

HOUSE BILL REPORT

HB 2538

As Passed Legislature

Title: An act relating to authority of irrigation districts.

Brief Description: Clarifying the authority of irrigation districts.

Sponsors: Representatives Clements, Chandler, Mastin, Lisk, Schoesler, Honeyford, Foreman, Grant and Mulliken.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/24/96, 1/31/96 [DP].

Floor Activity:

Passed House: 2/6/96, 96-0.

Passed Legislature.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: Do pass. Signed by 16 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Clements; Delvin; R. Fisher; Honeyford; Johnson; Mastin; Murray; Ogden; Regala; Robertson; Rust and Schoesler.

Staff: Bill Lynch (786-7092).

Background: The county treasurer acts as the ex officio treasurer of an irrigation district. An irrigation district board of directors in an irrigation district which lies in more than one county may designate another person having experience in financial matters as the treasurer of the district, if the district had assessments in each of two of the preceding three years equal to at least \$500,000. An irrigation district which lies entirely within one county may designate some other person having experience in financial matters as the treasurer of the district only if the county treasurer approves.

When an irrigation district designates someone other than the county treasurer to act as treasurer for the district, it must obtain a bond from a surety company in an amount and under such terms and conditions which it finds will protect the district against loss. The statutes do not specify the amount of the bond or the conditions for the bond.

The directors of the various irrigation districts throughout the state may designate a state-wide association to act as a coordinating agency for the districts, and may pay dues or assessments, or both, to support its activities. The state association may affiliate and cooperate with other organizations and agencies engaged in the reclamation of lands in the state and make financial contributions to them. The association is not specifically authorized to enter into contracts with other entities, promote the development of agricultural water and power, or provide information to federal officials.

Units of local government may enter into interlocal agreements pursuant to the Interlocal Cooperation Act for joint or cooperative action. Irrigation districts may enter into such agreements, but the statutes do not specify how potential liability is handled during emergency situations.

Summary of Bill: The board of directors of an irrigation district that lies entirely within one county may designate a person other than the county treasurer to act as treasurer of the district, without the need for the county treasurer's approval, if the district had assessments, tolls, and miscellaneous collections in each of two of the preceding three years equal to at least \$2 million.

If an irrigation district board designates another person to act as the treasurer for the district, the board must obtain a bond from a surety company in the amount of \$250,000. The bond is conditioned that the treasurer will faithfully perform the duties as treasurer of the district.

The Association of Irrigation Districts is authorized to enter into contracts with the federal government, the state, irrigation districts, boards of control, municipal or quasi-municipal corporations, cooperatives, other public or private agencies, and associate organizations. The association may also advance funds to promote the development and utilization of agricultural water and power resources, and employ technical and professional assistance to survey, plan, investigate, study, print, and publish information and literature to promote the development and utilization of such resources and provide and present information to members of Congress, any committee of Congress, and to other federal officials as an aid in securing needed legislation, contracts, and timely appropriations.

An irrigation district may enter into a mutual aid agreement with another irrigation district pursuant to the Interlocal Cooperation Act. The agreement may provide for emergency interdistrict assistance to respond to a breach or other failure of an irrigation water conveyance system when the required response exceeds the existing resources available to the district requesting assistance. Assistance may be provided without compensation. The employees of the irrigation district providing the assistance have the same powers and immunities as if they were performing their duties in the district which they are employed. Supervision of the assisting employees

may be delegated pursuant to the agreement. The irrigation district being assisted is liable for any loss or damage to equipment and must pay any ordinary expenses incurred in its operation. No claim may be made unless an itemized notice is served upon the secretary of the district where the equipment was used within 60 days after the loss, damage, or expense.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill clarifies the liability issue when there are mutual aid agreements between irrigation districts. This allows large irrigation districts that can handle intensive record-keeping to appoint their own treasurers. The State Association of Irrigation Districts needs to be able to communicate with the federal government because of all the changes that are occurring.

Testimony Against: None.

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