

ANALYSIS OF HB 1729

*House Agriculture & Ecology Committee
1997*

February 19,

BACKGROUND:

Property owners, including corporations, are allowed to vote in irrigation district elections. The statutes do not specify that other legal entities which own property, such as partnerships, are authorized to vote in irrigation district elections.

Water-sewer districts are allowed to prequalify contractors for public works contracts, to require each bid to be accompanied by a deposit in the amount of 5 percent of the bid, and to require a successful bidder to enter into a contract and furnish the required bond within 10 days after being awarded the contract. Irrigation districts do not have this same authority.

Property owners may submit a petition to an irrigation district requesting that lands be added within the boundaries of the district. The lands must be adjacent to the boundaries of the irrigation district, contiguous, and constitute one tract of land when taken together.

SUMMARY:

A general partnership, limited partnership, limited liability company, or any other legal entity formed pursuant to state law or qualified to do business in the state, which owns land may vote in an irrigation district election.

An irrigation district, its directors, officers, employees, or agents operating and maintaining irrigation works for any purpose, are not liable for any damages to persons or property arising from the disposal of sewage and waste disposed by others into the irrigation works pursuant to federal or state law permitting the discharge.

The board of directors of an irrigation district may require prospective bidders to answer questions pertaining to their financial ability and experience in performing the required work or furnishing the required materials or labor, before issuing the bidders contract proposal forms. The district may refuse any bid proposal from a person, firm, or corporation which was refused a contract proposal form. Any refusal is considered conclusive, but it may be appealed to the superior court of the county in which the district maintains its principal office. The appeal must be made within five days of the refusal, and the case must be heard within 10 days after the appeal is filed. The district must be given five days notice before the case

may be heard.

An irrigation district may require bidders to accompany their bids with a deposit in an amount equal to 5 percent of the amount of the bid, and the bid cannot be considered without the deposit. If the lowest responsible bidder cannot enter into the contract and furnish the satisfactory bonds as required by law within 20 days of the award, the deposit is forfeited and the district may award the contract to the second lowest bidder. Once the contract is awarded, the deposits of the unsuccessful bidders must be returned.

A petition submitted by property owners to an irrigation district requesting that lands be added within the boundaries of the irrigation district, is no longer limited to lands that are adjacent to the boundary of the irrigation district, are contiguous, and which constitute one tract of land when taken together.