

SENATE BILL REPORT

HB 1014

As of March 10, 2011

Title: An act relating to the authority of a watershed management partnership.

Brief Description: Modifying the authority of a watershed management partnership.

Sponsors: Representatives Goodman, Springer, Sullivan, Eddy and Maxwell.

Brief History: Passed House: 2/23/11, 63-33.

Committee Activity: Environment, Water & Energy: 3/09/11.

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Staff: Karen Epps (786-7424)

Background: The Interlocal Cooperation Act allows public agencies to enter into agreements with one another for joint or cooperative action. Any power, privilege, or authority held by a public agency may be exercised jointly with one or more other public agencies having the same power, privilege, or authority. A public agency for purposes of interlocal agreements includes any agency, political subdivision, or unit of local government.

Public agencies may enter into interlocal agreements to form a watershed management partnership (partnership) to implement all or parts of a watershed management plan including coordination and oversight of plan implementation. If two or more entities with the power of eminent domain join to form a partnership, then the partnership itself will have the power of eminent domain as well. The power of eminent domain may not extend to a separate legal entity created by a partnership.

The separate legal entity created by a partnership to conduct the operations of the partnership may exercise the power of eminent domain if:

- the partnership was formed before July 1, 2006;
- all of the public agencies that form the partnership have the power of eminent domain;
- the partnership is governed by a board of directors consisting entirely of elected officials from the cities and districts constituting the partnership; and
- eminent domain authority is exercised only for those utility purposes for which the partnership was formed and solely for providing water services to its customers.

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.

A partnership must comply with certain requirements before exercising eminent domain powers. The partnership must comply with statutory notice requirements and must provide notice 30 days before the partnership board authorizes condemnation to the city, town, or county having jurisdiction over the subject property.

Additionally, the partnership must enter into an interlocal agreement with a city to allow eminent domain within that city if the city is not a member of the partnership and has water or sewer service areas within one-half mile of Lake Tapps or within five miles upstream from Lake Tapps along the White River. A process is created for a city located within this area to file and resolve a claim that the partnership's Lake Tapps water supply operations have a negative impact on the city's water supplies. If a court determines that there has been a negative impact to the city, the partnership must implement a remedy acceptable to the city, and if the city and partnership do not agree on a remedy, the court must establish the terms of a remedy.

Summary of Bill: The requirement that the partnership enter into an interlocal agreement with a city to allow eminent domain within that city if the city is not a member of the partnership and has water or sewer service areas within one-half mile of Lake Tapps or within five miles upstream from Lake Tapps along the White River is repealed. Additionally, the process for a city located within this area to file and resolve a claim that the partnership's Lake Tapps water supply operations have a negative impact on the city's water supplies is removed.

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: A couple of years ago, the Legislature adopted a bill that gave watershed management partnerships eminent domain authority, with language inserted to assuage the fears of those communities that are not part of the partnership. Since then, Cascade Water Alliance has reached an agreement with these other cities. The language that was added is sort of extraneous, so this bill would remove that language. The cities of Auburn, Bonney Lake, Sumner, and Buckley and Cascade Water Alliance have worked out a number of agreements. Cascade is undertaking a public process about the use and management of the lake that is getting full participation of the residents.

Persons Testifying: PRO: Representative Goodman, prime sponsor; John Marchione, City of Redmond; Carolyn Robertson, City of Auburn.