

# SENATE BILL REPORT

## ESB 6217

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As Passed Senate, February 11, 2012

**Title:** An act relating to the administration of irrigation districts.

**Brief Description:** Regarding irrigation district administration.

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

**Brief History:**

**Committee Activity:** Agriculture, Water & Rural Economic Development: 1/24/12, 1/30/12 [DP].

Passed Senate: 2/11/12, 44-0.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Hatfield, Chair; Shin, Vice Chair; Honeyford, Ranking Minority Member; Becker, Delvin, Haugen, Hobbs and Schoesler.

**Staff:** Diane Smith (786-7410)

**Background:** Irrigation districts are special purpose districts that have been authorized since before statehood. They have the authority to sell or lease personal property that the board of directors finds, by resolution, to be unnecessary for use for the district. If the property is valued at more than \$500, the district must advertise the sale at least 20 days before the date of sale set in the resolution. This publication must be made weekly for three consecutive weeks and include the time and place of sale or lease. The sale or lease must be made to the highest and best bidder. These provisions do not apply if the value of the property is less than \$500.

Lands may be added to an irrigation district of 200,000 acres or more upon filing a petition of five or a majority of the title-holders of the land proposed to be included in the district. Within 30 to 45 days after the filing of this petition with the board, the board must publish a notice of hearing. A hearing must be held by the commissioners so that those who object may show cause why their property should not be included. The commissioners must issue an order including the land if no more than 50 percent of the landholders within the area proposed for inclusion object in writing; the land is susceptible to irrigation from the water

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supply and system of works of the district; and will be benefited by the proposed irrigation. The hearing process may not exceed 30 days in all.

In order to carry out the purposes of the irrigation district, assessments are made on the property in the district in proportion to the benefits accruing to the lands assessed, and equitable credit is given to the lands having a partial or full water right. Once an assessment is delinquent for three years, the county treasurer must issue a certificate of delinquency on the property for the unpaid assessments, costs including the cost of a title search, and interest at 12 percent per year.

In irrigation districts with 200,000 acres or more, the board of directors for the district may consider all costs involved and determine that it is not in the best interest of the district to commence legal action to foreclose the delinquent assessment liens.

**Summary of Engrossed Bill:** The ceiling for the value of personal property that an irrigation district may sell or lease without public notice is raised from \$500 to \$10,000.

The board must set the time and place of the public hearing on a petition to include new land in an irrigation district of 200,000 acres or more, within 180 days of the board's receipt of the petition. The hearing on the petition must be completed within 180 days.

The authority of the board to forego legal action to foreclose a delinquent assessment lien is not limited to irrigation districts of 200,000 acres or more.

The treasurer must provide a list to the board of the properties that may be subject to foreclosure for delinquent assessments. The treasurer is not required to prepare a certificate of delinquency or to order a title search before preparing the list.

**Appropriation:** None.

**Fiscal Note:** Available.

**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 Irrigation districts' enabling act was enacted in 1890. There are 100 districts in the state, the 36 largest of which encompass 1.2 million acres of agricultural land. The components of the bill came from different districts wishing to keep their statutes up-to-date. Districts do not want little odds and ends of property on their books. They are not suitable for assessment. All districts, regardless of size, should be able to decide not to go to the expense of foreclosing the liens on these properties. The Columbia Basin Project has federal lands that desire inclusion in the East Columbia Basin Irrigation District. The federal government cannot meet the 45-day window in current statute.

**Persons Testifying:** PRO: Mike Schwisow, WA State Water Resources Assn., Irrigation Districts.