

HOUSE BILL REPORT

HB 2458

As Reported By House Committee On:
Energy & Utilities

Title: An act relating to duties of utilities to serve.

Brief Description: Specifying the duty of publicly owned utilities to serve within their service areas.

Sponsors: Representatives Heavey, Reams, Kremen, Schmidt and Shin.

Brief History:

Reported by House Committee on:
Energy & Utilities, February 4, 1994, DPS.

HOUSE COMMITTEE ON ENERGY & UTILITIES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Bray, Chair; Finkbeiner, Vice Chair; Casada, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Caver; Johanson; Kessler; Kremen and Long.

Staff: Harry Reinert (786-7110).

Background: Cities and towns have authority to establish water and sewer utilities. Although the services are generally provided to those within the boundaries of the city or town, utility services may be provided to those outside of the city or town limits.

The unit of local government in which property is located has authority to establish zoning requirements, such as lot size and density, as well as the standards for streets and sidewalks and other development design criteria. Nothing in state law prohibits a city or town which provides utility service outside of the city or town limits from requiring a property owner to agree to conditions on lot size or other design requirements that are different from those required by the local government which has jurisdiction over the property.

Summary of Substitute Bill: A city or town may not require, as a condition of providing water or sewer service, that a property owner agree to lot size or other development or

design standards unless the local government with jurisdiction over the property agrees to the standards through the environmental review process, an interlocal agreement, or the project approval process.

Substitute Bill Compared to Original Bill: The original bill required a city, town, public utility district, port district, sewer district, water district, irrigation district, or metropolitan municipal corporation that operates a sewer, water, or electrical utility to provide service to anyone within its service area if service is technically feasible and in compliance with local regulations. The substitute bill is limited to water and sewer service provided by cities and towns. The substitute, instead of mandating a duty of service, restricts the authority of a city or town to impose land use conditions on those not within the city or town limits.

Fiscal Note: Requested January 26, 1994.

Effective Date of Substitute Bill: The bill takes effect July 1, 1994.

Testimony For: Some cities have used their control over sewer or water service to enforce zoning and other land use requirements on property that is not within their jurisdiction. This should be done through other processes, such as environmental review or the Growth Management Act planning process.

Testimony Against: (original bill) The bill may require some utilities to provide service in an area that is already served by another utility. The bill may require a utility to provide service in violation of comprehensive water or land use plans. The bill may also require a utility to provide service at great expense or with the need to add capacity to handle the new customer. Not all utilities have defined service areas.

Witnesses: Representative Heavey, prime sponsor; Aaron Jones, Rural Electric Association (with concerns); James Sherrill, Parkland Power and Light (with concerns); Joe Daniels, Washington State Water/Waste Water Association (with concerns); Kathleen Collins, Association of Washington Cities (con); Tom Brubaker, city of Kent (con); Dave Arbaugh, Washington PUD Association (with concerns); Jim Boldt, Clark County PUD (with concerns); and Judy Turpin, Washington Environmental Council (with concerns).