

SENATE BILL REPORT

ESHB 1887

As Reported by Senate Committee On:
Government Operations & Elections, March 26, 2009

Title: An act relating to diking districts.

Brief Description: Authorizing the annexation of contiguous territory outside of a diking district that receives services from the district.

Sponsors: House Committee on Local Government & Housing (originally sponsored by Representative Takko).

Brief History: Passed House: 3/11/09, 97-0.

Committee Activity: Government Operations & Elections: 3/26/09 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

Staff: Edward Redmond (786-7471)

Background: A diking district (district) is charged with constructing and maintaining a system of dikes. Among other things, it has the authority to straighten, widen, and deepen waterways considered a flood threat. It may construct dikes, drains, ditches, and other infrastructure to reduce flood risk.

A district may annex contiguous territory using any of the following methods: (1) petition and election. A petition must be signed by at least ten property owners in the proposed annexation area and filed with the board; (2) resolution and election – a resolution requesting the annexation must be adopted by the board; and (3) direct petition. Annexation occurs if the owners of the majority of territory in the proposed annexation area sign a petition requesting annexation and the board approves.

If the board approves the request under methods (1) or (2), an election must be held to put the question to voters. A majority of voters must approve a ballot proposition favoring annexation in order for it to take effect.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A new annexation method is added for contiguous territory that receives services from the district. A district must (1) adopt a resolution; (2) publish notice in a newspaper; (3) hold a public hearing; and (4) recommend the annexation to the county legislative authority. The county legislative authority must then hold a public hearing on the proposal. After the hearing, the county legislative authority may either reject the proposal or approve or modify the proposal and adopt it by ordinance. Territory is considered contiguous to the district if it is bounded by the same river, lake, or other body of water that bounds the district territory.

Tribal trusts lands and lands owned, managed, or leased by a federally-recognized Indian tribe are exempt from this annexation method.

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.

Staff Summary of Public Testimony: PRO: The new annexation method is the same method added to ESHB 1886 concerning flood control districts. Again, we are trying to update provisions that should have been fixed a long time ago.

Persons Testifying: PRO: Representative Takko, prime sponsor.