

SHB 1717 - H AMD 224

By Representative Fitzgibbon

ADOPTED 03/08/2013

1 On page 2, after line 6, insert the following:

2 "(c) Counties, cities, and towns are not authorized by this section
3 to assess fees for general comprehensive plan amendments or updates."

4 On page 3, line 14, after "(1)" insert "'Latecomer fee" means a
5 charge collected by a municipality, whether separately stated or as
6 part of a connection fee for providing access to a municipal system,
7 against a real property owner who connects to or uses a water or sewer
8 facility subject to a contract created under RCW 35.91.020.

9 (2)"

10 Renumber the remaining subsection consecutively and correct any
11 internal references accordingly.

12 On page 4, line 6, after "expense." insert "The owner must submit
13 a request for a contract to the municipality prior to approval of the
14 water or sewer facility by the municipality."

15 On page 4, beginning on line 19, after "standards." strike all
16 material through "extension" on line 21 and insert "Unless the
17 municipality provides written notice to the owner of its intent to
18 request a comprehensive plan approval, the owner must request a
19 comprehensive plan approval for a water or sewer facility, if required,
20 and connection of the water or sewer facility"

21 On page 4, line 23, after "of the" strike "extension" and insert
22 "water or sewer facility"

1 On page 4, line 25, after "of the" strike "extension" and insert
2 "water or sewer facility"

3 On page 4, line 26, after "of the" strike "extension" and insert
4 "water or sewer facility"

5 On page 4, line 28, strike "extension" and insert "water or sewer
6 facility"

7 On page 4, beginning on line 29, after "(iv)" strike all material
8 through "(v)" on line 31

9 Renumber the remaining subsections consecutively and correct any
10 internal references accordingly.

11 On page 4, line 34, after "of the" strike "extension" and insert
12 "water or sewer facility"

13 On page 4, line 36, after "with the" strike "extension" and insert
14 "water or sewer facility"

15 On page 5, line 2, after "to the" strike "extension" and insert
16 "water or sewer facility"

17 On page 5, line 21, after "for the" insert "pro rata"

18 On page 5, line 27, after "from" strike "connection charges" and
19 insert "latecomer fees"

20 On page 5, beginning on line 33, after "authorized" strike "under
21 this chapter ((" and insert "((~~under this chapter~~"

22 On page 5, line 36, after "agreement))" insert "in accordance with
23 subsection (7) of this section"

1 On page 5, line 37, after "prevent the" strike "collection of" and
2 insert "~~((collection of)) municipality from collecting"~~

3 On page 6, line 25, after "provide the" strike "contracting" and
4 insert "~~((contracting))"~~

5 On page 7, line 8, after "Within" strike "ninety" and insert "one
6 hundred twenty"

7 On page 7, after line 14, insert the following:

8 "(9) Nothing in this section is intended to create a private right
9 of action for damages against a municipality for failing to comply with
10 the requirements of this section. A municipality, its officials,
11 employees, or agents may not be held liable for failure to collect a
12 latecomer fee unless the failure was willful or intentional. Failure
13 of a municipality to comply with the requirements of this section does
14 not relieve a municipality of any future requirement to comply with
15 this section."

16 On page 8, beginning on line 28, after "RCW 43.21C.420(6)" strike
17 all material through "act" on line 29 and insert ", section 1 of this
18 act, and beginning July 1, 2014, RCW 35.91.020"

19 On page 9, after line 19, insert the following:

20 "NEW SECTION. Sec. 5. Sections 2 and 3 of this act take effect
21 July 1, 2014."

22 Correct the title.

EFFECT: (1) Prohibits counties, cities, and towns from assessing fees for general comprehensive plan amendments or updates through the State Environmental Policy Act cost recovery provisions proposed in the underlying bill.

(2) Establishes a definition of "latecomer fee."

(3) Requires a property owner to submit a request for a water or sewer facility contract with a municipality to the municipality prior to approval of the facility by the municipality.

(4) Removes provisions requiring the municipality to request a comprehensive plan approval for an extension, if required, and adds a provision specifying that unless the municipality provides written notice to the owner of its intent to request a comprehensive plan approval, the owner must request a comprehensive plan approval for a water or sewer facility, if required.

(5) Changes references to "extension" to "water or sewer facility."

(6) Deletes criteria for the conditioning of a connection to a water or sewer facility that called for payment of all required connection charges to the municipality.

(7) Specifies that reimbursements to qualifying owners for water or sewer facility improvement or construction costs are pro rata reimbursements.

(8) Changes a reference to "connection charges" to "latecomer fees."

(9) Modifies provisions governing reimbursement limitations from property owners by linking the limitations to performance contracts.

(10) Specifies that a provision authorizing the collection of amounts for services or infrastructure that are additional expenditures may be collected by a municipality.

(11) Deletes a reference to "contracting" municipality.

(12) Changes the time after completion of a water or sewer facility that an owner has to submit cost information to a municipality from 90 to 120 days.

(13) Specifies that nothing in the latecomer fee provisions is intended to create a private right of action for damages against a municipality for failing to comply with specified requirements.

(14) Specifies that a municipality, its officials, employees, or agents may not be held liable for failure to collect a latecomer fee unless the failure was willful or intentional.

(15) Specifies that failure of a municipality to comply with specific latecomer requirements does not relieve a municipality of any future requirement to comply with specified requirements.

(16) Makes amendments to provisions governing water or sewer facility contracts between municipalities and owners of real estate effective July 1, 2014.

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