

1 **SSB 6428 - H AMD 1266 ADOPTED 3-3-94**

2 By Representatives Appelwick and H. Myers

3 On page 6, after line 29, strike the remainder of the bill and
4 insert the following new sections:

5 "NEW SECTION. **Sec. 5.** A new section is added to chapter
6 35.13A RCW to read as follows:

7 A city assuming responsibility for a water system that is not
8 in compliance with state or federal requirements for public
9 drinking water systems, and its agents and employees, are immune
10 from lawsuits or causes of action, based on non-compliance with
11 state or federal requirements for public drinking water systems,
12 which pre-date the date of assuming responsibility and continue
13 after the date of assuming responsibility, provided that the city
14 has submitted and is complying with a plan and schedule of
15 improvements approved by the department of health. This immunity
16 shall expire on the earlier of the date the plan of improvements is
17 completed or four years from the date of assuming responsibility.
18 This immunity does not apply to intentional injuries, fraud, or bad
19 faith.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter
21 35A.21 RCW to read as follows:

22 A code city assuming responsibility for a water system that is
23 not in compliance with state or federal requirements for public
24 drinking water systems, and its agents and employees, are immune
25 from lawsuits or causes of action, based on non-compliance with
26 state or federal requirements for public drinking water systems,
27 which pre-date the date of assuming responsibility and continue
28 after the date of assuming responsibility, provided that the city
29 has submitted and is complying with a plan and schedule of
30 improvements approved by the department of health. This immunity

1 shall expire on the earlier of the date the plan of improvements is
2 completed or four years from the date of assuming responsibility.
3 This immunity does not apply to intentional injuries, fraud, or bad
4 faith.

5 NEW SECTION. **Sec. 7.** A new section is added to chapter 36.94
6 RCW to read as follows:

7 A county assuming responsibility for a water system that is
8 not in compliance with state or federal requirements for public
9 drinking water systems, and its agents and employees, are immune
10 from lawsuits or causes of action, based on non-compliance with
11 state or federal requirements for public drinking water systems,
12 which pre-date the date of assuming responsibility and continue
13 after the date of assuming responsibility, provided that the county
14 has submitted and is complying with a plan and schedule of
15 improvements approved by the department of health. This immunity
16 shall expire on the earlier of the date the plan of improvements is
17 completed or four years from the date of assuming responsibility.
18 This immunity does not apply to intentional injuries, fraud, or bad
19 faith.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 57.24
21 RCW to read as follows:

22 A water district assuming responsibility for a water system
23 that is not in compliance with state or federal requirements for
24 public drinking water systems, and its agents and employees, are
25 immune from lawsuits or causes of action, based on non-compliance
26 with state or federal requirements for public drinking water
27 systems, which pre-date the date of assuming responsibility and
28 continue after the date of assuming responsibility, provided that
29 the water district has submitted and is complying with a plan and
30 schedule of improvements approved by the department of health.
31 This immunity shall expire on the earlier of the date the plan of

1 improvements is completed or four years from the date of assuming
2 responsibility. This immunity does not apply to intentional
3 injuries, fraud, or bad faith.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 80.28
5 RCW to read as follows:

6 A water company assuming responsibility for a water system
7 that is not in compliance with state or federal requirements for
8 public drinking water systems, and its agents and employees, are
9 immune from lawsuits or causes of action, based on non-compliance
10 with state or federal requirements for public drinking water
11 systems, which pre-date the date of assuming responsibility and
12 continue after the date of assuming responsibility, provided that
13 the water company has submitted and is complying with a plan and
14 schedule of improvements approved by the department of health.
15 This immunity shall expire on the earlier of the date the plan of
16 improvements is completed or four years from the date of assuming
17 responsibility. This immunity does not apply to intentional
18 injuries, fraud, or bad faith.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter
20 54.16 RCW to read as follows:

21 A public utility district assuming responsibility for a water
22 system that is not in compliance with state or federal requirements
23 for public drinking water systems, and its agents and employees,
24 are immune from lawsuits or causes of action, based on non-
25 compliance with state or federal requirements for public drinking
26 water systems, which pre-date the date of assuming responsibility
27 and continue after the date of assuming responsibility, provided
28 that the public utility district has submitted and is complying
29 with a plan and schedule of improvements approved by the department
30 of health. This immunity shall expire on the earlier of the date
31 the plan of improvements is completed or four years from the date

1 of assuming responsibility. This immunity does not apply to
2 intentional injuries, fraud, or bad faith.

3 NEW SECTION. **Sec. 11.** A new section is added to chapter
4 87.03 RCW to read as follows:

5 An irrigation district assuming responsibility for a water
6 system that is not in compliance with state or federal requirements
7 for public drinking water systems, and its agents and employees,
8 are immune from lawsuits or causes of action, based on non-
9 compliance with state or federal requirements for public drinking
10 water systems, which pre-date the date of assuming responsibility
11 and continue after the date of assuming responsibility, provided
12 that the irrigation district has submitted and is complying with a
13 plan and schedule of improvements approved by the department of
14 health. This immunity shall expire on the earlier of the date the
15 plan of improvements is completed or four years from the date of
16 assuming responsibility. This immunity does not apply to
17 intentional injuries, fraud, or bad faith."

EFFECT: Alters the immunity for assuming responsibility for
a failing water system to lawsuits based on non-compliance
with state or federal requirements that pre-date the
assumption of responsibility and continues for the earlier of
the date the plan for improvements is completed or four years
after assuming responsibility for the system.