

SENATE BILL REPORT

HB 1269

As of April 1, 2013

Title: An act relating to legal entities casting votes in diking districts.

Brief Description: Allowing legal entities to cast votes in diking district elections.

Sponsors: Representatives Smith, Takko and Upthegrove.

Brief History: Passed House: 3/09/13, 97-0.

Committee Activity: Governmental Operations: 3/21/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Sam Thompson (786-7413)

Background: More than 80 types of special purpose districts are authorized in state law to provide a variety of services, ranging from fire protection to water and sewer service. In a few special purpose districts that provide limited services primarily benefitting land – such as diking, drainage, and flood control districts – voting rights are limited to landowners.

Laws applying to certain diking, drainage, and flood control districts provide that each landowner is entitled to cast two votes in district elections. A corporation, partnership, or governmental entity owning land must designate one person to cast its two votes, or two persons to each cast one of its votes. These districts must maintain lists of presumed eligible voters. Occasionally, issues arise regarding eligibility of certain persons and legal entities to participate in elections in these districts.

Summary of Bill: Eligibility of certain persons and legal entities to participate in elections in certain diking districts is clarified. Voting rights are expressly provided for limited liability companies, associations, trusts, estates, representatives of deceased persons, and guardians of landowners. All legal and governmental entities must register designated voters with the district prior to the election. Lists of presumed eligible voters maintained by districts must include persons designated to cast votes for legal and governmental entities.

Appropriation: None.

Fiscal Note: Not requested.

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.

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: This bill, clarifying the authority of many legal entities to participate in dike district elections, addresses uncertainty that arose in an Island County dike district election regarding participation by representatives of certain property held in trust. An owner of agricultural land in that district seeks limits on dike district assessments.

Persons Testifying: PRO: Representative Smith, prime sponsor; Tom Davis, WA Farm Bureau; Ray Gabelein, citizen.