

SENATE BILL REPORT

ESHB 1561

As of February 27, 2008

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: House Committee on Judiciary (originally sponsored by Representatives Jarrett, Clibborn, Goodman, Springer, Eddy, Rodne and Sullivan).

Brief History: Passed House: 2/14/08, 77-17.

Committee Activity: Judiciary: 2/29/08.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: 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. Such a separate legal entity may contract indebtedness and may issue general obligation bonds.

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 as well. However, in such a case, the power of eminent domain may not extend to the separate legal entity created by a watershed management partnership. Such a 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 do themselves have the power of eminent domain. In order to exercise this eminent domain power, a watershed management partnership

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or separate legal entity 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 exercising its eminent domain authority must report to the Legislature by July 1, 2010, addressing:

- the status of any water system projects;
- the use of the watershed management partnership's authority, including its authority for the siting and construction of the system; and
- efforts to inform and involve the public of the affected areas regarding siting and construction of system facilities.

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.

Committee/Commission/Task Force Created: No.

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