

SENATE BILL REPORT

ESSB 6512

As Passed Senate, February 10, 2012

Title: An act relating to irrigation and rehabilitation district administration.

Brief Description: Regarding irrigation and rehabilitation district administration.

Sponsors: Senate Committee on Agriculture, Water & Rural Economic Development (originally sponsored by Senators Holmquist Newbry, Kastama and Morton).

Brief History:

Committee Activity: Agriculture, Water & Rural Economic Development: 1/30/12, 1/31/12 [DPS].

Passed Senate: 2/10/12, 46-1.

SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

Majority Report: That Substitute Senate Bill No. 6512 be substituted therefor, and the substitute bill do pass.

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

Staff: Bob Lee (786-7404)

Background: In 1961 and 1963 the Legislature authorized certain irrigation districts to convert to an irrigation and rehabilitation districts (IRD). An IRD operates under the general governance, authority, procedures, and assessment provisions as other irrigation districts, but has some specific additional authorities. To be eligible to convert to an IRD, an irrigation district must have a major portion of an inland navigable body within its exterior boundaries and have been granted a water right certificate for at least 50,000 acre-feet of water.

The 1963 IRD statute contains reference to the increasing amounts of leisure time and greatly expanding use of larger lakes. A stated purpose of an IRD is to make lake use safer and more beneficial to all concerned and to further the health, safety, recreation, and welfare of its citizens. The Moses Lake IRD operates under this statute.

Currently, elections of board members are governed by the general irrigation district law. To fund activities of the district, \$0.75 per thousand dollars of assessed value is assessed under

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the general irrigation district law, and an additional \$0.25 per thousand dollars is assessed under the IRD district law. Amounts over \$0.25 may be levied after securing authorization by vote of the electors of the district.

Facilities and operations of irrigation districts are funded by assessments paid by land owners who receive water or other services from the district. To be eligible to vote, a person must be at least 18 years old, a citizen of the United States, a resident of the state, and hold title to assessable land within the district. The irrigation district law provides two votes for each five acres of assessable land owned by the same legal entity including corporations, partnerships, and limited liability companies. If the land is owned as community property, each spouse may cast half of their allocated votes. The allocation of votes apply to elections of directors and other elections held by irrigation districts.

Changes are sought to provide election and assessment procedures specifically for IRDs.

Summary of Engrossed Substitute Bill: To qualify to vote in an IRD, a person must be at least 18 years old, a citizen of the United States, a resident of the state, and own land within the IRD. Each ownership must be represented by two votes, regardless of the size of the ownership or number of parcels owned. If the ownership is held as community property, each spouse is entitled to one vote. Each corporation, partnership, limited liability company, or other legal entity is entitled to two votes.

Elections of directors, and elections for approval of additional assessments are to be conducted by mail. Ballots must be either returned in person to the county auditor with the time and date stamped on the ballots showing they were received prior to 5:00 p.m. on election day or returned by mail to the county auditor with a postmark on, or prior, to the date of the election. Mail-in ballots must be received by the county auditor within six business days after the date of the election. Ballots are to be counted at the county auditors office by employees of the IRD and under the supervision of the district secretary and the board of directors of the IRD.

There are procedures for pre-registering with the district and for updating the list of qualified electors.

Elections for directors of irrigation and rehabilitation district board members are to be held on the second Tuesday in December. Voting for approval of an increase in assessment may be held at other times.

The authority to impose new assessments under the general irrigation district law expires on January 1, 2013. Any increase in the assessed valuation per thousand dollars must be approved by a simple majority of electors casting ballots in the election. If the board votes to propose an increase in the assessment, it must hold an election at least 45 days before the election. It then may adopt a resolution to place the matter on the ballot.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: None.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: The problem facing the Moses Lake Irrigation and Rehabilitation District has been apparent for a while but a solution wasn't until one was proposed by former Senator Hochstatter and former Representative Hansen. The bill's goal is to get some accountability and transparency into the election process. There is some inequity in the election process in a district that has become more of an urban area than a rural one. Also, there is an issue with the assessment authority, with one statute providing unlimited authority for the board to levy assessments, and another section that requiring assessments above a certain level to be ratified by voters. This bill allows the county auditor to provide oversight of the election process and reforms the process so that land ownerships regardless of size or number of parcels have the same number of votes. It also would require any assessments above \$0.25 per thousand to be submitted to voter approval.

Persons Testifying: PRO: Senator Holmquist-Newbry, prime sponsor; Harold Hochstatter; Mick Hansen.