

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1816

Introduced by Assembly Member Dahle

February 8, 2016

An act to ~~amend Sections 22527, 22528, and 22529 of~~ *add Section 20527.14* to the Water Code, relating to irrigation districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1816, as amended, Dahle. ~~Irrigation districts: lease of works. 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 authorize, for the Tulelake Irrigation District, every owner of real property assessed by the district, but no others, to vote at district elections for director, as prescribed. The bill would require 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, be a registered voter in California, reside within the district or within one mile of any district boundary, and be a landowner, or a specified legal representative of a landowner, within the division he or she represents. By imposing requirements on the district 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.

~~The Irrigation District Law provides for the formation of irrigation districts with prescribed powers, including, among other powers, the authorization to lease part or all of the irrigation district’s works whenever the leasing will benefit the irrigation district. Existing law requires the board of an irrigation district to give notice at least 3 weeks prior to making a lease by publication at least once in a newspaper published in the principal county. Existing law requires a lease to be made to the highest bidder, except as specified, and prohibits a lease from interfering with any prior right established by law.~~

~~This bill would authorize the board of an irrigation district to alternatively post notice on its Internet Web site. The bill would specify that a lease be made to the highest bidder that is responsive and would additionally prohibit the lease from interfering with any prior right established by contract. By imposing requirements on irrigation districts, the 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 no reimbursement is required by this act for a specified reason.~~

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) “Corporation” means any legal entity, public or private,
- 7 properly organized under the laws of the state in which it was
- 8 created, that is allowed to own real property in California.
- 9 (2) “District” means the Tulelake Irrigation District, originally
- 10 formed as Tule Lake Irrigation District.

1 (3) “Legal representative” means a person authorized to act
2 for or on behalf of a corporation, estate, or trust holding title to
3 land within the district.

4 (4) “Residency area” means land within the district or land
5 within one mile of any district boundary.

6 (b) Notwithstanding Section 20527 or any other law, every
7 owner of real property assessed by the district, but no others, may
8 vote at district elections for director. An owner need not be a
9 resident of the division or district in order to qualify as a voter.
10 The number of votes a voter shall be entitled to cast shall be based
11 upon the total number of assessed acres owned by the voter in the
12 division as follows:

13 (1) For 50 or fewer assessed acres, one vote.

14 (2) For more than 50, but not more than 250 assessed acres,
15 two votes.

16 (3) For more than 250 assessed acres, three votes.

17 (c) The last Tulelake Irrigation District assessment roll is
18 conclusive evidence of ownership and the number of assessed acres
19 owned by the voter in the division.

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

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

30 (e) The legal representative of a corporation, estate, or trust
31 owning real property may vote on behalf of the corporation, estate,
32 or trust, including when the entity is a designee pursuant to
33 subdivision (d). Before a legal representative votes at a district
34 election, he or she shall present to the district a copy of his or her
35 authority that shall be kept and filed with the returns of the
36 election.

37 (f) A voter or legal representative of a voter may vote at a
38 district election either in person or by a person appointed as his
39 or her proxy. The appointment of a proxy shall be as provided in
40 Section 35005.

1 (g) Notwithstanding Section 21100 or any other law, each
2 director of the district shall, at the time of his or her nomination
3 or appointment and through his or her entire term, meet all of the
4 following requirements:

- 5 (1) Be a registered voter in California.
- 6 (2) Reside within the residency area.
- 7 (3) Be a landowner within the division he or she represents or
- 8 a legal representative of a landowner within the division he or she
- 9 represents.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

15 SECTION 1. Section 22527 of the Water Code is amended to
16 read:

17 22527. When a board contemplates the leasing of the works
18 of the district, it shall give notice thereof at least three weeks prior
19 to the making of the lease, by publication at least once in a
20 newspaper published in the principal county or by posting the
21 notice on the district's Internet Web site.

22 SEC. 2. Section 22528 of the Water Code is amended to read:

23 22528. The lease shall be made to the highest responsive bidder,
24 but any and all bids may be rejected.

25 SEC. 3. Section 22529 of the Water Code is amended to read:

26 22529. The lease shall not interfere with any prior rights
27 established by law or contract.

28 SEC. 4. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 a local agency or school district has the authority to levy service
31 charges, fees, or assessments sufficient to pay for the program or
32 level of service mandated by this act, within the meaning of Section
33 17556 of the Government Code.