

2 SSB 6091 - H COMM AMD  
3 By Committee on Government Operations

4 ADOPTED AS AMENDED 2/27/96

5 Strike everything after the enacting clause and insert the  
6 following:

7 "PART I - GENERAL PROVISIONS

8 NEW SECTION. **Sec. 101.** A new section is added to chapter 57.02  
9 RCW to read as follows:

10 Every sewer district and every water district previously created  
11 shall be reclassified and shall become a water-sewer district, and  
12 shall be known as the ". . . . Water-Sewer District," or "Water-Sewer  
13 District No. . . . ." or shall continue to be known as a "sewer  
14 district" or a "water district," with the existing name or number  
15 inserted, as appropriate. As used in this title, "district" means a  
16 water-sewer district, a sewer district, or a water district. All  
17 debts, contracts, and obligations previously made or incurred by or in  
18 favor of any water district or sewer district, and all bonds or other  
19 obligations issued or executed by those districts, and all assessments  
20 or levies, and all other things and proceedings done or taken by those  
21 districts or by their respective officers, are declared legal and valid  
22 and of full force and effect.

23 **Sec. 102.** RCW 57.02.010 and 1982 1st ex.s. c 17 s 8 are each  
24 amended to read as follows:

25 Wherever in this title (~~(57-RCW)~~) petitions are required to be  
26 signed by the owners of property, the following rules shall govern the  
27 sufficiency (~~(thereof)~~) of the petitions:

28 (1) The signature of a record owner, as determined by the records  
29 of the county auditor of the county in which the real property is  
30 located, shall be sufficient without the signature of (~~(his or her)~~)  
31 the owner's spouse.

32 (2) (~~(In the case of)~~) For mortgaged property, the signature of the  
33 mortgagor shall be sufficient.

1 (3) (~~In the case of~~) For property purchased on contract, the  
2 signature of the contract purchaser, as shown by the records of the  
3 county auditor of the county in which the real property is located,  
4 shall be (~~deemed~~) sufficient.

5 (4) Any officer of a corporation owning land in the district duly  
6 authorized to execute deeds or encumbrances on behalf of the  
7 corporation may sign on behalf of (~~such~~) that corporation(~~(+~~  
8 ~~PROVIDED~~)), except that there shall be attached to the petition a  
9 certified excerpt from the bylaws showing such authority.

10 (5) If any property in the district stands in the name of a  
11 deceased person or any person for whom a guardian has been appointed,  
12 the signature of the (~~executor~~) personal representative,  
13 administrator, or guardian, as the case may be, shall be equivalent to  
14 the signature of the owner of the property.

15 **Sec. 103.** RCW 56.02.110 and 1979 c 35 s 3 are each amended to read  
16 as follows:

17 (~~(1)~~) The board of commissioners of a (~~sewer~~) district may  
18 notify the owner or reputed owner of any tract, parcel of land, or  
19 other property located within the area included in a petition being  
20 circulated for a local improvement district (~~being circulated~~) or  
21 utility local improvement district under chapter (~~56.20~~) 57.16 RCW  
22 (~~or in a petition for~~), an annexation (~~being circulated~~) under  
23 chapter (~~56.24~~) 57.24 RCW, a consolidation under chapter 57.32 RCW,  
24 a merger under chapter 57.36 RCW, a withdrawal of territory under  
25 chapter 57.28 RCW, or a transfer of territory under RCW 57.32.160.

26 (~~(2)~~) Upon the request of any person, the board of commissioners  
27 of a (~~sewer~~) district may:

28 (~~(a)~~) (1) Review a proposed petition (~~to check if the petition~~  
29 ~~is properly drafted~~) for proper drafting; and

30 (~~(b)~~) (2) Provide information regarding the effects of the  
31 adoption of any proposed petition.

32 **Sec. 104.** RCW 57.02.030 and 1959 c 108 s 19 are each amended to  
33 read as follows:

34 The rule of strict construction shall (~~have no application~~) not  
35 apply to this title, (~~but the same~~) which shall be liberally  
36 construed to carry out (~~the~~) its purposes and objects (~~for which~~  
37 ~~this title is intended~~)).

1       **Sec. 105.** RCW 57.02.040 and 1988 c 162 s 7 are each amended to  
2 read as follows:

3       ~~(1) Notwithstanding any provision of law to the contrary, ((no~~  
4 ~~water district shall be formed or reorganized under chapter 57.04 RCW,~~  
5 ~~nor shall any water district annex territory under chapter 57.24 RCW,~~  
6 ~~nor shall any water district withdraw territory under chapter 57.28~~  
7 ~~RCW, nor shall any water district consolidate under chapter 57.32 RCW,~~  
8 ~~nor shall any water district be merged under chapter 57.36 RCW, nor~~  
9 ~~shall any sewer district be merged into a water district under chapter~~  
10 ~~57.40 RCW, unless such proposed action)) the following proposed actions~~  
11 ~~shall be approved as provided for in RCW 56.02.070 (as recodified by~~  
12 ~~this act):~~

13       (a) Formation or reorganization under chapter 57.04 RCW;

14       (b) Annexation of territory under chapter 57.24 RCW;

15       (c) Withdrawal of territory under chapter 57.28 RCW;

16       (d) Transfer of territory under RCW 57.32.160;

17       (e) Consolidation under chapter 57.32 RCW; and

18       (f) Merger under chapter 57.36 RCW.

19       ~~((The county legislative authority shall within thirty days of the~~  
20 ~~date after receiving)) (2) At least one of the districts involved shall~~  
21 ~~give notice of the proposed action((, approve such action or hold a~~  
22 ~~hearing on such action. In addition, a copy of such proposed action~~  
23 ~~shall be mailed)) to the county legislative authority, state department~~  
24 ~~of ecology, and ((to the)) state department of ((social and)) health~~  
25 ~~((services)). The county legislative authority shall within thirty~~  
26 ~~days of receiving notice of the proposed action approve the action or~~  
27 ~~hold a hearing on the action.~~

28       (3) The county legislative authority shall decide within sixty days  
29 of a hearing whether to approve or not approve ((such)) the proposed  
30 action. In approving or not approving the proposed action, the county  
31 legislative authority shall consider the following criteria:

32       ~~((+1))~~ (a) Whether the proposed action in the area under  
33 consideration is in compliance with the development program ((which))  
34 that is outlined in the county comprehensive plan, or city or town  
35 comprehensive plan where appropriate, and its supporting documents;  
36 ((and/or

37       ~~+2))~~ (b) Whether the proposed action in the area under  
38 consideration is in compliance with the basinwide water and/or sewage

1 plan as approved by the state department of ecology and the state  
2 department of social and health services; ~~((and/or))~~ and  
3 ~~((+3))~~ (c) Whether the proposed action is in compliance with the  
4 policies expressed in the county plan for water and/or sewage  
5 facilities.

6 (4) If the proposed action is inconsistent with subsection~~((s-1),~~  
7 ~~(2), or))~~ (3)(a), (b), or (c) of this section, the county legislative  
8 authority shall not approve it. If ~~((such))~~ the proposed action is  
9 consistent with ~~((all such))~~ subsection~~((s))~~ (3)(a), (b), and (c) of  
10 this section, the county legislative authority shall approve it unless  
11 it finds that ~~((utility))~~ water or sewer service in the area under  
12 consideration will be most appropriately served by the county itself  
13 under the provisions of chapter 36.94 RCW, or by ((a)) another  
14 district, city, town, or municipality~~((, or by another existing special~~  
15 ~~purpose district rather than by the proposed action under~~  
16 ~~consideration))~~. If there has not been adopted for the area under  
17 consideration a plan or program under ~~((any one of subsections (1), (2)~~  
18 ~~or))~~ subsection (3)(a), (b), or (c) of this section, the proposed  
19 action shall not be found inconsistent with such subsection.

20 (5) Where a ~~((water))~~ district is proposed to be formed, and where  
21 no boundary review board ~~((has been))~~ is established in the county, the  
22 petition described in RCW 57.04.030 shall serve as the notice of  
23 proposed action under this section, and the hearing provided for in RCW  
24 57.04.030 shall serve as the hearing provided for in this section and  
25 in RCW 56.02.070 (as recodified by this act).

26 **Sec. 106.** RCW 56.02.070 and 1988 c 162 s 6 are each amended to  
27 read as follows:

28 In any county where a boundary review board, as provided in chapter  
29 36.93 RCW, ~~((has))~~ is not ~~((been))~~ established, the approval of the  
30 proposed action shall be by the county legislative authority pursuant  
31 to RCW ~~((56.02.060 and))~~ 57.02.040~~((,))~~ and shall be final, and the  
32 procedures required to adopt such proposed action shall be followed as  
33 provided by law.

34 In any county where a boundary review board, as provided in chapter  
35 36.93 RCW, ~~((has been))~~ is established, a notice of intention of the  
36 proposed action shall be filed with the boundary review board as  
37 required by RCW 36.93.090 and ((a copy thereof)) with the county  
38 legislative authority. The ((latter)) county legislative authority

1 shall transmit to the boundary review board a report of its approval or  
2 disapproval of the proposed action together with its findings and  
3 recommendations (~~((thereon))~~) under (~~((the provisions of RCW 56.02.060~~  
4 ~~and))~~) 57.02.040. (~~((If))~~) Approval by the county legislative authority  
5 (~~((has approved))~~) of the proposed action(~~((, such approval))~~) shall be  
6 final and the procedures required to adopt (~~((such))~~) the proposal shall  
7 be followed as provided by law, unless the boundary review board  
8 reviews the action under (~~((the provisions of))~~) RCW 36.93.100 through  
9 36.93.180. If the county legislative authority (~~((has))~~) does not  
10 (~~((approved))~~) approve the proposed action, the boundary review board  
11 shall review the action under (~~((the provisions of))~~) RCW 36.93.150  
12 through 36.93.180. The action of the boundary review board (~~((after~~  
13 ~~review of the proposed action))~~) shall supersede approval or disapproval  
14 by the county legislative authority.

15 Where a (~~((water or sewer))~~) district is proposed to be formed, and  
16 where no boundary review board (~~((has been))~~) is established in the  
17 county, the hearings provided for in RCW (~~((56.04.040 and))~~) 57.04.030  
18 shall serve as the hearing provided for in this section(~~((, in RCW~~  
19 ~~56.02.060,))~~) and in RCW 57.02.040.

20 **Sec. 107.** RCW 56.02.100 and 1977 ex.s. c 208 s 3 are each amended  
21 to read as follows:

22 The procedures and provisions of RCW 85.08.830 through 85.08.890,  
23 which are applicable to drainage improvement districts, joint drainage  
24 improvement districts, or consolidated drainage improvement districts  
25 (~~((which))~~) that desire to merge into (~~((an))~~) irrigation districts, shall  
26 also apply to (~~((sewer))~~) districts organized, or reorganized, under this  
27 title (~~((which))~~) that desire to merge into irrigation districts.

28 The authority granted by this section shall be cumulative and in  
29 addition to any other power or authority granted by law to any  
30 (~~((sewer))~~) district.

31 **Sec. 108.** RCW 57.02.050 and 1994 c 223 s 66 are each amended to  
32 read as follows:

33 Whenever the boundaries or proposed boundaries of a (~~((water))~~)  
34 district include or are proposed to include by means of formation,  
35 annexation, transfer, withdrawal, consolidation, or merger (~~((including~~  
36 ~~merger with a sewer district))~~), territory in more than one  
37 county(~~((,))~~):



1       **Sec. 203.** RCW 57.04.030 and 1990 c 259 s 27 are each amended to  
2 read as follows:

3       (1) For the purpose of formation of water-sewer districts, a  
4 petition shall be presented to the county legislative authority of each  
5 county in which the proposed ((water)) district is located(~~(, which)~~).  
6 The petition shall set forth the ((object)) reasons for the creation of  
7 the district, ((shall)) designate the boundaries ((thereof and set  
8 forth the further fact)) of the district, and state that establishment  
9 of the district will be conducive to the public health, convenience,  
10 and welfare and will be of benefit to the property included in the  
11 district. The petition shall state the proposed name of the district,  
12 which may be ". . . . . Sewer-Water District," ". . . . . Water  
13 District," ". . . . . Sewer District," or may be designated by a  
14 number such as ". . . . . County Water-Sewer District No. . . . ."  
15 The petition shall specify the proposed property tax levy assessment,  
16 if any, which shall not exceed one dollar and twenty-five cents per  
17 thousand dollars of assessed value, for general preliminary expenses of  
18 the district. The petition shall be signed by at least ten percent of  
19 the registered voters who voted in the last ((general)) municipal  
20 general election, who shall be qualified ((electors)) voters on the  
21 date of filing the petition, residing within the district described in  
22 the petition.

23       The petition shall be filed with the county auditor of ((each)) the  
24 county in which all or the largest geographic portion of the proposed  
25 district is located, who shall((,)) within ten days examine and verify  
26 the signatures ((of the signers residing in the county; and for such  
27 purpose the county election official shall have access to all  
28 registration books in the possession of the officers of any  
29 incorporated city or town in such proposed district)) on the petition.  
30 No person having signed such a petition shall be allowed to withdraw  
31 ((his)) the person's name from the petition after the filing of the  
32 petition with the county ((election officer. The petition shall be  
33 transmitted to the election officer of the county in which the largest  
34 land area of the district is located who shall certify to the  
35 sufficiency or insufficiency of the number of signatures)) auditor. If  
36 the area proposed to be included in the district is located in more  
37 than one county, the auditor of the county in which the largest  
38 geographic portion of the district is located shall be the lead auditor  
39 and shall immediately transfer a copy of the petitions to the auditor

1 of each other county in which the proposed district is located. Within  
2 ten days after the lead auditor received the petition, the auditors of  
3 these other counties shall certify to the lead auditor: (a) The number  
4 of voters of that county residing in the proposed district who voted at  
5 the last municipal general election; and (b) the number of valid  
6 signatures on the petition of voters of that county residing in the  
7 proposed district. The lead auditor shall certify the sufficiency of  
8 the petition after receiving this information. If the petition shall  
9 be found to contain a sufficient number of signatures, the county  
10 (~~election officer~~) auditor or lead county auditor shall then transmit  
11 (~~the same~~) it, together with a certificate of sufficiency attached  
12 thereto to the county legislative authority of each county in which the  
13 proposed district is located.

14 (2) If in the opinion of the county health officer the existing  
15 water, sewerage, or drainage facilities are inadequate in the district  
16 to be created, and creation of the district is necessary for public  
17 health and safety, then the legislative authority of the county may  
18 declare by resolution that a water-sewer district is a public health  
19 and safety necessity, and the district shall be organized under this  
20 title, without a petition being required.

21 (3) Following receipt of a petition certified to contain a  
22 sufficient number of signatures, or upon declaring a district to be a  
23 public health and safety necessity, at a regular or special meeting the  
24 county legislative authority shall cause to be published once a week  
25 for at least two weeks in one or more newspapers of general circulation  
26 in the proposed district, a notice that such a petition has been  
27 presented, stating the time of the meeting at which the petition shall  
28 be considered, and setting forth the boundaries of the proposed  
29 district. When (~~such~~) a petition is presented for hearing, each  
30 county legislative authority shall hear the petition or may adjourn the  
31 hearing from time to time not exceeding one month in all. Any person,  
32 firm, or corporation may appear before the county legislative authority  
33 and make objections to the establishment of the district or the  
34 proposed boundary lines thereof. Upon a final hearing each county  
35 legislative authority shall make such changes in the proposed boundary  
36 lines within the county as it deems to be proper and shall establish  
37 and define the boundaries and shall find whether the proposed (~~water~~)  
38 district will be conducive to the public health, welfare, and  
39 convenience and be of special benefit to the land included within the



1 boundaries of the proposed district. No lands (~~which~~) that will not,  
2 in the judgment of the county legislative authority, be (~~benefited~~)  
3 benefitted by inclusion therein, shall be included within the  
4 boundaries of the district. No change shall be made by the county  
5 legislative authority in the boundary lines to include any territory  
6 outside of the boundaries described in the petition, except that the  
7 boundaries of any proposed district may be extended by the county  
8 legislative authority to include other lands in the county upon a  
9 petition signed by the owners of all of the land within the proposed  
10 extension.

11 **Sec. 204.** RCW 57.04.050 and 1994 c 292 s 2 are each amended to  
12 read as follows:

13 Upon entry of the findings of the final hearing on the petition if  
14 one or more county legislative authorities find that the proposed  
15 district will be conducive to the public health, welfare, and  
16 convenience and (~~be of special~~) will benefit (~~to~~) the land therein,  
17 they shall call a special election by presenting a resolution to the  
18 county auditor at least forty-five days prior to the proposed election  
19 date. A special election (~~will~~) shall be held on a date decided by  
20 the commissioners in accordance with RCW (~~29.13.010 and~~) 29.13.020.  
21 The commissioners shall cause to be published a notice of the election  
22 for four successive weeks in a newspaper of general circulation in the  
23 proposed district, which notice shall state the hours during which the  
24 polls will be open, the boundaries of the district as finally adopted  
25 and the object of the election, and the notice shall also be posted  
26 (~~for~~) ten days in ten public places in the proposed district. In  
27 submitting the proposition to the voters, it shall be expressed on the  
28 ballots in the following terms:

29 (~~Water~~) . . . . . District . . . . . YES 1  
30 (~~Water~~) . . . . . District . . . . . NO 1

31 giving the name of the district as provided in the petition. The  
32 proposition to be effective must be approved by a majority of the  
33 voters voting on the proposition.

34 At the same election a proposition shall be submitted to the  
35 voters, for their approval or rejection, authorizing the (~~water~~)  
36 district, if formed, to (~~levy at the earliest time permitted by law~~)  
37 impose on all property located in the district a general tax for one

1 year, in excess of the limitations provided by law, in the amount  
2 specified in the petition to create the district, not to exceed one  
3 dollar and twenty-five cents per thousand dollars of assessed value,  
4 for general preliminary expenses of the district(~~(. The proposition~~  
5 ~~may not appear at the September or November election. The proposition~~  
6 ~~shall))~~, that proposition to be expressed on the ballots in the  
7 following terms:

8 One year . . . . . dollars and . . . . . cents per  
9 thousand dollars of assessed value tax . . . . . YES 1  
10 (~~One year . . . . . dollars and . . . . . cents~~  
11 ~~per thousand dollars of assessed value tax . . . . .~~)NO 1

12 Such a ballot proposition may only be submitted to voters for their  
13 approval or rejection if the special election is held in February,  
14 March, April, or May. The proposition to be effective must be approved  
15 by at least three-fifths of the voters voting on the proposition in the  
16 manner set forth in Article VII, section 2(a) of the state Constitution  
17 (~~of this state, as amended by Amendment 59 and as thereafter~~  
18 amended)).

19 **Sec. 205.** RCW 57.04.060 and 1929 c 114 s 5 are each amended to  
20 read as follows:

21 If at (~~such~~) the election a majority of the voters voting upon  
22 (~~such~~) the proposition (~~shall~~) vote in favor of the formation of  
23 (~~such~~) the district the (~~board of~~) county (~~commissioners~~)  
24 legislative authority shall so declare in its canvass of the returns of  
25 (~~such~~) the election to be made within ten days after the date of the  
26 election, and (~~such water~~) the district shall then be and become a  
27 municipal corporation of the state of Washington, and the name of  
28 (~~such water~~) the district shall be (~~" . . . . . Water District"~~  
29 ~~(inserting the name appearing on the ballot)~~) the name of the district  
30 as provided in the petition and the ballot.

31 The county's expenses incurred in the formation of the district,  
32 including the election costs associated with the ballot proposition  
33 authorizing the district, election of the initial commissioners under  
34 RCW 57.12.030, and the ballot proposition authorizing the excess levy,  
35 shall be repaid to the county if the district is formed.

1       **Sec. 206.** RCW 57.04.065 and 1984 c 147 s 7 are each amended to  
2 read as follows:

3       Any ((water)) district ((heretofore or hereafter organized and  
4 existing)) may apply to change its name by filing with the county  
5 legislative authority in which was filed the original petition for  
6 organization of the district, a certified copy of a resolution of its  
7 board of commissioners adopted by majority vote of all of the members  
8 of ((said)) that board at a regular meeting thereof providing for such  
9 change of name. After approval of the new name by the county  
10 legislative authority, all proceedings for ((such)) the district((s))  
11 shall be had under ((such)) the changed name, but all existing  
12 obligations and contracts of the district entered into under its former  
13 name shall remain outstanding without change and with the validity  
14 thereof unimpaired and unaffected by such change of name((, and the)).  
15 A change of name heretofore made by any existing ((water)) district in  
16 this state, substantially in the manner ((above)) approved under this  
17 section, is ((hereby)) ratified, confirmed, and validated.

18       **Sec. 207.** RCW 57.04.070 and 1985 c 141 s 6 are each amended to  
19 read as follows:

20       Whenever two or more petitions for the formation of a ((water))  
21 district shall be filed as provided in this chapter, the petition  
22 describing the greater area shall supersede all others and an election  
23 shall first be held thereunder, and no lesser ((water)) district shall  
24 ever be created within the limits in whole or in part of any ((water))  
25 district, except as provided in RCW ((57.40.150 and)) 36.94.420((, as  
26 now or hereafter amended)).

27       **Sec. 208.** RCW 56.04.080 and 1941 c 210 s 40 are each amended to  
28 read as follows:

29       All elections held pursuant to this title, whether general or  
30 special, shall be conducted by the county ((election board)) auditor of  
31 the county in which the district is located. Except as provided in RCW  
32 57.04.060, the expense of all such elections shall be paid for out of  
33 the funds of ((such sewer)) the district.

34       **Sec. 209.** RCW 57.04.100 and 1994 c 81 s 80 are each amended to  
35 read as follows:

1 Any ((water)) district ((organized under this title)) may be  
2 disincorporated in the same manner (insofar as the same is applicable)  
3 as is provided in RCW 35.07.010 through 35.07.220 for the  
4 disincorporation of cities and towns, except that the petition for  
5 disincorporation shall be signed by not less than twenty-five percent  
6 of the voters in the ((water)) district.

7 **Sec. 210.** RCW 57.04.110 and 1955 c 358 s 1 are each amended to  
8 read as follows:

9 A ((water)) district whose boundaries are identical with, or if the  
10 district is located entirely within, the boundaries of ((an  
11 incorporated)) a city or town may be dissolved by summary dissolution  
12 proceedings if the ((water)) district is free from all debts and  
13 liabilities except contractual obligations between the district and the  
14 city or town. Summary dissolution shall take place if the board of  
15 commissioners of the ((water)) district votes unanimously to dissolve  
16 the district and to turn all of its property over to the city or town  
17 within which the district lies, and the council of such city or town  
18 unanimously passes an ordinance accepting the conveyance of the  
19 property and assets of the district tendered to the city or town by the  
20 ((water)) district.

21 **Sec. 211.** RCW 56.04.120 and 1991 c 363 s 136 are each amended to  
22 read as follows:

23 (1) On and after March 16, 1979, any sewerage improvement districts  
24 created under Title 85 RCW and located in a county with a population of  
25 from forty thousand to less than seventy thousand shall become  
26 ((sewer)) districts and shall be operated, maintained, and have the  
27 same powers as ((sewer)) districts created under this title ((56-RCW)),  
28 upon being so ordered by the county legislative authority of the county  
29 in which such district is located after a hearing of which notice is  
30 given by publication in a newspaper of general circulation within the  
31 district and mailed to any known creditors, holders of contracts, and  
32 obligees at least thirty days prior to such hearing. After such  
33 hearing if the county legislative authority finds the converting of  
34 such district to be in the best interest of that district, it shall  
35 order that such sewer improvement district shall become a ((sewer))  
36 district and fix the date of such conversion. All debts, contracts,  
37 and obligations created while attempting to organize or operate a

1 sewerage improvement district and all other financial obligations and  
2 powers of the district to satisfy such obligations established under  
3 Title 85 RCW are legal and valid until they are fully satisfied or  
4 discharged under Title 85 RCW.

5 (2) The board of supervisors of a sewerage improvement district in  
6 a county with a population of from forty thousand to less than seventy  
7 thousand shall act as the board of commissioners of the ((sewer))  
8 district ((created)) under subsection (1) of this section until other  
9 members of the board of commissioners of the ((sewer)) district are  
10 elected and qualified. There shall be an election on the same date as  
11 the 1979 state general election and the seats of all three members of  
12 the governing authority of every entity which was previously known as  
13 a sewerage improvement district in a county with a population of from  
14 forty thousand to less than seventy thousand shall be up for election.  
15 The election shall be held in the manner provided for in RCW  
16 ((56.12.020)) 57.12.030 for the election of the first board of  
17 commissioners of a ((sewer)) district. Thereafter, the terms of office  
18 of the members of the governing body shall be determined under RCW  
19 ((56.12.020)) 57.12.030.

20 **Sec. 212.** RCW 56.04.130 and 1979 c 35 s 2 are each amended to read  
21 as follows:

22 Any sewerage improvement district which has been operating as a  
23 sewer district shall be a ((sewer)) district under this title as of  
24 March 16, 1979, upon being so ordered by the ((board of)) county  
25 ((commissioners)) legislative authority of the county in which such  
26 district is located after a hearing of which notice is given by  
27 publication in a newspaper of general circulation within the district  
28 and mailed to any known creditors, holders of contracts, and obligees  
29 at least thirty days prior to such hearing. After such hearing if the  
30 ((board of)) county ((commissioners)) legislative authority finds that  
31 the sewerage improvement district was operating as a ((sewer)) district  
32 and that the converting of such district will be in the best interest  
33 of that district, it shall order that such sewer improvement district  
34 shall become a ((sewer)) district immediately upon the passage of the  
35 resolution containing such order. The debts, contracts, and  
36 obligations of any sewerage improvement district which has been  
37 erroneously operating as a ((sewer)) district are recognized as legal  
38 and binding. The members of the government authority of any sewerage

1 improvement district which has been operating as a ((sewer)) district  
2 and who were erroneously elected as sewer district commissioners shall  
3 be recognized as the governing authority of a ((sewer)) district. The  
4 members of the governing authority shall continue in office for the  
5 term for which they were elected.

6 **PART III - POWERS**

7 NEW SECTION. **Sec. 301.** A district shall have the following  
8 powers:

9 (1) To acquire by purchase or condemnation, or both, all lands,  
10 property and property rights, and all water and water rights, both  
11 within and without the district, necessary for its purposes. The right  
12 of eminent domain shall be exercised in the same manner and by the same  
13 procedure as provided for cities and towns, insofar as consistent with  
14 this title, except that all assessment or reassessment rolls to be  
15 prepared and filed by eminent domain commissioners or commissioners  
16 appointed by the court shall be prepared and filed by the district, and  
17 the duties devolving upon the city treasurer are imposed upon the  
18 county treasurer;

19 (2) To lease real or personal property necessary for its purposes  
20 for a term of years for which that leased property may reasonably be  
21 needed;

22 (3) To construct, condemn and purchase, add to, maintain, and  
23 supply waterworks to furnish the district and inhabitants thereof and  
24 any other persons, both within and without the district, with an ample  
25 supply of water for all uses and purposes public and private with full  
26 authority to regulate and control the use, content, distribution, and  
27 price thereof in such a manner as is not in conflict with general law  
28 and may construct, acquire, or own buildings and other necessary  
29 district facilities. Where a customer connected to the district's  
30 system uses the water on an intermittent or transient basis, a district  
31 may charge for providing water service to such a customer, regardless  
32 of the amount of water, if any, used by the customer. District  
33 waterworks may include facilities which result in combined water supply  
34 and electric generation, if the electricity generated thereby is a  
35 byproduct of the water supply system. That electricity may be used by  
36 the district or sold to any entity authorized by law to use or  
37 distribute electricity. Electricity is deemed a byproduct when the

1 electrical generation is subordinate to the primary purpose of water  
2 supply. For such purposes, a district may take, condemn and purchase,  
3 acquire, and retain water from any public or navigable lake, river or  
4 watercourse, or any underflowing water, and by means of aqueducts or  
5 pipeline conduct the same throughout the district and any city or town  
6 therein and carry it along and upon public highways, roads, and  
7 streets, within and without such district. For the purpose of  
8 constructing or laying aqueducts or pipelines, dams, or waterworks or  
9 other necessary structures in storing and retaining water or for any  
10 other lawful purpose such district may occupy the beds and shores up to  
11 the high water mark of any such lake, river, or other watercourse, and  
12 may acquire by purchase or condemnation such property or property  
13 rights or privileges as may be necessary to protect its water supply  
14 from pollution. For the purposes of waterworks which include  
15 facilities for the generation of electricity as a byproduct, nothing in  
16 this section may be construed to authorize a district to condemn  
17 electric generating, transmission, or distribution rights or facilities  
18 of entities authorized by law to distribute electricity, or to acquire  
19 such rights or facilities without the consent of the owner;

20 (4) To purchase and take water from any municipal corporation,  
21 private person, or entity. A district contiguous to Canada may  
22 contract with a Canadian corporation for the purchase of water and for  
23 the construction, purchase, maintenance, and supply of waterworks to  
24 furnish the district and inhabitants thereof and residents of Canada  
25 with an ample supply of water under the terms approved by the board of  
26 commissioners;

27 (5) To construct, condemn and purchase, add to, maintain, and  
28 operate systems of sewers for the purpose of furnishing the district,  
29 the inhabitants thereof, and persons outside the district with an  
30 adequate system of sewers for all uses and purposes, public and  
31 private, including but not limited to on-site sewage disposal  
32 facilities, approved septic tanks or approved septic tank systems,  
33 other facilities and systems for the collection, interception,  
34 treatment, and disposal of wastewater, and for the control of pollution  
35 from wastewater and for the protection, preservation, and  
36 rehabilitation of surface and underground waters, facilities for the  
37 drainage and treatment of storm or surface waters, public highways,  
38 streets, and roads with full authority to regulate the use and  
39 operation thereof and the service rates to be charged. Sewage

1 facilities may include facilities which result in combined sewage  
2 disposal, treatment, or drainage and electric generation, except that  
3 the electricity generated thereby is a byproduct of the system of  
4 sewers. Such electricity may be used by the district or sold to any  
5 entity authorized by law to distribute electricity. Electricity is  
6 deemed a byproduct when the electrical generation is subordinate to the  
7 primary purpose of sewage disposal, treatment, or drainage. For such  
8 purposes a district may conduct sewage throughout the district and  
9 throughout other political subdivisions within the district, and  
10 construct and lay sewer pipe along and upon public highways, roads, and  
11 streets, within and without the district, and condemn and purchase or  
12 acquire land and rights of way necessary for such sewer pipe. A  
13 district may erect sewage treatment plants within or without the  
14 district, and may acquire, by purchase or condemnation, properties or  
15 privileges necessary to be had to protect any lakes, rivers, or  
16 watercourses and also other areas of land from pollution from its  
17 sewers or its sewage treatment plant. For the purposes of sewage  
18 facilities which include facilities that result in combined sewage  
19 disposal, treatment, or drainage and electric generation where the  
20 electric generation is a byproduct, nothing in this section may be  
21 construed to authorize a district to condemn electric generating,  
22 transmission, or distribution rights or facilities of entities  
23 authorized by law to distribute electricity, or to acquire such rights  
24 or facilities without the consent of the owners;

25 (6) To construct, condemn, acquire, and own buildings and other  
26 necessary district facilities;

27 (7) To compel all property owners within the district located  
28 within an area served by the district's system of sewers to connect  
29 their private drain and sewer systems with the district's system under  
30 such penalty as the commissioners shall prescribe by resolution. The  
31 district may for such purpose enter upon private property and connect  
32 the private drains or sewers with the district system and the cost  
33 thereof shall be charged against the property owner and shall be a lien  
34 upon property served;

35 (8) Where a district contains within its borders, abuts, or is  
36 located adjacent to any lake, stream, ground water as defined by RCW  
37 90.44.035, or other waterway within the state of Washington, to provide  
38 for the reduction, minimization, or elimination of pollutants from  
39 those waters in accordance with the district's comprehensive plan, and



1 to issue general obligation bonds, revenue bonds, local improvement  
2 district bonds, or utility local improvement bonds for the purpose of  
3 paying all or any part of the cost of reducing, minimizing, or  
4 eliminating the pollutants from these waters;

5 (9) To fix rates and charges for water, sewer, and drain service  
6 supplied and to charge property owners seeking to connect to the  
7 district's systems, as a condition to granting the right to so connect,  
8 in addition to the cost of the connection, such reasonable connection  
9 charge as the board of commissioners shall determine to be proper in  
10 order that those property owners shall bear their equitable share of  
11 the cost of the system. For the purposes of calculating a connection  
12 charge, the board of commissioners shall determine the pro rata share  
13 of the cost of existing facilities and facilities planned for  
14 construction within the next ten years and contained in an adopted  
15 comprehensive plan and other costs borne by the district which are  
16 directly attributable to the improvements required by property owners  
17 seeking to connect to the system. The cost of existing facilities  
18 shall not include those portions of the system which have been donated  
19 or which have been paid for by grants. The connection charge may  
20 include interest charges applied from the date of construction of the  
21 system until the connection, or for a period not to exceed ten years,  
22 whichever is shorter, at a rate commensurate with the rate of interest  
23 applicable to the district at the time of construction or major  
24 rehabilitation of the system, or at the time of installation of the  
25 lines to which the property owner is seeking to connect. A district  
26 may permit payment of the cost of connection and the reasonable  
27 connection charge to be paid with interest in installments over a  
28 period not exceeding fifteen years. The county treasurer may charge  
29 and collect a fee of three dollars for each year for the treasurer's  
30 services. Those fees shall be a charge to be included as part of each  
31 annual installment, and shall be credited to the county current expense  
32 fund by the county treasurer. Revenues from connection charges  
33 excluding permit fees are to be considered payments in aid of  
34 construction as defined by department of revenue rule.

35 Except as otherwise provided in RCW 90.03.525, any public entity  
36 and public property, including the state of Washington and state  
37 property, shall be subject to rates and charges for sewer, water, storm  
38 water control, drainage, and street lighting facilities to the same  
39 extent private persons and private property are subject to those rates

1 and charges that are imposed by districts. In setting those rates and  
2 charges, consideration may be made of in-kind services, such as stream  
3 improvements or donation of property;

4 (10) To contract with individuals, associations and corporations,  
5 the state of Washington, and the United States;

6 (11) To employ such persons as are needed to carry out the  
7 district's purposes and fix salaries and any bond requirements for  
8 those employees;

9 (12) To contract for the provision of engineering, legal, and other  
10 professional services as in the board of commissioner's discretion is  
11 necessary in carrying out their duties;

12 (13) To sue and be sued;

13 (14) To loan and borrow funds and to issue bonds and instruments  
14 evidencing indebtedness under chapter 57.20 RCW and other applicable  
15 laws;

16 (15) To transfer funds, real or personal property, property  
17 interests, or services subject to RCW 57.08.015;

18 (16) To levy taxes in accordance with this chapter and chapters  
19 57.04 and 57.20 RCW;

20 (17) To provide for making local improvements and to levy and  
21 collect special assessments on property benefitted thereby, and for  
22 paying for the same or any portion thereof in accordance with chapter  
23 57.16 RCW;

24 (18) To establish street lighting systems under RCW 57.08.060;

25 (19) To exercise such other powers as are granted to water-sewer  
26 districts by this title or other applicable laws; and

27 (20) To exercise any of the powers granted to cities and counties  
28 with respect to the acquisition, construction, maintenance, operation  
29 of, and fixing rates and charges for waterworks and systems of sewerage  
30 and drainage.

31 NEW SECTION. **Sec. 302.** Except upon approval of both districts by  
32 resolution, a district may not provide a service within an area in  
33 which that service is available from another district or within an area  
34 in which that service is planned to be made available under an  
35 effective comprehensive plan of another district.

36 **Sec. 303.** RCW 57.08.011 and 1989 c 308 s 14 are each amended to  
37 read as follows:

1 A ((water)) district may enter into a contract with any person,  
2 corporation, or other entity, public or private, that owns a water  
3 system located in the ((water)) district to manage, operate, maintain,  
4 or repair the water system. Such a contract may be entered into only  
5 if the general comprehensive plan of the ((water)) district reflects  
6 the water system that is to be so managed, operated, maintained, or  
7 repaired.

8 A ((water)) district shall be liable to provide the services  
9 provided in such a contract only if the required contractual payments  
10 are made to the district, and such payments shall be secured by a lien  
11 on the property served by the water system to the same extent that  
12 rates and charges imposed by the ((water)) district constitute liens on  
13 the property served by the district. The responsibility for all costs  
14 incurred by the water system in complying with water quality laws,  
15 regulations, and standards shall be solely that of the water system and  
16 not the ((water)) district, except to the extent payments have been  
17 made to the district for the costs of such compliance.

18 A ((water)) district periodically may transfer to another account  
19 surplus moneys that may accumulate in an account established by the  
20 district to receive payments for the provision of services for such a  
21 water system.

22 **Sec. 304.** RCW 57.08.014 and 1983 c 198 s 2 are each amended to  
23 read as follows:

24 In addition to the authority of a ((water)) district to establish  
25 classifications for rates and charges and impose such rates and  
26 charges, ((as provided in RCW 57.08.010 and 57.20.020,)) a ((water))  
27 district may adjust((  )) or delay ((such)) those rates and charges for  
28 ((poor)) low-income persons or classes of ((poor)) low-income persons,  
29 including but not limited to, poor handicapped persons and poor senior  
30 citizens. Other financial assistance available to ((poor)) low-income  
31 persons shall be considered in determining charges and rates under this  
32 section. Notification of special rates or charges established under  
33 this section shall be provided to all persons served by the district  
34 annually and upon initiating service. Information on cost shifts  
35 caused by establishment of the special rates or charges shall be  
36 included in the notification. Any reduction in charges and rates  
37 granted to ((poor)) low-income persons in one part of a service area

1 shall be uniformly extended to (~~poor~~) low-income persons in all other  
2 parts of the service area.

3 **Sec. 305.** RCW 57.08.015 and 1993 c 198 s 19 are each amended to  
4 read as follows:

5 The board of commissioners of a (~~water~~) district may sell, at  
6 public or private sale, property belonging to the district if the board  
7 determines that the property is not and will not be needed for district  
8 purposes and if the board gives notice of intention to sell as in this  
9 section provided(~~(:—PROVIDED, That)~~). However, no such notice of  
10 intention shall be required to sell personal property of less than two  
11 thousand five hundred dollars in value.

12 The notice of intention to sell shall be published once a week for  
13 two consecutive weeks in a newspaper of general circulation in the  
14 district. The notice shall describe the property and state the time  
15 and place at which it will be sold or offered for sale, the terms of  
16 sale, whether the property is to be sold at public or private sale, and  
17 if at public sale the notice shall call for bids, fix the conditions  
18 (~~thereof~~) of the bids and (~~shall~~) reserve the right to reject any  
19 and all bids.

20 **Sec. 306.** RCW 57.08.016 and 1993 c 198 s 20 are each amended to  
21 read as follows:

22 (1) There shall be no private sale of real property where the  
23 appraised value exceeds the sum of two thousand five hundred dollars.  
24 Subject to the provisions of subsection (2) of this section, no real  
25 property (~~valued at two thousand five hundred dollars or more~~) of the  
26 district shall be sold for less than ninety percent of the value  
27 thereof as established by a written appraisal made not more than six  
28 months prior to the date of sale by three disinterested real estate  
29 brokers licensed under the laws of the state or professionally  
30 designated real estate appraisers as defined in RCW 74.46.020. The  
31 appraisal shall be signed by the appraisers and filed with the  
32 secretary of the board of commissioners of the district, who shall keep  
33 it at the office of the district open to public inspection. Any notice  
34 of intention to sell real property of the district shall recite the  
35 appraised value thereof(~~(:—PROVIDED, That there shall be no private~~  
36 ~~sale of real property where the appraised value exceeds the sum of two~~  
37 ~~thousand five hundred dollars)~~)).

1 (2) If no purchasers can be obtained for the property at ninety  
2 percent or more of its appraised value after one hundred twenty days of  
3 offering the property for sale, the board of commissioners of the  
4 ((water)) district may adopt a resolution stating that the district has  
5 been unable to sell the property at the ninety percent amount. The  
6 ((water)) district then may sell the property at the highest price it  
7 can obtain at public auction. A notice of intention to sell at public  
8 auction shall be published once a week for two consecutive weeks in a  
9 newspaper of general circulation in the ((water)) district. The notice  
10 shall describe the property, state the time and place at which it will  
11 be offered for sale and the terms of sale, and shall call for bids, fix  
12 the conditions thereof, and reserve the right to reject any and all  
13 bids.

14 **Sec. 307.** RCW 57.08.030 and 1933 c 142 s 2 are each amended to  
15 read as follows:

16 ~~((Should the commissioners of any such water district decide that  
17 it would be to the advantage of))~~ (1) Whenever any district shall have  
18 installed a distributing system of water mains and laterals, and as a  
19 source of supply of water shall be purchasing or intending to purchase  
20 water from any city or town, and whenever it appears to be advantageous  
21 to the water consumers ((of such water district to make the conveyance  
22 provided for in RCW 57.08.020, they shall cause the proposition of  
23 making such conveyance to be submitted to the electors of the water  
24 district at any general election or at a special election to be called  
25 for the purpose of voting on the same. If at any such election a  
26 majority of the electors voting at such election shall be in favor of  
27 making such conveyance, the water district commissioners)) in the  
28 district that such city or town shall take over the water system of the  
29 district and supply water to those water users, the commissioners of  
30 the district, when authorized as provided in subsection (2) of this  
31 section, shall have the right to convey ((to such city or town the  
32 mains and laterals belonging to the water district upon such city or  
33 town entering into a contract satisfactory to the water commissioners  
34 to)) the distributing system to that city or town if that city or town  
35 is willing to accept, maintain, and repair the same.

36 (2) Should the commissioners of the district decide that it would  
37 be to the advantage of the water consumers of the district to make the  
38 conveyance provided for in subsection (1) of this section, they shall

1 cause the proposition of making that conveyance to be submitted to the  
2 voters of the district at any general election or at a special election  
3 to be called for the purpose of voting on the same. If at the election  
4 a majority of the voters voting on the proposition shall be in favor of  
5 making the conveyance, the district commissioners shall have the right  
6 to convey to the city or town the mains and laterals belonging to the  
7 district upon the city or town entering into a contract satisfactory to  
8 the commissioners to maintain and repair the same.

9 (3) Whenever a city or town located wholly or in part within a  
10 district shall enter into a contract with the commissioners of a  
11 district providing that the city or town shall take over all of the  
12 operation of the facilities of the district located within its  
13 boundaries, the area of the district located within the city or town  
14 shall upon the execution of the contract cease to be served by the  
15 district for water service purposes. However, the affected land within  
16 that city or town shall remain liable for the payment of all  
17 assessments, any lien upon the property at the time of the execution of  
18 the agreement, and for any lien of all general obligation bonds due at  
19 the date of the contract, and the city shall remain liable for its fair  
20 prorated share of the debt of the area for any revenue bonds,  
21 outstanding as of the date of contract.

22 **Sec. 308.** RCW 57.08.040 and 1933 c 142 s 3 are each amended to  
23 read as follows:

24 Whenever any city or town is selling or proposes to sell water to  
25 a ~~((water district organized under the laws of the state of Washington~~  
26 ~~and the provisions of RCW 57.08.020 and 57.08.030 have been complied~~  
27 ~~with, any such))~~ district, the city or town may by ordinance accept a  
28 conveyance of any ((such)) distributing system and enter into a  
29 contract with the ((water)) district for the maintenance and repair of  
30 the system and the supplying of water to the ((water)) district  
31 consumers.

32 **Sec. 309.** RCW 56.08.060 and 1981 c 45 s 4 are each amended to read  
33 as follows:

34 A ~~((sewer))~~ district may enter into contracts with any county,  
35 city, town, ((sewer district, water district,)) or any other municipal  
36 corporation, or with any private person((, firm)) or corporation, for  
37 the acquisition, ownership, use, and operation of any property,

1 facilities, or services, within or without the ((sewer)) district, and  
2 necessary or desirable to carry out the purposes of the ((sewer  
3 district, and a sewer district or a water district duly authorized to  
4 exercise sewer district powers may provide sewer service)) district.  
5 A district may provide water, sewer, drainage, or street lighting  
6 services to property owners in areas within or without the limits of  
7 the district((: PROVIDED, That if any such area)), except that if the  
8 area to be served is located within another existing district duly  
9 authorized to exercise ((sewer)) district powers in ((such)) that area,  
10 then water, sewer, drainage, or street lighting service may not be so  
11 provided by contract or otherwise without the consent by resolution of  
12 the board of commissioners of ((such)) that other district.

13 **Sec. 310.** RCW 57.08.047 and 1989 c 84 s 57 are each amended to  
14 read as follows:

15 The provision of water or sewer service beyond the boundaries of a  
16 ((water)) district may be subject to potential review by a boundary  
17 review board under chapter 36.93 RCW.

18 **Sec. 311.** RCW 57.08.050 and 1994 c 31 s 2 are each amended to read  
19 as follows:

20 (1) ~~((The board of water commissioners shall have authority to  
21 create and fill such positions and fix salaries and bonds thereof as it  
22 may by resolution provide.~~

23 (2)) All ((materials purchased and)) work ordered, the estimated  
24 cost of which is in excess of five thousand dollars, shall be let by  
25 contract. All contract projects, the estimated cost of which is less  
26 than fifty thousand dollars, may be awarded to a contractor using ((a))  
27 the small works roster process provided in RCW 39.04.155 ((or the  
28 process provided in RCW 39.04.190 for purchases)). The board of  
29 ((water)) commissioners may set up uniform procedures to prequalify  
30 contractors for inclusion on the small works roster. All contract  
31 projects equal to or in excess of fifty thousand dollars shall be let  
32 by competitive bidding. Before awarding any such contract the board of  
33 ((water)) commissioners shall publish a notice in a newspaper of  
34 general circulation where the district is located at least once  
35 thirteen days before the last date upon which bids will be received,  
36 inviting sealed proposals for such work, plans and specifications which  
37 must at the time of publication of such notice be on file in the office

1 of the board of ((water)) commissioners subject to the public  
2 inspection. ((Such)) The notice shall state generally the work to be  
3 done and shall call for proposals for doing the same to be sealed and  
4 filed with the board of water commissioners on or before the day and  
5 hour named therein.

6 ((+3)) Each bid shall be accompanied by a certified or cashier's  
7 check or postal money order payable to the order of the county  
8 treasurer for a sum not less than five percent of the amount of the  
9 bid, or accompanied by a bid bond in an amount not less than five  
10 percent of the bid with a corporate surety licensed to do business in  
11 the state, conditioned that the bidder will pay the district as  
12 liquidated damages the amount specified in the bond, unless the bidder  
13 enters into a contract in accordance with ((his or her)) the bidder's  
14 bid, and no bid shall be considered unless accompanied by such check,  
15 cash or bid bond. At the time and place named such bids shall be  
16 publicly opened and read and the board of ((water)) commissioners shall  
17 proceed to canvass the bids and may let such contract to the lowest  
18 responsible bidder upon plans and specifications on file or to the best  
19 bidder submitting ((his or her)) the bidder's own plans and  
20 specifications((:—PROVIDED, That)). However, no contract shall be let  
21 in excess of the cost of the materials or work. The board of ((water))  
22 commissioners may reject all bids for good cause and readvertise and in  
23 such case all checks, cash or bid bonds shall be returned to the  
24 bidders. If ((such)) the contract ((be)) is let, then all checks,  
25 cash, or bid bonds shall be returned to the bidders, except that of the  
26 successful bidder, which shall be retained until a contract shall be  
27 entered into for ((the purchase of such materials or)) doing ((such))  
28 the work, and a bond to perform such work furnished with sureties  
29 satisfactory to the board of ((water)) commissioners in the full amount  
30 of the contract price between the bidder and the commission in  
31 accordance with the bid. If the bidder fails to enter into the  
32 contract in accordance with the bid and furnish ((such)) the bond  
33 within ten days from the date at which the bidder is notified that ((he  
34 or she)) the bidder is the successful bidder, the check, cash, or bid  
35 bonds and the amount thereof shall be forfeited to the ((water))  
36 district((:—PROVIDED, That)). If the bidder fails to enter into a  
37 contract in accordance with ((his or her)) the bidder's bid, and the  
38 board of ((water)) commissioners deems it necessary to take legal  
39 action to collect on any bid bond required ((herein)) by this section,



1 then the ((water)) district shall be entitled to collect from the  
2 bidder any legal expenses, including reasonable attorneys' fees  
3 occasioned thereby.

4 ((+4)) (2) Any purchase of materials, supplies, or equipment, with  
5 an estimated cost in excess of ten thousand dollars, shall be by  
6 contract. Any purchase of materials, supplies, or equipment, with an  
7 estimated cost of from five thousand dollars to less than fifty  
8 thousand dollars shall be made using the process provided in RCW  
9 39.04.155 or by competitive bidding following the procedure for letting  
10 contracts for projects under subsection (1) of this section. Any  
11 purchase of materials, supplies, or equipment with an estimated cost of  
12 fifty thousand dollars or more shall be made by competitive bidding  
13 following the procedure for letting contracts for projects under  
14 subsection (1) of this section.

15 (3) In the event of an emergency when the public interest or  
16 property of the ((water)) district would suffer material injury or  
17 damage by delay, upon resolution of the board of ((water))  
18 commissioners, or proclamation of an official designated by the board  
19 to act for the board during such emergencies, declaring the existence  
20 of such emergency and reciting the facts constituting the same, the  
21 board(()) or official acting for the board(()) may waive the  
22 requirements of this chapter with reference to any purchase or  
23 contract. In addition, these requirements may be waived for purchases  
24 which are clearly and legitimately limited to a single source of supply  
25 and purchases involving special facilities, services, or market  
26 conditions, in which instances the purchase price may be best  
27 established by direct negotiation.

28 **Sec. 312.** RCW 57.08.060 and 1987 c 449 s 11 are each amended to  
29 read as follows:

30 ((+1)) In addition to the powers given ((water)) districts by law,  
31 ((they)) a district shall also have power to acquire, construct,  
32 maintain, operate, and develop street lighting systems.

33 ((+2)) To establish a street lighting system, the board of  
34 ((water)) commissioners shall adopt a resolution proposing a street  
35 lighting system and delineating the boundaries of the area to be served  
36 by the proposed street lighting system. The board shall conduct a  
37 public hearing on the resolution to create a street lighting system.  
38 Notice of the hearing shall be published at least once each week for

1 two consecutive weeks in one or more newspapers of general circulation  
2 in the area to be served by the proposed street lighting system.  
3 Following the hearing, the board may by resolution establish the street  
4 lighting system.

5 ~~((3))~~ A street lighting system shall not be established if,  
6 within thirty days following the decision of the board, a petition  
7 opposing the street lighting system is filed with the board and  
8 contains the signatures of at least forty percent of the voters  
9 registered in the area to be served by the proposed system.

10 ~~((4))~~ The ~~((water))~~ district has the same powers of ~~((collection~~  
11 ~~for))~~ imposing charges for providing street lighting, collecting  
12 delinquent street lighting charges, and financing street lighting  
13 systems by issuing general obligation bonds, issuing revenue bonds, and  
14 creating improvement districts as ~~((the water district))~~ it has for  
15 ~~((collection of))~~ imposing charges for providing water, collecting  
16 delinquent water service charges, and financing water systems by  
17 issuing general obligation bonds, issuing revenue bonds, and creating  
18 improvement districts.

19 ~~((5) Any street lighting system established by a water district~~  
20 ~~prior to March 31, 1982, is declared to be legal and valid.))~~

21 **Sec. 313.** RCW 57.08.065 and 1981 c 45 s 11 are each amended to  
22 read as follows:

23 ~~((In addition to the powers now given water districts by law,~~  
24 ~~they))~~ (1) A district shall ((also)) have power to establish, maintain,  
25 and operate a mutual water ((and)), sewer, drainage, and street  
26 lighting system ((or)), a ((separate sewer system within their water  
27 district area in the same manner as provided by law for the doing  
28 thereof in connection with water supply)) mutual system of any two or  
29 three of the systems, or separate systems.

30 ~~((In addition thereto, a water district constructing, maintaining~~  
31 ~~and operating a sanitary sewer system may exercise all the powers~~  
32 ~~permitted to a sewer district under Title 56 RCW, including, but not~~  
33 ~~limited to, the right to compel connections to the district's system,~~  
34 ~~liens for delinquent sewer connection charges or sewer service charges,~~  
35 ~~and all other powers presently exercised by or which may be hereafter~~  
36 ~~granted to such sewer districts: PROVIDED, That a water district may~~  
37 ~~not exercise sewer district powers in any area within its boundaries~~  
38 ~~which is part of an existing district which previously shall have been~~

1 ~~duly authorized to exercise sewer district powers in such area without~~  
2 ~~the consent by resolution of the board of commissioners of such other~~  
3 ~~district: PROVIDED FURTHER, That no water district shall proceed to~~  
4 ~~exercise the powers herein granted to establish, maintain, construct~~  
5 ~~and operate any sewer system without first obtaining written approval~~  
6 ~~and certification of necessity so to do from the department of ecology~~  
7 ~~and department of social and health services. Any comprehensive plan~~  
8 ~~for a system of sewers or addition thereto or betterment thereof shall~~  
9 ~~be approved by the same county and state officials as are required to~~  
10 ~~approve such plans adopted by a sewer district.~~

11 ~~A water district shall have the power to issue general obligation~~  
12 ~~bonds for sewer system purposes: PROVIDED, That a proposition to~~  
13 ~~authorize general obligation bonds payable from excess tax levies for~~  
14 ~~sewer system purposes pursuant to chapter 56.16 RCW shall be submitted~~  
15 ~~to all of the qualified voters within that part of the water district~~  
16 ~~which is not contained within another existing district duly authorized~~  
17 ~~to exercise sewer district powers, and the taxes to pay the principal~~  
18 ~~of and interest on the bonds approved by such voters shall be levied~~  
19 ~~only upon all of the taxable property within such part of the water~~  
20 ~~district.))~~

21 (2) Where any two or more districts include the same territory as  
22 of the effective date of this section, none of the overlapping  
23 districts may provide any service that was made available by any of the  
24 other districts prior to the effective date of this section within the  
25 overlapping territory without the consent by resolution of the board of  
26 commissioners of the other district or districts.

27 (3) A district that was a water district prior to the effective  
28 date of this section, that did not operate a sewer system prior to the  
29 effective date of this section, may not proceed to exercise the powers  
30 to establish, maintain, construct, and operate any sewer system without  
31 first obtaining written approval and certification of necessity from  
32 the department of ecology and department of health. Any comprehensive  
33 plan for a system of sewers or addition thereto or betterment thereof  
34 proposed by a district that was a water district prior to the effective  
35 date of this section shall be approved by the same county and state  
36 officials as were required to approve such plans adopted by a sewer  
37 district immediately prior to the effective date of this section and as  
38 subsequently may be required.

1        NEW SECTION.    **Sec. 314.**    The commissioners of any district shall  
2 provide for revenues by fixing rates and charges for furnishing sewer  
3 and drainage service to those to whom service is available or for  
4 providing water, such rates and charges to be fixed as deemed necessary  
5 by the commissioners, so that uniform charges will be made for the same  
6 class of customer or service. Rates and charges may be combined for  
7 the furnishing of more than one type of sewer service, such as but not  
8 limited to storm or surface water and sanitary.

9        In classifying customers of such water, sewer, or drainage system,  
10 the board of commissioners may in its discretion consider any or all of  
11 the following factors: The difference in cost of service to various  
12 customers; the location of the various customers within and without the  
13 district; the difference in cost of maintenance, operation, repair, and  
14 replacement of the various parts of the system; the different character  
15 of the service furnished various customers; the quantity and quality of  
16 the service furnished; the time of its use; the achievement of water  
17 conservation goals and the discouragement of wasteful practices;  
18 capital contributions made to the system including but not limited to  
19 assessments; and any other matters which present a reasonable  
20 difference as a ground for distinction. Rates shall be established as  
21 deemed proper by the commissioners and as fixed by resolution and shall  
22 produce revenues sufficient to take care of the costs of maintenance  
23 and operation, revenue bond and warrant interest and principal  
24 amortization requirements, and all other charges necessary for  
25 efficient and proper operation of the system.

26        The commissioners shall enforce collection of connection charges,  
27 and rates and charges for water supplied against property owners  
28 connecting with the system or receiving such water, and for sewer and  
29 drainage services charged against property to which and its owners to  
30 whom the service is available, such charges being deemed charges  
31 against the property served, by addition of penalties of not more than  
32 ten percent thereof in case of failure to pay the charges at times  
33 fixed by resolution. The commissioners may provide by resolution that  
34 where either connection charges or rates and charges for services  
35 supplied are delinquent for any specified period of time, the district  
36 shall certify the delinquencies to the treasurer of the county in which  
37 the real property is located, and the charges and any penalties added  
38 thereto and interest thereon at the rate of not more than the prime  
39 lending rate of the district's bank plus four percentage points per

1 year shall be a lien against the property upon which the service was  
2 received, subject only to the lien for general taxes.

3 The district may, at any time after the connection charges or rates  
4 and charges for services supplied or available and penalties are  
5 delinquent for a period of sixty days, bring suit in foreclosure by  
6 civil action in the superior court of the county in which the real  
7 property is located. The court may allow, in addition to the costs and  
8 disbursements provided by statute, attorneys' fees, title search and  
9 report costs, and expenses as it adjudges reasonable. The action shall  
10 be in rem, and may be brought in the name of the district against an  
11 individual or against all of those who are delinquent in one action.  
12 The laws and rules of the court shall control as in other civil  
13 actions.

14 In addition to the right to foreclose provided in this section, the  
15 district may also cut off all or part of the service after charges for  
16 water or sewer service supplied or available are delinquent for a  
17 period of sixty days.

18 **Sec. 315.** RCW 56.08.012 and 1986 c 278 s 59 are each amended to  
19 read as follows:

20 Except as otherwise provided in RCW 90.03.525, any public entity  
21 and public property, including ~~((the))~~ state of Washington ~~((and~~  
22 ~~state))~~ property, shall be subject to rates and charges for storm water  
23 control facilities to the same extent as private persons and private  
24 property are subject to such rates and charges that are imposed by  
25 ~~((sewer))~~ districts pursuant to ~~((RCW 56.08.010 or 56.16.090))~~ section  
26 301 or 314 of this act. In setting ~~((these))~~ those rates and charges,  
27 consideration may be ~~((made of))~~ given to in-kind services, such as  
28 stream improvements or donation of property.

29 **Sec. 316.** RCW 57.08.100 and 1991 sp.s. c 30 s 25 are each amended  
30 to read as follows:

31 Subject to chapter 48.62 RCW, a ~~((water))~~ district, by a majority  
32 vote of its board of commissioners, may enter into contracts to provide  
33 health care services and/or group insurance and/or term life insurance  
34 and/or social security insurance for the benefit of its employees and  
35 may pay all or any part of the cost thereof. Any two or more ~~((water))~~  
36 ~~districts ((or any one or more water districts and one or more sewer~~  
37 ~~districts))~~, by a majority vote of their respective boards of

1 commissioners, may, if deemed expedient, join in the procuring of such  
2 health care services and/or group insurance and/or term life insurance,  
3 and the board of commissioners of ~~((each))~~ a participating ~~((sewer  
4 and/or water))~~ district may by appropriate resolution authorize  
5 ~~((their))~~ its respective district to pay all or any portion of the cost  
6 thereof.

7 A ~~((water))~~ district with five thousand or more customers providing  
8 health, group, or life insurance to its employees may provide its  
9 commissioners with the same coverage(~~(:—PROVIDED, That))~~). However,  
10 the per person amounts for such insurance paid by the district shall  
11 not exceed the per person amounts paid by the district for its  
12 employees.

13 **Sec. 317.** RCW 57.08.105 and 1973 c 125 s 7 are each amended to  
14 read as follows:

15 The board of ~~((water))~~ commissioners of each ~~((water))~~ district may  
16 purchase liability insurance with such limits as ~~((they))~~ it may deem  
17 reasonable for the purpose of protecting ~~((their))~~ its officials and  
18 employees against liability for personal or bodily injuries and  
19 property damage arising from their acts or omissions while performing  
20 or in good faith purporting to perform their official duties.

21 **Sec. 318.** RCW 57.08.110 and 1995 c 301 s 76 are each amended to  
22 read as follows:

23 To improve the organization and operation of ~~((water))~~ districts,  
24 the commissioners of two or more such districts may form an association  
25 thereof, for the purpose of securing and disseminating information of  
26 value to the members of the association and for the purpose of  
27 promoting the more economical and efficient operation of the  
28 comprehensive plans of water supply and sewage treatment and disposal  
29 in their respective districts. The commissioners of ~~((water))~~  
30 districts so associated shall adopt articles of association, select  
31 such officers as they may determine, and employ and discharge such  
32 agents and employees as shall be deemed convenient to carry out the  
33 purposes of the association. ~~((Water))~~ District commissioners and  
34 employees are authorized to attend meetings of the association. The  
35 expenses of ~~((the))~~ an association may be paid from the maintenance or  
36 general funds of the associated districts in such manner as shall be  
37 provided in the articles of association(~~(:—PROVIDED, That))~~). However,

1 the aggregate contributions made to ~~((the))~~ an association by ~~((the))~~  
2 a district in any calendar year shall not exceed the amount ~~((which))~~  
3 that would be raised by a levy of two and one-half cents per thousand  
4 dollars of assessed value against the taxable property of the district.  
5 The financial records of such an association shall be subject to audit  
6 by the state auditor.

7 **Sec. 319.** RCW 57.08.120 and 1991 c 82 s 6 are each amended to read  
8 as follows:

9 A ~~((water))~~ district may lease out real property which it owns or  
10 in which it has an interest and which is not immediately necessary for  
11 its purposes upon such terms as the board of ~~((water))~~ commissioners  
12 deems proper~~((:—PROVIDED, That))~~. No such lease shall be made until  
13 the ~~((water))~~ district has first caused notice thereof to be published  
14 twice in a newspaper in general circulation in the ~~((water))~~ district,  
15 the first publication to be at least fifteen days and the second at  
16 least seven days prior to the making of such lease~~((, which))~~. The  
17 notice shall describe the property ~~((proposed to be leased out, to~~  
18 whom, for what purpose, and the rental to be charged therefor)), the  
19 lessee, and the lease payments. A hearing shall be held pursuant to  
20 the terms of the ~~((said))~~ notice, at which time any and all persons who  
21 may be interested shall have the right to appear and to be heard.

22 No such lease shall be ~~((for a period longer than twenty five~~  
23 ~~years, and each lease of real property shall be))~~ made unless secured  
24 by a bond conditioned ~~((to perform))~~ on the performance of the terms of  
25 ~~((such))~~ the lease, with surety satisfactory to the commissioners~~((, in~~  
26 ~~a penalty not less than the rental for one sixth of the term:~~  
27 ~~PROVIDED, That the penalty shall not be less than the rental for one~~  
28 ~~year where the term is one year or more. In a lease, the term of which~~  
29 ~~exceeds five years, and when at the option of the commissioners, it is~~  
30 ~~so stipulated in the lease, the commission shall accept, with surety~~  
31 ~~satisfactory to it,))~~ and with a penalty of not less than one-sixth of  
32 the term of the lease or for one year's rental, whichever is greater.

33 No such lease shall be made for a term longer than twenty-five  
34 years. In cases involving leases of more than five years, the  
35 commissioners may provide for or stipulate to acceptance of a bond  
36 conditioned ~~((to perform the terms of the lease for some part of the~~  
37 term, in no event less than five years (unless the remainder of the  
38 unexpired term is less than five years, in which case for the full

1 remainder) and in every such case the commissioners shall require of  
2 the lessee, another or other like bond to be delivered within two  
3 years, and not)) on the performance of a part of the term for five  
4 years or more whenever it is further provided that the lessee must  
5 procure and deliver to the commissioners renewal bonds with like terms  
6 and conditions no more than two years prior nor less than one year  
7 prior to the expiration of ((the period covered by the existing bond,  
8 covering an additional part of the term in accordance with the  
9 foregoing provisions in respect to the original bond, and so on until  
10 the end of the term so that there will always be in force a bond  
11 securing the performance of the lease, and the penalty in each bond  
12 shall be not less than the rental for one half the period covered  
13 thereby, but no)) such bond during the entire term of the lease.  
14 However, no such bond shall be construed to secure the furnishing of  
15 any other bond by the same surety or indemnity company. ((However,))  
16 The board of commissioners may require a reasonable security deposit in  
17 lieu of a bond on leased ((real)) property owned by a ((water))  
18 district.

19 The commissioners may accept as surety on any bond required by this  
20 section(~~, either~~) an approved surety company ((or one or more persons  
21 satisfactory to the commissioners, or in lieu of such bond may accept  
22 a deposit as security of such property or collateral or the giving of  
23 such other form of security as may be satisfactory to the  
24 commissioners)), or may accept in lieu thereof a secured interest in  
25 property of a value at least twice the amount of the bond required,  
26 conditioned further that in the event the commissioners determine that  
27 the value of the bond security has become or is about to become  
28 impaired, additional security shall be required from the lessee.

29 The authority granted under this section shall not be exercised by  
30 the board of commissioners unless the property is declared by  
31 resolution of the board of commissioners to be property for which there  
32 is a future need by the district and for the use of which provision is  
33 made in the comprehensive plan of the district as the same may be  
34 amended from time to time.

35 **Sec. 320.** RCW 57.08.140 and 1971 ex.s. c 243 s 8 are each amended  
36 to read as follows:

37 The provisions of RCW 57.08.015, 57.08.016, and 57.08.120 ((and  
38 57.08.130)) shall have no application as to the sale or conveyance of



1 real or personal property or any interest or right therein by a  
2 ((water)) district to the county or park and recreation district  
3 wherein such property is located for park and recreational purposes,  
4 but in ((such)) those cases the provisions of RCW 39.33.060 shall  
5 govern.

6 **Sec. 321.** RCW 57.08.017 and 1986 c 244 s 16 are each amended to  
7 read as follows:

8 RCW 57.08.015, 57.08.016, 57.08.050, and 57.08.120(~~(, and~~  
9 ~~57.08.130))~~) shall not apply to agreements entered into under authority  
10 of chapter 70.150 RCW (~~(provided)~~) if there is compliance with the  
11 procurement procedure under RCW 70.150.040.

12 **Sec. 322.** RCW 57.08.180 and 1995 c 376 s 15 are each amended to  
13 read as follows:

14 It is unlawful and a misdemeanor to make, or cause to be made, or  
15 to maintain any connection with any sewer or water system of any  
16 ((water)) district, or with any sewer or water system which is  
17 connected directly or indirectly with any sewer or water system of any  
18 ((water)) district without having permission from the ((water))  
19 district.

20 **Sec. 323.** RCW 57.08.150 and 1987 c 309 s 4 are each amended to  
21 read as follows:

22 A ((water)) district may not require that a specified engineer  
23 prepare plans or designs for extensions to its systems if the  
24 extensions are to be financed and constructed by a private party, but  
25 may review, and approve or reject, the plans or designs which have been  
26 prepared for such a private party based upon standards and requirements  
27 established by the ((water)) district.

28 **Sec. 324.** RCW 57.08.160 and 1989 c 421 s 5 are each amended to  
29 read as follows:

30 Any district is hereby authorized, within limits established by the  
31 Constitution of the state of Washington, to assist the owners of  
32 structures in financing the acquisition and installation of fixtures,  
33 systems, and equipment, for compensation or otherwise, for the  
34 conservation or more efficient use of water in the structures under a  
35 water conservation plan adopted by the district if the cost per unit of

1 water saved or conserved by the use of the fixtures, systems, and  
2 equipment is less than the cost per unit of water supplied by the next  
3 least costly new water source available to the district to meet future  
4 demand. Except where otherwise authorized, assistance shall be limited  
5 to:

6 (1) Providing an inspection of the structure, either directly or  
7 through one or more inspectors under contract, to determine and inform  
8 the owner of the estimated cost of purchasing and installing  
9 conservation fixtures, systems, and equipment for which financial  
10 assistance will be approved and the estimated life cycle savings to the  
11 water system and the consumer that are likely to result from the  
12 installation of the fixtures, systems, or equipment;

13 (2) Providing a list of businesses that sell and install the  
14 fixtures, systems, and equipment within or in close proximity to the  
15 service area of the city or town, each of which businesses shall have  
16 requested to be included and shall have the ability to provide the  
17 products in a workmanlike manner and to utilize the fixtures, systems,  
18 and equipment in accordance with the prevailing national standards;

19 (3) Arranging to have approved conservation fixtures, systems, and  
20 equipment installed by a private contractor whose bid is acceptable to  
21 the owner of the structure and verifying the installation; and

22 (4) Arranging or providing financing for the purchase and  
23 installation of approved conservation fixtures, systems, and equipment.  
24 The fixtures, systems, and equipment shall be purchased or installed by  
25 a private business, the owner, or the utility.

26 Pay back shall be in the form of incremental additions to the  
27 utility bill, billed either together with the use charge or separately.  
28 Loans shall not exceed one hundred twenty months in length.

29 **Sec. 325.** RCW 57.08.170 and 1991 c 82 s 7 are each amended to read  
30 as follows:

31 A ((water)) district may adopt a water conservation plan and  
32 emergency water use restrictions. The district may enforce a water  
33 conservation plan and emergency water use restrictions by imposing a  
34 fine as provided by resolution for failure to comply with any such plan  
35 or restrictions. The commissioners may provide by resolution that if  
36 a fine for failure to comply with the water conservation plan or  
37 emergency water use restrictions is delinquent for a specified period  
38 of time, the district shall certify the delinquency to the treasurer of

1 the county in which the real property is located and serve notice of  
2 the delinquency on the subscribing water customer who fails to comply,  
3 and the fine is then a separate item for inclusion on the bill of the  
4 party failing to comply with the water conservation plan or emergency  
5 water use restrictions.

6 NEW SECTION. Sec. 326. Sections 301, 302, and 314 of this act are  
7 each added to chapter 57.08 RCW.

8 **PART IV - OFFICERS AND ELECTIONS**

9 **Sec. 401.** RCW 57.12.010 and 1985 c 330 s 6 are each amended to  
10 read as follows:

11 The governing body of a district shall be a board of ~~((water))~~  
12 commissioners consisting of three members, or five members as provided  
13 in RCW 57.12.015, or more, as provided in the event of merger or  
14 consolidation. The board shall annually elect one of its members as  
15 president and another as secretary.

16 The board shall by resolution adopt rules governing the  
17 transaction of its business and shall adopt an official seal. All  
18 proceedings shall be by resolution recorded in a book kept for that  
19 purpose which shall be a public record.

20 A district shall provide by resolution for the payment of  
21 compensation to each of its commissioners at a rate of fifty dollars  
22 for each day or portion thereof devoted to the business of the  
23 district(~~(:—PROVIDED, That)~~). However the compensation for each  
24 commissioner shall not exceed four thousand eight hundred dollars per  
25 year. In addition, the secretary may be paid a reasonable sum for  
26 clerical services.

27 Any commissioner may waive all or any portion of his or her  
28 compensation payable under this section as to any month or months  
29 during ~~((his or her))~~ the commissioner's term of office, by a written  
30 waiver filed with the district ~~((as provided in this section.—The~~  
31 ~~waiver, to be effective, must be filed))~~ at any time after the  
32 commissioner's election and prior to the date on which the compensation  
33 would otherwise be paid. The waiver shall specify the month or period  
34 of months for which it is made.

35 No commissioner shall be employed full time by the district.  
36 ~~((Each))~~ A commissioner shall be reimbursed for reasonable expenses

1 actually incurred in connection with (~~such~~) district business,  
2 including (~~his~~) subsistence and lodging(~~ing~~) while away from the  
3 commissioner's place of residence and mileage for use of a privately-  
4 owned vehicle at the mileage rate authorized in RCW 43.03.060 (~~as now~~  
5 ~~existing or hereafter amended~~)).

6 (~~The date for holding elections and taking office as herein~~  
7 ~~provided shall be subject to the provisions of any consolidated~~  
8 ~~election laws that may be made applicable thereto although previously~~  
9 ~~enacted.~~)

10 **Sec. 402.** RCW 57.12.015 and 1994 c 223 s 67 are each amended to  
11 read as follows:

12 (1) In the event a three-member board of commissioners of any  
13 (~~water~~) district with any number of customers determines by  
14 resolution that it would be in the best interest of the district to  
15 increase the number of commissioners from three to five, or (~~in the~~  
16 ~~event~~) if the board of a district with any number of customers is  
17 presented with a petition signed by ten percent of the registered  
18 voters resident within the district who voted in the last general  
19 municipal election calling for an increase in the number of  
20 commissioners of the district, the board shall submit a resolution to  
21 the county auditor requesting that an election be held. Upon receipt  
22 of the resolution, the county auditor shall call a special election to  
23 be held within the (~~water~~) district (~~in accordance with RCW~~  
24 ~~29.13.010 and 29.13.020~~), at which election a proposition in  
25 substantially the following language shall be submitted to the voters:

26 Shall the Board of Commissioners of \_\_\_\_\_ (name and/or (~~No.~~))  
27 number of (~~water~~) district) be increased from three to  
28 five members?

29 Yes . . . . .  
30 No . . . . .

31 If the proposition receives a majority approval at the election the  
32 board of commissioners of the (~~water~~) district shall be increased to  
33 five members.

34 (2) In any (~~water~~) district with more than ten thousand  
35 customers, if a three-member board of commissioners determines by  
36 resolution that it would be in the best interest of the district to  
37 increase the number of commissioners from three to five, the number of

1 commissioners shall be so increased without an election, unless within  
2 ninety days of adoption of that resolution a petition requesting an  
3 election and signed by at least ten percent of the registered voters  
4 who voted in the last (~~general~~) municipal general election is filed  
5 with the board. If such a petition is received, the board shall submit  
6 the resolution and the petition to the county auditor, who shall call  
7 a special election in the manner described in this section (~~and in~~  
8 ~~accordance with the provisions of RCW 29.13.010 and 29.13.020~~)).

9 (3) The two additional positions created on boards of (~~water~~)  
10 commissioners by this section shall be filled initially (~~either~~) as  
11 for a vacancy (~~or by nomination under RCW 57.12.039~~), except that the  
12 appointees (~~or newly elected commissioners~~) shall draw lots, one  
13 appointee to serve until the next (~~general water~~) district general  
14 election after the appointment, at which two commissioners shall be  
15 elected for six-year terms, and the other appointee to serve until the  
16 second (~~general water~~) district general election after the  
17 appointment, at which two commissioners shall be elected for six-year  
18 terms.

19 **Sec. 403.** RCW 57.12.030 and 1994 c 223 s 69 are each amended to  
20 read as follows:

21 (~~Water district elections shall be held in accordance with the~~  
22 ~~general election laws of this state.~~)

23 Except as in this section otherwise provided, the term of office of  
24 each (~~water~~) district commissioner shall be six years, such term to  
25 be computed from the first day of January following the election, and  
26 commissioners shall serve until their successors are elected and  
27 qualified and assume office in accordance with RCW 29.04.170.

28 Three (~~water~~) initial district commissioners shall be elected at  
29 the same election at which the proposition is submitted to the voters  
30 as to whether such (~~water~~) district shall be formed. The election of  
31 (~~water~~) initial district commissioners shall be null and void if the  
32 ballot proposition to form the (~~water~~) district is not approved.  
33 Each candidate shall run for one of three separate commissioner  
34 positions. A special filing period shall be opened as provided in RCW  
35 29.15.170 and 29.15.180. The person receiving the greatest number of  
36 votes for each position shall be elected to that position.

37 The (~~newly elected water~~) initial district commissioners shall  
38 assume office immediately when they are elected and qualified.

1 Staggering of the terms of office for the (~~new-water~~) initial  
2 district commissioners shall be accomplished as follows: (1) The  
3 person who is elected receiving the greatest number of votes shall be  
4 elected to a six-year term of office if the election is held in an odd-  
5 numbered year or a five-year term of office if the election is held in  
6 an even-numbered year; (2) the person who is elected receiving the next  
7 greatest number of votes shall be elected to a four-year term of office  
8 if the election is held in an odd-numbered year or a three-year term of  
9 office if the election is held in an even-numbered year; and (3) the  
10 other person who is elected shall be elected to a two-year term of  
11 office if the election is held in an odd-numbered year or a one-year  
12 term of office if the election is held in an even-numbered year. The  
13 terms of office shall be calculated from the first day of January after  
14 the election.

15 Thereafter, commissioners shall be elected to six-year terms of  
16 office. Commissioners shall serve until their successors are elected  
17 and qualified and assume office in accordance with RCW 29.04.170.

18 **Sec. 404.** RCW 57.12.039 and 1994 c 223 s 70 are each amended to  
19 read as follows:

20 (1) Notwithstanding RCW 57.12.020 and 57.12.030, the board of  
21 commissioners may provide by majority vote that subsequent  
22 commissioners be elected from commissioner districts within the  
23 district. If the board exercises this option, it shall divide the  
24 district into three, or five if the number of commissioners has been  
25 increased under RCW 57.12.015, commissioner districts of approximately  
26 equal population following current precinct and district boundaries.

27 (2) Commissioner districts shall be used as follows: (a) Only a  
28 registered voter who resides in a commissioner district may be a  
29 candidate for, or serve as, a commissioner of the commissioner  
30 district; and (b) only voters of a commissioner district may vote at a  
31 primary to nominate candidates for a commissioner of the commissioner  
32 district. Voters of the entire (~~water~~) district may vote at a  
33 general election to elect a person as a commissioner of the  
34 commissioner district. Commissioner districts shall be redrawn as  
35 provided in chapter 29.70 RCW.

36 (3) In (~~water~~) districts in which commissioners are nominated  
37 from commissioner districts, at the inception of a five-member board of  
38 commissioners, the new commissioner districts shall be numbered one

1 through five and the three incumbent commissioners shall represent  
2 commissioner districts one through three. If, as a result of redrawing  
3 the district boundaries two or three of the incumbent commissioners  
4 reside in one of the new commissioner districts, the commissioners who  
5 reside in the same commissioner district shall determine by lot which  
6 of the first three numbered commissioner districts they shall represent  
7 for the remainder of their respective terms. A primary shall be held  
8 to nominate candidates from districts four and five where necessary and  
9 commissioners shall be elected at large at the general election. The  
10 persons elected as commissioners from commissioner districts four and  
11 five shall take office immediately after qualification as defined under  
12 RCW 29.01.135.

13 **Sec. 405.** RCW 57.12.020 and 1994 c 223 s 68 are each amended to  
14 read as follows:

15 A vacancy on the board shall occur and shall be filled as provided  
16 in chapter 42.12 RCW. In addition, if a commissioner is absent from  
17 three consecutive scheduled meetings unless by permission of the board,  
18 the office may be declared vacant. However, such an action shall not  
19 be taken unless the commissioner is notified by mail after two  
20 consecutive unexcused absences that the position will be declared  
21 vacant if the commissioner is absent without being excused from the  
22 next regularly scheduled meeting.

23 **PART V - COMPREHENSIVE PLANS**

24 **Sec. 501.** RCW 57.16.010 and 1990 1st ex.s. c 17 s 35 are each  
25 amended to read as follows:

26 ~~((The water district commissioners))~~ Before ordering any  
27 improvements ~~((hereunder))~~ or submitting to vote any proposition for  
28 incurring any indebtedness, the district commissioners shall adopt a  
29 general comprehensive plan ((of water supply for the district. They))  
30 for the type or types of facilities the district proposes to provide.  
31 A district may prepare a separate general comprehensive plan for each  
32 of these services and other services that districts are permitted to  
33 provide, or the district may combine any or all of its comprehensive  
34 plans into a single general comprehensive plan.

35 (1) For a general comprehensive plan of a water supply system, the  
36 commissioners shall investigate the several portions and sections of

1 the district for the purpose of determining the present and reasonably  
2 foreseeable future needs thereof; shall examine and investigate,  
3 determine, and select a water supply or water supplies for such  
4 district suitable and adequate for present and reasonably foreseeable  
5 future needs thereof; and shall consider and determine a general system  
6 or plan for acquiring such water supply or water supplies((~~+~~)), and the  
7 lands, waters, and water rights and easements necessary therefor, and  
8 for retaining and storing any such waters, and erecting dams,  
9 reservoirs, aqueducts, and pipe lines to convey the same throughout  
10 such district. There may be included as part of the system the  
11 installation of fire hydrants at suitable places throughout the  
12 district(~~(, and the purchase and maintenance of necessary fire fighting~~  
13 ~~equipment and apparatus, together with facilities for housing same)~~).  
14 The ((~~water district~~)) commissioners shall determine a general  
15 comprehensive plan for distributing such water throughout such portion  
16 of the district as may then reasonably be served by means of subsidiary  
17 aqueducts and pipe lines, and a long-term plan for financing the  
18 planned projects and the method of distributing the cost and expense  
19 thereof ((~~against such water district and against local improvement~~  
20 ~~districts or utility local improvement districts within such water~~  
21 ~~district for any lawful purpose, and~~)), including ((~~any such~~)) the  
22 creation of local improvement districts or utility local improvement  
23 districts ((~~lying wholly or partially within the limits of any city or~~  
24 ~~town in such district~~)), and shall determine whether the whole or part  
25 of the cost and expenses shall be paid from ((~~water~~)) revenue or  
26 general obligation bonds. ((~~After July 23, 1989, when the district~~  
27 ~~adopts a general comprehensive plan or plans for an area annexed as~~  
28 ~~provided for in RCW 57.16.010, the district shall include a long term~~  
29 ~~plan for financing the planned projects. The commissioners may employ~~  
30 ~~such engineering and legal service as in their discretion is necessary~~  
31 ~~in carrying out their duties.~~

32 The)) (2) For a general comprehensive plan for a sewer system, the  
33 commissioners shall investigate all portions and sections of the  
34 district and select a general comprehensive plan for a sewer system for  
35 the district suitable and adequate for present and reasonably  
36 foreseeable future needs thereof. The general comprehensive plan shall  
37 provide for treatment plants and other methods for the disposal of  
38 sewage and industrial and other liquid wastes now produced or which may  
39 reasonably be expected to be produced within the district and shall,



1 for such portions of the district as may then reasonably be served,  
2 provide for the acquisition or construction and installation of  
3 laterals, trunk sewers, intercepting sewers, syphons, pumping stations  
4 or other sewage collection facilities, septic tanks, septic tank  
5 systems or drainfields, and systems for the transmission and treatment  
6 of wastewater. The general comprehensive plan shall provide a long-  
7 term plan for financing the planned projects and the method of  
8 distributing the cost and expense of the sewer system, including the  
9 creation of local improvement districts or utility local improvement  
10 districts; and provide whether the whole or some part of the cost and  
11 expenses shall be paid from revenue or general obligation bonds.

12 (3) For a general comprehensive plan for a drainage system, the  
13 commissioners shall investigate all portions and sections of the  
14 district and adopt a general comprehensive plan for a drainage system  
15 for the district suitable and adequate for present and future needs  
16 thereof. The general comprehensive plan shall provide for a system to  
17 collect, treat, and dispose of storm water or surface waters, including  
18 use of natural systems and the construction or provision of culverts,  
19 storm water pipes, ponds, and other systems. The general comprehensive  
20 plan shall provide for a long-term plan for financing the planned  
21 projects and provide for a method of distributing the cost and expense  
22 of the drainage system, including local improvement districts or  
23 utility local improvement districts, and provide whether the whole or  
24 some part of the cost and expenses shall be paid from revenue or  
25 general obligation bonds.

26 (4) For a general comprehensive plan for street lighting, the  
27 commissioners shall investigate all portions and sections of the  
28 district and adopt a general comprehensive plan for street lighting for  
29 the district suitable and adequate for present and future needs  
30 thereof. The general comprehensive plan shall provide for a system or  
31 systems of street lighting, provide for a long-term plan for financing  
32 the planned projects, and provide for a method of distributing the cost  
33 and expense of the street lighting system, including local improvement  
34 districts or utility local improvement districts, and provide whether  
35 the whole or some part of the cost and expenses shall be paid from  
36 revenue or general obligation bonds.

37 (5) The commissioners may employ such engineering and legal service  
38 as in their discretion is necessary in carrying out their duties.

1       (6) Any general comprehensive plan or plans shall be adopted by  
2 resolution and submitted to an engineer designated by the legislative  
3 authority of the county in which fifty-one percent or more of the area  
4 of the district is located, and to the director of health of the county  
5 in which the district or any portion thereof is located, and must be  
6 approved in writing by the engineer and director of health, except that  
7 a comprehensive plan relating to street lighting shall not be submitted  
8 to or approved by the director of health. The general comprehensive  
9 plan shall be approved, conditionally approved, or rejected by the  
10 director of health (~~((within sixty days of the plan's receipt))~~) and by  
11 the designated engineer within sixty days of (~~((the plan's receipt))~~)  
12 their respective receipt of the plan. However, this sixty-day time  
13 limitation may be extended by the director of health or engineer for up  
14 to an additional sixty days if sufficient time is not available to  
15 review adequately the general comprehensive plans.

16       Before becoming effective, the general comprehensive plan shall  
17 also be submitted to, and approved by resolution of, the legislative  
18 authority of every county within whose boundaries all or a portion of  
19 the (~~((water))~~) district lies. The general comprehensive plan shall be  
20 approved, conditionally approved, or rejected by each of (~~((these))~~) the  
21 county legislative authorities pursuant to the criteria in RCW  
22 57.02.040 for approving the formation, reorganization, annexation,  
23 consolidation, or merger of (~~((water))~~) districts(~~((, and))~~). The  
24 resolution, ordinance, or motion of the legislative body (~~((which))~~) that  
25 rejects the comprehensive plan or a part thereof shall specifically  
26 state in what particular the comprehensive plan or part thereof  
27 rejected fails to meet these criteria. The general comprehensive plan  
28 shall not provide for the extension or location of facilities that are  
29 inconsistent with the requirements of RCW 36.70A.110. Nothing in this  
30 chapter shall preclude a county from rejecting a proposed plan because  
31 it is in conflict with the criteria in RCW 57.02.040. Each general  
32 comprehensive plan shall be deemed approved if the county legislative  
33 authority fails to reject or conditionally approve the plan within  
34 ninety days of the plan's submission to the county legislative  
35 authority or within thirty days of a hearing on the plan when the  
36 hearing is held within ninety days of submission to the county  
37 legislative authority. However, a county legislative authority may  
38 extend this ninety-day time limitation by up to an additional ninety  
39 days where a finding is made that ninety days is insufficient to review

1 adequately the general comprehensive plan. In addition, the ((water))  
2 commissioners and the county legislative authority may mutually agree  
3 to an extension of the deadlines in this section.

4 If the district includes portions or all of one or more cities or  
5 towns, the general comprehensive plan shall be submitted also to, and  
6 approved by resolution of, the ((governing bodies of such)) legislative  
7 authorities of the cities and towns before becoming effective. The  
8 general comprehensive plan shall be deemed approved by the city or town  
9 ((governing body)) legislative authority if the city or town  
10 ((governing body)) legislative authority fails to reject or  
11 conditionally approve the plan within ninety days of the plan's  
12 submission to the city or town or within thirty days of a hearing on  
13 the plan when the hearing is held within ninety days of submission to  
14 the county legislative authority. However, a city or town ((governing  
15 body)) legislative authority may extend this time limitation by up to  
16 an additional ninety days where a finding is made that insufficient  
17 time exists to adequately review the general comprehensive plan within  
18 these time limitations. In addition, the ((sewer-[water]))  
19 commissioners and the city or town ((governing body)) legislative  
20 authority may mutually agree to an extension of the deadlines in this  
21 section.

22 Before becoming effective, the general comprehensive plan shall be  
23 approved by any state agency whose approval may be required by  
24 applicable law. Before becoming effective, any amendment to,  
25 alteration of, or addition to, a general comprehensive plan shall also  
26 be subject to such approval as if it were a new general comprehensive  
27 plan((:—PROVIDED, That)). However, only if the amendment, alteration,  
28 or addition affects a particular city or town, shall the amendment,  
29 alteration, or addition be subject to approval by such particular city  
30 or town governing body.

31 **Sec. 502.** RCW 56.08.030 and 1953 c 250 s 5 are each amended to  
32 read as follows:

33 No expenditure for carrying on any part of ((such)) a general  
34 comprehensive plan shall be made other than the necessary salaries of  
35 engineers, clerical, ((and)) office expenses, and other professional  
36 expenses of the district, and the cost of engineering, surveying,  
37 preparation, and collection of data necessary for making and adopting  
38 a general plan of improvements in the district, until the general

1 comprehensive plan of improvements has been adopted by the  
2 commissioners and approved as provided in RCW ((56.08.020)) 57.16.010.

3 NEW SECTION. Sec. 503. A new section is added to Title 57 RCW to  
4 read as follows:

5 Whenever an area has been annexed to a district after the adoption  
6 of a general comprehensive plan, the commissioners shall adopt by  
7 resolution a plan for additions and betterments to the original  
8 comprehensive plan to provide for the needs of the area annexed.

9 **Sec. 504.** RCW 57.16.140 and 1982 c 213 s 4 are each amended to  
10 read as follows:

11 The construction of or existence of sewer capacity or water supply  
12 ((capacity)) in excess of the needs of the density allowed by zoning  
13 shall not be grounds for any legal challenge to any zoning decision by  
14 the county.

15 **PART VI - IMPROVEMENT DISTRICTS**

16 **Sec. 601.** RCW 57.16.050 and 1987 c 169 s 2 are each amended to  
17 read as follows:

18 (1) A district may establish local improvement districts within its  
19 territory; levy special assessments ((~~under the mode of~~)) and allow  
20 annual installments on the special assessments, together with interest  
21 thereon, extending over a period not exceeding twenty years, on all  
22 property specially benefited by a local improvement, on the basis of  
23 special benefits to pay in whole or in part the damage or costs of any  
24 improvements ordered in the district; and issue local improvement bonds  
25 in the local improvement district to be repaid by the collection of  
26 special assessments. ((~~Such~~)) The bonds may be of any form, including  
27 bearer bonds or registered bonds as provided in RCW 39.46.030. The  
28 levying, collection, and enforcement of ((~~such~~)) special assessments  
29 and the issuance of bonds shall be as provided for the levying,  
30 collection, and enforcement of special assessments and the issuance of  
31 local improvement district bonds by cities and towns insofar as is  
32 consistent ((~~herewith~~)) with this title. The duties devolving upon the  
33 city or town treasurer are ((~~hereby~~)) imposed upon the county treasurer  
34 of the county in which the real property is located for the purposes

1 hereof. The mode of assessment shall be determined by the ((water))  
2 commissioners by resolution.

3 ((When in)) (2) A district may establish a utility local  
4 improvement district, in lieu of a local improvement district, if the  
5 petition or resolution for ((the establishment of a)) establishing the  
6 local improvement district, and ((in)) the approved comprehensive plan  
7 or approved amendment thereto or plan providing for additions and  
8 betterments to the original plan, previously adopted, ((it is  
9 provided)) provides that, except as set forth in this section, the  
10 special assessments shall be for the ((sole)) purpose of payment of  
11 improvements and payment into the revenue bond fund for the payment of  
12 revenue bonds((, then the local improvement district shall be  
13 designated as a "utility local improvement district.")). No warrants  
14 or bonds shall be issued in a utility local improvement district, but  
15 the collection of interest and principal on all special assessments in  
16 the utility local improvement district shall be paid into the revenue  
17 bond fund, except that special assessments paid before the issuance and  
18 sale of bonds may be deposited in a fund for the payment of costs of  
19 improvements in the utility local improvement district. Revenue bonds  
20 shall be issued using the procedures by which cities and towns issue  
21 revenue bonds, insofar as is consistent with this title.

22 ((+2)) Such revenue bonds may also be issued and sold in  
23 accordance with chapter 39.46 RCW.

24 **Sec. 602.** RCW 57.16.060 and 1991 c 190 s 7 are each amended to  
25 read as follows:

26 Local improvement districts or utility local improvement districts  
27 to carry out the whole or any portion of the general comprehensive plan  
28 of improvements or plan providing for additions and betterments to  
29 ((the)) an original general comprehensive plan previously adopted may  
30 be initiated either by resolution of the board of ((water))  
31 commissioners or by petition signed by the owners according to the  
32 records of the office of the applicable county auditor of at least  
33 fifty-one percent of the area of the land within the limits of the  
34 ((local)) improvement district to be created.

35 In case the board of ((water)) commissioners desires to initiate  
36 the formation of ((a local improvement district or a utility local)) an  
37 improvement district by resolution, it first shall ((first)) pass a  
38 resolution declaring its intention to order ((such)) the improvement,

1 setting forth the nature and territorial extent of such proposed  
2 improvement, designating the number of the proposed (~~local improvement~~  
3 ~~district or utility local~~) improvement district, and describing the  
4 boundaries thereof, stating the estimated cost and expense of the  
5 improvement and the proportionate amount thereof which will be borne by  
6 the property within the proposed improvement district, and fixing a  
7 date, time, and place for a public hearing on the formation of the  
8 proposed (~~local~~) improvement district.

9 In case any such (~~local improvement district or utility local~~)  
10 improvement district is initiated by petition, (~~such~~) the petition  
11 shall set forth the nature and territorial extent of the proposed  
12 improvement requested to be ordered and the fact that the signers  
13 thereof are the owners according to the records of the applicable  
14 county auditor of at least fifty-one percent of the area of land within  
15 the limits of the (~~local improvement district or utility local~~)  
16 improvement district to be created. Upon the filing of such petition  
17 the board shall determine whether the petition is sufficient, and the  
18 board's determination thereof shall be conclusive upon all persons. No  
19 person may withdraw his or her name from the petition after it has been  
20 filed with the board of (~~water~~) commissioners. If the board finds  
21 the petition to be sufficient, it shall proceed to adopt a resolution  
22 declaring its intention to order the improvement petitioned for,  
23 setting forth the nature and territorial extent of the improvement,  
24 designating the number of the proposed (~~local~~) improvement district  
25 and describing the boundaries thereof, stating the estimated cost and  
26 expense of the improvement and the proportionate amount thereof which  
27 will be borne by the property within the proposed (~~local~~) improvement  
28 district, and fixing a date, time, and place for a public hearing on  
29 the formation of the proposed (~~local~~) improvement district.

30 Notice of the adoption of the resolution of intention, whether the  
31 resolution was adopted on the initiative of the board or pursuant to a  
32 petition of the property owners, shall be published in at least two  
33 consecutive issues of a newspaper of general circulation in the  
34 proposed (~~local~~) improvement district, the date of the first  
35 publication to be at least fifteen days prior to the date fixed by such  
36 resolution for hearing before the board of (~~water~~) commissioners.  
37 Notice of the adoption of the resolution of intention shall also be  
38 given each owner or reputed owner of any lot, tract, parcel of land, or  
39 other property within the proposed improvement district by mailing the

1 notice at least fifteen days before the date fixed for the public  
2 hearing to the owner or reputed owner of the property as shown on the  
3 tax rolls of the county (~~((treasurer))~~) auditor of the county in which  
4 the real property is located at the address shown thereon. Whenever  
5 such notices are mailed, the (~~((water))~~) commissioners shall maintain a  
6 list of (~~((such))~~) the reputed property owners, which list shall be kept  
7 on file at a location within the (~~((water))~~) district and shall be made  
8 available for public perusal. The notices shall refer to the  
9 resolution of intention and designate the proposed improvement district  
10 by number. The notices also shall (~~((also))~~) set forth the nature of the  
11 proposed improvement, the total estimated cost, the proportion of total  
12 cost to be borne by assessments, and the date, time, and place of the  
13 hearing before the board of (~~((water))~~) commissioners. In the case of  
14 improvements initiated by resolution, the notice also shall (~~((also))~~):  
15 (1) State that all persons desiring to object to the formation of the  
16 proposed district must file their written protests with the secretary  
17 of the board of (~~((water))~~) commissioners no later than ten days after  
18 the public hearing; (2) state that if owners of at least forty percent  
19 of the area of land within the proposed improvement district file  
20 written protests with the secretary of the board, the power of the  
21 (~~((water))~~) commissioners to proceed with the creation of the proposed  
22 improvement district shall be divested; (3) provide the name and  
23 address of the secretary of the board; and (4) state the hours and  
24 location within the (~~((water))~~) district where the names of the property  
25 owners within the proposed improvement district are kept available for  
26 public perusal. In the case of the notice given each owner or reputed  
27 owner by mail, the notice shall set forth the estimated amount of the  
28 cost and expense of such improvement to be borne by the particular lot,  
29 tract, parcel of land, or other property.

30 ~~((Whether the improvement is initiated by petition or resolution,~~  
31 ~~the board shall conduct a public hearing at the time and place~~  
32 ~~designated in the notice to property owners. At this hearing the board~~  
33 ~~shall hear objections from any person affected by the formation of the~~  
34 ~~local district and may make such changes in the boundaries of the~~  
35 ~~district or such modifications in the plans for the proposed~~  
36 ~~improvement as shall be deemed necessary. The board may not change the~~  
37 ~~boundaries of the district to include property not previously included~~  
38 ~~in it without first passing a new resolution of intention and giving a~~

1 new notice to property owners in the manner and form and within the  
2 time provided in this chapter for the original notice.

3 After the hearing and the expiration of the ten-day period for  
4 filing written protests, the commissioners shall have jurisdiction to  
5 overrule protests and proceed with any such improvement initiated by  
6 petition or resolution. The jurisdiction of the commissioners to  
7 proceed with any improvement initiated by resolution shall be divested  
8 by protests filed with the secretary of the board no later than ten  
9 days after the hearing, signed by the owners, according to the records  
10 of the applicable county auditor, of at least forty percent of the area  
11 of land within the proposed local district.

12 If the commissioners find that the district should be formed, they  
13 shall by resolution form the district and order the improvement. After  
14 execution of the resolution forming the district, the secretary of the  
15 board of commissioners shall publish, in a legal publication that  
16 serves the area subject to the district, a notice setting forth that a  
17 resolution has been passed forming the district and that a lawsuit  
18 challenging the jurisdiction or authority of the water district to  
19 proceed with the improvement and creating the district must be filed,  
20 and notice to the water district served, within thirty days of the  
21 publication of the notice. The notice shall set forth the nature of  
22 the appeal. Property owners bringing the appeal shall follow the  
23 procedures as set forth under appeal under RCW 57.16.090. Whenever a  
24 resolution forming a district has been adopted, the formation is  
25 conclusive in all things upon all parties, and cannot be contested or  
26 questioned in any manner in any proceeding whatsoever by any person not  
27 commencing a lawsuit in the manner and within the time provided in this  
28 section, except for lawsuits made under RCW 57.16.090.

29 Following an appeal, if it is unsuccessful or if no appeal is made  
30 under RCW 57.16.090, the commissioners may proceed with the improvement  
31 and provide the general funds of the water district to be applied  
32 thereto, adopt detailed plans of the local improvement district or  
33 utility local improvement district and declare the estimated cost  
34 thereof, acquire all necessary land therefor, pay all damages caused  
35 thereby, and commence in the name of the water district such eminent  
36 domain proceedings as may be necessary to entitle the district to  
37 proceed with the work. The board shall thereupon proceed with the work  
38 and file with the county treasurer of the county in which the real  
39 property is located its roll levying special assessments in the amount



1 to be paid by special assessment against the property situated within  
2 the improvement district in proportion to the special benefits to be  
3 derived by the property therein from the improvement.))

4 **Sec. 603.** RCW 57.16.073 and 1987 c 315 s 6 are each amended to  
5 read as follows:

6 Whenever it is proposed that ((a local improvement district or  
7 utility local)) an improvement district finance sanitary sewer or  
8 potable water facilities, additional notice of the public hearing on  
9 the proposed improvement district shall be mailed to the owners of any  
10 property located outside of the proposed improvement district that  
11 would be required as a condition of federal housing administration loan  
12 qualification, at the time of notice, to be connected to the specific  
13 sewer or water facilities installed by the ((local)) improvement  
14 district. The notice shall include information about this restriction.

15 **Sec. 604.** RCW 57.16.065 and 1989 c 243 s 11 are each amended to  
16 read as follows:

17 ((Any)) Notice given to the public or to the owners of specific  
18 lots, tracts, or parcels of land relating to the formation of ((a local  
19 improvement district or utility local)) an improvement district shall  
20 contain a statement that actual assessments may vary from assessment  
21 estimates so long as they do not exceed a figure equal to the increased  
22 true and fair value the improvement adds to the property.

23 **Sec. 605.** RCW 56.20.030 and 1991 c 190 s 3 are each amended to  
24 read as follows:

25 Whether ((the)) an improvement district is initiated by petition or  
26 resolution, the board shall conduct a public hearing at the time and  
27 place designated in the notice to property owners. At this hearing the  
28 board shall hear objections from any person affected by the formation  
29 of the ((local)) improvement district and may make such changes in the  
30 boundaries of the improvement district or such modifications in the  
31 plans for the proposed improvement as shall be deemed necessary. The  
32 board may not change the boundaries of the improvement district to  
33 include property not previously included in it without first passing a  
34 new resolution of intention and giving a new notice to property owners  
35 in the manner and form and within the time provided in this chapter for  
36 the original notice.

1 After the hearing and the expiration of the ten-day period for  
2 filing (~~written~~) protests, the commissioners shall have jurisdiction  
3 to overrule protests and proceed with any such improvement district  
4 initiated by petition or resolution. The jurisdiction of the  
5 commissioners to proceed with any improvement district initiated by  
6 resolution shall be divested(~~(a)~~) by protests filed with the  
7 secretary of the board (~~no later than~~) within ten days after the  
8 public hearing, signed by the owners, according to the records of the  
9 applicable county auditor, of at least forty percent of the area of  
10 land within the proposed (~~local~~) improvement district (~~or (b) by the~~  
11 ~~commissioners not adopting a resolution ordering the improvement at a~~  
12 ~~public hearing held not more than ninety days from the day the~~  
13 ~~resolution of intention was adopted, unless the commissioners file with~~  
14 ~~the county auditor a copy of the notice required by RCW 56.20.020, and~~  
15 ~~in no event at a hearing held more than two years from the day the~~  
16 ~~resolution of intention was adopted~~)).

17 If the commissioners find that the improvement district should be  
18 formed, they shall by resolution form the improvement district and  
19 order the improvement. After execution of the resolution forming the  
20 improvement district, the secretary of the board of commissioners shall  
21 publish, in a legal publication that serves the area subject to the  
22 improvement district, a notice setting forth that a resolution has been  
23 passed forming the improvement district and that a lawsuit challenging  
24 the jurisdiction or authority of the (~~sewer~~) district to proceed with  
25 the improvement and creating the improvement district must be filed,  
26 and notice to the (~~sewer~~) district served, within thirty days of the  
27 publication of the notice. The notice shall set forth the nature of  
28 the appeal. Property owners bringing the appeal shall follow the  
29 procedures (~~as~~) set forth under (~~appeal under RCW 56.20.080~~) RCW  
30 57.16.090. Whenever a resolution forming (~~a~~) an improvement district  
31 has been adopted, the formation is conclusive in all things upon all  
32 parties, and cannot be contested or questioned in any manner in any  
33 proceeding whatsoever by any person not commencing a lawsuit in the  
34 manner and within the time provided in this section, except for  
35 lawsuits made under RCW (~~56.20.080~~) 57.16.090.

36 Following an appeal, if it is unsuccessful or if no appeal is made  
37 under RCW (~~56.20.080~~) 57.16.090, the commissioners may proceed with  
38 creating the improvement district, provide the improvement and provide  
39 the general funds of the (~~sewer~~) district to be applied thereto,

1 adopt detailed plans of the (~~(utility local)~~) improvement district and  
2 declare the estimated cost thereof, acquire all necessary land  
3 therefor, pay all damages caused thereby, and commence in the name of  
4 the (~~(sewer)~~) district such eminent domain proceedings (~~(and~~  
5 ~~supplemental assessment or reassessment proceedings to pay all eminent~~  
6 ~~domain awards)~~) as may be necessary to entitle the district to proceed  
7 with the (~~(work)~~) improvements. The board (~~(of sewer commissioners)~~)  
8 shall thereupon proceed with the work and file with the county  
9 treasurer of (~~(each)~~) the county in which the real property is (~~(to be~~  
10 ~~assessed)~~) located its roll levying special assessments in the amount  
11 to be paid by special assessment against the property situated within  
12 the (~~(local)~~) improvement district in proportion to the special  
13 benefits to be derived by the property therein from the improvements.

14 **Sec. 606.** RCW 57.16.070 and 1982 1st ex.s. c 17 s 17 are each  
15 amended to read as follows:

16 Before approval of the roll a notice shall be published once a week  
17 for two consecutive weeks in a newspaper of general circulation in the  
18 (~~(local)~~) improvement district, stating that the roll is on file and  
19 open to inspection in the office of the secretary, and fixing the time,  
20 not less than fifteen or more than thirty days from the date of the  
21 first publication of the notice, within which protests must be filed  
22 with the secretary against any assessments shown thereon, and fixing a  
23 time when a hearing will be held by the commissioners on the protests.  
24 Notice shall also be given by mailing, at least fifteen days before the  
25 hearing, a similar notice to the owners or reputed owners of the land  
26 in the (~~(local)~~) improvement district as they appear on the books of  
27 the treasurer of the county in which the real property is located. At  
28 the hearing, or any adjournment thereof, the commissioners may correct,  
29 change, or modify the roll, or any part thereof, or set aside the roll  
30 and order a new assessment, and may then by resolution approve it. If  
31 an assessment is raised a new notice similar to the first shall be  
32 given, after which final approval of the roll may be made. When  
33 property has been entered originally upon the roll and the assessment  
34 thereon is not raised, no objection thereto shall be considered by the  
35 commissioners or by any court on appeal unless the objection is made in  
36 writing at, or prior(~~(7)~~) to, the date fixed for the original hearing  
37 upon the roll.

1       **Sec. 607.** RCW 57.16.080 and 1959 c 18 s 13 are each amended to  
2 read as follows:

3       (~~In the event that~~) If any portion of the system after its  
4 installation is not adequate for the purpose for which it was intended,  
5 or (~~that~~) if for any reason changes, alterations, or betterments are  
6 necessary in any portion of the system after its installation, then (~~a~~  
7 ~~local~~) an improvement district with boundaries which may include one  
8 or more existing (~~local~~) improvement districts may be created in the  
9 (~~water~~) district in the same manner as is provided herein for the  
10 creation of (~~local~~) improvement districts(~~;~~ ~~that~~). Upon the  
11 organization of such (~~a local~~) an improvement district (~~as provided~~  
12 ~~for in this paragraph~~), the plan of the improvement and the payment of  
13 the cost of the improvement shall be carried out in the same manner as  
14 is provided herein for the carrying out of and the paying for the  
15 improvement in the (~~local~~) improvement districts previously provided  
16 for in this (~~act~~) title.

17       **Sec. 608.** RCW 57.16.100 and 1929 c 114 s 14 are each amended to  
18 read as follows:

19       (1) Whenever any assessment roll for local improvements shall have  
20 been confirmed by the (~~water district commission of such water~~  
21 ~~district as herein provided~~) district board of commissioners, the  
22 regularity, validity, and correctness of the proceedings relating to  
23 (~~such~~) the improvements, and to the assessment therefor, including  
24 the action of the (~~water~~) district (~~commission~~) commissioners upon  
25 (~~such~~) the assessment roll and the confirmation thereof, shall be  
26 conclusive in all things upon all parties, and cannot in any manner be  
27 contested or questioned in any proceeding whatsoever by any person not  
28 filing written objections to such roll in the manner and within the  
29 time provided in this (~~act~~) chapter, and not appealing from the  
30 action of the (~~water district commission~~) commissioners in confirming  
31 such assessment roll in the manner and within the time in this (~~act~~)  
32 chapter provided. No proceedings of any kind shall be commenced or  
33 prosecuted for the purpose of defeating or contesting any such  
34 assessment, or the sale of (~~any~~) property to pay such assessment, or  
35 any certificate of delinquency issued therefor, or the foreclosure of  
36 any lien issued therefor(~~;~~ ~~PROVIDED, That~~). However, this section  
37 shall not be construed as prohibiting the bringing of injunction  
38 proceedings to prevent the sale of any real estate upon the grounds

1 ((+1)) (a) that the property about to be sold does not appear upon the  
2 assessment roll, or ((+2)) (b) that ((said)) the assessment had been  
3 paid.

4 (2) This section also shall not prohibit the correction of clerical  
5 errors and errors in the computation of assessments in assessment rolls  
6 by the following procedure:

7 (a) The board of commissioners may file a petition with the  
8 superior court of the county wherein the real property is located,  
9 asking that the court enter an order correcting such errors and  
10 directing that the county treasurer pay a portion or all of the  
11 incorrect assessment by the transfer of funds from the district's  
12 maintenance fund, if such relief be necessary.

13 (b) Upon the filing of the petition, the court shall set a date for  
14 hearing and upon the hearing may enter an order as provided in (a) of  
15 this subsection. However, neither the correcting order nor the  
16 corrected assessment roll shall result in an increased assessment to  
17 the property owner.

18 **Sec. 609.** RCW 57.16.090 and 1991 c 190 s 8 are each amended to  
19 read as follows:

20 The decision of the ((water)) district ((commission)) board of  
21 commissioners upon any objections made within the time and in the  
22 manner herein prescribed((7)) may be reviewed by the superior court  
23 upon an appeal thereto taken in the following manner. ((Such)) The  
24 appeal shall be made by filing written notice of appeal with the  
25 secretary of ((said water district commission)) the board of  
26 commissioners and with the clerk of the superior court in the county in  
27 which the real property is situated within ten days after publication  
28 of a notice that the resolution confirming such assessment roll has  
29 been adopted, and such notice of appeal shall describe the property and  
30 set forth the objections of such appellant to such assessment((7 and)).  
31 Within ten days from the filing of such notice of appeal with the clerk  
32 of the superior court, the appellant shall file with the clerk of the  
33 court((7)) a transcript consisting of the assessment roll and the  
34 appellant's objections thereto, together with the resolution confirming  
35 ((such)) the assessment roll and the record of the ((water)) district  
36 ((commission)) commissioners with reference to the assessment((7  
37 which)). The transcript, upon payment of the necessary fees therefor,  
38 shall be furnished by the secretary of the ((water district

1 ~~commission))~~ board of commissioners and shall be certified by the  
2 secretary to contain full, true, and correct copies of all matters and  
3 proceedings required to be included in such transcript. Such fees  
4 shall be the same as the fees payable to the county clerk for the  
5 preparation and certification of transcripts on appeal to the supreme  
6 court or the court of appeals in civil actions. At the time of the  
7 filing of the notice of appeal with the clerk of the superior court,  
8 the appellant shall file a sufficient bond in the penal sum of two  
9 hundred dollars, with at least two sureties, to be approved by the  
10 judge of ~~((said))~~ the court, conditioned to prosecute such appeal  
11 without delay, and if unsuccessful to pay all costs to which the  
12 ~~((water))~~ district is put by reason of such appeal. The court may  
13 order the appellant, upon application therefor, to execute and file  
14 such additional bond or bonds as the necessity of the case may require.  
15 Within three days after such transcript is filed in the superior court,  
16 the appellant shall give written notice to the secretary of ~~((such~~  
17 ~~water))~~ the district~~((,))~~ that such transcript is filed. The notice  
18 shall state a time, not less than three days from the service thereof,  
19 when the appellant will call up the cause for hearing~~((, and))~~. The  
20 superior court shall, at ~~((said))~~ such time or at such further time as  
21 may be fixed by order of the court, hear and determine such appeal  
22 without a jury~~((, and such cause))~~. The appeal shall have preference  
23 over all civil causes pending in the court, except ~~((proceedings under~~  
24 ~~an act relating to))~~ eminent domain proceedings and actions of forcible  
25 entry and detainer. The judgment of the court shall confirm, unless  
26 the court shall find from the evidence that such assessment is either  
27 founded upon ~~((the))~~ a fundamentally wrong basis or a decision of the  
28 ~~((council or other legislative body))~~ board of commissioners thereon  
29 was arbitrary or capricious, or both~~((,))~~, in which event the judgment  
30 of the court shall correct, modify, or annul the assessment insofar as  
31 ~~((the same))~~ it affects the property of the appellant. A certified  
32 copy of the decision of the court shall be filed with the officer who  
33 shall have custody of the assessment roll, who shall modify and correct  
34 ~~((such))~~ the assessment roll in accordance with such decision.  
35 Appellate review of the judgment of the superior court may be sought as  
36 in other civil cases. However, the ~~((review))~~ appeal must be sought  
37 within fifteen days after the date of the entry of the judgment of such  
38 superior court. A certified copy of the order of the supreme court or  
39 the court of appeals upon such appeal shall be filed with the officer

1 having custody of ((such)) the assessment roll, who shall thereupon  
2 modify and correct ((such)) the assessment roll in accordance with  
3 ((such)) the decision.

4 **Sec. 610.** RCW 57.16.110 and 1982 1st ex.s. c 17 s 19 are each  
5 amended to read as follows:

6 Whenever any land against which there has been levied any special  
7 assessment by any ((water)) district shall have been sold in part or  
8 subdivided, the board of ((water)) commissioners of ((such)) the  
9 district shall have the power to order a segregation of the assessment.

10 Any person desiring to have ((such)) a special assessment against  
11 a tract of land segregated to apply to smaller parts thereof shall  
12 apply to the board of commissioners of the ((water)) district ((which))  
13 that levied the assessment. If the ((water)) commissioners determine  
14 that a segregation should be made, they shall by resolution order the  
15 treasurer of the county in which the real property is located to make  
16 segregation on the original assessment roll as directed in the  
17 resolution. The segregation shall be made as nearly as possible on the  
18 same basis as the original assessment was levied, and the total of the  
19 segregated parts of the assessment shall equal the assessment before  
20 segregation. The resolution shall describe the original tract((~~τ~~)) and  
21 the amount and date of the original assessment, and shall define the  
22 boundaries of the divided parts and the amount of the assessment  
23 chargeable to each part. A certified copy of the resolution shall be  
24 delivered to the treasurer of the county in which the real property is  
25 located who shall proceed to make the segregation ordered upon being  
26 tendered a fee of three dollars for each tract of land for which a  
27 segregation is to be made. In addition to ((such)) the charge the  
28 board of ((water)) commissioners may require as a condition to the  
29 order of segregation that the person seeking it pay the district the  
30 reasonable engineering and clerical costs incident to making the  
31 segregation.

32 **Sec. 611.** RCW 57.16.150 and 1987 c 449 s 16 are each amended to  
33 read as follows:

34 Judgments foreclosing ((~~local-improvement~~)) special assessments  
35 pursuant to RCW 35.50.260 may also allow to ((water)) districts, in  
36 addition to delinquent installments, interest, penalties, and costs,  
37 such attorneys' fees as the court may adjudge reasonable.

PART VII - FINANCES

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**Sec. 701.** RCW 57.16.020 and 1984 c 186 s 51 are each amended to read as follows:

The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional ~~((and/or statutory))~~ tax limitation~~((s))~~ for the construction of any part or all of the improvements described in its general comprehensive plan or plans. Elections shall be held as provided in RCW 39.36.050. The proposition authorizing both the bond issue and imposition of excess bond retirement levies ~~((shall))~~ must be adopted by three-fifths of the voters voting thereon, at which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the ~~((water))~~ district at the last preceding general election. ~~((Such))~~ The bonds shall not be issued to run for a period longer than ~~((twenty))~~ thirty years from the date of the issue. ~~((Such))~~ The bonds shall be issued and sold in accordance with chapter 39.46 RCW. ~~((When the general comprehensive plan has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.))~~

Whenever the proposition to issue general obligation bonds and impose such excess bond retirement levies has been approved, there shall be levied by the officers or governing body charged with the duty of levying taxes, annual levies in excess of the constitutional tax limitation sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

**Sec. 702.** RCW 57.20.015 and 1984 c 186 s 54 are each amended to read as follows:

(1) The board of ~~((water))~~ commissioners of any ~~((water))~~ district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof if they are subject to call for prior redemption or all of the owners thereof consent thereto. Refunding bonds may be combined with an issue of



1 bonds for other district purposes, as long as those other bonds are  
2 approved in accordance with applicable law.

3 (2) The total cost to the district over the life of the refunding  
4 bonds or refunding portion of an issue of bonds shall not exceed the  
5 total cost to the district which the district would have incurred but  
6 for such refunding over the remainder of the life of the bonds to be  
7 refunded thereby.

8 (3) The refunding bonds may be exchanged for the bonds to be  
9 refunded thereby, or may be sold in such manner as the board of  
10 ~~((water))~~ commissioners deems to be for the best interest of the  
11 district, and the proceeds of such sale used exclusively for the  
12 purpose of paying, retiring, and canceling the bonds to be refunded and  
13 interest thereon. Such bonds may be of any form, including bearer  
14 bonds or registered bonds as provided in RCW 39.46.030.

15 ~~((4) The provisions of RCW 57.20.010, concerning the issuance and~~  
16 ~~sale of general obligation bonds and providing for annual tax levies in~~  
17 ~~excess of the constitutional and/or statutory tax limitations shall~~  
18 ~~apply to the refunding general obligation bonds issued under this~~  
19 ~~section.))~~

20 **Sec. 703.** RCW 57.16.030 and 1987 c 449 s 14 are each amended to  
21 read as follows:

22 (1) The commissioners may, without submitting a proposition to the  
23 voters, authorize by resolution the district to issue revenue bonds for  
24 the construction costs, interest during the period of construction and  
25 six months thereafter, working capital or other costs of the  
26 improvements described in any part or all of ~~((the))~~ a general  
27 comprehensive plan or plans, or for other purposes or functions of a  
28 ~~((water))~~ district authorized by statute. The amount of the bonds to  
29 be issued shall be included in the resolution ~~((submitted))~~.

30 (2) Any resolution authorizing the issuance of revenue bonds may  
31 include provision for refunding any local improvement district bonds of  
32 a district, out of the proceeds of sale of revenue bonds, and a  
33 district may pay off any outstanding local improvement bonds with such  
34 funds either by purchase in the open market below their par value and  
35 accrued interest or by call at par value and accrued interest at the  
36 next succeeding interest payment date. The bonds may be in any form,  
37 including bearer bonds or registered bonds as provided by RCW  
38 39.46.030.

1 ((When a resolution authorizing revenue bonds has been adopted the  
2 commissioners may forthwith carry out the general comprehensive plan to  
3 the extent specified.

4 (2)) (3) Notwithstanding subsection (1) of this section, ((such))  
5 district revenue bonds may be issued and sold in accordance with  
6 chapter 39.46 RCW.

7 **Sec. 704.** RCW 57.16.035 and 1977 ex.s. c 299 s 5 are each amended  
8 to read as follows:

9 Whenever a ((water)) district shall have adopted a general  
10 comprehensive plan and bonds to defray the cost thereof shall have been  
11 authorized by resolution of the board of ((water)) commissioners, and  
12 before the completion of the improvements the board of ((water))  
13 commissioners shall find by resolution that the authorized bonds are  
14 not sufficient to defray the cost of such improvements due to the  
15 increase of costs of construction subsequent to the adoption of  
16 ((said)) the plan, the board of ((water)) commissioners may by  
17 resolution authorize the issuance and sale of additional ((water))  
18 revenue bonds for such purpose in excess of those previously issued.

19 **Sec. 705.** RCW 57.16.040 and 1984 c 186 s 52 are each amended to  
20 read as follows:

21 In the same manner as provided for the adoption of ((the)) an  
22 original general comprehensive plan, a plan providing for additions and  
23 betterments to the original general comprehensive plan may be adopted.  
24 Without limiting its generality "additions and betterments" shall  
25 include any necessary change in, amendment of, or addition to the  
26 general comprehensive plan.

27 The district may incur a general indebtedness payable from annual  
28 tax levies to be made in excess of the constitutional ((and/or  
29 statutory)) tax limitation((s)) for the construction of the additions  
30 and betterments in the same way that general indebtedness may be  
31 incurred for the construction of the original general comprehensive  
32 plan after submission to the voters of the entire district in the  
33 manner the original proposition to incur indebtedness was submitted as  
34 provided in RCW 57.16.020 (as recodified by this act). Upon  
35 ratification the additions and betterments may be carried out by the  
36 commissioners to the extent specified or referred to in the proposition  
37 to incur the general indebtedness.

1 The district may issue revenue bonds to pay for the construction of  
2 the additions and the betterments pursuant to resolution of the board  
3 of ((water)) commissioners.

4 **Sec. 706.** RCW 57.20.020 and 1991 c 347 s 20 are each amended to  
5 read as follows:

6 (1) ~~((Whenever any issue or issues of water revenue bonds have been  
7 authorized in compliance with the provisions of RCW 57.16.010 through  
8 57.16.040, said bonds shall be in bearer form or registered as to  
9 principal or interest or both, as provided in RCW 39.46.030, and may  
10 provide for conversion between registered and coupon bonds; shall be in  
11 such denominations, shall be numbered, shall bear such date, and shall  
12 be payable at such time or times up to a maximum period of not to  
13 exceed thirty years as shall be determined by the board of water  
14 commissioners of the district; shall bear interest at such rate or  
15 rates payable at such time or times as authorized by the board; shall  
16 be payable at the office of the county treasurer of the county in which  
17 the water district is located and may also be payable at such other  
18 place or places as the board of water commissioners may determine;  
19 shall be executed by the president of the board of water commissioners  
20 and attested and sealed by the secretary thereof, one of which  
21 signatures may, with the written permission of the signator whose  
22 facsimile signature is being used, be a facsimile; and may have  
23 facsimile signatures of said president or secretary imprinted on any  
24 interest coupons in lieu of original signatures.))~~

25 The ~~((water district))~~ commissioners shall have power and are  
26 required to create a special fund or funds for the sole purpose of  
27 paying the interest and principal of ~~((such))~~ revenue bonds into which  
28 special fund or funds the ~~((said water district))~~ commissioners shall  
29 obligate and bind the ~~((water))~~ district to set aside and pay a fixed  
30 proportion of the gross revenues of the water supply, sewer, or  
31 drainage system or any fixed amount out of and not exceeding a fixed  
32 proportion of such revenues, or a fixed amount or amounts without  
33 regard to any fixed proportion, and such bonds and the interest thereof  
34 shall be payable only out of such special fund or funds, ~~((but))~~ and  
35 shall be a lien and charge against all revenues and payments received  
36 from any utility local improvement district or districts pledged to  
37 secure such bonds, subject only to operating and maintenance expenses.

1 In creating any such special fund or funds the ~~((water district))~~  
2 commissioners ~~((of such water district))~~ shall have due regard to the  
3 cost of operation and maintenance of the plant or system as constructed  
4 or added to and to any proportion or part of the revenue previously  
5 pledged as a fund for the payment of bonds, warrants, or other  
6 indebtedness, and shall not set aside into such special fund a greater  
7 amount or proportion of the revenue and proceeds than in their judgment  
8 will be available over and above such cost of maintenance and operation  
9 and the amount or proportion, if any, of the revenue so previously  
10 pledged. Any such bonds and interest thereon issued against any such  
11 fund as ~~((herein))~~ provided in this section shall be a valid claim of  
12 the owner thereof only as against the ~~((said))~~ special fund and its  
13 fixed proportion or amount of the revenue pledged to such fund, and  
14 shall not constitute an indebtedness of ~~((such water))~~ the district  
15 within the meaning of the constitutional provisions and limitations.  
16 Each such bond shall state upon its face that it is payable from a  
17 special fund, naming the ~~((said))~~ fund and the resolution creating it.  
18 ~~((Said))~~ Such bonds shall be sold in such manner, at such price, and at  
19 such rate or rates of interest as the ~~((water district))~~ commissioners  
20 shall deem for the best interests of the ~~((water))~~ district, either at  
21 public or private sale, and the ~~((said))~~ commissioners may provide in  
22 any contract for the construction and acquirement of the proposed  
23 improvement (and for the refunding of outstanding local improvement  
24 district obligations, if any) that payment therefor shall be made in  
25 such bonds at par value thereof.

26 When any such special fund shall have been heretofore or shall be  
27 hereafter created and any such bonds shall have been heretofore or  
28 shall hereafter be issued against the same a fixed proportion or a  
29 fixed amount out of and not to exceed such fixed proportion, or a fixed  
30 amount or amounts without regard to any fixed proportion, of revenue  
31 shall be set aside and paid into ~~((said))~~ the special fund as provided  
32 in the resolution creating such fund or authorizing such bonds~~((  
33 and))~~. In case any ~~((water))~~ district shall fail thus to set aside and  
34 pay ~~((said))~~ the fixed proportion or amount ~~((as aforesaid))~~, the owner  
35 of any bond payable from such special fund may bring suit or action  
36 against the ~~((water))~~ district and compel such setting aside and  
37 payment.

38 (2) ~~((Notwithstanding subsection (1) of this section, such bonds  
39 may be issued and sold in accordance with chapter 39.46 RCW.~~

1       ~~(3) The water district commissioners of any water district, in the~~  
2 ~~event that such water revenue bonds are issued, shall provide for~~  
3 ~~revenues by fixing rates and charges for the furnishing of water supply~~  
4 ~~to those receiving such service, such rates and charges to be fixed as~~  
5 ~~deemed necessary by such water district commissioners, so that uniform~~  
6 ~~charges will be made for the same class of customer or service.~~

7       ~~In classifying customers served or service furnished by such water~~  
8 ~~supply system, the board of water commissioners may in its discretion~~  
9 ~~consider any or all of the following factors: The difference in cost~~  
10 ~~of service to the various customers; the location of the various~~  
11 ~~customers within and without the district; the difference in cost of~~  
12 ~~maintenance, operation, repair and replacement of the various parts of~~  
13 ~~the system; the different character of the service furnished various~~  
14 ~~customers; the quantity and quality of the water furnished; the time of~~  
15 ~~its use; the achievement of water conservation goals and the~~  
16 ~~discouragement of wasteful practices; capital contributions made to the~~  
17 ~~system including but not limited to assessments; and any other matters~~  
18 ~~which present a reasonable difference as a ground for distinction.~~  
19 ~~Such rates shall be made on a monthly basis as may be deemed proper by~~  
20 ~~such commissioners and as fixed by resolution and shall produce~~  
21 ~~revenues sufficient to take care of the costs of maintenance and~~  
22 ~~operation, revenue bond and warrant interest and principal amortization~~  
23 ~~requirements and all other charges necessary for efficient and proper~~  
24 ~~operation of the system.))~~ Revenue bonds payable from a special fund  
25 may be issued and sold in accordance with chapter 39.46 RCW.

26       **Sec. 707.** RCW 57.20.023 and 1959 c 108 s 12 are each amended to  
27 read as follows:

28       The board of ((water)) commissioners may make such covenants as it  
29 may deem necessary to secure and guarantee the payment of the principal  
30 of and interest on ((water)) revenue bonds of the district, including  
31 but not being limited to covenants for the establishment and  
32 maintenance of adequate reserves to secure or guarantee the payment of  
33 such principal and interest; the protection and disposition of the  
34 proceeds of sale of such bonds; the use and disposition of the gross  
35 revenues of the water supply system, sewer system, or drainage system  
36 of the district and any additions or betterments thereto or extensions  
37 thereof; the use and disposition of any utility local improvement  
38 district assessments; the creation and maintenance of funds for

1 renewals and replacements of the system; the establishment and  
2 maintenance of rates and charges adequate to pay principal and interest  
3 of such bonds and to maintain adequate coverage over debt service; the  
4 maintenance, operation and management of the system and the accounting,  
5 insuring and auditing of the business in connection therewith; the  
6 terms upon which such bonds or any of them may be redeemed at the  
7 election of the district; limitations upon the right of the district to  
8 dispose of its system or any part thereof; the appointment of trustees,  
9 depositaries and paying agents to receive, hold, disburse, invest and  
10 reinvest all or any part of the proceeds of sale of the bonds and all  
11 or any part of the income, revenue and receipts of the district, and  
12 the ((board of water)) commissioners may make such other covenants as  
13 it may deem necessary to accomplish the most advantageous sale of such  
14 bonds. The board of ((water)) commissioners may also provide that  
15 revenue bonds payable out of the same source or sources may later be  
16 issued on a parity with any revenue bonds being issued and sold.

17 **Sec. 708.** RCW 57.20.025 and 1977 ex.s. c 299 s 8 are each amended  
18 to read as follows:

19 The board of ((water)) commissioners of any ((water)) district may  
20 by resolution provide for the issuance of refunding revenue bonds to  
21 refund outstanding general obligation bonds and/or revenue bonds, or  
22 any part thereof, and/or all outstanding local improvement district  
23 bonds, at maturity thereof, or before maturity thereof if they are  
24 subject to call for prior redemption or all of the holders thereof  
25 consent thereto. The total interest cost to the district over the life  
26 of the refunding bonds shall not exceed the total cost to the district  
27 which the district would have incurred but for such refunding over the  
28 remainder of the life of the bonds to be refunded thereby. The  
29 refunding bonds may be exchanged for the bonds to be refunded thereby,  
30 or may be sold in such manner as the board of ((water)) commissioners  
31 deems to be for the best interest of the district, and the proceeds  
32 used, except as hereinafter provided, exclusively for the purpose of  
33 paying, retiring, and canceling the bonds to be refunded and interest  
34 thereon.

35 All unpaid utility local improvement district assessments payable  
36 into the revenue bond redemption fund established for payment of the  
37 bonds to be refunded shall thereafter when collected be paid into the

1 revenue bond redemption fund established for payment of the refunding  
2 revenue bonds.

3 Whenever local improvement district bonds have been refunded as  
4 provided by RCW 57.16.030 (~~(as now or hereafter amended)~~) (as  
5 recodified by this act), or pursuant to this section, all local  
6 improvement district assessments remaining unpaid shall thereafter when  
7 collected be paid into the revenue bond redemption fund established for  
8 payment of the refunding revenue bonds, and the cash balance, if any,  
9 in the local improvement guaranty fund of the district and the proceeds  
10 received from any other assets owned by such fund shall be used in  
11 whole or in part as a reserve fund for the refunding revenue bonds or  
12 be transferred in whole or in part to any other funds of the district  
13 as the board of (~~water~~) commissioners may determine. (~~In the event~~  
14 ~~that~~) If any warrants are outstanding against the local improvement  
15 guaranty fund of the district at the time of the issuance of such  
16 refunding revenue bonds, (~~said~~) the bonds shall be issued in an  
17 amount sufficient also to fund and pay such outstanding warrants.

18 The provisions of RCW 57.20.020 shall apply to the refunding  
19 revenue bonds issued under this title.

20 **Sec. 709.** RCW 57.20.027 and 1975 1st ex.s. c 25 s 5 are each  
21 amended to read as follows:

22 (~~Water~~) Districts may also issue revenue warrants and revenue  
23 bond anticipation warrants for the same purposes for which such  
24 districts may issue revenue bonds. The provisions of this chapter  
25 relating to the authorization, terms, conditions, covenants, issuance  
26 and sale of revenue bonds (exclusive of provisions relating to  
27 refunding) shall be applicable to such warrants. (~~Water~~) Districts  
28 issuing revenue bond anticipation warrants may make covenants relative  
29 to the issuance of revenue bonds to provide funds for the redemption of  
30 part or all of such warrants and may contract for the sale of such  
31 bonds and warrants.

32 **Sec. 710.** RCW 57.20.030 and 1982 1st ex.s. c 17 s 20 are each  
33 amended to read as follows:

34 Every (~~water~~) district in the state is (~~hereby~~) authorized to  
35 create a fund for the purpose of guaranteeing, to the extent of such  
36 fund, and in the manner hereinafter provided, the payment of all of its  
37 local improvement bonds issued(~~(, subsequent to June 9, 1937,)~~) to pay

1 for any local improvement within its confines. Such fund shall be  
2 designated "Local Improvement Guaranty Fund(~~( )~~) of the ".....Water-  
3 Sewer District," ".....Water District," ".....Sewer District," or  
4 ".....District No. ....," and shall be established by resolution of  
5 the board of (~~water~~) commissioners. For the purpose of maintaining  
6 such fund, every (~~water~~) district, after the establishment thereof,  
7 shall at all times set aside and pay into such a fund such proportion  
8 of the monthly gross revenues of the water supply, sewer, or drainage  
9 system of such (~~water~~) district as the commissioners thereof may  
10 direct by resolution. This proportion may be varied from time to time  
11 as the commissioners deem expedient or necessary(~~( : PROVIDED, HOWEVER,~~  
12 ~~That)~~). However, under the existence of the conditions set forth in  
13 subsections (1) and (2) (~~next hereunder~~) of this section, then the  
14 proportion must be as (~~therein~~) specified(~~(, to wit)~~) in subsections  
15 (1) and (2) of this section:

16 (1) Whenever any bonds of any local improvement district have been  
17 guaranteed under this (~~aet~~) section and RCW 57.20.080 and 57.20.090  
18 and the guaranty fund does not have a cash balance equal to twenty  
19 percent of all bonds originally guaranteed under this (~~aet,~~) section  
20 and RCW 57.20.080 and 57.20.090 (excluding issues which have been  
21 retired in full), then twenty percent of the gross monthly revenues  
22 derived from (~~all~~) water (users), sewer, and drainage systems in  
23 the territory included in (~~said~~) the local improvement district (but  
24 not necessarily from users in other parts of the (~~water~~) district as  
25 a whole) shall be set aside and paid into the guaranty fund(~~( : PROVIDED, HOWEVER,~~  
26 ~~PROVIDED, HOWEVER)~~), except that whenever(~~( )~~) under the requirements  
27 of this subsection, (~~said~~) the cash balance accumulates so that it is  
28 equal to twenty percent of all bonds guaranteed, or to the full amount  
29 of all bonds guaranteed, outstanding and unpaid (which amount might be  
30 less than twenty percent of the original total guaranteed), then no  
31 further money(~~s~~) need be set aside and paid into (~~said~~) the  
32 guaranty fund so long as (~~said~~) the condition shall continue.

33 (2) Whenever any warrants issued against the guaranty fund, as  
34 (~~hereinbelow~~) provided in this section, remain outstanding and  
35 uncalled for lack of funds for six months from the date of issuance  
36 thereof; or whenever any coupons or bonds guaranteed under this (~~aet~~)  
37 section and RCW 57.20.080 and 57.20.090 have been matured for six  
38 months and have not been redeemed either in cash or by issuance and  
39 delivery of warrants upon the guaranty fund, then twenty percent of the



1 gross monthly revenues (or such portion thereof as the commissioners of  
2 the ((water)) district determine will be sufficient to retire ((said))  
3 the warrants or redeem ((said)) the coupons or bonds in the ensuing six  
4 months) derived from all water, sewer, and drainage system users in the  
5 ((water)) district shall be set aside and paid into the guaranty  
6 fund(~~(:—PROVIDED, HOWEVER, That)~~). However, whenever under the  
7 requirements of this subsection all warrants, coupons, or bonds  
8 specified in this subsection ((above)) have been redeemed, no further  
9 income needs to be set aside and paid into ((said)) the guaranty fund  
10 under the requirements of this subsection until and unless other  
11 warrants remain outstanding and unpaid for six months or other coupons  
12 or bonds default.

13 (3) For the purposes of complying with the requirements of setting  
14 aside and paying into the local improvement guaranty fund a proportion  
15 of the monthly gross revenues of the water supply, sewer, or drainage  
16 system of any ((water)) district, as ((hereinabove)) provided in  
17 subsections (1) and (2) of this section, ((said water)) that district  
18 shall bind and obligate itself to maintain and operate ((said)) the  
19 applicable system and further bind and obligate itself to establish,  
20 maintain, and collect such rates for water, sewer, or drainage as will  
21 produce gross revenues sufficient to maintain and operate ((said water  
22 supply)) that system and to make necessary provision for the local  
23 improvement guaranty fund as specified by this section and RCW  
24 57.20.080 and 57.20.090. ((And said water)) The district shall alter  
25 its rates for water, sewer, and drainage service from time to time and  
26 shall vary the same in different portions of its territory to comply  
27 with ((the said)) those requirements.

28 (4) Whenever any coupon or bond guaranteed by this ((act)) section  
29 shall mature and there shall not be sufficient funds in the appropriate  
30 local improvement district bond redemption fund to pay the same, then  
31 the applicable county treasurer shall pay same from the local  
32 improvement guaranty fund of the ((water)) district; if there shall not  
33 be sufficient funds in the ((said)) guaranty fund to pay same, then the  
34 same may be paid by issuance and delivery of a warrant upon the local  
35 improvement guaranty fund.

36 (5) Whenever the cash balance in the local improvement guaranty  
37 fund is insufficient for the required purposes, warrants drawing  
38 interest at a rate determined by the commissioners may be issued by the  
39 applicable county auditor, against the ((said)) fund to meet any

1 liability accrued against it and must be issued upon demand of the  
2 holders of any maturing coupons and/or bonds guaranteed by this  
3 section, or to pay for any certificates of delinquency for delinquent  
4 installments of assessments as provided in subsection (6) of this  
5 section. Guaranty fund warrants shall be a first lien in their order  
6 of issuance upon the gross revenues set aside and paid into ~~((said))~~  
7 that fund.

8 (6) Within twenty days after the date of delinquency of any annual  
9 installment of assessments levied for the purpose of paying the local  
10 improvement bonds of any ~~((water))~~ district guaranteed under the  
11 provisions of this ~~((act))~~ section, it shall be mandatory for the  
12 county treasurer of the county in which the real property is located to  
13 compile a statement of all installments delinquent, together with the  
14 amount of accrued interest and penalty appurtenant to each of ~~((said))~~  
15 the installments. Thereupon the applicable county treasurer shall  
16 forthwith purchase (for the ~~((water))~~ district) certificates of  
17 delinquency for all such delinquent installments. Payment for all such  
18 certificates of delinquency shall be made from the local improvement  
19 guaranty fund and if there shall not be sufficient money~~((s))~~ in  
20 ~~((said))~~ the fund to pay for such certificates of delinquency, the  
21 applicable county treasurer shall accept ~~((said))~~ the local improvement  
22 guaranty fund warrants in payment therefor. All ~~((such))~~ of those  
23 certificates of delinquency shall be issued in the name of the local  
24 improvement guaranty fund and all guaranty fund warrants issued in  
25 payment therefor shall be issued in the name of the appropriate local  
26 improvement district fund. Whenever any market is available and the  
27 commissioners of the ~~((water))~~ district so direct, the applicable  
28 county treasurer shall sell any certificates of delinquency belonging  
29 to the local improvement guaranty fund~~((:—PROVIDED, That))~~. However,  
30 any such sale must not be for less than face value thereof plus accrued  
31 interest from date of issuance to date of sale.

32 ~~((Such))~~ (7) Certificates of delinquency, as ((above)) provided in  
33 subsection (6) of this section, shall be issued by the county treasurer  
34 of the county in which the real property is located, shall bear  
35 interest at the rate of ten percent per annum, shall be in each  
36 instance for the face value of the delinquent installment, plus accrued  
37 interest to date of issuance of certificate of delinquency, plus a  
38 penalty of five percent of such face value, and shall set forth:

39 (a) Description of property assessed;

1 (b) Date installment of assessment became delinquent;

2 (c) Name of owner or reputed owner, if known.

3 ((Such)) The certificates of delinquency may be redeemed by the  
4 owner of the property assessed at any time up to two years from the  
5 date of foreclosure of such certificate of delinquency. If any such  
6 certificate of delinquency ((be)) is not redeemed on the second  
7 occurring first day of January subsequent to its issuance, the county  
8 treasurer who issued the certificate of delinquency shall then proceed  
9 to foreclose such certificate of delinquency in the manner specified  
10 for the foreclosure of the lien of local improvement assessments,  
11 pursuant to chapter 35.50 RCW and if no redemption be made within the  
12 succeeding two years shall execute and deliver a deed conveying fee  
13 simple title to the property described in the foreclosed certificate of  
14 delinquency.

15 **Sec. 711.** RCW 57.20.080 and 1983 c 167 s 165 are each amended to  
16 read as follows:

17 Whenever there shall be paid out of a guaranty fund any sum on  
18 account of principal or interest upon a local improvement bond, or on  
19 account of purchase of certificates of delinquency, the ((water))  
20 district, as trustee for the fund, shall be subrogated to all rights of  
21 the owner of the bonds, or any interest, or delinquent assessment  
22 installments, so paid; and the proceeds thereof, or of the assessment  
23 or assessments underlying the same, shall become a part of the guaranty  
24 fund. There shall also be paid into ((each)) such guaranty fund the  
25 interest received from the bank deposits of the fund, as well as any  
26 surplus remaining in the local improvement funds guaranteed by the  
27 guaranty fund, after the payment of all outstanding bonds payable  
28 primarily out of such local improvement funds. As among the several  
29 issues of bonds guaranteed by the fund, no preference shall exist, but  
30 defaulted bonds and any defaulted interest payments shall be purchased  
31 out of the fund in the order of their presentation.

32 The commissioners of every ((water)) district ((operating under RCW  
33 57.20.030, 57.20.080, and 57.20.090)) that establishes a guaranty fund  
34 shall prescribe, by resolution, appropriate rules and regulations for  
35 the guaranty fund, not inconsistent herewith. So much of the money of  
36 a guaranty fund as is necessary and is not required for other purposes  
37 under this section and RCW 57.20.030((, 57.20.080,)) and 57.20.090 may,  
38 at the discretion of the commissioners of the ((water)) district, be

1 used to purchase property at county tax foreclosure sales or from the  
2 county after foreclosure in cases where such property is subject to  
3 unpaid local improvement assessments securing bonds guaranteed by the  
4 guaranty fund and such purchase is deemed necessary for the purpose of  
5 protecting the guaranty fund. In such cases the (~~said~~) guaranty fund  
6 shall be subrogated to all rights of the (~~water~~) district. After so  
7 acquiring title to real property, the (~~water~~) district may lease or  
8 resell and convey the same in the same manner that county property is  
9 authorized to be leased or resold and for such prices and on such terms  
10 as may be determined by resolution of the board of (~~water~~)  
11 commissioners. Any provision of law to the contrary notwithstanding,  
12 all proceeds resulting from such resales shall belong to and be paid  
13 into the guaranty fund.

14 **Sec. 712.** RCW 57.20.090 and 1983 c 167 s 166 are each amended to  
15 read as follows:

16 The owner of any local improvement bonds guaranteed under the  
17 provisions of this section and RCW 57.20.030(~~(7)~~) and 57.20.080(~~(7 and~~  
18 ~~57.20.090)~~) shall not have any claim therefor against the (~~water~~)  
19 district by which the same is issued, except for payment from the  
20 special assessments made for the improvement for which (~~said~~) the  
21 local improvement bonds were issued, and except as against the local  
22 improvement guaranty fund of (~~said water~~) the district; and the  
23 (~~water~~) district shall not be liable to any owner of such local  
24 improvement bond for any loss to the guaranty fund occurring in the  
25 lawful operation thereof by the (~~water~~) district. The remedy of the  
26 owner of a local improvement bond, in case of nonpayment, shall be  
27 confined to the enforcement of the assessment and to the guaranty fund.  
28 A copy of the foregoing part of this section shall be plainly written,  
29 printed or engraved on each local improvement bond guaranteed by this  
30 section and RCW 57.20.030(~~(7)~~) and 57.20.080(~~(7 and 57.20.090)~~). The  
31 establishment of a local improvement guaranty fund by any (~~water~~)  
32 district shall not be deemed at variance from any comprehensive plan  
33 heretofore adopted by (~~such water~~) that district.

34 (~~In the event~~) If any local improvement guaranty fund hereunder  
35 authorized at any time has a balance therein in cash, and the  
36 obligations guaranteed thereby have all been paid off, then such  
37 balance shall be transferred to the maintenance fund of the (~~water~~)  
38 district.

1       **Sec. 713.** RCW 57.20.110 and 1970 ex.s. c 42 s 35 are each amended  
2 to read as follows:

3       ~~((Each and every water district that may hereafter be organized~~  
4 ~~pursuant to this act is hereby))~~ A district is authorized and empowered  
5 by and through its board of ~~((water))~~ commissioners to contract  
6 indebtedness for ~~((water))~~ its purposes, and the maintenance thereof  
7 not exceeding one-half of one percent of the value of the taxable  
8 property in ~~((such water))~~ the district, as the term "value of the  
9 taxable property" is defined in RCW 39.36.015.

10       **Sec. 714.** RCW 57.20.120 and 1984 c 186 s 55 are each amended to  
11 read as follows:

12       ~~((Each and every water district hereafter to be organized pursuant~~  
13 ~~to this title,))~~ A district may contract indebtedness in excess of the  
14 amount named in RCW 57.20.110, but not exceeding in amount, together  
15 with existing indebtedness, two and one-half percent of the value of  
16 the taxable property in ~~((said))~~ that district, as the term "value of  
17 the taxable property" is defined in RCW 39.36.015, and impose excess  
18 property tax levies to retire the indebtedness whenever three-fifths of  
19 the voters voting at ~~((said))~~ the election in such ~~((water))~~ district  
20 assent thereto, at which election the total number of persons voting on  
21 the proposition shall constitute not less than forty percent of the  
22 total number of votes cast in the ~~((water))~~ district at the last  
23 preceding general election, at an election to be held in ~~((said water))~~  
24 the district in the manner provided by this title and RCW 39.36.050(~~(÷~~  
25 ~~PROVIDED, That all bonds so to be issued shall be subject to the~~  
26 ~~provisions regarding bonds as set out in RCW 57.20.010))~~).

27       **Sec. 715.** RCW 57.20.130 and 1983 c 167 s 167 are each amended to  
28 read as follows:

29       Any coupons for the payment of interest on ~~((said))~~ bonds of any  
30 district shall be considered for all purposes as warrants drawn upon  
31 the general fund of the ~~((said water))~~ district issuing such bonds, and  
32 when presented to the treasurer of the county having custody of the  
33 funds of such ~~((water))~~ district at maturity, or thereafter, and when  
34 so presented, if there are not funds in the treasury to pay the  
35 ~~((said))~~ coupons, it shall be the duty of the county treasurer to  
36 endorse ~~((said))~~ the coupons as presented for payment, in the same  
37 manner as county warrants are indorsed, and thereafter ~~((said))~~ the

1 coupons shall bear interest at the same rate as the bonds to which ((it  
2 was)) they were attached. When there are no funds in the treasury to  
3 make interest payments on bonds not having coupons, the overdue  
4 interest payment shall continue bearing interest at the bond rate until  
5 it is paid, unless otherwise provided in the proceedings authorizing  
6 the sale of the bonds.

7 **Sec. 716.** RCW 57.20.135 and 1988 c 162 s 11 are each amended to  
8 read as follows:

9 Upon obtaining the approval of the county treasurer, the board of  
10 commissioners of a ((water)) district with more than twenty-five  
11 hundred water customers or sewer customers may designate by resolution  
12 some other person having experience in financial or fiscal matters as  
13 the treasurer of the district. Such a treasurer shall possess all of  
14 the powers, responsibilities, and duties of, and shall be subject to  
15 the same restrictions as provided by law for, the county treasurer with  
16 regard to a ((water)) district, and the county auditor with regard to  
17 ((water)) district financial matters. Such treasurer shall be bonded  
18 for not less than twenty-five thousand dollars. Approval by the county  
19 treasurer authorizing such a ((water)) district to designate its  
20 treasurer shall not be arbitrarily or capriciously withheld.

21 **Sec. 717.** RCW 57.20.140 and 1983 c 57 s 3 are each amended to read  
22 as follows:

23 ((Unless the board of commissioners of a water district designates  
24 a treasurer under RCW 57.20.135, the county)) The treasurer designated  
25 under RCW 57.20.135 shall create and maintain a separate fund  
26 designated as the maintenance fund or general fund of the district into  
27 which shall be paid all money received by ((him)) the treasurer from  
28 the collection of taxes other than taxes levied for the payment of  
29 general obligation bonds of the district and all revenues of the  
30 district other than assessments levied in local improvement districts  
31 or utility local improvement districts, and no money shall be disbursed  
32 therefrom except upon warrants of the county auditor issued by  
33 authority of the commissioners or upon a resolution of the  
34 commissioners ordering a transfer to any other fund of the district.  
35 The ((county)) treasurer also shall ((also)) maintain such other  
36 special funds as may be prescribed by the ((water)) district, into  
37 which shall be placed such money((s)) as the board of ((water))

1 commissioners may by its resolution direct, and from which  
2 disbursements shall be made upon proper warrants of the county auditor  
3 issued against the same by authority of the board of ((water))  
4 commissioners.

5 **Sec. 718.** RCW 57.20.150 and 1959 c 108 s 15 are each amended to  
6 read as follows:

7 Whenever a ((water)) district has accumulated money((s)) in the  
8 maintenance fund or general fund of the district in excess of the  
9 requirements of ((such)) that fund, the board of ((water))  
10 commissioners may in its discretion use any of ((such)) that surplus  
11 money((s)) for any of the following purposes: (1) Redemption or  
12 servicing of outstanding obligations of the district(( )); (2)  
13 maintenance expenses of the district(( )); (3) construction or  
14 acquisition of any facilities necessary to carry out the purposes  
15 of the district; or (4) any other proper district purpose.

16 **Sec. 719.** RCW 57.20.160 and 1986 c 294 s 13 are each amended to  
17 read as follows:

18 Whenever there shall have accumulated in any general or special  
19 fund of a ((water)) district money((s)), the disbursement of which is  
20 not yet due, the board of ((water)) commissioners may, by resolution,  
21 authorize the ((county)) treasurer to deposit or invest such money((s))  
22 in qualified public depositories, or to invest such money((s)) in any  
23 investment permitted at any time by RCW 36.29.020(~~(:—PROVIDED, That)~~).  
24 However, the county treasurer may refuse to invest any district  
25 money((s)) the disbursement of which will be required during the period  
26 of investment to meet outstanding obligations of the district.

27 **Sec. 720.** RCW 57.20.165 and 1981 c 24 s 2 are each amended to read  
28 as follows:

29 ((Water)) District money((s)) shall be deposited by the district in  
30 ((an)) any account, which may be interest-bearing, subject to such  
31 requirements and conditions as may be prescribed by the state auditor.  
32 The account shall be in the name of the district except(( )) upon  
33 request by the treasurer, the accounts shall be in the name of the  
34 ".....(name of county)..... county treasurer." The treasurer may  
35 instruct the financial institutions holding the deposits to transfer  
36 them to the treasurer at such times as the treasurer may deem

1 appropriate, consistent with regulations governing and policies of the  
2 financial institution.

3 **Sec. 721.** RCW 57.20.170 and 1959 c 108 s 17 are each amended to  
4 read as follows:

5 The board of ((water)) commissioners of any ((water)) district may,  
6 by resolution, authorize and direct a loan or loans from maintenance  
7 funds or general funds of the district to construction funds or other  
8 funds of the district(~~(:—PROVIDED, That such)~~), so long as that loan  
9 ((does)) or loans do not, in the opinion of the board of ((water))  
10 commissioners, impair the ability of the district to operate and  
11 maintain its water supply, sewer, drainage, or street lighting systems.

12 **PART VIII - WATER AND SEWER SYSTEM EXTENSIONS**

13 **Sec. 801.** RCW 57.22.010 and 1989 c 389 s 11 are each amended to  
14 read as follows:

15 If the ((water)) district approves an extension to the ((water))  
16 system, the district shall contract with owners of real estate located  
17 within the district boundaries, at an owner's request, for the purpose  
18 of permitting extensions to the district's ((water)) system to be  
19 constructed by such owner at such owner's sole cost where such  
20 extensions are required as a prerequisite to further property  
21 development. The contract shall contain such conditions as the  
22 district may require pursuant to the district's adopted policies and  
23 standards. The district shall request comprehensive plan approval for  
24 such extension, if required, and connection of the extension to the  
25 district system is conditioned upon:

26 (1) Construction of such extension according to plans and  
27 specifications approved by the district;

28 (2) Inspection and approval of such extension by the district;

29 (3) Transfer to the district of such extension without cost to the  
30 district upon acceptance by the district of such extension;

31 (4) Payment of all required connection charges to the district;

32 (5) Full compliance with the owner's obligations under such  
33 contract and with the district's rules and regulations;

34 (6) Provision of sufficient security to the district to ensure  
35 completion of the extension and other performance under the contract;



1 (7) Payment by the owner to the district of all of the district's  
2 costs associated with such extension including, but not limited to, the  
3 district's engineering, legal, and administrative costs; and

4 (8) Verification and approval of all contracts and costs related to  
5 such extension.

6 **Sec. 802.** RCW 57.22.020 and 1989 c 389 s 12 are each amended to  
7 read as follows:

8 The contract shall also provide, subject to the terms and  
9 conditions in this section, for the reimbursement to the owner or the  
10 owner's assigns for a period not to exceed fifteen years of a portion  
11 of the costs of the ((water)) facilities constructed pursuant to such  
12 contract from connection charges received by the district from other  
13 property owners who subsequently connect to or use the ((water))  
14 facilities within the fifteen-year period and who did not contribute to  
15 the original cost of such ((water)) facilities.

16 **Sec. 803.** RCW 57.22.030 and 1989 c 389 s 13 are each amended to  
17 read as follows:

18 The reimbursement shall be a pro rata share of construction and  
19 ((reimbursement of)) contract administration costs of the ((water))  
20 project. Reimbursement for ((water)) projects shall include, but not  
21 be limited to, design, engineering, installation, and restoration.

22 **Sec. 804.** RCW 57.22.040 and 1989 c 389 s 14 are each amended to  
23 read as follows:

24 The procedures for reimbursement contracts shall be governed by the  
25 following:

26 (1) A reimbursement area shall be formulated by the board of  
27 commissioners within a reasonable time after the acceptance of the  
28 extension. The reimbursement shall be based upon a determination by  
29 the board of commissioners of which parcels would require similar  
30 ((water)) improvements upon development.

31 (2) The contract must be recorded in the appropriate county  
32 auditor's office after the final execution of the agreement.

33 **Sec. 805.** RCW 57.22.050 and 1989 c 389 s 15 are each amended to  
34 read as follows:

1 As an alternative to financing projects under this chapter solely  
2 by owners of real estate, (~~(a water)~~) districts may join in the  
3 financing of improvement projects and may be reimbursed in the same  
4 manner as the owners of real estate who participate in the projects, if  
5 the (~~(water district)~~) board of commissioners has specified the  
6 conditions of its participation in a resolution.

7 **PART IX - ANNEXATION OF TERRITORY**

8 **Sec. 901.** RCW 57.24.001 and 1989 c 84 s 58 are each amended to  
9 read as follows:

10 Actions taken under this chapter (~~(57.24 RCW)~~) may be subject to  
11 potential review by a boundary review board under chapter 36.93 RCW.

12 **Sec. 902.** RCW 57.24.010 and 1990 c 259 s 31 are each amended to  
13 read as follows:

14 Territory within the county or counties in which a district is  
15 located, or territory adjoining or in close proximity to a district but  
16 which is located in another county, may be annexed to and become a part  
17 of the district. All annexations shall be accomplished in the  
18 following manner: Ten percent of the number of registered voters  
19 residing in the territory proposed to be annexed who voted in the last  
20 (~~(general)~~) municipal general election may file a petition with the  
21 district commissioners and cause the question to be submitted to the  
22 voters of the territory whether such territory will be annexed and  
23 become a part of the district. If the commissioners concur in the  
24 petition, they shall file it with the county auditor of (~~(each)~~) the  
25 county in which all or the largest geographic portion of the real  
26 property proposed to be annexed is located, who shall, within ten days,  
27 examine (~~(and validate)~~) the signatures thereon and certify to the  
28 sufficiency or insufficiency thereof (~~(; and for such purpose the county~~  
29 auditor shall have access to all registration books in the possession  
30 of the officers of any city or town in the proposed district)). If the  
31 area proposed to be annexed is located in more than one county, the  
32 auditor of the county in which the largest geographic portion of the  
33 area proposed to be annexed is located shall be the lead auditor and  
34 shall immediately transfer a copy of the petitions to the auditor of  
35 each other county in which the area proposed to be annexed is located.  
36 Within ten days after the lead auditor received the petition, the

1 auditors of these other counties shall certify to the lead auditor:  
2 (1) The number of voters of that county residing in the area proposed  
3 to be annexed who voted at the last municipal general election; and (2)  
4 the number of valid signatures on the petition of voters of that county  
5 residing in the area proposed to be annexed. The lead auditor shall  
6 certify the sufficiency of the petition after receiving this  
7 information. If the petition contains a sufficient number of valid  
8 signatures, the lead county auditor ((of the county in which the real  
9 property proposed to be annexed is located)) shall transmit it,  
10 together with a certificate of sufficiency attached thereto, to the  
11 ((water)) commissioners of the district.

12 If there are no registered voters residing in the territory to be  
13 annexed, the petition may be signed by such a number as appear of  
14 record to own at least a majority of the acreage in the territory, and  
15 the petition shall disclose the total number of acres of land in the  
16 territory and the names of all record owners of land therein. If the  
17 commissioners are satisfied as to the sufficiency of the petition and  
18 concur therein, they shall send it, together with their certificate of  
19 concurrence attached thereto to the county legislative authority of  
20 each county in which the territory proposed to be annexed is located.

21 The county legislative authority, upon receipt of a petition  
22 certified to contain a sufficient number of signatures of registered  
23 voters, or upon receipt of a petition signed by such a number as own at  
24 least a majority of the acreage, together with a certificate of  
25 concurrence signed by the ((water)) commissioners, at a regular or  
26 special meeting shall cause to be published once a week for at least  
27 two weeks in a newspaper in general circulation throughout the  
28 territory proposed to be annexed a notice that the petition has been  
29 filed, stating the time of the meeting at which it shall be presented,  
30 and setting forth the boundaries of the territory proposed to be  
31 annexed.

32 **Sec. 903.** RCW 57.24.020 and 1982 1st ex.s. c 17 s 22 are each  
33 amended to read as follows:

34 When such petition is presented for hearing, the legislative  
35 authority of each county in which the territory proposed to be annexed  
36 is located shall hear the petition or may adjourn the hearing from time  
37 to time not exceeding one month in all, and any person, firm, or  
38 corporation may appear before the county legislative authority and make

1 objections to the proposed boundary lines or to annexation of the  
2 territory described in the petition. Upon a final hearing each county  
3 legislative authority shall make such changes in the proposed boundary  
4 lines within the county as ((they)) it deems to be proper and shall  
5 establish and define such boundaries and shall find whether the  
6 proposed annexation as established by the county legislative authority  
7 to the ((water)) district will be conducive to the public health,  
8 welfare and convenience and will be of special benefit to the land  
9 included within the boundaries of the territory proposed to be annexed  
10 to the ((~~water district of the territory proposed to be annexed to the~~  
11 ~~water~~)) district. No lands which will not, in the judgment of the  
12 county legislative authority, be benefited by inclusion therein, shall  
13 be included within the boundaries of the territory as so established  
14 and defined. No change shall be made by the county legislative  
15 authority in the boundary lines, including any territory outside of the  
16 boundary lines described in the petition. No person having signed such  
17 petition shall be allowed to withdraw ((his)) such person's name  
18 therefrom after the filing of the petition with the board of ((water))  
19 commissioners.

20       Upon the entry of the findings of the final hearing each county  
21 legislative authority, if ((they)) it finds the proposed annexation to  
22 be conducive to the public health, welfare, and convenience and to be  
23 of special benefit to the land proposed to be annexed and included  
24 within the boundaries of the district, shall give notice of a special  
25 election to be held within the boundaries of the territory proposed to  
26 be annexed to the ((water)) district for the purpose of determining  
27 whether the same shall be annexed to the ((water)) district. The  
28 notice shall particularly describe the boundaries established by the  
29 county legislative authority, and shall state the name of the ((water))  
30 district to which the territory is proposed to be annexed, and the  
31 notice shall be published in a newspaper of general circulation in the  
32 territory proposed to be annexed at least once a week for a minimum of  
33 two successive weeks prior to the election and shall be posted for the  
34 same period in at least four public places within the boundaries of the  
35 territory proposed to be annexed, which notice shall designate the  
36 places within the territory proposed to be annexed where the election  
37 shall be held, and the proposition to the voters shall be expressed on  
38 ballots which contain the words:

1 For Annexation to ((Water)) District  
2 or  
3 Against Annexation to ((Water)) District

4 The county legislative authority shall name the persons to act as  
5 judges at ((such)) that election.

6 **Sec. 904.** RCW 57.24.040 and 1929 c 114 s 16 are each amended to  
7 read as follows:

8 The ((said)) annexation election shall be held on the date  
9 designated in ((such)) the notice and shall be conducted in accordance  
10 with the general election laws of the state. ((In the event)) If the  
11 original petition for annexation is signed by qualified ((electors))  
12 voters, then only qualified ((electors,)) voters at the date of  
13 election((,)) residing in the territory proposed to be annexed, shall  
14 be permitted to vote at the ((said)) election. ((In the event))

15 If the original petition for annexation is signed by property  
16 owners as provided for in this ((act)) chapter, then no person shall be  
17 entitled to vote at ((such)) that election unless at the time of the  
18 filing of the original petition he or she owned land in the district of  
19 record and in addition thereto at the date of election shall be a  
20 qualified ((elector)) voter of the county in which such district is  
21 located. It shall be the duty of the county auditor, upon request of  
22 the county ((commissioners)) legislative authority, to certify ((to the  
23 election officers of any such election,)) the names of all persons  
24 owning land in the district at the date of the filing of the original  
25 petition as shown by the records of ((his)) the auditor's office; and  
26 at any such election the ((election officers)) county auditor may  
27 require any such ((landowner)) property owner offering to vote to take  
28 an oath that ((he)) the property owner is a qualified ((elector)) voter  
29 of the county before ((he)) the property owner shall be allowed to  
30 vote((+ PROVIDED, That)). However, at any election held under the  
31 provisions of this ((act)) chapter an officer or agent of any  
32 corporation having its principal place of business in ((said)) the  
33 county and owning land at the date of filing the original petition in  
34 the district duly authorized ((thereto)) in writing may cast a vote on  
35 behalf of such corporation. When so voting ((he)) the person shall  
36 file with the ((election officers)) county auditor such a written  
37 instrument of ((his)) that person's authority. ((The judge or judges  
38 at such election shall make return thereof to the board of water

1 commissioners, who shall canvass such return and cause a statement of  
2 the result of such election to be entered on the record of such  
3 commissioners.))

4 If the majority of the votes cast upon the question of such  
5 election shall be for annexation, then ((such)) the territory concerned  
6 shall immediately be and become annexed to such ((water)) district and  
7 the same shall then forthwith be a part of the ((said water)) district,  
8 the same as though originally included in ((such)) that district.

9 **Sec. 905.** RCW 57.24.050 and 1929 c 114 s 17 are each amended to  
10 read as follows:

11 All elections held pursuant to this ((act)) chapter, whether  
12 general or special, shall be conducted by the county election board of  
13 the county in which the district is located. The expense of all such  
14 elections shall be paid for out of the funds of such ((water))  
15 district.

16 **Sec. 906.** RCW 57.24.070 and 1985 c 141 s 8 are each amended to  
17 read as follows:

18 As an alternative method of annexation, a petition for annexation  
19 of an area contiguous to a ((water)) district may be made in writing,  
20 addressed to and filed with the board of commissioners of the district  
21 to which annexation is desired. It must be signed by the owners,  
22 according to the records of the county auditor, of not less than sixty  
23 percent of the area of land for which annexation is petitioned,  
24 excluding county and state rights of way, parks, tidelands, lakes,  
25 retention ponds, and stream and water courses. Additionally, the  
26 petition shall set forth a description of the property according to  
27 government legal subdivisions or legal plats, and shall be accompanied  
28 by a plat which outlines the boundaries of the property sought to be  
29 annexed. ((Such)) Those county and state properties shall be excluded  
30 from local improvement districts or utility local improvement districts  
31 in the annexed area and from special assessments, rates, or charges of  
32 the district except where service has been regulated and provided to  
33 such properties. The owners of such property shall be invited to be  
34 included within local improvement districts or utility local  
35 improvement districts at the time they are proposed for formation.

1       **Sec. 907.** RCW 57.24.090 and 1953 c 251 s 20 are each amended to  
2 read as follows:

3       Following the hearing the board of commissioners shall determine by  
4 resolution whether annexation shall be made. It may annex all or any  
5 portion of the proposed area but may not include in the annexation any  
6 property not described in the petition. Upon passage of the resolution  
7 a certified copy shall be filed with the (~~board of county~~  
8 ~~commissioners~~) legislative authority of the county in which the  
9 annexed property is located.

10       **Sec. 908.** RCW 57.24.170 and 1982 c 146 s 4 are each amended to  
11 read as follows:

12       When there is, within a (~~water~~) district, unincorporated  
13 territory containing less than one hundred acres and having at least  
14 eighty percent of the boundaries of such area contiguous to the  
15 (~~water~~) district, the board of commissioners may resolve to annex  
16 (~~such~~) that territory to the (~~water~~) district. The resolution  
17 shall describe the boundaries of the area to be annexed, state the  
18 number of voters residing therein as nearly as may be, and set a date  
19 for a public hearing on such resolution for annexation. Notice of the  
20 hearing shall be given by publication of the resolution at least once  
21 a week for two weeks prior to the date of the hearing, in one or more  
22 newspapers of general circulation within the (~~water~~) district and one  
23 or more newspapers of general circulation within the area to be  
24 annexed.

25       **Sec. 909.** RCW 57.24.180 and 1982 c 146 s 5 are each amended to  
26 read as follows:

27       On the date set for hearing under RCW 57.24.170, residents or  
28 property owners of the area included in the resolution for annexation  
29 shall be afforded an opportunity to be heard. The board of  
30 commissioners may provide by resolution for annexation of the territory  
31 described in the resolution, but the effective date of the resolution  
32 shall be not less than forty-five days after the passage thereof. The  
33 board of commissioners shall cause notice of the proposed effective  
34 date of the annexation, together with a description of the property to  
35 be annexed, to be published at least once each week for two weeks  
36 subsequent to passage of the resolution, in one or more newspapers of  
37 general circulation within the (~~water~~) district and in one or more

1 newspapers of general circulation within the area to be annexed. Upon  
2 the filing of a timely and sufficient referendum petition under RCW  
3 57.24.190, a referendum election shall be held under RCW 57.24.190, and  
4 the annexation shall be deemed approved by the voters unless a majority  
5 of the votes cast on the proposition are in opposition thereto. After  
6 the expiration of the forty-fifth day from(~~(7)~~) but excluding the date  
7 of passage of the annexation resolution, if no timely and sufficient  
8 referendum petition has been filed, under RCW 57.24.190, the area  
9 annexed shall become a part of the (~~(water)~~) district upon the date  
10 fixed in the resolution of annexation.

11 **Sec. 910.** RCW 57.24.190 and 1990 c 259 s 32 are each amended to  
12 read as follows:

13 (~~(Such)~~) The annexation resolution under RCW 57.24.180 shall be  
14 subject to referendum for forty-five days after the passage thereof.  
15 Upon the filing of a timely and sufficient referendum petition with the  
16 board of commissioners, signed by registered voters in number equal to  
17 not less than ten percent of the registered voters in the area to be  
18 annexed who voted in the last (~~(general)~~) municipal general election,  
19 the question of annexation shall be submitted to the voters of such  
20 area in a general election if one is to be held within ninety days or  
21 at a special election called for that purpose by the board of  
22 commissioners in accordance with RCW 29.13.010 and 29.13.020. Notice  
23 of (~~(such)~~) that election shall be given under RCW 57.24.020 and the  
24 election shall be conducted under RCW 57.24.040. The annexation shall  
25 be deemed approved by the voters unless a majority of the votes cast on  
26 the proposition are in opposition thereto.

27 After the expiration of the forty-fifth day from but excluding the  
28 date of passage of the annexation resolution, if no timely and  
29 sufficient referendum petition has been filed, the area annexed shall  
30 become a part of the (~~(water)~~) district upon the date fixed in the  
31 resolution of annexation upon transmitting the resolution to the county  
32 legislative authority.

33 **Sec. 911.** RCW 57.24.200 and 1986 c 258 s 2 are each amended to  
34 read as follows:

35 (~~(Water)~~) A district(~~(s)~~) may expend funds to inform residents in  
36 areas proposed for annexation into the district of the following:

37 (1) Technical information and data;



1 (2) The fiscal impact of the proposed improvement; and  
2 (3) The types of improvements planned.  
3 Expenditures under this section shall be limited to research,  
4 preparation, printing, and mailing of the information.

5 **Sec. 912.** RCW 57.24.210 and 1995 c 279 s 2 are each amended to  
6 read as follows:

7 When there is unincorporated territory containing less than one  
8 hundred acres and having at least eighty percent of the boundaries of  
9 such area contiguous to two municipal corporations providing water  
10 service, one of which is (~~either a water or sewer~~) a water-sewer  
11 district, the legislative authority of either of the contiguous  
12 municipal corporations may resolve to annex such territory to that  
13 municipal corporation, provided a majority of the legislative authority  
14 of the other contiguous municipal corporation concurs. In such event,  
15 the municipal corporation resolving to annex such territory may proceed  
16 to effect the annexation by complying with RCW 57.24.170 through  
17 57.24.190. For purposes of this section, "municipal corporation" means  
18 a (~~water district, sewer~~) water-sewer district, city, or town.

19 **Sec. 913.** RCW 57.24.220 and 1994 c 292 s 8 are each amended to  
20 read as follows:

21 A (~~water~~) district assuming responsibility for a water system  
22 that is not in compliance with state or federal requirements for public  
23 drinking water systems, and its agents and employees, are immune from  
24 lawsuits or causes of action, based on noncompliance with state or  
25 federal requirements for public drinking water systems, which predate  
26 the date of assuming responsibility and continue after the date of  
27 assuming responsibility, provided that the (~~water~~) district has  
28 submitted and is complying with a plan and schedule of improvements  
29 approved by the department of health. This immunity shall expire on  
30 the earlier of the date the plan of improvements is completed or four  
31 years from the date of assuming responsibility. This immunity does not  
32 apply to intentional injuries, fraud, or bad faith.

33 **PART X - WITHDRAWAL OF TERRITORY**

34 **Sec. 1001.** RCW 57.28.001 and 1989 c 84 s 59 are each amended to  
35 read as follows:

1        Actions taken under this chapter ((57.28 RCW)) may be subject to  
2 potential review by a boundary review board under chapter 36.93 RCW.

3        **Sec. 1002.** RCW 57.28.010 and 1941 c 55 s 1 are each amended to  
4 read as follows:

5        Territory within ((an established water)) a district ((for public  
6 supply systems)) may be withdrawn therefrom in the following manner and  
7 upon the following conditions: The petition for withdrawal shall be in  
8 writing and shall designate the boundaries of the territory proposed to  
9 be withdrawn from the district and shall be signed by at least twenty-  
10 five percent of the qualified ((electors)) voters residing within the  
11 territory so designated who are qualified ((electors)) voters on the  
12 date of filing such petition. The petition shall set forth that the  
13 territory proposed to be withdrawn is of such location or character  
14 that water and sewer services cannot be furnished to it by ((such  
15 water)) the district at reasonable cost, and shall further set forth  
16 that the withdrawal of such territory will be of benefit to such  
17 territory and conducive to the general welfare of the balance of the  
18 district.

19        **Sec. 1003.** RCW 57.28.020 and 1982 1st ex.s. c 17 s 23 are each  
20 amended to read as follows:

21        The petition for withdrawal shall be filed with the county  
22 ((election officer)) auditor of each county in which the ((water))  
23 district is located, and after the filing no person having signed the  
24 petition shall be allowed to withdraw ((his)) the person's name  
25 therefrom. Within ten days after such filing, each county ((election  
26 officer)) auditor shall examine and verify the signatures of signers  
27 residing in the respective county. ((For such purpose the county  
28 election officer shall have access to all appropriate registration  
29 books in the possession of the election officers of any incorporated  
30 city or town within the water district.)) The petition shall be  
31 transmitted to the ((election officer)) auditor of the county in which  
32 ((the largest land area)) all or the major geographic portion of the  
33 district is located, who shall certify to the sufficiency or  
34 insufficiency of the signatures. If the area proposed to be withdrawn  
35 is located in more than one county, the auditor of the county in which  
36 the largest geographic portion of the area proposed to be withdrawn is  
37 located shall be the lead auditor and shall immediately transfer a copy

1 of the petitions to the auditor of each other county in which the area  
2 proposed to be withdrawn is located. Within ten days after the lead  
3 auditor received the petition, the auditors of these other counties  
4 shall certify to the lead auditor: (1) The number of voters of that  
5 county residing in the area proposed to be withdrawn who voted at the  
6 last municipal general election; and (2) the number of valid signatures  
7 on the petition of voters of that county residing in the area proposed  
8 to be withdrawn. The lead auditor shall certify the sufficiency of the  
9 petition after receiving this information. If such petition be found  
10 by such county ((election officer)) auditor to contain sufficient  
11 signatures, the petition, together with a certificate of sufficiency  
12 attached thereto, shall be transmitted to the board of commissioners of  
13 the ((water)) district.

14 **Sec. 1004.** RCW 57.28.030 and 1941 c 55 s 3 are each amended to  
15 read as follows:

16 In the event there are no qualified ((electors)) voters residing  
17 within the territory proposed to be withdrawn, ((then)) the petition  
18 for withdrawal may be signed by such persons as appear of record to own  
19 at least a majority of the acreage within such territory, in which  
20 event the petition shall also state the total number of acres and the  
21 names of all record owners of the land within such territory. The  
22 petition so signed shall be filed with the board of commissioners of  
23 the ((water)) district, and after such filing no person having signed  
24 the same shall be allowed to withdraw ((his)) that person's name.

25 **Sec. 1005.** RCW 57.28.035 and 1985 c 153 s 1 are each amended to  
26 read as follows:

27 As an alternative procedure to those set forth in RCW 57.28.010  
28 through 57.28.030, the withdrawal of territory within a ((water))  
29 district may be commenced by a resolution of the board of commissioners  
30 that sets forth boundaries of the territory to be withdrawn and sets a  
31 date for the public hearing required under RCW 57.28.050. Upon the  
32 final hearing, the board of commissioners shall make such changes in  
33 the proposed boundaries as they deem proper, except that no changes in  
34 the boundary lines may be made by the board of commissioners to include  
35 lands not within the boundaries of the territory as described in such  
36 resolution.

1 Whenever the board of commissioners proposes to commence the  
2 withdrawal of any portion of (~~their~~) its territory located within a  
3 city or town using the alternative procedures herein authorized,  
4 (~~they~~) it shall first notify such city or town of their intent to  
5 withdraw (~~said~~) the territory. If the legislative authority of the  
6 city or town takes no action within sixty days of receipt of  
7 notification, the district may proceed with the resolution method.

8 If the city or town legislative authority disapproves of use of the  
9 alternative procedures, the board of commissioners may proceed using  
10 the process established (~~pursuant to~~) under RCW 57.28.010 through  
11 57.28.030.

12 A withdrawal procedure commenced under this section shall be  
13 subject to the procedures and requirements set forth in RCW 57.28.040  
14 through 57.28.110.

15 **Sec. 1006.** RCW 57.28.040 and 1985 c 469 s 59 are each amended to  
16 read as follows:

17 Upon receipt by the board of commissioners of a petition and  
18 certificate of sufficiency of the auditor, or if the petition is signed  
19 by landowners and the board of commissioners (~~are~~) is satisfied as to  
20 the sufficiency of the signatures thereon, (~~they~~) it shall at a  
21 regular or special meeting fix a date for hearing on the petition and  
22 give notice that the petition has been filed, stating the time and  
23 place of the meeting of the board of commissioners at which the  
24 petition will be heard and setting forth the boundaries of the  
25 territory proposed to be withdrawn. The notice shall be published at  
26 least once a week for two successive weeks in a newspaper of general  
27 circulation therein, and if no such newspaper is printed in the county,  
28 then in some newspaper of general circulation in the county and  
29 district. Any additional notice of the hearing may be given as the  
30 board of commissioners may by resolution direct.

31 Prior to fixing the time for a hearing on any such petition, the  
32 board of commissioners in (~~their~~) its discretion may require the  
33 petitioners to furnish a satisfactory bond conditioned that the  
34 petitioners shall pay all costs incurred by the (~~water~~) district in  
35 connection with the petition, including the cost of an election if one  
36 is held pursuant thereto, and should the petitioners fail or refuse to  
37 post such a bond, if one is required by the (~~water~~) district board of

1 commissioners, then there shall be no duty on the part of the board of  
2 commissioners to act upon the petition.

3 **Sec. 1007.** RCW 57.28.050 and 1986 c 109 s 1 are each amended to  
4 read as follows:

5 The petition for withdrawal shall be heard at the time and place  
6 specified in such notice or the hearing may be adjourned from time to  
7 time, not exceeding one month in all, and any person may appear at such  
8 hearing and make objections to the withdrawal of such territory or to  
9 the proposed boundary lines thereof. Upon final hearing on the  
10 petition for withdrawal, the board of commissioners of the ((water))  
11 district shall make such changes in the proposed boundary lines as  
12 ((they)) it deems to be proper, except that no changes in the boundary  
13 lines shall be made by the board of commissioners to include lands not  
14 within the boundaries of the territory as described in such petition.  
15 In establishing and defining such boundaries the board of commissioners  
16 shall exclude any property which is then being furnished with water or  
17 sewer service by the ((water)) district or which is included in any  
18 distribution or collection system the construction of ((which has been  
19 duly authorized or)) which is included within any duly established  
20 local improvement district or utility local improvement district, and  
21 the territory as finally established and defined must be substantial in  
22 area and consist of adjoining or contiguous properties. The board of  
23 commissioners shall thereupon make and by resolution adopt findings of  
24 fact as to the following questions:

25 (1) Would the withdrawal of such territory be of benefit to such  
26 territory?

27 (2) Would such withdrawal be conducive to the general welfare of  
28 the balance of the district?

29 Such findings shall be entered in the records of the ((water))  
30 district, together with any recommendations the board of commissioners  
31 may by resolution adopt.

32 **Sec. 1008.** RCW 57.28.060 and 1982 1st ex.s. c 17 s 24 are each  
33 amended to read as follows:

34 Within ten days after the final hearing the board of commissioners  
35 of the ((water)) district shall transmit to the county legislative  
36 authority of each county in which the ((water)) district is located the  
37 petition for withdrawal, together with a copy of the findings and

1 recommendations of the board of commissioners of the ((water)) district  
2 certified by the secretary of the ((water)) district to be a true and  
3 correct copy of such findings and recommendations as the same appear on  
4 the records of the ((water)) district.

5 **Sec. 1009.** RCW 57.28.070 and 1982 1st ex.s. c 17 s 25 are each  
6 amended to read as follows:

7 Upon receipt of the petition and certified copy of the findings and  
8 recommendations adopted by the ((water)) district commissioners, the  
9 county legislative authority of each county in which the district is  
10 located at a regular or special meeting shall fix a time and place for  
11 hearing thereon and shall cause to be published at least once a week  
12 for two or more weeks in successive issues of a newspaper of general  
13 circulation in the ((water)) district, a notice that such petition has  
14 been presented to the county legislative authority stating the time and  
15 place of the hearing thereon, setting forth the boundaries of the  
16 territory proposed to be withdrawn as such boundaries are established  
17 and defined in the findings or recommendations of the board of  
18 commissioners of the ((water)) district.

19 **Sec. 1010.** RCW 57.28.080 and 1941 c 55 s 8 are each amended to  
20 read as follows:

21 ((Such)) The petition shall be heard at the time and place  
22 specified in ((such)) the notice, or the hearing may be adjourned from  
23 time to time, not exceeding one month in all, and any person may appear  
24 at ((such)) the hearing and make objections to the withdrawal of  
25 ((such)) the territory. Upon final hearing on ((such)) the petition  
26 the ((said)) county ((commissioners)) legislative authority shall  
27 thereupon make, enter, and by resolution adopt ((their)) its findings  
28 of fact on the questions ((above)) set forth in RCW 57.28.050. If  
29 ((such)) the findings of fact answer ((said)) the questions  
30 affirmatively, and if they are the same as the findings made by the  
31 ((water)) district commissioners, then the county ((commissioners))  
32 legislative authority shall by resolution declare that ((such)) the  
33 territory be withdrawn from ((such water)) that district, and thereupon  
34 ((such)) the territory shall be withdrawn and excluded from ((such  
35 water)) that district the same as if it had never been included therein  
36 except for the lien of taxes as hereinafter set forth(~~(, provided,~~  
37 ~~that)~~). However, the boundaries of the territory withdrawn shall be

1 the boundaries established and defined by the ((said water)) district  
2 board of commissioners and shall not be altered or changed by the  
3 county ((commissioners)) legislative authority unless the unanimous  
4 consent of the ((water)) district commissioners be given in writing to  
5 any such alteration or change.

6 **Sec. 1011.** RCW 57.28.090 and 1982 1st ex.s. c 17 s 26 are each  
7 amended to read as follows:

8 If the findings of any county legislative authority answer any of  
9 ((such)) the questions of fact set forth in RCW 57.28.050 in the  
10 negative, or if any of the findings of the county legislative authority  
11 are not the same as the findings of the ((water)) district board of  
12 commissioners upon the same question, then in either of such events,  
13 the petition for withdrawal shall be deemed denied. Thereupon, and in  
14 such event, the county legislative authority of each county in which  
15 the district is located shall by resolution cause a special election to  
16 be held not less than thirty days or more than sixty days from the date  
17 of the final hearing of any county legislative authority upon the  
18 petition for withdrawal, at which election the proposition expressed on  
19 the ballots shall be substantially as follows:

20 "Shall the territory established and defined by the ((water))  
21 district board of commissioners at ((their)) its meeting held on the  
22 . . . . . (insert date of final hearing of ((water)) district board  
23 of commissioners upon the petition for withdrawal) be withdrawn from  
24 ((water)) district . . . . . (naming it).

25 YES | NO | "

26 **Sec. 1012.** RCW 57.28.100 and 1982 1st ex.s. c 17 s 27 are each  
27 amended to read as follows:

28 Notice of ((such)) the election shall be posted and published in  
29 the same manner provided by law for the posting and publication of  
30 notice of elections to annex territory to ((water)) districts. The  
31 territory described in the notice shall be that established and defined  
32 by the ((water)) district board of commissioners. All qualified voters  
33 residing within the ((water)) district shall have the right to vote at  
34 the election. If a majority of the votes cast favor the withdrawal  
35 from the ((water)) district of such territory, then within ten days  
36 after the official canvass of ((such)) the election the county

1 legislative authority of each county in which the district is  
2 located(~~(7)~~) shall by resolution establish that the territory has been  
3 withdrawn, and the territory shall thereupon be withdrawn and excluded  
4 from the (~~(water)~~) district the same as if it had never been included  
5 therein except for the lien of any taxes as hereinafter set forth.

6 **Sec. 1013.** RCW 57.28.110 and 1941 c 55 s 11 are each amended to  
7 read as follows:

8 (~~(Any and all)~~) Taxes or assessments levied or assessed against  
9 property located in territory withdrawn from a (~~(water)~~) district shall  
10 remain a lien and be (~~(collectible)~~) collected as by law provided when  
11 (~~(such)~~) the taxes or assessments are levied or assessed prior to  
12 (~~(such)~~) the withdrawal or when (~~(such)~~) the levies or assessments are  
13 duly made to provide revenue for the payment of general obligations or  
14 general obligation bonds of the (~~(water)~~) district duly incurred or  
15 issued prior to (~~(such)~~) the withdrawal.

16 **PART XI - CONSOLIDATION OF DISTRICTS AND TRANSFER OF TERRITORY**

17 **Sec. 1101.** RCW 57.32.001 and 1989 c 84 s 60 are each amended to  
18 read as follows:

19 Actions taken under this chapter (~~(57.32-RCW)~~) may be subject to  
20 potential review by a boundary review board under chapter 36.93 RCW.

21 **Sec. 1102.** RCW 57.32.010 and 1989 c 308 s 11 are each amended to  
22 read as follows:

23 Two or more (~~(water)~~) districts may be joined into one consolidated  
24 (~~(water)~~) district. The consolidation may be initiated in either of  
25 the following ways: (1) Ten percent of the (~~(legal electors)~~) voters  
26 residing within each of the (~~(water)~~) districts proposed to be  
27 consolidated may petition the board of (~~(water)~~) commissioners of  
28 (~~(each of)~~) their respective (~~(water)~~) districts to cause the question  
29 to be submitted to the(~~(legal electors)~~) voters of the (~~(water)~~)  
30 districts proposed to be consolidated; or (2) the board(~~(s)~~) of  
31 (~~(water)~~) commissioners of each of the (~~(water)~~) districts proposed to  
32 be consolidated may by resolution determine that the consolidation of  
33 the districts shall be conducive to the public health, welfare, and  
34 convenience and to be of special benefit to the lands of the districts.



1       **Sec. 1103.** RCW 57.32.020 and 1982 1st ex.s. c 17 s 30 are each  
2 amended to read as follows:

3       If the consolidation proceedings are initiated by petitions, upon  
4 the filing of such petitions with the boards of ~~((water))~~ commissioners  
5 of the ~~((water))~~ districts, the boards of ~~((water))~~ commissioners of  
6 each district shall file such petitions with the ~~((election officer))~~  
7 auditor of ~~((each))~~ the county in which ~~((any))~~ all or the largest  
8 geographic portion of the respective districts is located, who shall  
9 within ten days examine and verify the signatures of the signers  
10 residing in the county. ~~((The petition shall be transmitted by the~~  
11 ~~other county election officers to the county election officer of the~~  
12 ~~county in which the largest land area involved in the petitions is~~  
13 ~~located, who shall certify to the sufficiency or insufficiency of the~~  
14 ~~signatures.))~~ If the districts proposed to be consolidated include  
15 areas located in more than one county, the auditor of the county in  
16 which the largest geographic portion of the consolidating districts is  
17 located shall be the lead auditor and shall immediately transfer a copy  
18 of the petitions to the auditor of each other county in which the  
19 consolidating districts are located. Within ten days after the lead  
20 auditor received the petition, the auditors of these other counties  
21 shall certify to the lead auditor: (1) The number of voters of that  
22 county residing in each consolidating district; and (2) the number of  
23 valid signatures on the petition of voters of that county residing in  
24 each consolidating district. The lead auditor shall certify the  
25 sufficiency of the petition after receiving this information. If all  
26 of such petitions shall be found to contain a sufficient number of  
27 signatures, the county ~~((election officer))~~ auditor shall transmit the  
28 same, together with a certificate of sufficiency attached thereto, to  
29 the board~~((s))~~ of ~~((water))~~ commissioners of each of the districts  
30 proposed for consolidation. ~~((In the event that))~~

31       If there are no ~~((legal electors))~~ voters residing in one or more  
32 of the ~~((water))~~ districts proposed to be consolidated, such petitions  
33 may be signed by such a number of landowners as appear of record to own  
34 at least a majority of the acreage in the pertinent ~~((water))~~ district,  
35 and the petitions shall disclose the total number of acres of land in  
36 ~~((the said water))~~ that district and shall also contain the names of  
37 all record owners of land therein.

1       **Sec. 1104.** RCW 57.32.021 and 1967 ex.s. c 39 s 8 are each amended  
2 to read as follows:

3       Upon receipt by the boards of (~~water~~) commissioners of the  
4 districts proposed for consolidation, hereinafter referred to as the  
5 "consolidating districts", of the lead county auditor's certificate of  
6 sufficiency of the petitions, or upon adoption by the boards of  
7 (~~water~~) commissioners of the consolidating districts of their  
8 resolutions for consolidation, the boards of (~~water~~) commissioners of  
9 the consolidating districts shall, within ninety days, enter into an  
10 agreement providing for consolidation. The agreement shall set forth  
11 the method and manner of consolidation, a comprehensive plan or scheme  
12 of water supply, sewer, and drainage services for the consolidated  
13 district, and( ~~)~~ if the comprehensive plan or scheme of water supply,  
14 sewer, and drainage services provides that one or more of the  
15 consolidating districts or the proposed consolidated district issue  
16 revenue bonds for either the construction (~~and/or~~) or other costs of  
17 any part or all of (~~said~~) the comprehensive plan, or both, then the  
18 details thereof shall be set forth. The requirement that a  
19 comprehensive plan or scheme of water supply, sewer, and drainage  
20 services for the consolidated district be set forth in the agreement  
21 for consolidation( ~~)~~ shall be satisfied if the existing comprehensive  
22 plans or schemes of the consolidating districts are incorporated  
23 therein by reference and any changes or additions thereto are set forth  
24 in detail.

25       **Sec. 1105.** RCW 57.32.022 and 1994 c 223 s 71 are each amended to  
26 read as follows:

27       The (~~respective~~) boards of (~~water~~) commissioners of the  
28 consolidating districts shall certify the agreement to the county  
29 (~~election officer~~) auditors of (~~each county~~) the respective  
30 counties in which the districts are located. A special election shall  
31 be called by the county (~~election officer~~) auditors for the purpose  
32 of submitting to the voters of each of the consolidating districts the  
33 proposition of whether or not the several districts shall be  
34 consolidated into one (~~water~~) district. The proposition shall give  
35 the title of the proposed consolidated district. Notice of the  
36 election shall be given and the election conducted in accordance with  
37 the general election laws.

1       **Sec. 1106.** RCW 57.32.023 and 1994 c 223 s 72 are each amended to  
2 read as follows:

3       If at the election a majority of the voters in each of the  
4 consolidating districts vote in favor of the consolidation, the county  
5 canvassing board shall so declare in its canvass and the return of such  
6 election shall be made within ten days after the date thereof. Upon  
7 the return the consolidation shall be effective and the consolidating  
8 districts shall cease to exist and shall then be and become a new  
9 ((water)) district and municipal corporation of the state of  
10 Washington. The name of ((such)) the new ((water)) district shall be  
11 "((Water District No. . . . .)) Water-Sewer District," ". . . . .  
12 Water District," ". . . . . Sewer District," or ". . . . . District  
13 No.,"((7)) which shall be the name appearing on the ballot. The  
14 district shall have all and every power, right, and privilege possessed  
15 by other water-sewer, sewer, or water districts of the state of  
16 Washington. The district may issue revenue bonds to pay for the  
17 construction of any additions and betterments set forth in the  
18 comprehensive plan of water supply, sewer, and drainage services  
19 contained in the agreement for consolidation and any future additions  
20 and betterments to the comprehensive plan of water supply, sewer, and  
21 drainage services, as its board of ((water)) district commissioners  
22 shall by resolution adopt, without submitting a proposition therefor to  
23 the voters of the district.

24       **Sec. 1107.** RCW 57.32.024 and 1967 ex.s. c 39 s 11 are each amended  
25 to read as follows:

26       Upon the formation of any consolidated ((water)) district, all  
27 funds, rights, and property, real and personal, of the former  
28 districts, shall vest in and become the property of the consolidated  
29 district. Unless the agreement for consolidation provides to the  
30 contrary, any outstanding indebtedness of any form, owed by the  
31 districts, shall remain the obligation of the area of the original  
32 debtor district and the ((water)) board of commissioners of the  
33 consolidated ((water)) district shall make such levies, assessments, or  
34 charges for service upon that area or the ((water)) users therein as  
35 shall pay off the indebtedness at maturity.

36       **Sec. 1108.** RCW 57.32.130 and 1985 c 141 s 9 are each amended to  
37 read as follows:



1       Whenever (~~two water~~) one or more districts desire to merge(~~(~~  
2 ~~either district, hereinafter)~~) into another district, the district or  
3 districts desiring to merge into the other district shall be referred  
4 to as the "merging district"(~~(, may merge into the other district,~~  
5 ~~hereinafter)~~) or "merging districts" and the district into which the  
6 merging district or districts desire to merge shall be referred to as  
7 the "merger district."(~~(, and)~~) after the merger, the merger district  
8 (~~will~~) shall survive under its original name or number.

9       **Sec. 1203.** RCW 57.36.020 and 1967 ex.s. c 39 s 4 are each amended  
10 to read as follows:

11       A merger of (~~two water~~) districts may be initiated in either of  
12 the following ways:

13       (1) Whenever the boards of (~~water~~) commissioners of (~~both such~~)  
14 districts determine by resolution that the merger of such districts  
15 shall be conducive to the public health, welfare, and convenience and  
16 to be of special benefit to the lands of such districts.

17       (2) Whenever ten percent of the (~~legal electors~~) voters residing  
18 within the merging district or districts petition the board of  
19 (~~water~~) commissioners of the merging (~~water~~) district or districts  
20 for a merger, and the board of (~~water~~) commissioners of the merger  
21 district determines by resolution that the merger of the districts  
22 shall be conducive to the public health, welfare, and convenience of  
23 the (~~two~~) districts.

24       **Sec. 1204.** RCW 57.36.030 and 1982 1st ex.s. c 17 s 33 are each  
25 amended to read as follows:

26       Whenever a merger is initiated in either of the two ways provided  
27 under this chapter, the boards of (~~water~~) commissioners of the  
28 (~~two~~) districts shall enter into an agreement providing for the  
29 merger. (~~Said~~) The agreement must be entered into within ninety days  
30 following completion of the last act in initiation of the merger.

31       The respective boards of (~~water~~) commissioners shall certify the  
32 agreement to the county (~~election officer~~) auditor of each county in  
33 which the districts are located. (~~The~~) Each county (~~election~~  
34 ~~officer~~) auditor shall call a special election for the purpose of  
35 submitting to the voters of the (~~merging~~) respective districts the  
36 proposition of whether the merging district or districts shall be  
37 merged into the merger district. Notice of the elections shall be

1 given and the elections conducted in accordance with the general  
2 election laws.

3 **Sec. 1205.** RCW 57.36.040 and 1982 c 104 s 2 are each amended to  
4 read as follows:

5 If at such election a majority of the voters of the merging  
6 (~~water~~) district or districts shall vote in favor of the merger, the  
7 county canvassing board shall so declare in its canvass and the return  
8 of such election shall be made within ten days after the date thereof,  
9 and upon such return the merger shall be effective and the merging  
10 (~~water~~) district or districts shall cease to exist and shall become  
11 a part of the merger (~~water~~) district. The (~~water~~) commissioners  
12 of the merging district or districts shall hold office as commissioners  
13 of the new (~~consolidated water~~) merged district until their  
14 respective terms of office expire or until they resign from office if  
15 the resignation is before the expiration of their terms of office.  
16 (~~At the district election immediately preceding the time when the~~  
17 ~~total number of remaining water commissioners is reduced to two through~~  
18 ~~expiration of terms of office, one water commissioner shall be elected~~  
19 ~~for a four year term of office. At the next district election, one~~  
20 ~~water commissioner shall be elected for a four year term of office and~~  
21 ~~one shall be elected for a six year term of office. Thereafter, each~~  
22 ~~water commissioner shall be elected for a six year term of office in~~  
23 ~~the manner provided by RCW 57.12.020 and 57.12.030 for elections in an~~  
24 ~~existing district.)) The election of commissioners in the merger  
25 district after the merger shall occur as provided in RCW 57.32.130 in  
26 a consolidated district after the consolidation.~~

27 **Sec. 1206.** RCW 57.40.135 and 1988 c 162 s 4 are each amended to  
28 read as follows:

29 A person who serves on the board of commissioners of a (~~sewer~~)  
30 merging district (~~that merges under this chapter into a water~~  
31 ~~district, for which the person also serves on the board of~~  
32 ~~commissioners, shall only hold one position on the board of~~  
33 ~~commissioners of the district that results from the merger)) and a  
34 merger district shall hold only one position on the board of  
35 commissioners of the merger district and shall only receive  
36 compensation, expenses, and benefits that are available to a single  
37 commissioner.~~



1 sewer, or drainage users therein as shall pay off the indebtedness at  
2 maturity.

3 **Sec. 1303.** RCW 57.42.030 and 1973 1st ex.s. c 56 s 3 are each  
4 amended to read as follows:

5 Within ninety days after the resolutions and proposed agreement  
6 have been filed with the court, the court shall fix a date for a  
7 hearing and shall direct that notice of the hearing be given by  
8 publication. After reviewing the proposed agreement and considering  
9 other evidence presented at the hearing, the court may determine by  
10 decree that the proposed disposition is in the public interest and  
11 conducive to the public health, welfare, and convenience. In addition,  
12 the decree shall authorize the payment of all or a portion of the  
13 indebtedness of the ((water)) district relating to property disposed of  
14 under such decree. Pursuant to the court decree, the ((water))  
15 district shall dispose of its property under the terms of the  
16 disposition agreement with the public utility district.

17 **PART XIV - LOW-INCOME CUSTOMER ASSISTANCE**

18 **Sec. 1401.** RCW 57.46.010 and 1995 c 399 s 149 are each amended to  
19 read as follows:

20 A ((water)) district may include along with, or as part of its  
21 regular customer billings, a request for voluntary contributions to  
22 assist qualified low-income residential customers of the district in  
23 paying their ((water)) district bills. All funds received by the  
24 district in response to such requests shall be transmitted to the  
25 grantee of the department of community, trade, and economic development  
26 which administers federally funded energy assistance programs for the  
27 state in the district's service area or to a charitable organization  
28 within the district's service area. All such funds shall be used  
29 solely to supplement assistance to low-income residential customers of  
30 the district in paying their ((water)) district bills. The grantee or  
31 charitable organization shall be responsible to determine which of the  
32 district's customers are qualified for low-income assistance and the  
33 amount of assistance to be provided to those who are qualified.

34 **Sec. 1402.** RCW 57.46.020 and 1995 c 399 s 150 are each amended to  
35 read as follows:



1 All assistance provided under this chapter shall be disbursed by  
2 the grantee or charitable organization. Where possible the ((water))  
3 district ((will)) shall be paid on behalf of the customer by the  
4 grantee or the charitable organization. When direct vendor payment is  
5 not feasible, a check ((will)) shall be issued jointly payable to the  
6 customer and the ((water)) district. The availability of funds for  
7 assistance to a district's low-income customers as a result of  
8 voluntary contributions shall not reduce the amount of assistance for  
9 which the district's customers are eligible under the federally funded  
10 energy assistance programs administered by the grantee of the  
11 department of community, trade, and economic development within the  
12 district's service area. The grantee or charitable organization shall  
13 provide the district with a quarterly report on January 15th, April  
14 15th, July 15th, and October 15th which includes information concerning  
15 the total amount of funds received from the district, the names of all  
16 recipients of assistance from these funds, the amount received by each  
17 recipient, and the amount of funds received from the district currently  
18 on hand and available for future low-income assistance.

19 **Sec. 1403.** RCW 57.46.030 and 1993 c 45 s 7 are each amended to  
20 read as follows:

21 Contributions received under a program implemented by a ((water))  
22 district in compliance with this chapter shall not be considered a  
23 commingling of funds.

#### 24 **PART XV - DISINCORPORATION**

25 **Sec. 1501.** RCW 57.90.001 and 1989 c 84 s 63 are each amended to  
26 read as follows:

27 Actions taken under this chapter ((57.90-RCW)) may be subject to  
28 potential review by a boundary review board under chapter 36.93 RCW.

29 **Sec. 1502.** RCW 57.90.010 and 1991 c 363 s 137 are each amended to  
30 read as follows:

31 Water-sewer, sewer, water, ((sewer,)) park and recreation,  
32 metropolitan park, county rural library, cemetery, flood control,  
33 mosquito control, diking and drainage, irrigation or reclamation, weed,  
34 health, or fire protection districts, and any air pollution control  
35 authority, hereinafter referred to as "special districts(("-"))," which

1 are located wholly or in part within a county with a population of two  
2 hundred ten thousand or more may be disincorporated when the district  
3 has not actively carried out any of the special purposes or functions  
4 for which it was formed within the preceding consecutive five-year  
5 period.

6 **Sec. 1503.** RCW 57.90.020 and 1982 1st ex.s. c 17 s 35 are each  
7 amended to read as follows:

8 Upon the filing with the county legislative authority of each  
9 county in which the district is located of a resolution of any  
10 governmental unit calling for the disincorporation of a special  
11 district, or upon the filing with the county legislative authority of  
12 each county in which the district is located of the petition of twenty  
13 percent of the (~~qualified electors~~) voters within a special district  
14 calling for the disincorporation of ((a)) the special district, the  
15 county legislative authority shall hold public hearings to determine  
16 whether or not any services have been provided within a consecutive  
17 five year period and whether the best interests of all persons  
18 concerned will be served by the proposed dissolution of the special  
19 district.

20 **Sec. 1504.** RCW 57.90.030 and 1963 c 55 s 3 are each amended to  
21 read as follows:

22 If the (~~board of~~) county (~~commissioners~~) legislative authority  
23 finds that no services have been provided within the preceding  
24 consecutive five-year period and that the best interests of all persons  
25 concerned will be served by disincorporating the special district, it  
26 shall order that such action be taken, specify the manner in which it  
27 is to be accomplished and supervise the liquidation of any assets and  
28 the satisfaction of any outstanding indebtedness.

29 **Sec. 1505.** RCW 57.90.040 and 1963 c 55 s 4 are each amended to  
30 read as follows:

31 (~~In the event~~) If a special district is disincorporated the  
32 proceeds of the sale of any of its assets, together with money((s)) on  
33 hand in the treasury of the special district, shall after payment of  
34 all costs and expenses and all outstanding indebtedness be paid to the  
35 county treasurer to be placed to the credit of the school district, or  
36 districts, in which such special district is situated.

1       **Sec. 1506.** RCW 57.90.050 and 1963 c 55 s 5 are each amended to  
2 read as follows:

3       (~~In the event~~) If a special district is disincorporated and the  
4 proceeds of the sale of any of its assets, together with money(~~s~~) on  
5 hand in the treasury of the special district, are insufficient to  
6 retire any outstanding indebtedness, together with all costs and  
7 expenses of liquidation, the (~~board of~~) county (~~commissioners~~)  
8 legislative authority shall levy assessments in the manner provided by  
9 law against the property in the special district in amounts sufficient  
10 to retire (~~said~~) the indebtedness and pay (~~such~~) the costs and  
11 expenses.

12       **Sec. 1507.** RCW 57.90.100 and 1971 ex.s. c 125 s 1 are each amended  
13 to read as follows:

14       Whenever as the result of abandonment of an irrigation district  
15 right of way real property held by an irrigation district is to be sold  
16 or otherwise disposed of, notice shall be given to the owners of the  
17 lands adjoining that real property and such owners shall have (~~a~~) the  
18 right of first refusal to purchase at the appraised price all or any  
19 part of the real property to be sold or otherwise disposed of which  
20 adjoins or is adjacent to their land.

21       Real property to be sold or otherwise disposed of under this  
22 section shall have been first appraised by the county assessor or by a  
23 person designated by (~~him~~) the county assessor.

24       Notice under this section shall be sufficient if sent by registered  
25 mail to the owner(~~, and~~) at the address(~~, as~~) shown in the tax  
26 records of the county in which the land is situated. Notice under this  
27 section shall be in addition to any (~~other~~) notice required by law.

28       After sixty days from the date of sending of notice, if no  
29 applications for purchase have been received by the irrigation district  
30 or other person or entity sending notice, the rights of first refusal  
31 of owners of adjoining lands shall be deemed to have been waived, and  
32 the real property may be (~~sold or otherwise~~) disposed of or sold.

33       If two or more owners of adjoining lands apply to purchase the same  
34 real property, or apply to purchase overlapping parts of the real  
35 property, the respective rights of the applicants may be determined in  
36 the superior court of the county in which the real property is  
37 situated(~~, and~~). The court may divide the real property in question

1 between some or all of the applicants or award the whole to one  
2 applicant, as justice may require.

3 **PART XVI - TECHNICAL CORRECTIONS**

4 **Sec. 1601.** RCW 35.13.900 and 1995 c 279 s 3 are each amended to  
5 read as follows:

6 Nothing in this chapter precludes or otherwise applies to an  
7 annexation by a city or town of unincorporated territory as authorized  
8 by RCW ((56.24.180, ~~56.24.200,~~ and ~~56.24.205,~~ or)) 57.24.170,  
9 57.24.190, and 57.24.210.

10 **Sec. 1602.** RCW 35.58.570 and 1989 c 389 s 1 are each amended to  
11 read as follows:

12 (1) A metropolitan municipal corporation that is engaged in the  
13 transmission, treatment, and disposal of sewage may impose a capacity  
14 charge on users of the metropolitan municipal corporation's sewage  
15 facilities when the user connects, reconnects, or establishes a new  
16 service. The capacity charge shall be approved by the council of the  
17 metropolitan municipal corporation and reviewed and reapproved  
18 annually.

19 (2) The capacity charge shall be based upon the cost of the sewage  
20 facilities' excess capacity that is necessary to provide sewerage  
21 treatment for new users to the system. The capacity charge, which may  
22 be collected over a period of fifteen years, shall not exceed:

23 (a) Seven dollars per month per residential customer equivalent for  
24 connections and reconnections occurring prior to January 1, 1996; and

25 (b) Ten dollars and fifty cents per month per residential customer  
26 equivalent for connections and reconnections occurring after January 1,  
27 1996, and prior to January 1, 2001.

28 For connections and reconnections occurring after January 1, 2001,  
29 the capacity charge shall not exceed fifty percent of the basic sewer  
30 rate per residential customer equivalent established by the  
31 metropolitan municipal corporation at the time of the connection or  
32 reconnection.

33 (3) The capacity charge for a building other than a single-family  
34 residence shall be based on the projected number of residential  
35 customer equivalents to be represented by the building, considering its  
36 intended use.

1 (4) The council of the metropolitan municipal corporation shall  
2 enforce the collection of the capacity charge in the same manner  
3 provided for the collection, enforcement, and payment of rates and  
4 charges for water-sewer districts provided in ((RCW 56.16.100 and  
5 56.16.110)) section 314 of this act. At least thirty days before  
6 commencement of an action to foreclose a lien for a capacity charge,  
7 the metropolitan municipal corporation shall send written notice of  
8 delinquency in payment of the capacity charge to any first mortgage or  
9 deed of trust holder of record at the address of record.

10 (5) As used in this section, "sewage facilities" means capital  
11 projects identified since January 1, 1982, to July 23, 1989, in the  
12 metropolitan municipal corporation's comprehensive water pollution  
13 abatement plan. "Residential customer equivalent" shall have the same  
14 meaning used by the metropolitan municipal corporation in determining  
15 rates and charges at the time the capacity charge is imposed.

16 **Sec. 1603.** RCW 35.97.050 and 1983 c 216 s 5 are each amended to  
17 read as follows:

18 If the legislative authority of a municipality deems it advisable  
19 that the municipality purchase, acquire, or construct a heating system,  
20 or make any additions or extensions to a heating system, the  
21 legislative authority shall so provide by an ordinance or a resolution  
22 specifying and adopting the system or plan proposed, declaring the  
23 estimated cost thereof, as near as may be, and specifying the method of  
24 financing and source of funds. Any construction, alteration, or  
25 improvement of a heating system by any county, city, town, irrigation  
26 district, water-sewer district, ((~~sewer district,~~)) or port district  
27 shall be in compliance with the appropriate competitive bidding  
28 requirements in Titles 35, 36, 53, ((~~56,~~)) 57, or 87 RCW.

29 **Sec. 1604.** RCW 35A.14.901 and 1995 c 279 s 4 are each amended to  
30 read as follows:

31 Nothing in this chapter precludes or otherwise applies to an  
32 annexation by a code city of unincorporated territory as authorized by  
33 RCW ((~~56.24.180, 56.24.200, and 56.24.205, or~~)) 57.24.170, 57.24.190,  
34 and 57.24.210.

35 **Sec. 1605.** RCW 35A.56.010 and 1987 c 331 s 79 are each amended to  
36 read as follows:

1 Except as otherwise provided in this title, state laws relating to  
2 special service or taxing districts shall apply to, grant powers, and  
3 impose duties upon code cities and their officers to the same extent as  
4 such laws apply to and affect other classes of cities and towns and  
5 their employees, including, without limitation, the following: (1)  
6 Chapter 70.94 RCW, relating to air pollution control; (2) chapter 68.52  
7 RCW, relating to cemetery districts; (3) chapter 29.68 RCW, relating to  
8 congressional districts; (4) chapters 14.07 and 14.08 RCW, relating to  
9 municipal airport districts; (5) chapter 36.88 RCW, relating to county  
10 road improvement districts; (6) Title 85 RCW, relating to diking  
11 districts, drainage districts, and drainage improvement districts; (7)  
12 chapter 36.54 RCW, relating to ferry districts; (8) Title 52 RCW,  
13 relating to fire protection districts; (9) Title 86 RCW, relating to  
14 flood control districts and flood control; (10) chapter 70.46 RCW,  
15 relating to health districts; (11) chapters 87.03 through 87.84 and  
16 89.12 RCW, relating to irrigation districts; (12) chapter 35.61 RCW,  
17 relating to metropolitan park districts; (13) chapter 35.58 RCW,  
18 relating to metropolitan municipalities; (14) chapter 17.28 RCW,  
19 relating to mosquito control districts; (15) chapter 17.12 RCW,  
20 relating to agricultural pest districts; (16) (~~chapter 13.12 RCW,~~  
21 ~~relating to parental or truant schools; (17))~~) Title 53 RCW, relating  
22 to port districts; (~~(18)~~) (17) chapter 70.44 RCW, relating to public  
23 hospital districts; (~~(19)~~) (18) Title 54 RCW, relating to public  
24 utility districts; (~~(20)~~) (19) chapter 91.08 RCW, relating to public  
25 waterway districts; (~~(21) Title 56 RCW for sewer districts; (22)~~)  
26 (20) chapter 89.12 RCW, relating to reclamation districts; (~~(23)~~)  
27 (21) chapters 57.02 through 57.36 RCW, relating to water-sewer  
28 districts; and (~~(24)~~) (22) chapter 17.04 RCW, relating to weed  
29 districts.

30 **Sec. 1606.** RCW 35A.70.010 and 1967 ex.s. c 119 s 35A.70.010 are  
31 each amended to read as follows:

32 Every code city shall have authority to protect waters within the  
33 city or comprising part of the city's water supply pursuant to the  
34 authority provided therefor by RCW 9.66.050, 54.16.050, (~~(56.08.010,)~~)  
35 69.30.130, 57.08.010, 8.12.030, 70.54.010 and 70.54.030.

36 **Sec. 1607.** RCW 36.29.160 and 1963 c 4 s 36.29.160 are each amended  
37 to read as follows:

1       The county treasurer shall make segregation, collect, and receive  
2 from any owner or owners of any subdivision or portion of any lot,  
3 tract or parcel of land upon which assessments or charges have been  
4 made or may be made hereafter in public utility districts, (~~sewer~~  
5 ~~districts,~~) water-sewer districts, or county road improvement  
6 districts, under the terms of Title 54 RCW, (~~Title 56 RCW,~~) Title 57  
7 RCW, or chapter 36.88 RCW, such portion of the assessments or charges  
8 levied or to be levied against such lot, tract or parcel of land in  
9 payment of such assessment or charges as the board of commissioners of  
10 the public utility district, (~~sewer district,~~) the water-sewer  
11 district commissioners or the board of county commissioners,  
12 respectively, shall certify to be chargeable to such subdivision, which  
13 certificate shall state that such property as segregated is sufficient  
14 security for the assessment or charges. Upon making collection upon  
15 any such subdivision the county treasurer shall note such payment upon  
16 his records and give receipt therefor.

17       **Sec. 1608.** RCW 36.93.090 and 1995 c 131 s 1 are each amended to  
18 read as follows:

19       Whenever any of the following described actions are proposed in a  
20 county in which a board has been established, the initiators of the  
21 action shall file within one hundred eighty days a notice of intention  
22 with the board: PROVIDED, That when the initiator is the legislative  
23 body of a governmental unit, the notice of intention may be filed  
24 immediately following the body's first acceptance or approval of the  
25 action. The board may review any such proposed actions pertaining to:

26       (1) The: (a) Creation, incorporation, or change in the boundary,  
27 other than a consolidation, of any city, town, or special purpose  
28 district; (b) consolidation of special purpose districts, but not  
29 including consolidation of cities and towns; or (c) dissolution or  
30 disincorporation of any city, town, or special purpose district, except  
31 that a board may not review the dissolution or disincorporation of a  
32 special purpose district which was dissolved or disincorporated  
33 pursuant to the provisions of chapter 36.96 RCW: PROVIDED, That the  
34 change in the boundary of a city or town arising from the annexation of  
35 contiguous city or town owned property held for a public purpose shall  
36 be exempted from the requirements of this section; or

1 (2) The assumption by any city or town of all or part of the  
2 assets, facilities, or indebtedness of a special purpose district which  
3 lies partially within such city or town; or

4 (3) The establishment of or change in the boundaries of a mutual  
5 water and sewer system or separate sewer system by a water-sewer  
6 district pursuant to RCW 57.08.065 or chapter 57.40 RCW(~~(, as now or~~  
7 ~~hereafter amended)~~); or

8 (~~(4) ((The establishment of or change in the boundaries of a mutual~~  
9 ~~sewer and water system or separate water system by a sewer district~~  
10 ~~pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter~~  
11 ~~amended; or~~

12 ~~(5))~~) The extension of permanent water or sewer service outside of  
13 its existing service area by a city, town, or special purpose district.  
14 The service area of a city, town, or special purpose district shall  
15 include all of the area within its corporate boundaries plus, (a) for  
16 extensions of water service, the area outside of the corporate  
17 boundaries which it is designated to serve pursuant to a coordinated  
18 water system plan approved in accordance with RCW 70.116.050; and (b)  
19 for extensions of sewer service, the area outside of the corporate  
20 boundaries which it is designated to serve pursuant to a comprehensive  
21 sewerage plan approved in accordance with chapter 36.94 RCW and RCW  
22 90.48.110.

23 **Sec. 1609.** RCW 36.94.420 and 1985 c 141 s 1 are each amended to  
24 read as follows:

25 If so provided in the transfer agreement, the area served by the  
26 system shall, upon completion of the transfer, be deemed annexed to and  
27 become a part of the water-sewer (~~(or sewer)~~) district acquiring the  
28 system. The county shall provide notice of the hearing by the county  
29 legislative authority on the ordinance executing the transfer agreement  
30 under RCW 36.94.330 as follows: (1) By mailed notice to all ratepayers  
31 served by the system at least fifteen days prior to the hearing; and  
32 (2) by notice in a newspaper of general circulation once at least  
33 fifteen days prior to the hearing.

34 In the event of an annexation under this section resulting from the  
35 transfer of a system of sewerage or combined water and sewer systems  
36 from a county to a water-sewer district governed by Title 57 RCW, the  
37 water-sewer district shall have all the powers of a water-sewer  
38 district provided by chapter 57.36 RCW (~~((57.40.150))~~), as if a water-



1 sewer district had been merged into a water-sewer district. ((In the  
2 event of an annexation under this section as a result of the transfer  
3 of a system of water or combined water and sewer systems from a county  
4 to a sewer district governed by Title 56 RCW, the sewer district shall  
5 have all the powers of a sewer district provided by RCW 56.36.060 as if  
6 a water district had been merged into the sewer district.))

7 **Sec. 1610.** RCW 41.04.190 and 1992 c 146 s 13 are each amended to  
8 read as follows:

9 The cost of a policy or plan to a public agency or body is not  
10 additional compensation to the employees or elected officials covered  
11 thereby. The elected officials to whom this section applies include  
12 but are not limited to commissioners elected under chapters 28A.315,  
13 52.14, 53.12, 54.12, ((56.12,)) 57.12, 70.44, and 87.03 RCW, as well as  
14 any county elected officials who are provided insurance coverage under  
15 RCW 41.04.180. Any officer authorized to disburse such funds may pay  
16 in whole or in part to an insurance carrier or health care service  
17 contractor the amount of the premiums due under the contract.

18 **Sec. 1611.** RCW 43.99F.020 and 1990 1st ex.s. c 15 s 9 are each  
19 amended to read as follows:

20 For the purpose of providing funds to public bodies for the  
21 planning, design, acquisition, construction, and improvement of public  
22 waste disposal and management facilities, or for purposes of assisting  
23 a public body to obtain an ownership interest in waste disposal and  
24 management facilities and/or to defray a part of the payments made by  
25 a public body to a service provider under a service agreement entered  
26 into pursuant to RCW 70.150.060, in this state, the state finance  
27 committee is authorized to issue general obligation bonds of the state  
28 of Washington in the sum of three hundred thirty million dollars, or so  
29 much thereof as may be required, to finance the improvements defined in  
30 this chapter and all costs incidental thereto. The department may not  
31 use or permit the use of any funds derived from the sale of bonds  
32 authorized by this chapter for: (1) the support of a solid waste  
33 recycling activity or service in a locale if the department determines  
34 that the activity or service is reasonably available to persons within  
35 that locale from private enterprise; or (2) the construction of  
36 municipal wastewater facilities unless said facilities have been  
37 approved by a general purpose unit of local government in accordance

1 with chapter 36.94 RCW, chapter 35.67 RCW, or RCW ((56.08.020))  
2 57.16.010. These bonds shall be paid and discharged within thirty  
3 years of the date of issuance. No bonds authorized by this chapter  
4 shall be offered for sale without prior legislative appropriation of  
5 the proceeds of the bonds to be sold.

6 **Sec. 1612.** RCW 82.02.020 and 1990 1st ex.s. c 17 s 42 are each  
7 amended to read as follows:

8 Except only as expressly provided in RCW 67.28.180 and 67.28.190  
9 and the provisions of chapter 82.14 RCW, the state preempts the field  
10 of imposing taxes upon retail sales of tangible personal property, the  
11 use of tangible personal property, parimutuel wagering authorized  
12 pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county,  
13 town, or other municipal subdivision shall have the right to impose  
14 taxes of that nature. Except as provided in RCW 82.02.050 through  
15 82.02.090, no county, city, town, or other municipal corporation shall  
16 impose any tax, fee, or charge, either direct or indirect, on the  
17 construction or reconstruction of residential buildings, commercial  
18 buildings, industrial buildings, or on any other building or building  
19 space or appurtenance thereto, or on the development, subdivision,  
20 classification, or reclassification of land. However, this section  
21 does not preclude dedications of land or easements within the proposed  
22 development or plat which the county, city, town, or other municipal  
23 corporation can demonstrate are reasonably necessary as a direct result  
24 of the proposed development or plat to which the dedication of land or  
25 easement is to apply.

26 This section does not prohibit voluntary agreements with counties,  
27 cities, towns, or other municipal corporations that allow a payment in  
28 lieu of a dedication of land or to mitigate a direct impact that has  
29 been identified as a consequence of a proposed development,  
30 subdivision, or plat. A local government shall not use such voluntary  
31 agreements for local off-site transportation improvements within the  
32 geographic boundaries of the area or areas covered by an adopted  
33 transportation program authorized by chapter 39.92 RCW. Any such  
34 voluntary agreement is subject to the following provisions:

35 (1) The payment shall be held in a reserve account and may only be  
36 expended to fund a capital improvement agreed upon by the parties to  
37 mitigate the identified, direct impact;

1 (2) The payment shall be expended in all cases within five years of  
2 collection; and

3 (3) Any payment not so expended shall be refunded with interest at  
4 the rate applied to judgments to the property owners of record at the  
5 time of the refund; however, if the payment is not expended within five  
6 years due to delay attributable to the developer, the payment shall be  
7 refunded without interest.

8 No county, city, town, or other municipal corporation shall require  
9 any payment as part of such a voluntary agreement which the county,  
10 city, town, or other municipal corporation cannot establish is  
11 reasonably necessary as a direct result of the proposed development or  
12 plat.

13 Nothing in this section prohibits cities, towns, counties, or other  
14 municipal corporations from collecting reasonable fees from an  
15 applicant for a permit or other governmental approval to cover the cost  
16 to the city, town, county, or other municipal corporation of processing  
17 applications, inspecting and reviewing plans, or preparing detailed  
18 statements required by chapter 43.21C RCW.

19 This section does not limit the existing authority of any county,  
20 city, town, or other municipal corporation to impose special  
21 assessments on property specifically benefitted thereby in the manner  
22 prescribed by law.

23 Nothing in this section prohibits counties, cities, or towns from  
24 imposing or permits counties, cities, or towns to impose water, sewer,  
25 natural gas, drainage utility, and drainage system charges: PROVIDED,  
26 That no such charge shall exceed the proportionate share of such  
27 utility or system's capital costs which the county, city, or town can  
28 demonstrate are attributable to the property being charged: PROVIDED  
29 FURTHER, That these provisions shall not be interpreted to expand or  
30 contract any existing authority of counties, cities, or towns to impose  
31 such charges.

32 Nothing in this section prohibits a transportation benefit district  
33 from imposing fees or charges authorized in RCW 36.73.120 nor prohibits  
34 the legislative authority of a county, city, or town from approving the  
35 imposition of such fees within a transportation benefit district.

36 Nothing in this section prohibits counties, cities, or towns from  
37 imposing transportation impact fees authorized pursuant to chapter  
38 39.92 RCW.

1 Nothing in this section prohibits counties, cities, or towns from  
2 requiring property owners to provide relocation assistance to tenants  
3 under RCW 59.18.440 and 59.18.450.

4 This section does not apply to special purpose districts formed and  
5 acting pursuant to Titles 54, (~~56~~) 57, or 87 RCW, nor is the  
6 authority conferred by these titles affected.

7 **Sec. 1613.** RCW 84.09.030 and 1994 c 292 s 4 are each amended to  
8 read as follows:

9 Except as follows, the boundaries of counties, cities and all other  
10 taxing districts, for purposes of property taxation and the levy of  
11 property taxes, shall be the established official boundaries of such  
12 districts existing on the first day of March of the year in which the  
13 property tax levy is made.

14 The official boundaries of a newly incorporated taxing district  
15 shall be established at a different date in the year in which the  
16 incorporation occurred as follows:

17 (1) Boundaries for a newly incorporated city shall be established  
18 on the last day of March of the year in which the initial property tax  
19 levy is made, and the boundaries of a road district, library district,  
20 or fire protection district or districts, that include any portion of  
21 the area that was incorporated within its boundaries shall be altered  
22 as of this date to exclude this area, if the budget for the newly  
23 incorporated city is filed pursuant to RCW 84.52.020 and the levy  
24 request of the newly incorporated city is made pursuant to RCW  
25 84.52.070. Whenever a proposed city incorporation is on the March  
26 special election ballot, the county auditor shall submit the legal  
27 description of the proposed city to the department of revenue on or  
28 before the first day of March;

29 (2) Boundaries for a newly incorporated port district shall be  
30 established on the first day of October if the boundaries of the newly  
31 incorporated port district are coterminous with the boundaries of  
32 another taxing district, as they existed on the first day of March of  
33 that year;

34 (3) Boundaries of any other newly incorporated taxing district  
35 shall be established on the first day of June of the year in which the  
36 property tax levy is made if the taxing district has boundaries  
37 coterminous with the boundaries of another taxing district, as they  
38 existed on the first day of March of that year;

1 (4) Boundaries for a newly incorporated water-sewer district shall  
2 be established on the fifteenth of June of the year in which the  
3 proposition under RCW 57.04.050 authorizing a water district excess  
4 levy is approved.

5 The boundaries of a taxing district shall be established on the  
6 first day of June if territory has been added to, or removed from, the  
7 taxing district after the first day of March of that year with  
8 boundaries coterminous with the boundaries of another taxing district  
9 as they existed on the first day of March of that year. However, the  
10 boundaries of a road district, library district, or fire protection  
11 district or districts, that include any portion of the area that was  
12 annexed to a city or town within its boundaries shall be altered as of  
13 this date to exclude this area. In any case where any instrument  
14 setting forth the official boundaries of any newly established taxing  
15 district, or setting forth any change in such boundaries, is required  
16 by law to be filed in the office of the county auditor or other county  
17 official, said instrument shall be filed in triplicate. The officer  
18 with whom such instrument is filed shall transmit two copies to the  
19 county assessor.

20 No property tax levy shall be made for any taxing district whose  
21 boundaries are not established as of the dates provided in this  
22 section.

23 **Sec. 1614.** RCW 84.38.020 and 1995 c 329 s 1 are each amended to  
24 read as follows:

25 Unless a different meaning is plainly required by the context, the  
26 following words and phrases as hereinafter used in this chapter shall  
27 have the following meanings:

28 (1) "Claimant" means a person who either elects or is required  
29 under RCW 84.64.050 to defer payment of the special assessments and/or  
30 real property taxes accrued on the claimant's residence by filing a  
31 declaration to defer as provided by this chapter.

32 When two or more individuals of a household file or seek to file a  
33 declaration to defer, they may determine between them as to who the  
34 claimant shall be.

35 (2) "Department" means the state department of revenue.

36 (3) "Equity value" means the amount by which the fair market value  
37 of a residence as determined from the records of the county assessor

1 exceeds the total amount of any liens or other obligations against the  
2 property.

3 (4) "Real property taxes" means ad valorem property taxes levied on  
4 a residence in this state in the preceding calendar year.

5 (5) "Residence" has the meaning given in RCW 84.36.383, except that  
6 a residence includes any additional property up to a total of five  
7 acres that comprises the residential parcel if this larger parcel size  
8 is required under land use regulations.

9 (6) "Special assessment" means the charge or obligation imposed by  
10 a city, town, county, or other municipal corporation upon property  
11 specially benefited by a local improvement, including assessments under  
12 chapters 35.44, 36.88, 36.94, 53.08, 54.16, (~~56.20,~~) 57.16, 86.09,  
13 and 87.03 RCW and any other relevant chapter.

14 **Sec. 1615.** RCW 84.52.052 and 1993 c 284 s 4 are each amended to  
15 read as follows:

16 The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW  
17 84.52.043 shall not prevent the levy of additional taxes by any taxing  
18 district except school districts in which a larger levy is necessary in  
19 order to prevent the impairment of the obligation of contracts. As  
20 used in this section, the term "taxing district" means any county,  
21 metropolitan park district, park and recreation service area, park and  
22 recreation district, (~~sewer district,~~) water-sewer district, solid  
23 waste disposal district, public facilities district, flood control zone  
24 district, county rail district, service district, public hospital  
25 district, road district, rural county library district, island library  
26 district, rural partial-county library district, intercounty rural  
27 library district, fire protection district, cemetery district, city,  
28 town, transportation benefit district, emergency medical service  
29 district with a population density of less than one thousand per square  
30 mile, or cultural arts, stadium, and convention district.

31 Any such taxing district may levy taxes at a rate in excess of the  
32 rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or  
33 84.55.010 through 84.55.050, when authorized so to do by the voters of  
34 such taxing district in the manner set forth in Article VII, section  
35 2(a) of the Constitution of this state(~~, as amended by Amendment 64~~  
36 ~~and as thereafter amended,~~) at a special or general election to be  
37 held in the year in which the levy is made.

1 A special election may be called and the time therefor fixed by the  
2 county legislative authority, or council, board of commissioners, or  
3 other governing body of any such taxing district, by giving notice  
4 thereof by publication in the manner provided by law for giving notices  
5 of general elections, at which special election the proposition  
6 authorizing such excess levy shall be submitted in such form as to  
7 enable the voters favoring the proposition to vote "yes" and those  
8 opposed thereto to vote "no."

9 **Sec. 1616.** RCW 90.03.510 and 1986 c 278 s 63 are each amended to  
10 read as follows:

11 Whenever a county, city, town, water-sewer district, or flood  
12 control zone district imposes rates or charges to fund storm water  
13 control facilities or improvements and the operation and maintenance of  
14 such facilities or improvements under RCW 35.67.020, 35.92.020,  
15 36.89.080, 36.94.140, (~~56.08.010, or 56.16.090~~) section 301 of this  
16 act, or section 314 of this act, it may provide a credit for the value  
17 of storm water control facilities or improvements that a person or  
18 entity has installed or located that mitigate or lessen the impact of  
19 storm water which otherwise would occur.

20 **Sec. 1617.** RCW 90.03.525 and 1986 c 278 s 54 are each amended to  
21 read as follows:

22 The rate charged by a local government utility to the department of  
23 transportation with respect to state highway right of way or any  
24 section of state highway right of way for the construction, operation,  
25 and maintenance of storm water control facilities under chapters 35.67,  
26 35.92, 36.89, 36.94, (~~56.08~~) 57.08, and 86.15 RCW, shall be thirty  
27 percent of the rate for comparable real property, except as otherwise  
28 provided in this section. The rate charged to the department with  
29 respect to state highway right of way or any section of state highway  
30 right of way within a local government utility's jurisdiction shall  
31 not, however, exceed the rate charged for comparable city street or  
32 county road right of way within the same jurisdiction. The legislature  
33 finds that the aforesaid rates are presumptively fair and equitable  
34 because of the traditional and continuing expenditures of the  
35 department of transportation for the construction, operation, and  
36 maintenance of storm water control facilities designed to control  
37 surface water or storm water runoff from state highway rights of way.

1 The utility imposing the charge and the department of transportation  
2 may, however, agree to either higher or lower rates with respect to the  
3 construction, operation, or maintenance of any specific storm water  
4 control facilities based upon the extent and adequacy of storm water  
5 control facilities constructed by the department and upon the actual  
6 benefits to state highway rights of way from the storm water control  
7 facilities constructed by the local government utility. If a different  
8 rate is agreed to, a report so stating shall be submitted to the  
9 legislative transportation committee. If the local government utility  
10 and the department of transportation cannot agree upon the proper rate,  
11 and after a report has been submitted to the legislative transportation  
12 committee and after ninety days from submission of such report, either  
13 may commence an action in the superior court for the county in which  
14 the state highway right of way is located to establish the proper rate.  
15 The court in establishing the proper rate shall take into account the  
16 extent and adequacy of storm water control facilities constructed by  
17 the department and the actual benefits to the sections of state highway  
18 rights of way from storm water control facilities constructed,  
19 operated, and maintained by the local government utility. Control of  
20 surface water runoff and storm water runoff from state highway rights  
21 of way shall be deemed an actual benefit to the state highway rights of  
22 way. The rate for sections of state highway right of way as determined  
23 by the court shall be set forth in terms of the percentage of the rate  
24 for comparable real property, but shall in no event exceed the rate  
25 charged for comparable city street or county road right of way within  
26 the same jurisdiction.

27

#### **PART XVII - MISCELLANEOUS**

28 NEW SECTION. **Sec. 1700.** Part headings as used in this act do not  
29 constitute any part of the law.

30 NEW SECTION. **Sec. 1701.** (1) RCW 56.02.070, 56.02.100, and  
31 56.02.110, as amended by this act, are each recodified as sections in  
32 chapter 57.02 RCW.

33 (2) RCW 56.04.080, 56.04.120, and 56.04.130, as amended by this  
34 act, are each recodified as sections in chapter 57.04 RCW.

35 (3) RCW 56.02.030, 56.02.080, and 56.36.070 are each recodified as  
36 sections in chapter 57.06 RCW.



1 (4) RCW 56.08.060 and 56.08.012, as amended by this act, and  
2 56.08.170 are each recodified as sections in chapter 57.08 RCW.

3 (5) RCW 56.08.030, as amended by this act, is recodified as a  
4 section in chapter 57.16 RCW.

5 (6) RCW 56.20.030, as amended by this act, is recodified as a  
6 section in chapter 57.16 RCW.

7 (7) RCW 57.16.020, 57.16.030, 57.16.035, and 57.16.040 are each  
8 recodified as sections in chapter 57.20 RCW.

9 (8) RCW 57.40.135, as amended by this act, is recodified as a  
10 section in chapter 57.36 RCW.

11 NEW SECTION. **Sec. 1702.** The following acts or parts of acts are  
12 each repealed:

13 (1) RCW 56.02.010 and 1953 c 250 s 26;

14 (2) RCW 56.02.040 and 1959 c 103 s 18;

15 (3) RCW 56.02.050 and 1971 ex.s. c 272 s 12;

16 (4) RCW 56.02.055 and 1982 1st ex.s. c 17 s 1;

17 (5) RCW 56.02.060 and 1988 c 162 s 5 & 1971 ex.s. c 139 s 1;

18 (6) RCW 56.02.120 and 1982 1st ex.s. c 17 s 2;

19 (7) RCW 56.04.001 and 1989 c 84 s 50;

20 (8) RCW 56.04.020 and 1974 ex.s. c 58 s 1, 1971 ex.s. c 272 s 1,  
21 1945 c 140 s 1, 1943 c 74 s 1, & 1941 c 210 s 1;

22 (9) RCW 56.04.030 and 1990 c 259 s 21, 1987 c 33 s 1, 1945 c 140 s  
23 2, & 1941 c 210 s 2;

24 (10) RCW 56.04.040 and 1945 c 140 s 3 & 1941 c 210 s 3;

25 (11) RCW 56.04.050 and 1990 c 259 s 22, 1987 c 33 s 2, 1973 1st  
26 ex.s. c 195 s 61, 1953 c 250 s 1, 1945 c 140 s 4, & 1941 c 210 s 4;

27 (12) RCW 56.04.060 and 1945 c 140 s 5 & 1941 c 210 s 6;

28 (13) RCW 56.04.065 and 1983 c 88 s 1;

29 (14) RCW 56.04.070 and 1985 c 141 s 2, 1981 c 45 s 3, & 1941 c 210  
30 s 5;

31 (15) RCW 56.04.090 and 1994 c 81 s 79, 1945 c 140 s 16, & 1941 c  
32 210 s 47;

33 (16) RCW 56.08.010 and 1989 c 389 s 2, 1989 c 308 s 1, & 1987 c 449  
34 s 1;

35 (17) RCW 56.08.013 and 1985 c 98 s 1 & 1977 ex.s. c 146 s 1;

36 (18) RCW 56.08.014 and 1983 c 198 s 1;

37 (19) RCW 56.08.015 and 1984 c 147 s 6 & 1969 c 119 s 1;

1 (20) RCW 56.08.020 and 1990 1st ex.s. c 17 s 34, 1982 c 213 s 1,  
2 1979 c 23 s 1, 1977 ex.s. c 300 s 1, 1971 ex.s. c 272 s 2, 1959 c 103  
3 s 2, 1953 c 250 s 4, 1947 c 212 s 2, 1945 c 140 s 10, 1943 c 74 s 2, &  
4 1941 c 210 s 11;  
5 (21) RCW 56.08.040 and 1953 c 250 s 6, 1951 c 129 s 1, 1943 c 74 s  
6 3, & 1941 c 210 s 13;  
7 (22) RCW 56.08.050 and 1977 ex.s. c 300 s 2, 1953 c 250 s 7, & 1941  
8 c 210 s 15;  
9 (23) RCW 56.08.065 and 1989 c 84 s 51;  
10 (24) RCW 56.08.070 and 1994 c 31 s 1;  
11 (25) RCW 56.08.075 and 1987 c 449 s 2 & 1982 c 105 s 2;  
12 (26) RCW 56.08.080 and 1993 c 198 s 17, 1989 c 308 s 5, 1984 c 172  
13 s 1, & 1953 c 51 s 1;  
14 (27) RCW 56.08.090 and 1993 c 198 s 18, 1989 c 308 s 6, 1988 c 162  
15 s 1, 1984 c 103 s 2, & 1953 c 51 s 2;  
16 (28) RCW 56.08.092 and 1986 c 244 s 15;  
17 (29) RCW 56.08.100 and 1991 sp.s. c 30 s 24, 1991 c 82 s 1, 1981 c  
18 190 s 5, 1973 c 24 s 1, & 1961 c 261 s 1;  
19 (30) RCW 56.08.105 and 1973 c 125 s 6;  
20 (31) RCW 56.08.110 and 1995 c 301 s 75, 1973 1st ex.s. c 195 s 62,  
21 1970 ex.s. c 47 s 4, & 1961 c 267 s 1;  
22 (32) RCW 56.08.120 and 1967 c 178 s 1;  
23 (33) RCW 56.08.130 and 1967 c 178 s 2;  
24 (34) RCW 56.08.140 and 1991 c 82 s 2 & 1967 c 178 s 3;  
25 (35) RCW 56.08.150 and 1967 c 178 s 4;  
26 (36) RCW 56.08.160 and 1967 c 178 s 5;  
27 (37) RCW 56.08.180 and 1982 c 213 s 3;  
28 (38) RCW 56.08.190 and 1987 c 309 s 3;  
29 (39) RCW 56.08.200 and 1995 c 376 s 14 & 1991 c 190 s 1;  
30 (40) RCW 56.12.010 and 1985 c 330 s 5, 1980 c 92 s 1, 1969 ex.s. c  
31 148 s 7, 1959 c 103 s 4, 1955 c 373 s 1, 1945 c 140 s 8, & 1941 c 210  
32 s 9;  
33 (41) RCW 56.12.015 and 1994 c 223 s 62, 1991 c 190 s 2, 1990 c 259  
34 s 23, & 1987 c 449 s 3;  
35 (42) RCW 56.12.020 and 1994 c 223 s 63, 1979 ex.s. c 126 s 38, 1963  
36 c 200 s 17, 1955 c 55 s 12, & 1953 c 110 s 1;  
37 (43) RCW 56.12.030 and 1994 c 223 s 64, 1990 c 259 s 24, 1986 c 41  
38 s 1, 1985 c 141 s 3, 1981 c 169 s 2, 1953 c 250 s 9, 1947 c 212 s 1,  
39 1945 c 140 s 7, & 1941 c 210 s 8;

1 (44) RCW 56.12.040 and 1987 c 449 s 4;  
2 (45) RCW 56.12.050 and 1994 c 223 s 65;  
3 (46) RCW 56.16.010 and 1984 c 186 s 46, 1973 1st ex.s. c 195 s 63,  
4 1953 c 250 s 10, 1951 2nd ex.s. c 26 s 1, & 1941 c 210 s 14;  
5 (47) RCW 56.16.020 and 1987 c 449 s 5, 1977 ex.s. c 300 s 3, 1959  
6 c 103 s 5, 1953 c 250 s 11, 1951 c 129 s 2, & 1941 c 210 s 16;  
7 (48) RCW 56.16.030 and 1989 c 389 s 3, 1984 c 186 s 47, 1977 ex.s.  
8 c 300 s 4, 1973 1st ex.s. c 195 s 64, 1959 c 103 s 6, 1953 c 250 s 12,  
9 1951 2nd ex.s. c 26 s 2, 1951 c 129 s 3, 1945 c 140 s 11, & 1941 c 210  
10 s 17;  
11 (49) RCW 56.16.035 and 1977 ex.s. c 300 s 5 & 1959 c 103 s 7;  
12 (50) RCW 56.16.040 and 1984 c 186 s 48, 1983 c 167 s 155, 1973 1st  
13 ex.s. c 195 s 65, 1970 ex.s. c 56 s 80, 1969 ex.s. c 232 s 85, 1953 c  
14 250 s 13, 1951 2nd ex.s. c 26 s 3, 1945 c 140 s 12, & 1941 c 210 s 18;  
15 (51) RCW 56.16.050 and 1984 c 186 s 49, 1970 ex.s. c 42 s 34, 1945  
16 c 140 s 15, & 1941 c 210 s 42;  
17 (52) RCW 56.16.060 and 1983 c 167 s 156, 1975 1st ex.s. c 25 s 1,  
18 1971 ex.s. c 272 s 4, 1970 ex.s. c 56 s 81, 1969 ex.s. c 232 s 86, 1959  
19 c 103 s 8, & 1941 c 210 s 19;  
20 (53) RCW 56.16.065 and 1975 1st ex.s. c 25 s 4;  
21 (54) RCW 56.16.070 and 1959 c 103 s 9 & 1941 c 210 s 20;  
22 (55) RCW 56.16.080 and 1983 c 167 s 157, 1975 1st ex.s. c 25 s 2,  
23 1970 ex.s. c 56 s 82, & 1941 c 210 s 21;  
24 (56) RCW 56.16.085 and 1959 c 103 s 10;  
25 (57) RCW 56.16.090 and 1991 c 347 s 19, 1974 ex.s. c 58 s 3, 1959  
26 c 103 s 11, & 1941 c 210 s 22;  
27 (58) RCW 56.16.100 and 1977 ex.s. c 300 s 6, 1971 ex.s. c 272 s 5,  
28 1953 c 250 s 14, & 1941 c 210 s 23;  
29 (59) RCW 56.16.110 and 1977 ex.s. c 300 s 7, 1971 ex.s. c 272 s 6,  
30 1953 c 250 s 15, & 1941 c 210 s 24;  
31 (60) RCW 56.16.115 and 1984 c 186 s 50, 1977 ex.s. c 300 s 8, 1973  
32 1st ex.s. c 195 s 66, 1959 c 103 s 12, & 1953 c 250 s 16;  
33 (61) RCW 56.16.130 and 1983 c 167 s 158 & 1941 c 210 s 45;  
34 (62) RCW 56.16.135 and 1988 c 162 s 10 & 1983 c 57 s 2;  
35 (63) RCW 56.16.140 and 1983 c 57 s 1, 1971 ex.s. c 272 s 7, 1959 c  
36 103 s 13, & 1941 c 210 s 46;  
37 (64) RCW 56.16.150 and 1959 c 103 s 14;  
38 (65) RCW 56.16.160 and 1986 c 294 s 12, 1983 c 66 s 21, 1981 c 24  
39 s 3, 1973 1st ex.s. c 140 s 2, & 1959 c 103 s 15;

1 (66) RCW 56.16.165 and 1981 c 24 s 1;  
2 (67) RCW 56.16.170 and 1959 c 103 s 16;  
3 (68) RCW 56.20.010 and 1987 c 169 s 1, 1971 ex.s. c 272 s 8, & 1941  
4 c 210 s 26;  
5 (69) RCW 56.20.015 and 1983 c 167 s 159, 1981 c 45 s 5, 1980 c 12  
6 s 1, 1977 ex.s. c 300 s 9, & 1974 ex.s. c 58 s 4;  
7 (70) RCW 56.20.020 and 1986 c 256 s 1, 1977 ex.s. c 300 s 10, 1974  
8 ex.s. c 58 s 5, 1965 ex.s. c 40 s 1, 1953 c 250 s 17, & 1941 c 210 s  
9 27;  
10 (71) RCW 56.20.032 and 1989 c 243 s 10;  
11 (72) RCW 56.20.033 and 1987 c 315 s 5;  
12 (73) RCW 56.20.040 and 1953 c 250 s 19 & 1941 c 210 s 29;  
13 (74) RCW 56.20.050 and 1941 c 210 s 30;  
14 (75) RCW 56.20.060 and 1941 c 210 s 31;  
15 (76) RCW 56.20.070 and 1971 ex.s. c 272 s 10, 1969 c 126 s 1, &  
16 1941 c 210 s 33;  
17 (77) RCW 56.20.080 and 1991 c 190 s 4, 1971 ex.s. c 272 s 11, 1971  
18 c 81 s 125, 1965 ex.s. c 40 s 2, & 1941 c 210 s 32;  
19 (78) RCW 56.20.090 and 1953 c 250 s 20;  
20 (79) RCW 56.20.120 and 1987 c 449 s 7;  
21 (80) RCW 56.22.010 and 1989 c 389 s 4;  
22 (81) RCW 56.22.020 and 1989 c 389 s 5;  
23 (82) RCW 56.22.030 and 1989 c 389 s 6;  
24 (83) RCW 56.22.040 and 1989 c 389 s 7;  
25 (84) RCW 56.22.050 and 1989 c 389 s 8;  
26 (85) RCW 56.24.001 and 1989 c 84 s 52;  
27 (86) RCW 56.24.070 and 1990 c 259 s 25, 1989 c 308 s 3, 1988 c 162  
28 s 13, 1985 c 469 s 56, 1982 1st ex.s. c 17 s 3, & 1967 ex.s. c 11 s 1;  
29 (87) RCW 56.24.080 and 1985 c 469 s 57 & 1967 ex.s. c 11 s 2;  
30 (88) RCW 56.24.090 and 1967 ex.s. c 11 s 3;  
31 (89) RCW 56.24.100 and 1967 ex.s. c 11 s 4;  
32 (90) RCW 56.24.110 and 1967 ex.s. c 11 s 5;  
33 (91) RCW 56.24.120 and 1985 c 141 s 4 & 1967 ex.s. c 11 s 6;  
34 (92) RCW 56.24.130 and 1967 ex.s. c 11 s 7;  
35 (93) RCW 56.24.140 and 1967 ex.s. c 11 s 8;  
36 (94) RCW 56.24.150 and 1967 ex.s. c 11 s 9;  
37 (95) RCW 56.24.180 and 1982 c 146 s 1;  
38 (96) RCW 56.24.190 and 1982 c 146 s 2;  
39 (97) RCW 56.24.200 and 1990 c 259 s 26 & 1982 c 146 s 3;

1 (98) RCW 56.24.205 and 1995 c 279 s 1 & 1987 c 449 s 8;  
2 (99) RCW 56.24.210 and 1986 c 258 s 1;  
3 (100) RCW 56.24.900 and 1967 ex.s. c 11 s 11;  
4 (101) RCW 56.28.001 and 1989 c 84 s 53;  
5 (102) RCW 56.28.010 and 1953 c 250 s 27;  
6 (103) RCW 56.28.020 and 1985 c 153 s 2;  
7 (104) RCW 56.32.001 and 1989 c 84 s 54;  
8 (105) RCW 56.32.010 and 1989 c 308 s 9, 1975 1st ex.s. c 86 s 1, &  
9 1967 c 197 s 2;  
10 (106) RCW 56.32.020 and 1975 1st ex.s. c 86 s 2 & 1967 c 197 s 3;  
11 (107) RCW 56.32.030 and 1975 1st ex.s. c 86 s 3 & 1967 c 197 s 4;  
12 (108) RCW 56.32.040 and 1975 1st ex.s. c 86 s 4 & 1967 c 197 s 5;  
13 (109) RCW 56.32.050 and 1975 1st ex.s. c 86 s 5 & 1967 c 197 s 6;  
14 (110) RCW 56.32.060 and 1967 c 197 s 7;  
15 (111) RCW 56.32.070 and 1985 c 141 s 5 & 1967 c 197 s 8;  
16 (112) RCW 56.32.080 and 1989 c 308 s 10, 1975 1st ex.s. c 86 s 6,  
17 & 1967 c 197 s 9;  
18 (113) RCW 56.32.090 and 1967 c 197 s 10;  
19 (114) RCW 56.32.100 and 1975 1st ex.s. c 86 s 7 & 1967 c 197 s 11;  
20 (115) RCW 56.32.110 and 1994 c 289 s 1, 1975 1st ex.s. c 86 s 8, &  
21 1967 c 197 s 12;  
22 (116) RCW 56.32.115 and 1975 1st ex.s. c 86 s 9;  
23 (117) RCW 56.32.120 and 1967 c 197 s 13;  
24 (118) RCW 56.32.160 and 1987 c 449 s 9;  
25 (119) RCW 56.36.001 and 1989 c 84 s 55;  
26 (120) RCW 56.36.010 and 1982 1st ex.s. c 17 s 4 & 1969 ex.s. c 148  
27 s 1;  
28 (121) RCW 56.36.020 and 1969 ex.s. c 148 s 2;  
29 (122) RCW 56.36.030 and 1971 ex.s. c 146 s 7 & 1969 ex.s. c 148 s  
30 3;  
31 (123) RCW 56.36.040 and 1982 c 104 s 1, 1981 c 45 s 6, & 1969 ex.s.  
32 c 148 s 4;  
33 (124) RCW 56.36.045 and 1988 c 162 s 3;  
34 (125) RCW 56.36.050 and 1969 ex.s. c 148 s 5;  
35 (126) RCW 56.36.060 and 1981 c 45 s 7 & 1969 ex.s. c 148 s 6;  
36 (127) RCW 56.40.010 and 1995 c 399 s 147 & 1993 c 45 s 1;  
37 (128) RCW 56.40.020 and 1995 c 399 s 148 & 1993 c 45 s 2; and  
38 (129) RCW 56.40.030 and 1993 c 45 s 3.

1        NEW SECTION.    **Sec. 1703.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 57.08.010 and 1994 c 81 s 81 & 1991 c 82 s 4;

4        (2) RCW 57.08.045 and 1981 c 45 s 10, 1959 c 108 s 4, & 1953 c 251  
5 s 3;

6        (3) RCW 57.08.080 and 1982 1st ex.s. c 17 s 12 & 1959 c 108 s 2;

7        (4) RCW 57.08.090 and 1982 1st ex.s. c 17 s 13, 1977 ex.s. c 299 s  
8 1, & 1959 c 108 s 3;

9        (5) RCW 57.08.130 and 1967 ex.s. c 135 s 2;

10       (6) RCW 57.12.045 and 1987 c 449 s 13;

11       (7) RCW 57.20.100 and 1984 c 230 s 84, 1983 c 3 s 163, 1973 1st  
12 ex.s. c 195 s 73, 1951 2nd ex.s. c 25 s 4, 1951 c 62 s 1, & 1929 c 114  
13 s 18;

14       (8) RCW 57.40.100 and 1982 1st ex.s. c 17 s 34 & 1971 ex.s. c 146  
15 s 1;

16       (9) RCW 57.40.110 and 1971 ex.s. c 146 s 2;

17       (10) RCW 57.40.120 and 1971 ex.s. c 146 s 3;

18       (11) RCW 57.40.130 and 1982 c 104 s 3, 1981 c 45 s 12, & 1971 ex.s.  
19 c 146 s 4;

20       (12) RCW 57.40.140 and 1971 ex.s. c 146 s 5; and

21       (13) RCW 57.40.150 and 1981 c 45 s 13 & 1971 ex.s. c 146 s 6.

22       NEW SECTION.    **Sec. 1704.**    This act shall take effect July 1, 1997."

23    **SSB 6091** - H COMM AMD

24       By Committee on Government Operations

25

26       On page 1, line 1 of the title, after "districts;" strike the  
27 remainder of the title and insert "amending RCW 57.02.010, 56.02.110,  
28 57.02.030, 57.02.040, 56.02.070, 56.02.100, 57.02.050, 57.04.001,  
29 57.04.020, 57.04.030, 57.04.050, 57.04.060, 57.04.065, 57.04.070,  
30 56.04.080, 57.04.100, 57.04.110, 56.04.120, 56.04.130, 57.08.011,  
31 57.08.014, 57.08.015, 57.08.016, 57.08.030, 57.08.040, 56.08.060,  
32 57.08.047, 57.08.050, 57.08.060, 57.08.065, 56.08.012, 57.08.100,  
33 57.08.105, 57.08.110, 57.08.120, 57.08.140, 57.08.017, 57.08.180,  
34 57.08.150, 57.08.160, 57.08.170, 57.12.010, 57.12.015, 57.12.030,  
35 57.12.039, 57.12.020, 57.16.010, 56.08.030, 57.16.140, 57.16.050,  
36 57.16.060, 57.16.073, 57.16.065, 56.20.030, 57.16.070, 57.16.080,  
37 57.16.100, 57.16.090, 57.16.110, 57.16.150, 57.16.020, 57.20.015,

1 57.16.030, 57.16.035, 57.16.040, 57.20.020, 57.20.023, 57.20.025,  
2 57.20.027, 57.20.030, 57.20.080, 57.20.090, 57.20.110, 57.20.120,  
3 57.20.130, 57.20.135, 57.20.140, 57.20.150, 57.20.160, 57.20.165,  
4 57.20.170, 57.22.010, 57.22.020, 57.22.030, 57.22.040, 57.22.050,  
5 57.24.001, 57.24.010, 57.24.020, 57.24.040, 57.24.050, 57.24.070,  
6 57.24.090, 57.24.170, 57.24.180, 57.24.190, 57.24.200, 57.24.210,  
7 57.24.220, 57.28.001, 57.28.010, 57.28.020, 57.28.030, 57.28.035,  
8 57.28.040, 57.28.050, 57.28.060, 57.28.070, 57.28.080, 57.28.090,  
9 57.28.100, 57.28.110, 57.32.001, 57.32.010, 57.32.020, 57.32.021,  
10 57.32.022, 57.32.023, 57.32.024, 57.32.130, 57.32.160, 57.36.001,  
11 57.36.010, 57.36.020, 57.36.030, 57.36.040, 57.40.135, 57.36.050,  
12 57.42.010, 57.42.020, 57.42.030, 57.46.010, 57.46.020, 57.46.030,  
13 57.90.001, 57.90.010, 57.90.020, 57.90.030, 57.90.040, 57.90.050,  
14 57.90.100, 35.13.900, 35.58.570, 35.97.050, 35A.14.901, 35A.56.010,  
15 35A.70.010, 36.29.160, 36.93.090, 36.94.420, 41.04.190, 43.99F.020,  
16 82.02.020, 84.09.030, 84.38.020, 84.52.052, 90.03.510, and 90.03.525;  
17 adding new sections to chapter 57.02 RCW; adding new sections to  
18 chapter 57.08 RCW; adding a new section to Title 57 RCW; adding new  
19 sections to chapter 57.04 RCW; adding new sections to chapter 57.06  
20 RCW; adding new sections to chapter 57.16 RCW; adding new sections to  
21 chapter 57.20 RCW; adding a new section to chapter 57.36 RCW; creating  
22 a new section; recodifying RCW 56.02.070, 56.02.100, 56.02.110,  
23 56.04.080, 56.04.120, 56.04.130, 56.02.030, 56.02.080, 56.36.070,  
24 56.08.060, 56.08.012, 56.08.170, 56.08.030, 56.20.030, 57.16.020,  
25 57.16.030, 57.16.035, 57.16.040, and 57.40.135; repealing RCW  
26 56.02.010, 56.02.040, 56.02.050, 56.02.055, 56.02.060, 56.02.120,  
27 56.04.001, 56.04.020, 56.04.030, 56.04.040, 56.04.050, 56.04.060,  
28 56.04.065, 56.04.070, 56.04.090, 56.08.010, 56.08.013, 56.08.014,  
29 56.08.015, 56.08.020, 56.08.040, 56.08.050, 56.08.065, 56.08.070,  
30 56.08.075, 56.08.080, 56.08.090, 56.08.092, 56.08.100, 56.08.105,  
31 56.08.110, 56.08.120, 56.08.130, 56.08.140, 56.08.150, 56.08.160,  
32 56.08.180, 56.08.190, 56.08.200, 56.12.010, 56.12.015, 56.12.020,  
33 56.12.030, 56.12.040, 56.12.050, 56.16.010, 56.16.020, 56.16.030,  
34 56.16.035, 56.16.040, 56.16.050, 56.16.060, 56.16.065, 56.16.070,  
35 56.16.080, 56.16.085, 56.16.090, 56.16.100, 56.16.110, 56.16.115,  
36 56.16.130, 56.16.135, 56.16.140, 56.16.150, 56.16.160, 56.16.165,  
37 56.16.170, 56.20.010, 56.20.015, 56.20.020, 56.20.032, 56.20.033,  
38 56.20.040, 56.20.050, 56.20.060, 56.20.070, 56.20.080, 56.20.090,  
39 56.20.120, 56.22.010, 56.22.020, 56.22.030, 56.22.040, 56.22.050,

1 56.24.001, 56.24.070, 56.24.080, 56.24.090, 56.24.100, 56.24.110,  
2 56.24.120, 56.24.130, 56.24.140, 56.24.150, 56.24.180, 56.24.190,  
3 56.24.200, 56.24.205, 56.24.210, 56.24.900, 56.28.001, 56.28.010,  
4 56.28.020, 56.32.001, 56.32.010, 56.32.020, 56.32.030, 56.32.040,  
5 56.32.050, 56.32.060, 56.32.070, 56.32.080, 56.32.090, 56.32.100,  
6 56.32.110, 56.32.115, 56.32.120, 56.32.160, 56.36.001, 56.36.010,  
7 56.36.020, 56.36.030, 56.36.040, 56.36.045, 56.36.050, 56.36.060,  
8 56.40.010, 56.40.020, 56.40.030, 57.08.010, 57.08.045, 57.08.080,  
9 57.08.090, 57.08.130, 57.12.045, 57.20.100, 57.40.100, 57.40.110,  
10 57.40.120, 57.40.130, 57.40.140, and 57.40.150; and providing an  
11 effective date."

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