
Local Government Committee

SB 5331

Brief Description: Concerning irrigation district administration.

Sponsors: Senators Takko and Warnick.

Brief Summary of Bill

- Modifies provisions relating to the administration of irrigation districts (districts) by establishing that tolls and charges are not subject to the requirement that assessments be in proportion to the benefits to the land.
- Authorizes an irrigation board to waive payment for the cost of annexation proceedings if a board determines that the annexation would be of benefit to the district as a whole.
- Authorizes districts to sale real property owned by the district or transfer it for no payment if certain conditions exist.

Hearing Date: 3/21/17

Staff: Yvonne Walker (786-7841).

Background:

An irrigation district (district) is a type of special purpose district with broad statutory authorization to engage in a wide range of activities and provide a myriad of services. Generally, districts provide for the construction, improvement, maintenance, and operation of irrigation systems. Districts also may provide drainage, domestic water supply, electric power facilities, fire hydrants, and street lighting. Districts are established through a landowner petition process and subsequent voter approval.

An elected board of directors comprising of three to seven members governs districts. An irrigation district's board (board) has the authority to develop and to sell, lease, or rent the use of the following:

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- water derived from the operation of the district water facilities to municipal and quasi-municipal entities, the state of Washington, state agencies, public and private corporations, and individuals located within and outside the boundaries of the district; and
- power derived from hydroelectric facilities to municipal and quasi-municipal entities, electric companies, and other districts

Irrigation District Charges.

Districts may finance their operations and actions by imposing rates, tolls, and charges for district services through collection or by levying assessments. Unpaid rates and charges are deemed a lien against the property to which the district service is available until the rates and charges are paid in full. Districts do not have the authority to impose property taxes.

District Annexations.

A district annexation is initiated by a petition filed with the board from landowners representing one-half or more of any body of land. The petition must contain the assent of the petitioners to the inclusion of land described in the petition to be included within the district and of which the petition alleges they are the respective owners of the land. The petitioners must pay sufficient money to the board in advance to pay the estimated costs of the annexation proceedings.

If a board determines that abandoned district right-of-way property held by the district is to be sold, notice must be given to the owners of lands adjoining the property and the neighboring owners have a right of first refusal to purchase the property that adjoins or is adjacent to their land. The property must first be appraised by the county assessor and the neighboring owners must purchase the property at the appraised price. If after 60 days from the date of the notice, no applications for purchase have been received by the district, the rights of first refusal of owners of adjoining lands are deemed to have been waived, and the real property may be otherwise disposed or sold.

Summary of Bill:

Irrigation District Charges.

For the purposes of collection and enforcement, all tolls and charges levied by a district is an assessment against the irrigation lands and treated in the same manner as other district assessments. Any tolls and charges that constitute an assessment for collection and enforcement purposes are not subject to the requirement that assessments be in proportion to the benefits to the land.

District Annexations.

A board may waive payments and deposits in whole or in part for the cost of an annexation proceeding if a board determines that the annexation would be of benefit to the district as a whole.

Abandoned real property held by a district may be sold at a negotiated price when: (1) no applications for purchase have been received by the district for the property; (2) the board determines that due to the configuration of the property or other facts, it appears unlikely that the property or a portion of the property can be sold for the appraised price; and (3) the property is

considered a burden to the district. The negotiated price can include a transfer for no payment, without further publication or notice to all adjoining owners.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.