
Local Government Committee

ESB 6217

Brief Description: Regarding irrigation district administration.

Sponsors: Senators Holmquist Newbry, Pridemore, Schoesler and Delvin.

Brief Summary of Engrossed Bill

- Changes the maximum value of property exempt from the public notice requirement in irrigation district property sales or leases from less than \$500 to less than \$10,000.
- Increases the amount of time within which the board of directors of an irrigation district must set a hearing on a petition for adding new lands within the district, and complete the hearing, from 45 days to 180 days.
- Grants the board of directors of an irrigation district with fewer than 200,000 acres discretion in choosing not to proceed with foreclosure on delinquent properties if it is determined to be in the best interest of the district.

Hearing Date: 2/17/12

Staff: Ann Koepke (786-7291) and Ethan Moreno (786-7386).

Background:

Authority to Sell or Lease Property.

Irrigation districts (districts) are organized for the purpose of irrigating lands within an established area and for maintaining and operating irrigation works. Irrigation districts have the power to sell or lease property owned by the district when its board of directors determines that the property is not needed. Provisions governing the sale or lease of property are provided for in statute and include the requirement that notice of the sale or lease be published in a newspaper of general circulation in the county in which the property is located. If the value of the property is less than \$500, the requirement to publish notice of sale or lease does not apply.

Inclusion of New Lands Within an Irrigation District.

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.

In districts of at least 200,000 acres, if at least five property owners (or a majority) of land susceptible to irrigation by an irrigation district wish to have their lands included within an irrigation district, they may file a petition to do so. The petition must be filed with the board of directors of the irrigation district and the board is required to fix a time and place for a public hearing within 45 days of receipt of the petition.

The hearing regarding inclusion of new lands in the district must be held at the time and place specified in the published notice. The hearing on the petition must be completed within 30 days of receipt of the petition. Provisions for objections to the inclusion of land in the irrigation district are defined in statute.

Foreclosure on Delinquent Properties.

Properties within an irrigation district are subject to assessments, and delinquent assessments may subject the property to foreclosure proceedings. The irrigation district treasurer (or county treasurer, if acting in an ex officio capacity) must order a title search of the property for which a certificate of delinquency has been prepared in order to verify the legal description of the applicable property. Boards of directors of irrigation districts of 200,000 acres or more may choose to not pursue foreclosure proceedings on properties owing delinquent assessments if it is determined that not pursuing the foreclosure would be in the best interests of the irrigation district.

Summary of Bill:

Authority to Sell or Lease Property.

For property to be sold or leased by the irrigation district, the value of property that is exempt from the publication of notice requirement is increased from less than \$500 to less than \$10,000.

Inclusion of New Lands Within an Irrigation District.

The amount of time within which the board of directors must fix a time and place for a hearing on a petition for inclusion of new lands within the district is increased from 45 days to 180 days. Additionally, the amount of time the board of directors has to complete the hearing on the petition for inclusion of new lands is increased from 30 days to 180 days.

Foreclosure on Delinquent Properties.

The irrigation district treasurer (or county treasurer, if acting as district treasurer in an ex officio capacity) must provide the board of directors with a list of properties that may be subject to foreclosure for delinquent assessments. The treasurer is not required to order a title search of the property or prepare a certificate of delinquency before preparing the list. Irrigation districts of less than 200,000 acres may choose to not initiate foreclosure proceedings on properties owing delinquent assessments if it is determined that not pursuing the foreclosure would be in the best interests of the district.

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.