

AMENDED IN ASSEMBLY MARCH 24, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 386

Introduced by Assembly Member Dahle
(Coauthor: Senator Gaines)

February 18, 2015

An act to add Section 20527.14 to the Water Code, relating to water.

LEGISLATIVE COUNSEL’S DIGEST

AB 386, as amended, Dahle. Tulelake Irrigation District.

The Irrigation District Law provides for the formation of irrigation districts with prescribed powers. The district law generally requires a director on the board of an irrigation district to be a voter, landowner, and resident in the division of the district that the director represents.

This bill would provide that, for the Tulelake Irrigation District, every owner of real property assessed by the ~~district and located within its boundaries;~~ *district*, but no others, is authorized to vote at district elections for ~~directors;~~ *director; as prescribed*. The bill would provide that a director of the Tulelake Irrigation District, *at the time of his or her nomination or appointment and through his or her entire term*, is required to be a registered voter in ~~the state~~ *California*, reside within ~~the territory of the district or within 10 miles of the exterior boundaries of the district and within California~~, and be a landowner, *or a specified legal representative of a landowner*, within the division he or she ~~represents at the time of his or her nomination or appointment and through his or her entire term;~~ *represents*. By imposing requirements on the district ~~and the county~~ in connection with district elections, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 20527.14 is added to the Water Code, to
2 read:
3 20527.14. (a) This section only applies to the Tulelake
4 Irrigation District. For the purposes of this section, the following
5 terms have the following meanings:
6 (1) ~~“Assessed farm unit” means each acre assessed by the~~
7 ~~district.~~
8 (2)
9 (1) ~~“Corporation” includes partnerships, limited liability~~
10 ~~companies, public agencies, as well as other legal entities means~~
11 ~~any legal entity, public, or private, properly organized under the~~
12 ~~laws of the state in which they were created it was created, that~~
13 ~~are is allowed to own real property in California.~~
14 (3)
15 (2) “District” means the Tulelake Irrigation District, *originally*
16 *formed as Tule Lake Irrigation District.*
17 (4) ~~“Legal representative” means an official of a corporation~~
18 ~~owning real property or a guardian, conservator, executor, or~~
19 ~~administrator of the estate or the holder of title to real property~~
20 ~~who is appointed under the laws of the state, entitled to the~~
21 ~~possession of the estate’s property, and authorized by the~~
22 ~~appointing court to exercise the particular right, privilege, or~~
23 ~~immunity that he or she seeks to exercise.~~
24 (3) “Legal representative” means a person authorized to act
25 for or on behalf of a corporation, estate, or trust holding title to
26 land within the district.
27 (4) “Residency area” means both of the following:
28 (A) Land within the exterior boundaries of the district.

(B) Land within 10 miles of the exterior boundaries of the district and within California.

(b) Notwithstanding Section 20527 or any other law, every owner of real property assessed by the district and located within its boundaries, *district*, but no others, may vote at district elections for ~~directors~~. *director*. An owner need not be a resident of the *division* or district in order to qualify as a voter. ~~A The number of votes a voter shall be entitled to cast one vote, which will be assigned a vote value shall be based upon the acreage of the voter's assessed farm unit total number of assessed acres owned by the voter in the division as follows:~~

(1) ~~For 10 50 or fewer assessed farm units, the vote value is one acres, one vote.~~

(2) ~~For more than 10 and 25 or fewer assessed farm units, the vote value is two 50, but not more than 250 assessed acres, two votes.~~

(3) ~~For more than 25 and 40 or fewer 250 assessed farm units, the vote value is three acres, three votes.~~

(4) ~~For more than 40 and 70 or fewer assessed farm units, the vote value is four.~~

(5) ~~For more than 70 and 100 or fewer assessed farm units, the vote value is five.~~

(6) ~~For more than 100 assessed farm units, the vote value is six.~~

(c) ~~The last equalized assessment roll prepared by the district~~ *Tulelake Irrigation District Assessment Roll* is conclusive evidence of ownership and ~~of the number of farm units owned.~~ *assessed acres owned by the voter in the division.*

(d) (1) If land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of the land shall designate, in writing as specified in paragraph (2), which one of the owners is deemed the owner of the land for purposes of qualifying as a voter.

(2) The designation shall be made upon a form provided by the district and shall be filed with the district at least 40 days prior to the election and shall remain in effect until amended or revoked. No amendment or revocation may occur within the period of 39 days prior to an election.

(e) The legal representative of a corporation, estate, or trust owning real property may vote on behalf of the corporation or estate, including when the entity is a designee pursuant to

1 subdivision (d). Before a legal representative votes at a district
2 election, he or she shall present to the ~~precinct board~~ *district* a
3 copy of his or her authority that shall be kept and filed with the
4 returns of the election.

5 (f) Every voter, or his or her legal representative, may vote at
6 any district election either in person or by a person appointed as
7 his or her proxy. The appointment of a proxy shall be as provided
8 in Section 35005.

9 (g) Notwithstanding Section 21100 or any other law, each
10 director of the district ~~shall be~~ *shall, at the time of his or her*
11 *nomination or appointment and through his or her entire term,*
12 *meet all of the following requirements:*

13 (1) *Be a registered voter in the state, reside California.*

14 (2) *Reside within the territory of the district, and be residency*
15 *area.*

16 (3) *Be a landowner within the division he or she represents at*
17 *the time of his or her nomination or appointment and through his*
18 *or her entire term, or a legal representative of a landowner within*
19 *the division he or she represents.*

20 SEC. 2. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.