

SENATE BILL REPORT

SB 5522

As of February 19, 2015

Title: An act relating to lake water quality districts.

Brief Description: Expanding the definition of special district to include lake water quality districts.

Sponsors: Senators Sheldon and Rivers.

Brief History:

Committee Activity: Government Operations & Security: 2/19/15.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Karen Epps (786-7424)

Background: Diking and various other special purpose districts provide diking, drainage, and flood control facilities and services. Among other powers, these special districts are authorized to engage in flood control activities; drainage control, stormwater control, and surface water control; or lake or river restoration, aquatic plant control, and water quality enhancement activities. Additionally, these special purpose districts are authorized to operate and maintain improvements and facilities necessary to prevent flooding from rivers, streams, and tidal waters or to control and treat stormwater, surface water, and flood water. These special purpose districts have the power to hire staff, sue and be sued, enter into contracts, and exercise any of the usual powers of a corporation for public purposes.

Special district, for purpose of these diking-related districts, is defined as follows: (1) a diking district; (2) a drainage district; (3) a diking, drainage, and/or sewerage improvement district; (4) an intercounty diking and drainage district; (5) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (6) a flood control district.

While separate statutory provisions continue to apply to these special districts and their actions, in 1985 the Legislature adopted standardized provisions governing their creation and operation, including provisions governing their elections. These special districts can be created either by petition of the owners of property within the proposed special district or by resolution of the county legislative authority. The process to create a special district requires that:

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- the county engineer investigate the proposed boundaries of the special district and the feasibility of the projects located in the county as proposed in the petition or resolution;
- the county legislative authority hold a public hearing on the proposed special district if the county engineer's report indicates that the proposed projects are feasible;
- the county legislative authority calls for an election after determining that creation of the proposed special district meets certain specifications; and
- the majority of voters in the proposed special district vote to create the special district.

The owner of land located in a special district who is a qualified voter of that district may cast two votes at a district election. A corporation, partnership, or governmental entity must designate a natural person to cast its two votes; or two natural persons to each cast one of their votes. With limited exceptions, no owner of land may cast more than two votes or have more than two votes cast for that owner in a special district election. Special districts are governed by a board of three elected members.

Summary of Bill: Special district, for purposes of these diking-related districts, is defined to also mean a lake water quality district.

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: This bill is designed to address an issue raised by a constituent. The constituents believe that this narrowly defined bill will help address their concerns.

Persons Testifying: PRO: Senator Sheldon, prime sponsor.