

FINAL BILL REPORT

HB 3030

C 201 L 10
Synopsis as Enacted

Brief Description: Regarding the administration of irrigation districts.

Sponsors: Representatives Fagan and Hinkle.

House Committee on Local Government & Housing
Senate Committee on Agriculture & Rural Economic Development

Background:

Overview of Irrigation Districts.

Irrigation districts (districts), authorized by the first state Legislature in 1890, are among the oldest special purpose districts in Washington. Originally authorized to provide irrigation facilities and services, they have since been authorized to provide: (1) drainage systems; (2) domestic water; (3) electric energy generation, purchasing and distribution; (4) fire hydrants; (5) sewerage systems; (6) residential energy conservation program assistance; (7) heating systems; and (8) street lighting. Among special purpose districts only port districts possess a greater range of powers. Districts are governed by an elected board of directors.

Jointly Created Governmental Entity: Contract Between Two or More Irrigation Districts.

Two or more districts may jointly create a separate legal entity which may exercise the same powers and authority granted to districts generally. Such an entity must be created through a contract between or among the participating districts. The jointly created entity has only those powers, rights, and responsibilities that are conveyed to it through the contract.

Irrigation District Upgrading and Improvement Fund.

Districts are authorized to create an upgrading and improvement fund financed from the annual revenue of the district. The board determines which portion of a district's revenue will be placed in the fund, which may include revenue derived from the sale, delivery, or distribution of electrical energy. Moneys from the fund may be used for the following purposes:

- to modernize, improve, or upgrade the irrigation or facilities of the district; or

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- to respond to an emergency affecting a district's irrigation facilities.

Small Works Roster: Project Contracting by Irrigation Districts.

Generally, state agencies and certain local governments may use a small works roster process to award contracts for public works estimated to cost \$300,000 or less. A single roster may be created or there may be different rosters for different specialties or categories of anticipated work. In addition, distinctions may be made between contractors based on a geographic area. The agency or local government may solicit bids from all appropriate contractors on the roster, but at a minimum five bids must be solicited. The contract, if awarded, is awarded to the lowest responsible bidder. An effort must be made to equitably distribute the opportunity among contractors on the appropriate roster if bids are solicited from less than all listed contractors.

State law limits the use by districts of the small works roster process is limited to projects estimated to cost \$100,000 or less.

Boundary Review Boards and Irrigation Districts.

Generally, the formation of a district and any alteration of a district's boundaries may be subject to review by a Boundary Review Board (BRB).

The BRBs are authorized in statute to guide and control the creation and growth of municipalities in metropolitan areas. While statute provides for the establishment of BRBs in counties with at least 210,000 residents, the law provides that a BRB may be created and established in any other county. The BRB members are appointed by the Governor and local government officials from within the applicable county. Some members are appointed by the BRBs themselves from nominees of special districts within the applicable county. After initial appointments, all members serve four-year terms. Upon receiving a timely request for review that meets statutory requirements, and following an invocation of a BRB's jurisdiction, a BRB must review and approve, disapprove, or modify certain proposed actions, including actions pertaining to the creation, incorporation, or change in the boundary of any city, town, or special purpose district. In reaching decisions on proposed actions, BRBs must satisfy public hearing requirements and attempt to achieve objectives prescribed in statute, including the preservation of natural neighborhoods and communities, and the use of physical boundaries. Generally, decisions on proposed actions must be made within 120 days of the BRB receiving a valid request for review.

Federal Reclamation Projects and Irrigation Districts.

The U.S. Bureau of Reclamation (Bureau) is a federal agency engaged in water and electricity generating projects in 17 western states. The Bureau manages, develops, and protects water and related resources, and is the nation's largest wholesale water supplier. The Bureau is the second largest producer of hydroelectric power in the west, and has constructed more than 600 dams and reservoirs.

A district is authorized to enter into contracts with the federal government with respect to matters relating to federal reclamation projects. Such contracts must be consistent with pertinent federal reclamation laws.

Summary:

Limitations on BRB Review of Changes to District Boundaries.

The BRBs do not have jurisdiction to review additions to, or exclusions of, district lands if such lands fall within the boundaries of a federal reclamation project.

Small Works Roster Process: Project Contracting by Irrigation Districts.

The upper limit of the estimated cost of a district project eligible for the small works roster process is increased from \$100,000 to \$300,000.

Districts are required to follow the uniform small works roster provisions set forth in RCW 39.04.155, which is applicable to most public entities in the state, including: state agencies; educational institutions; cities; counties; port districts; school districts; water-sewer districts; and fire protection districts.

Upgrading and Improvement Fund.

A legal entity created by a contract between two or more districts is authorized to establish an upgrading and improvement fund.

A district may use its upgrading and improvement fund for licensing hydroelectric power facilities and for payment of capital improvements.

Votes on Final Passage:

House	94	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: June 10, 2010