
Judiciary Committee

HB 1332

Title: An act relating to the authority of a watershed management partnership to exercise powers of its forming governments.

Brief Description: Granting authority of a watershed management partnership to exercise powers of its forming governments.

Sponsors: Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides that the a separate legal entity created by a watershed management partnership to carry out the functions of the partnership may exercise the power of eminent domain jointly with the partnership if all the public agencies comprising the partnership have the power of eminent domain.

Hearing Date: 1/29/09

Staff: Edie Adams (786-7180)

Background:

Interlocal Cooperation Act

The Interlocal Cooperation Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any power, privilege, or authority held by a public agency may be exercised jointly with one or more other public agencies having the same power, privilege, or authority.

A "public agency" for purposes of interlocal agreements includes any agency, political subdivision, or unit of local government. The term specifically includes municipal corporations, special purpose districts, local service districts, state agencies, federal agencies, recognized

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Indian tribes, and other states' political subdivisions.

Watershed Management Partnerships

State law establishes a mechanism for conducting watershed planning through a locally initiated process. The state law process requires watershed planning to include an assessment of water supply and use in the planning area. It also requires development of strategies for future water use. Watershed planning may include elements such as water quality, habitat, and instream flow.

Under the Interlocal Cooperation Act, public agencies may enter into interlocal agreements to form a watershed management partnership to implement all or parts of a watershed management plan, including coordination and oversight of plan implementation. Watershed plans, salmon recovery plans, watershed management elements of comprehensive plans and shoreline master programs, and other types of plans are considered "watershed management plans" for these purposes.

A watershed management partnership may create a separate legal entity to conduct the cooperative undertaking of the partnership. The separate legal entity may contract indebtedness and may issue general obligation bonds.

Power of Eminent Domain

Eminent domain is the power of a government to take private property within its jurisdiction, usually with payment of just compensation to the owner of the property. Many different public and private entities have been granted the power of eminent domain for public use or for a private way of necessity.

Under the Interlocal Cooperation Act, if two or more entities with the power of eminent domain join to form a watershed management partnership, then the partnership itself will have the power of eminent domain. However, in such a case, the power of eminent domain may not extend to the separate legal entity created by a watershed management partnership. The separate legal entity may not be a "public agency " within the meaning of the Interlocal Cooperation Act.

Summary of Bill:

A watershed management partnership and a separate legal entity created by it to conduct the operation of the partnership may exercise the power of eminent domain if all of the public agencies that form the partnership have the power of eminent domain.

In order to exercise this eminent domain power, the watershed management partnership must have been formed before July 1, 2006, and must be governed by a board of directors consisting entirely of elected officials from the cities and districts constituting the partnership.

A watershed management partnership or separate legal entity must comply with statutory notice requirements before eminent domain power may be exercised, and must provide notice to the city, town, or county having jurisdiction over the subject property 30 days before the partnership board authorizes condemnation.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.