

HOUSE BILL REPORT

ESSB 6512

As Reported by House Committee On:
Local Government

Title: An act relating to irrigation and rehabilitation district administration.

Brief Description: Regarding irrigation and rehabilitation district administration.

Sponsors: Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Holmquist Newbry, Kastama and Morton).

Brief History:

Committee Activity:

Local Government: 2/17/12, 2/21/12 [DP].

Brief Summary of Engrossed Substitute Bill

- Establishes a new process for the election of irrigation and rehabilitation district (district) directors.
- Removes the authority of a district to impose assessments under irrigation district provisions beginning January 1, 2013.
- Requires approval of the electorate for any proposed assessment and a public hearing and vote for any proposed increase in the amount of an assessment.
- Specifies that each land ownership is represented by two votes, regardless of size of the ownership.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 7 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Asay, Assistant Ranking Minority Member; Smith, Springer, Tharinger and Upthegrove.

Minority Report: Do not pass. Signed by 2 members: Representatives Angel, Ranking Minority Member; Rodne.

Staff: Ann Koepke (786-7291) and Ethan Moreno (786-7386).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

In 1961 and 1963 the Legislature found that the growing population of Washington, coupled with an increased availability of time for leisure activities, increased the need for the use of Washington's largest lakes for recreational purposes. To this end, the Legislature converted certain irrigation districts to irrigation and rehabilitation districts (districts). These districts have the same authority as irrigation districts, but are also charged with making lakes safer and furthering the health, safety, recreation, and welfare of Washington's citizens. The districts are responsible for boating, building, dredging, and waste control reduction in and around the applicable lake. The Moses Lake Irrigation and Rehabilitation District is the sole entity of its kind in the state.

In order to be eligible to be converted to a district, an irrigation district must have the major portion of an inland navigable body of water within its exterior boundaries and must hold a water right certificate for 50,000 acre-feet of water or more, granted by the Department of Ecology.

Composition and Election of Board of Directors.

The board of directors (directors) of a district are the same as the directors of the irrigation district. Their authority and rights are the same as those held as directors of the irrigation district.

Election of the directors follows the same process as irrigation district director elections. The board of election (board) is composed of two judges and one inspector, all appointed by the directors. The board may appoint two clerks. The board is responsible for the counting of votes. The secretary of the board is responsible for certifying and recording the results of the election. Voting is by mail and at precinct polling places.

Allocation of Votes.

In districts of less than 200,000 acres, each elector receives one vote for the first 10 acres owned by the elector and one additional vote for all acreage over 10 acres. In districts of 200,000 or more acres, each elector receives two votes per every five acres of land owned. In any district where more than 50 percent of the total acreage of the district is owned in individual ownerships of less than five acres, each ownership is allocated two votes, regardless of the size of ownership.

Authority to Impose Assessments.

The directors are authorized to impose assessments on land within the district for improvements undertaken for the benefit of the district. This authority is granted to districts in separate statutes as well as through the general authority granted to irrigation districts. If a district is imposing assessments under its authority as an irrigation district, it may impose assessments of 75 cents per \$1,000 of assessed land value. Under its authority as a district, it may impose assessments of 25 cents per 1,000 acres of assessed land value. If a district wishes to impose assessments above 25 cents per \$1,000 of assessed land value, an authorizing vote of the electors of the district is required. These elections, if necessary, are held in the same manner as irrigation district elections. The amount and due date of imposed assessments are determined by the directors and communicated to the county auditor for entry on the assessment tax rolls.

Summary of Bill:

Election of Board of Directors.

A modified process for election of a district's board of directors (directors) is defined. Elections must be held entirely by mail. The ballots are to be mailed to the county auditor and must be counted at the county courthouse by employees provided by the district and under the supervision of the district secretary and directors. Procedures are established for registering to receive a ballot. Prior to an election, the district is required to review the ownership list provided by the county assessor and notify those individuals who risk losing their elector privileges if they do not provide proof of land ownership.

Allocation of Votes.

Each land ownership is entitled to two votes, regardless of the size of the ownership. Multiple or joint owners of a single ownership are to determine amongst themselves the allocation of their two votes. Corporations and partnerships receive two votes. In ownerships held as community property, each spouse receives one vote. The directors of a district retain the power, rights, and authority granted to them as directors of an irrigation district, except as provided for in governing the imposition of assessments.

Authority to Impose Assessments.

The authority for a district to impose assessments is solely provided for in statutes governing the districts. Beginning January 1, 2013, a district may not impose an assessment under any other authority. Provisions for assessments under statutes governing districts allow for activities such as maintenance of the lake and rehabilitation activities associated with the lake, but are no longer broadly provided for under the general assessment authority of irrigation districts. In order to impose any assessment, approval of the voters is required. A public hearing and vote is also required to increase the level of the assessment.

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.

Staff Summary of Public Testimony:

(In support) This measure came through the Senate committee unanimously and gets to the core principle of "one person, one vote." Currently, the more land you own, the more votes you have and this simply is not in keeping with our democratic principles. This legislation would ensure that everyone has equal voting representation, regardless of the size of property owned. This has been an issue for years and it is long past due in being addressed. This bill would also simplify the voting process. Currently, voting by mail in an irrigation and

rehabilitation district (district) is more complicated than voting for the President of the United States! Having the entire election by mail will simplify the process. Changing provisions governing the oversight of the election will also help to ensure greater transparency. Finally, if the assessment is going to be raised, it should go to a vote of the people; this is the right thing to do.

(Opposed) Over the years, there have been great improvements to our lake and this is something that should continue. This bill allows the board of directors to drop the assessment rate and could result in a 50 percent decrease in the budget. That could mean the end of the district. There are serious concerns about this bill not having been allowed adequate public process; citizens of the district need to be made aware of this legislation and the effect it will have on them. The citizens of Moses Lake love the lake and value it as a critical part of the community. The community is willing to pay to keep the lake healthy and this issue should be brought back to the rate payers for thorough discussion. There is no rush and the time should be taken to do it right the first time. While the bill makes changes to the election process, that is not a major concern; the real issue of concern is the changes to the system of assessments.

Persons Testifying: (In support) Senator Holmquist Newbry, prime sponsor; and Mick Hansen, Moses Lake Irrigation and Rehabilitation District.

(Opposed) Debbie Doran Martinez, Moses Lake Chamber of Commerce; and Jeffrey B. Foster, Moses Lake Realtor Association.

Persons Signed In To Testify But Not Testifying: None.