules cannot exceed a \$500 fine or six months in jail.

Summary of Bill:

An irrigation district may assist the land owners receiving water from the district and persons discharging water from the land into irrigation district-maintained facilities in financing the leasing, acquisition, and installation of fixtures, systems, programs, and equipment for the conservation or more efficient use of water. The assistance may include arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, programs, and equipment. The fixtures, systems, programs, and equipment must be purchased, leased, or installed by a private business, the owner, or the irrigation district. The irrigation district must make an appropriate charge-back for the extension of the money or credit in providing the assistance. The board of directors of the irrigation district may fix rates or tolls and charges, levy an assessment, or both, from people in the district to whom the district made this assistance available. Enhancing water quality is a use for which assistance may be provided.

Irrigation districts may use the uniform process established for awarding contracts for purchases from a vendor list in lieu of following formal competitive bidding requirements. No maximum dollar threshold for the contracts that can be awarded under this process is established.

An irrigation district may convert to an irrigation and rehabilitation district if, in addition to having a major portion of an inland navigable body of water within or along its exterior boundaries, it has a water right for 50,000 acre feet of water or more either: through a water right certificate granted from the Department of Ecology; or a legally recognized water right from the United State Bureau of Reclamation for return river flows or otherwise. It is not necessary for the water right of the irrigation district to be withdrawn from the body of water itself or one of its tributaries for purposes of being eligible to convert to an irrigation and rehabilitation district.

EFFECT OF SENATE AMENDMENT(S): The language which would expand the number of irrigation districts eligible to convert to an irrigation and rehabilitation district is removed. Irrigation districts are required to use formal competitive bidding procedures when awarding contracts for purchases of materials, supplies, or equipment unless the board of directors adopts a resolution which establishes a policy for waiving these formal bidding procedures. The board of directors may waive formal bidding procedures for purchases which do not exceed \$10,000.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) Irrigation districts should be able to finance low-volume toilets and showers like cities can. The vendor list authority is in response to an audit exception. An irrigation and rehabilitation district structure will allow a district in the Yakima Valley area to regulate shoreline as a park near a proposed point of diversion change, and almost double the amount of water available for a stretch of stream.

Testimony Against: None.

Testified: Representative Bruce Chandler, prime sponsor; and Mike Schwisow, Washington State Water Resources Association.