

2 **SSB 5781** - H COMM AMD **ADOPTED 4-10-97**
3 By Committee on Government Administration

4
5 Strike everything after the enacting clause and insert the
6 following:

7 **"Sec. 1.** RCW 35.13A.030 and 1971 ex.s. c 95 s 3 are each amended
8 to read as follows:

9 Whenever a portion of a (~~water district or sewer~~) water-sewer
10 district equal to at least sixty percent of the area or sixty percent
11 of the assessed valuation of the real property lying within such
12 district, is included within the corporate boundaries of a city, the
13 city may either:

14 (1) Assume by ordinance the full and complete management and
15 control of that portion of the entire district that is contiguous to
16 the city and not included within another city, (~~whereupon~~) if the
17 district voters of such an area approve a ballot proposition
18 authorizing the assumption requested by the city, submitted to these
19 voters by the board of commissioners of the district. The provisions
20 of RCW 35.13A.020 shall be operative if the city proceeds under this
21 subsection and any rates that are charged for service outside of the
22 city shall be reasonable to all parties; or

23 (2) The city may proceed directly under the provisions of RCW
24 35.13A.050.

25 The city or district may petition to dissolve the district under
26 the provisions of RCW 35.13A.080.

27 **Sec. 2.** RCW 35.13A.050 and 1971 ex.s. c 95 s 5 are each amended to
28 read as follows:

29 When electing under RCW 35.13A.030 or 35.13A.040 to proceed under
30 this section, the city may assume, by ordinance, jurisdiction of the
31 district's responsibilities, property, facilities and equipment within
32 the corporate limits of the city(~~(: PROVIDED, That)).~~).

33 If on the effective date of such an ordinance the territory of the
34 district included within the city contains any facilities serving or
35 designed to serve any portion of the district outside the corporate

1 limits of the city or if the territory lying within the district and
2 outside the city contains any facilities serving or designed to serve
3 territory included within the city (which facilities are hereafter in
4 this section called the "serving facilities"), the city or district
5 shall for the economically useful life of any such serving facilities
6 make available sufficient capacity therein to serve the sewage,
7 drainage, or water requirements of such territory, to the extent that
8 such facilities were designed to serve such territory at a rate charged
9 to the municipality being served which is reasonable to all parties.

10 In the event a city proceeds under this section, the (~~district may~~
11 ~~elect upon a favorable vote of a majority of all voters within the~~
12 ~~district voting upon such propositions to require the~~) city shall be
13 required to assume responsibility for (~~the operation and maintenance~~
14 ~~of~~) operating and maintaining the district's property, facilities and
15 equipment throughout that portion of the entire district that is
16 contiguous to the city but not included in any other city and (~~to~~)
17 the district shall pay the city a charge for such operation and
18 maintenance which is reasonable under all of the circumstances, if the
19 voters of the district who reside in such an area approve a ballot
20 proposition providing for this transfer of responsibility, submitted to
21 the voters by the board of commissioners of the district.

22 A city acquiring property, facilities and equipment under the
23 provisions of this section shall acquire such property, facilities and
24 equipment, and fix and collect service and other charges from owners
25 and occupants of properties served by the city, subject, to any
26 contractual obligations of the district which relate to the property,
27 facilities, or equipment so acquired by the city or which are secured
28 by taxes, assessments or revenues from the territory of the district
29 included within the city. In such cases, the property included within
30 the city and the owners and occupants thereof shall continue to be
31 liable for payment of its and their proportionate share of any
32 outstanding district indebtedness. The district and its officers shall
33 continue to levy taxes and assessments on and to collect service and
34 other charges from such property, or owners or occupants thereof, to
35 enforce such collections, and to perform all other acts necessary to
36 insure performance of the district's contractual obligations in the
37 same manner and by the same means as if the territory of the district
38 had not been included within the boundaries of a city.

1 The city or district may petition to dissolve the district under
2 the provisions of RCW 35.13A.080.

3 **Sec. 3.** RCW 57.08.065 and 1996 c 230 s 313 are each amended to
4 read as follows:

5 (1) A district shall have power to establish, maintain, and operate
6 a mutual water, sewer, drainage, and street lighting system, a mutual
7 system of any two or three of the systems, or separate systems.

8 (2) Where any two or more districts include the same territory as
9 of July 1, 1997, none of the overlapping districts may provide any
10 service that was made available by any of the other districts prior to
11 July 1, 1997, within the overlapping territory without the consent by
12 resolution of the board of commissioners of the other district or
13 districts.

14 (3) A district that was a water district prior to July 1, 1997,
15 that did not operate a sewer or drainage system prior to July 1, 1997,
16 may not proceed to exercise the powers to establish, maintain,
17 construct, and operate any sewer or drainage system without first
18 obtaining written approval by resolution of the city or town in whose
19 jurisdiction it proposes to exercise such powers and certification of
20 necessity from the department of ecology and department of health. Any
21 comprehensive plan for a sewer or drainage system (~~(of sewers)~~) or
22 addition thereto or betterment thereof proposed by a district that was
23 a water district prior to July 1, 1997, shall be approved by the same
24 county, city, town, and state officials as were required to approve
25 such plans adopted by a sewer district immediately prior to July 1,
26 1997, and as subsequently may be required."

27 Correct the title.

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