

FINAL BILL REPORT

SHB 1332

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Synopsis as Enacted

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

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell).

House Committee on Judiciary
Senate Committee on Environment, Water & Energy

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.

Watershed Management Partnerships.

State law establishes a mechanism for conducting watershed planning through a locally initiated process. 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, and watershed management elements of comprehensive plans and shoreline master programs 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

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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 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:

A watershed management partnership and the separate legal entity created by it to conduct the operations 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. The partnership or legal entity may exercise eminent domain power only for those utility purposes for which the partnership was formed and solely for providing water services to its customers.

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 must comply with certain requirements before exercising eminent domain powers. The partnership must comply with statutory notice requirements and must provide notice 30 days before the partnership board authorizes condemnation to the city, town, or county having jurisdiction over the subject property.

The partnership must enter into an interlocal agreement with a city to allow eminent domain within that city if the city is not a member of the partnership and has water or sewer service areas within one-half mile of Lake Tapps or within 5 miles upstream from Lake Tapps along the White River. A process is created for a city located within this area to file and resolve a claim that the partnership's Lake Tapps water supply operations have a negative impact on the city's water supplies. If a court determines that there has been a negative impact to the city, the partnership must implement a remedy acceptable to the city, and if the city and partnership do not agree on a remedy, the court must establish the terms of a remedy.

Votes on Final Passage:

House	88	4	
Senate	43	2	(Senate amended)

House			(House refuses to concur to all amendments)
Senate	43	5	(Senate amended)
House	92	4	(House concurred)

Effective: July 26, 2009