
HOUSE BILL 1158

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Romero, H. Myers and Edmondson

Read first time 01/18/93. Referred to Committee on Local Government.

1 AN ACT Relating to the power to acquire property by eminent domain;
2 amending RCW 57.08.010; and reenacting and amending RCW 56.08.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 56.08.010 and 1989 c 389 s 2 and 1989 c 308 s 1 are
5 each reenacted and amended to read as follows:

6 A sewer district may acquire by purchase or by condemnation and
7 purchase all lands, property rights, water, and water rights, both
8 within and without the district, necessary for its purposes. A sewer
9 district may lease real or personal property necessary for its purposes
10 for a term of years for which such leased property may reasonably be
11 needed where in the opinion of the board of sewer commissioners such
12 property may not be needed permanently or substantial savings to the
13 district can be effected thereby. The right of eminent domain shall be
14 exercised in the same manner and by the same procedure as provided for
15 cities and towns, insofar as consistent with the provisions of this
16 title, except that all assessments or reassessment rolls required to
17 be filed by eminent domain commissioners or commissioners appointed by
18 the court shall be prepared and filed by the district, and the duties
19 devolving upon the city treasurer shall be imposed upon the county

1 treasurer for the purposes hereof. A sewer district may construct,
2 condemn and purchase, add to, maintain, and operate systems of sewers
3 for the purpose of furnishing the district and inhabitants thereof with
4 an adequate system of sewers for all uses and purposes, public and
5 private, including but not limited to on-site sewage disposal
6 facilities, approved septic tanks or approved septic tank systems,
7 other facilities and systems for the collection, interception,
8 treatment, and disposal of wastewater, and for the control of pollution
9 from wastewater and for the protection, preservation, and
10 rehabilitation of surface and underground waters, facilities for the
11 drainage of storm or surface waters, public highways, streets, and
12 roads with full authority to regulate the use and operation thereof and
13 the service rates to be charged and may construct, condemn, acquire, or
14 own buildings and other necessary district facilities. Such sewage
15 facilities may include facilities which result in combined sewage
16 disposal, treatment, or drainage and electric generation, provided that
17 the electricity generated thereby is a byproduct of the system of
18 sewers. Such electricity may be used by the sewer district or sold to
19 any entity authorized by law to distribute electricity. Such
20 electricity is a byproduct when the electrical generation is
21 subordinate to the primary purpose of sewage disposal, treatment, or
22 drainage. For such purposes a district may conduct sewage throughout
23 the district and throughout other political subdivisions within the
24 district, and construct and lay sewer pipe along and upon public
25 highways, roads, and streets, within and without the district, and
26 condemn and purchase or acquire land and rights of way necessary for
27 such sewer pipe. A district may erect sewage treatment plants, within
28 or without the district, and may acquire by purchase or condemnation,
29 properties or privileges necessary to be had to protect any lakes,
30 rivers, or watercourses and also other areas of land from pollution,
31 from its sewers or its sewage treatment plant. For the purposes of
32 sewage facilities which include facilities which result in combined
33 sewage disposal, treatment, or drainage and electric generation where
34 the electric generation is a byproduct, nothing in this section may be
35 construed to authorize a district to condemn electric generating,
36 transmission, or distribution rights or facilities of entities
37 authorized by law to distribute electricity, or to acquire such rights
38 or facilities without the consent of the owner. A district may charge
39 property owners seeking to connect to the district system of sewers, as

1 a condition to granting the right to so connect, in addition to the
2 cost of such connection, such reasonable connection charge as the board
3 of commissioners shall determine to be proper in order that such
4 property owners shall bear their equitable share of the cost of such
5 system. For purposes of calculating a connection charge, the board of
6 commissioners shall determine the pro rata share of the cost of
7 existing facilities and facilities planned for construction within the
8 next ten years and contained in an adopted comprehensive plan and other
9 costs borne by the district which are directly attributable to the
10 improvements required by property owners seeking to connect to the
11 system. The cost of existing facilities shall not include those
12 portions of the system which have been donated or which have been paid
13 for by grants.

14 The connection charge may include interest charges applied from the
15 date of construction of the sewer system until the connection, or for
16 a period not to exceed ten years, whichever is shorter, at a rate
17 commensurate with the rate of interest applicable to the district at
18 the time of construction or major rehabilitation of the sewer system,
19 or at the time of installation of the sewer lines to which the property
20 owner is seeking to connect.

21 A district may permit payment of the cost of connection and the
22 reasonable connection charge to be paid with interest in installments
23 over a period not exceeding fifteen years. The county treasurer may
24 charge and collect a fee of three dollars per parcel for each year for
25 the treasurer's services. Such fees shall be a charge to be included
26 as part of each annual installment, and shall be credited to the county
27 current expense fund by the county treasurer. A district may compel
28 all property owners within the sewer district located within an area
29 served by the district system of sewers to connect their private drain
30 and sewer systems with the district system under such penalty as the
31 sewer commissioners shall prescribe by resolution. The district may
32 for such purpose enter upon private property and connect the private
33 drains or sewers with the district system and the cost thereof shall be
34 charged against the property owner and shall be a lien upon property
35 served.

36 Revenues from connection charges excluding permit fees are to be
37 considered payments in aid of construction as defined by department of
38 revenue rule.

1 **Sec. 2.** RCW 57.08.010 and 1991 c 82 s 4 are each amended to read
2 as follows:

3 (1)(a) A water district may acquire by purchase or condemnation, or
4 both, all property and property rights and all water and water rights,
5 both within and without the district, necessary for its purposes.

6 (b) A water district may lease real or personal property necessary
7 for its purposes for a term of years for which such leased property may
8 reasonably be needed where in the opinion of the board of water
9 commissioners such property may not be needed permanently or
10 substantial savings to the district can be effected thereby.

11 (c) The right of eminent domain shall be exercised in the same
12 manner and by the same procedure as provided for cities of the third
13 class, insofar as consistent with the provisions of this title, except
14 that all assessment rolls to be prepared and filed by eminent domain
15 commissioners or commissioners appointed by the court shall be prepared
16 and filed by the water district, and the duties devolving upon the city
17 treasurer are hereby imposed upon the county treasurer.

18 (d) A water district may construct, condemn and purchase, purchase,
19 add to, maintain, and supply waterworks to furnish the district and
20 inhabitants thereof, and any city or town therein and any other
21 persons, both within and without the district, with an ample supply of
22 water for all uses and purposes public and private with full authority
23 to regulate and control the use, content, distribution, and price
24 thereof in such a manner as is not in conflict with general law and may
25 construct, condemn, acquire, or own buildings and other necessary
26 district facilities. Where a customer connected to the district's
27 system uses the water on an intermittent or transient basis, a district
28 may charge for providing water service to such a customer, regardless
29 of the amount of water, if any, used by the customer.

30 (e) A water district contiguous to Canada may contract with a
31 Canadian corporation for the purchase of water and for the
32 construction, purchase, maintenance, and supply of waterworks to
33 furnish the district and inhabitants thereof and residents of Canada
34 with an ample supply of water under terms approved by the board of
35 commissioners. Such waterworks may include facilities which result in
36 combined water supply and electric generation, provided that the
37 electricity generated thereby is a byproduct of the water supply
38 system.

1 (f) Such electricity may be used by the water district or sold to
2 any entity authorized by law to distribute electricity. Such
3 electricity is a byproduct when the electrical generation is
4 subordinate to the primary purpose of water supply.

5 (g) For such purposes, a water district may take, condemn and
6 purchase, purchase, acquire, and retain water from any public or
7 navigable lake, river, or watercourse, or any underflowing water and,
8 by means of aqueducts or pipe line conduct the same throughout such
9 water district and any city or town therein and carry it along and upon
10 public highways, roads, and streets, within and without such district.

11 (h) For the purpose of constructing or laying aqueducts or pipe
12 lines, dams, or waterworks or other necessary structures in storing and
13 retaining water or for any other lawful purpose such water district may
14 occupy the beds and shores up to the high water mark of any such lake,
15 river, or other watercourse, and may acquire by purchase or
16 condemnation such property or property rights or privileges as may be
17 necessary to protect its water supply from pollution.

18 (i) For the purposes of waterworks which include facilities for the
19 generation of electricity as a byproduct, nothing in this section may
20 be construed to authorize a water district to condemn electric
21 generating, transmission, or distribution rights or facilities of
22 entities authorized by law to distribute electricity, or to acquire
23 such rights or facilities without the consent of the owner.

24 (2) A water district may purchase and take water from any municipal
25 corporation.

26 (3) A water district may fix rates and charges for water supplied
27 and may charge property owners seeking to connect to the district's
28 water supply system, as a condition to granting the right to so
29 connect, in addition to the cost of such connection, such reasonable
30 connection charge as the board of commissioners shall determine to be
31 proper in order that such property owners shall bear their equitable
32 share of the cost of such system.

33 (a) For purposes of calculating a connection charge, the board of
34 commissioners shall determine the pro rata share of the cost of
35 existing facilities and facilities planned for construction within the
36 next ten years and contained in an adopted comprehensive plan and other
37 costs borne by the district which are directly attributable to the
38 improvements required by property owners seeking to connect to the
39 system. The cost of existing facilities shall not include those

1 portions of the system which have been donated or which have been paid
2 for by grants.

3 (b) The connection charge may include interest charges applied from
4 the date of construction of the water system until the connection, or
5 for a period not to exceed ten years, whichever is shorter, at a rate
6 commensurate with the rate of interest applicable to the district at
7 the time of construction or major rehabilitation of the water system,
8 or at the time of installation of the water lines to which the property
9 owner is seeking to connect.

10 (4)(a) A district may permit payment of the cost of connection and
11 the reasonable connection charge to be paid with interest in
12 installments over a period not exceeding fifteen years. The county
13 treasurer may charge and collect a fee of three dollars for each year
14 for the treasurer's services. Such fees shall be a charge to be
15 included as part of each annual installment, and shall be credited to
16 the county current expense fund by the county treasurer.

17 (b) Revenues from connection charges excluding permit fees are to
18 be considered payments in aid of construction as defined by department
19 of revenue rule.

20 (5) A district may operate and maintain a park or recreational
21 facilities on real property that it owns or in which it has an interest
22 that is not immediately necessary for its purposes.

23 (6) If such park or recreational facilities are operated by a
24 person other than the district, including a corporation, partnership,
25 or other business enterprise, the person shall indemnify and hold
26 harmless the district for any injury or damage caused by the action of
27 the person.

--- END ---