

2 **SSB 5838** - H COMM AMD **NOT ADOPTED 4-14-97**  
3 By Committee on Agriculture & Ecology

4

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

7 NEW SECTION. **Sec. 1.** The legislature finds that improperly  
8 designed, installed, or maintained on-site sewage disposal systems are  
9 a major contributor to water pollution in this state. The legislature  
10 also recognizes that evolving technology has produced many viable  
11 alternatives to traditional on-site septic systems. It is the purpose  
12 of this act to help facilitate the siting of new alternative on-site  
13 septic systems and to assist local governments in promoting efficient  
14 operation of on-site septic these systems.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.05 RCW  
16 to read as follows:

17 (1) The local health officer must respond to the applicant for an  
18 on-site sewage system permit within thirty days after receiving a fully  
19 completed application. The local health officer must respond that the  
20 application is either approved, denied, or pending.

21 (2) If the local health officer denies an application to install an  
22 on-site sewage system, the denial must be for cause and based upon  
23 public health and environmental protection concerns, including concerns  
24 regarding the ability to operate and maintain the system, or conflicts  
25 with other existing laws, regulations, or ordinances. The local health  
26 officer must provide the applicant with a written justification for the  
27 denial, along with an explanation of the procedure for appeal.

28 (3) If the local health officer identifies the application as  
29 pending and subject to review beyond thirty days, the local health  
30 officer must provide the applicant with a written justification that  
31 the site-specific conditions or circumstances necessitate a longer time  
32 period for a decision on the application. The local health officer  
33 must include any specific information necessary to make a decision and  
34 the estimated time required for a decision to be made.

1 (4) A local health officer may not limit the number of alternative  
2 sewage systems within his or her jurisdiction without cause. Any such  
3 limitation must be based upon public health and environmental  
4 protection concerns, including concerns regarding the ability to  
5 operate and maintain the system, or conflicts with other existing laws,  
6 regulations, or ordinances. If such a limitation is established, the  
7 local health officer must justify the limitation in writing, with  
8 specific reasons, and must provide an explanation of the procedure for  
9 appealing the limitation.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.118 RCW  
11 to read as follows:

12 The department of health must include one person who is familiar  
13 with the operation and maintenance of certified proprietary devices on  
14 the technical review committee responsible for evaluating and making  
15 recommendations to the department of health regarding the general use  
16 of alternative on-site sewage systems in the state.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 57.04 RCW  
18 to read as follows:

19 (1) As an alternative means to forming a water-sewer district, a  
20 county legislative authority may authorize the formation of a water-  
21 sewer district to serve a new development that at the time of formation  
22 does not have any residents, at written request of sixty percent of the  
23 owners of the area to be included in the proposed district. The county  
24 legislative authority shall review the proposed district according to  
25 the procedures and criteria in RCW 57.02.040.

26 (2) The county legislative authority shall appoint the initial  
27 water-sewer commissioners of the district. The commissioners shall  
28 serve until seventy-five percent of the development is sold and  
29 occupied, or until some other time as specified by the county  
30 legislative authority when the district is approved. Commissioners  
31 serving under this section are not entitled to any form of compensation  
32 from the district.

33 (3) New commissioners shall be elected according to the procedures  
34 in chapter 57.12 RCW at the next election held under RCW 29.13.010 that  
35 follows more than ninety days after the date seventy-five percent of  
36 the development is sold and occupied, or after the time specified by  
37 the county legislative authority when the district is approved.

1 (4) A water-sewer district created under this section may be  
2 transferred to a city or county, or dissolved if the district is  
3 inactive, by order of the county legislative authority at the written  
4 request of sixty percent of the owners of the area included in the  
5 district.

6 NEW SECTION. Sec. 5. A new section is added to chapter 70.118 RCW  
7 to read as follows:

8 In order to assure that technical guidelines and standards keep  
9 pace with advancing technologies, the department of health in  
10 collaboration with the technical review committee, local health  
11 departments, and other interested parties, must review and update as  
12 appropriate, the state guidelines and standards for alternative on-site  
13 sewage disposal every three years. The first review and update must be  
14 completed by January 1, 1999.

15 NEW SECTION. Sec. 6. Nothing in sections 2 through 4 of this act  
16 may be deemed to eliminate any requirements for approval from public  
17 health agencies under applicable law in connection with the siting,  
18 design, construction, and repair of on-site septic systems.

19 **Sec. 7.** RCW 35.67.010 and 1965 c 110 s 1 are each amended to read  
20 as follows:

21 A "system of sewerage" means and may include((s)) any or all of the  
22 following:

23 (1) Sanitary sewage (~~((disposal sewers))~~) collection, treatment,  
24 and/or disposal facilities and services, on-site or off-site sanitary  
25 sewerage facilities, inspection services and maintenance services for  
26 public or private on-site systems, or any other means of sewage  
27 treatment and disposal approved by the city;

28 (2) Combined sanitary sewage disposal and storm or surface water  
29 sewers;

30 (3) Storm or surface water sewers;

31 (4) Outfalls for storm drainage or sanitary sewage and works,  
32 plants, and facilities for storm drainage or sanitary sewage treatment  
33 and disposal, ((or)) and rights and interests in property relating to  
34 the system;

35 (5) Combined water and sewerage systems;

1       (6) Point and nonpoint water pollution monitoring programs that are  
2 directly related to the sewerage facilities and programs operated by a  
3 city or town;

4       (7) Public restroom and sanitary facilities; and

5       (8) Any combination of or part of any or all of such facilities.

6       The words "public utility" when used in this chapter (~~shall have~~)  
7 has the same meaning as the words "system of sewerage."

8       **Sec. 8.** RCW 35.67.020 and 1995 c 124 s 3 are each amended to read  
9 as follows:

10       Every city and town may construct, condemn and purchase, acquire,  
11 add to, maintain, conduct, and operate systems of sewerage and systems  
12 and plants for refuse collection and disposal together with additions,  
13 extensions, and betterments thereto, within and without its limits,  
14 with full jurisdiction and authority to manage, regulate, and control  
15 them and to fix, alter, regulate, and control the rates and charges for  
16 their use. The rates charged must be uniform for the same class of  
17 customers or service and facilities furnished.

18       In classifying customers served or service and facilities furnished  
19 by such system of sewerage, the city or town legislative body may in  
20 its discretion consider any or all of the following factors: (1) The  
21 difference in cost of service and facilities to the various customers;  
22 (2) the location of the various customers within and without the city  
23 or town; (3) the difference in cost of maintenance, operation, repair,  
24 and replacement of the various parts of the system; (4) the different  
25 character of the service and facilities furnished various customers;  
26 (5) the quantity and quality of the sewage delivered and the time of  
27 its delivery; (6) the achievement of water conservation goals and the  
28 discouragement of wasteful water use practices; (7) capital  
29 contributions made to the system, including but not limited to,  
30 assessments; (8) the nonprofit public benefit status, as defined in RCW  
31 24.03.490, of the land user; and (9) any other matters which present a  
32 reasonable difference as a ground for distinction. Rates or charges  
33 may not be imposed under this chapter on the development, construction,  
34 or reconstruction of property.

35       A city or town may provide assistance to aid low-income persons in  
36 connection with services provided under this chapter.

37       Under this chapter, after July 1, 1998, any requirements for  
38 pumping the septic tank of an on-site sewage system should be based,

1 among other things, on actual measurement of accumulation of sludge and  
2 scum by a trained inspector, trained owner's agent, or trained owner.  
3 Training must occur in a program approved by the state board of health  
4 or by a local health officer.

5 Before adopting on-site inspection and maintenance utility  
6 services, or incorporating residences into an on-site inspection and  
7 maintenance or sewer utility under this chapter, notification must be  
8 provided, prior to the applicable public hearing, to all residences  
9 within the proposed service area that have on-site systems permitted by  
10 the local health officer. The notice must clearly state that the  
11 residence is within the proposed service area and must provide  
12 information on estimated rates or charges that may be imposed for the  
13 service.

14 A city or town shall not provide on-site sewage system inspection,  
15 pumping services, or other maintenance or repair services under this  
16 section using city or town employees unless the on-site system is  
17 connected by a publicly owned collection system to the city or town's  
18 sewerage system, and the on-site system represents the first step in  
19 the sewage disposal process. Nothing in this section shall affect the  
20 authority of state or local health officers to carry out their  
21 responsibilities under any other applicable law.

22 **Sec. 9.** RCW 35.92.020 and 1995 c 124 s 5 are each amended to read  
23 as follows:

24 A city or town may construct, condemn and purchase, purchase,  
25 acquire, add to, alter, maintain, and operate systems, plants, sites,  
26 or other facilities of sewerage as defined in RCW 35.67.010, or solid  
27 waste handling as defined by RCW 70.95.030, and shall have full  
28 authority to manage, regulate, operate, control, and to fix the price  
29 of service and facilities of those systems, plants, sites, or other  
30 facilities within and without the limits of the city or town. The  
31 rates charged shall be uniform for the same class of customers or  
32 service and facilities. In classifying customers served or service  
33 and facilities furnished by a system or systems of sewerage, the  
34 legislative authority of the city or town may in its discretion  
35 consider any or all of the following factors: (1) The difference in  
36 cost of service and facilities to customers; (2) the location of  
37 customers within and without the city or town; (3) the difference in  
38 cost of maintenance, operation, repair, and replacement of the parts of

1 the system; (4) the different character of the service and facilities  
2 furnished to customers; (5) the quantity and quality of the sewage  
3 delivered and the time of its delivery; (6) capital contributions made  
4 to the systems, plants, sites, or other facilities, including but not  
5 limited to, assessments; (7) the nonprofit public benefit status, as  
6 defined in RCW 24.03.490, of the land user; and (8) any other factors  
7 that present a reasonable difference as a ground for distinction.  
8 Rates or charges may not be imposed under this chapter on the  
9 development, construction, or reconstruction of property.

10 A city or town may provide assistance to aid low-income persons in  
11 connection with services provided under this chapter.

12 Under this chapter, after July 1, 1998, any requirements for  
13 pumping the septic tank of an on-site sewage system should be based,  
14 among other things, on actual measurement of accumulation of sludge and  
15 scum by a trained inspector, trained owner's agent, or trained owner.  
16 Training must occur in a program approved by the state board of health  
17 or by a local health officer.

18 Before adopting on-site inspection and maintenance utility  
19 services, or incorporating residences into an on-site inspection and  
20 maintenance or sewer utility under this chapter, notification must be  
21 provided, prior to the applicable public hearing, to all residences  
22 within the proposed service area that have on-site systems permitted by  
23 the local health officer. The notice must clearly state that the  
24 residence is within the proposed service area and must provide  
25 information on estimated rates or charges that may be imposed for the  
26 service.

27 A city or town shall not provide on-site sewage system inspection,  
28 pumping services, or other maintenance or repair services under this  
29 section using city or town employees unless the on-site system is  
30 connected by a publicly owned collection system to the city or town's  
31 sewerage system, and the on-site system represents the first step in  
32 the sewage disposal process. Nothing in this section shall affect the  
33 authority of state or local health officers to carry out their  
34 responsibilities under any other applicable law.

35 **Sec. 10.** RCW 36.94.010 and 1981 c 313 s 14 are each amended to  
36 read as follows:

37 As used in this chapter:

1 (1) A "system of sewerage" means and may include~~((s))~~ any or all of  
2 the following:

3 (a) Sanitary sewage collection, treatment, and/or disposal ~~((sewers~~  
4 ~~and))~~ facilities and services, including without limitation on-site or  
5 off-site sanitary sewerage facilities ~~((consisting of an approved~~  
6 ~~septic tank or septic tank systems))~~, inspection services and  
7 maintenance services for private or public on-site systems, or any  
8 other means of sewage treatment and disposal approved by the county;

9 (b) Combined sanitary sewage disposal and storm or surface water  
10 drains and facilities;

11 (c) Storm or surface water drains, channels, and facilities;

12 (d) Outfalls for storm drainage or sanitary sewage and works,  
13 plants, and facilities for storm drainage or sanitary sewage treatment  
14 and disposal, and rights and interests in property relating to the  
15 system;

16 (e) Combined water and sewerage systems;

17 (f) Point and nonpoint water pollution monitoring programs that are  
18 directly related to the sewerage facilities and programs operated by a  
19 county;

20 (g) Public restroom and sanitary facilities;

21 (h) The facilities and services authorized in RCW 36.94.020; and

22 (i) Any combination of or part of any or all of such facilities.

23 (2) A "system of water" means and includes:

24 (a) A water distribution system, including dams, reservoirs,  
25 aqueducts, plants, pumping stations, transmission and lateral  
26 distribution lines and other facilities for distribution of water;

27 (b) A combined water and sewerage system;

28 (c) Any combination of or any part of any or all of such  
29 facilities.

30 (3) A "sewerage and/or water general plan" means a general plan for  
31 a system of sewerage and/or water for the county which shall be an  
32 element of the comprehensive plan established by the county pursuant to  
33 RCW 36.70.350(6) and/or chapter 35.63 RCW, if there is such a  
34 comprehensive plan.

35 (a) A sewerage general plan shall include the general location and  
36 description of treatment and disposal facilities, trunk and interceptor  
37 sewers, pumping stations, monitoring and control facilities, channels,  
38 local service areas and a general description of the collection system  
39 to serve those areas, a description of on-site sanitary sewerage system

1 inspection services and maintenance services, and other facilities and  
2 services as may be required to provide a functional and implementable  
3 plan, including preliminary engineering to assure feasibility. The  
4 plan may also include a description of the regulations deemed  
5 appropriate to carrying out surface drainage plans.

6 (b) A water general plan shall include the general location and  
7 description of water resources to be utilized, wells, treatment  
8 facilities, transmission lines, storage reservoirs, pumping stations,  
9 and monitoring and control facilities as may be required to provide a  
10 functional and implementable plan.

11 (c) Water and/or sewerage general plans shall include preliminary  
12 engineering in adequate detail to assure technical feasibility and, to  
13 the extent then known, shall further discuss the methods of  
14 distributing the cost and expense of the system and shall indicate the  
15 economic feasibility of plan implementation. The plans may also  
16 specify local or lateral facilities and services. The sewerage and/or  
17 water general plan does not mean the final engineering construction or  
18 financing plans for the system.

19 (4) "Municipal corporation" means and includes any city, town,  
20 metropolitan municipal corporation, any public utility district which  
21 operates and maintains a sewer or water system, any sewer, water,  
22 diking, or drainage district, any diking, drainage, and sewerage  
23 improvement district, and any irrigation district.

24 (5) A "private utility" means and includes all utilities, both  
25 public and private, which provide sewerage and/or water service and  
26 which are not municipal corporations within the definition of this  
27 chapter. The ownership of a private utility may be in a corporation,  
28 nonprofit or for profit, in a cooperative association, in a mutual  
29 organization, or in individuals.

30 (6) "Board" means one or more boards of county commissioners and/or  
31 the legislative authority of a home rule charter county.

32 **Sec. 11.** RCW 36.94.020 and 1981 c 313 s 1 are each amended to read  
33 as follows:

34 The construction, operation, and maintenance of a system of  
35 sewerage and/or water is a county purpose. Subject to the provisions  
36 of this chapter, every county has the power, individually or in  
37 conjunction with another county or counties to adopt, provide for,  
38 accept, establish, condemn, purchase, construct, add to, operate, and



1 maintain a system or systems of sanitary and storm sewers, including  
2 outfalls, interceptors, plans, and facilities and services necessary  
3 for sewerage treatment and disposal, and/or system or systems of water  
4 supply within all or a portion of the county(~~(:—PROVIDED, That))~~).  
5 However, counties shall not have power to condemn sewerage and/or water  
6 systems of any municipal corporation or private utility.

7 Such county or counties shall have the authority to control,  
8 regulate, operate, and manage such system or systems and to provide  
9 funds therefor by general obligation bonds, revenue bonds, local  
10 improvement district bonds, utility local improvement district or local  
11 improvement district assessments, and in any other lawful fiscal  
12 manner. Rates or charges may not be imposed under this chapter on the  
13 development, construction, or reconstruction of property.

14 Under this chapter, after July 1, 1998, any requirements for  
15 pumping the septic tank of an on-site sewage system should be based,  
16 among other things, on actual measurement of accumulation of sludge and  
17 scum by a trained inspector, trained owner's agent, or trained owner.  
18 Training must occur in a program approved by the state board of health  
19 or by a local health officer.

20 Before adopting on-site inspection and maintenance utility  
21 services, or incorporating residences into an on-site inspection and  
22 maintenance or sewer utility under this chapter, notification must be  
23 provided, prior to the applicable public hearing, to all residences  
24 within the proposed service area that have on-site systems permitted by  
25 the local health officer. The notice must clearly state that the  
26 residence is within the proposed service area and must provide  
27 information on estimated rates or charges that may be imposed for the  
28 service.

29 A county shall not provide on-site sewage system inspection,  
30 pumping services, or other maintenance or repair services under this  
31 section using county employees unless the on-site system is connected  
32 by a publicly owned collection system to the county's sewerage system,  
33 and the on-site system represents the first step in the sewage disposal  
34 process. Nothing in this section shall affect the authority of a state  
35 or local health officer to carry out their responsibilities under any  
36 other applicable law.

37 A county may, as part of a system of sewerage established under  
38 this chapter, provide for, finance, and operate any of the facilities  
39 and services and may exercise the powers expressly authorized for

1 county storm water, flood control, pollution prevention, and drainage  
2 services and activities under chapters 36.89, 86.12, 86.13, and 86.15  
3 RCW. A county also may provide for, finance, and operate the  
4 facilities and services and may exercise any of the powers authorized  
5 for aquifer protection areas under chapter 36.36 RCW; for lake  
6 management districts under chapter 36.61 RCW; for diking districts, and  
7 diking, drainage, and sewerage improvement districts under chapters  
8 85.05, 85.08, 85.15, 85.16, and 85.18 RCW; and for shellfish protection  
9 districts under chapter 90.72 RCW. However, if a county by reference  
10 to any of those statutes assumes as part of its system of sewerage any  
11 powers granted to such areas or districts and not otherwise available  
12 to a county under this chapter, then (1) the procedures and  
13 restrictions applicable to those areas or districts apply to the  
14 county's exercise of those powers, and (2) the county may not  
15 simultaneously impose rates and charges under this chapter and under  
16 the statutes authorizing such areas or districts for substantially the  
17 same facilities and services, but must instead impose uniform rates and  
18 charges consistent with RCW 36.94.140. By agreement with such an area  
19 or district that is not part of a county's system of sewerage, a county  
20 may operate that area's or district's services or facilities, but a  
21 county may not dissolve any existing area or district except in  
22 accordance with any applicable provisions of the statute under which  
23 that area or district was created.

24 **Sec. 12.** RCW 36.94.140 and 1995 c 124 s 2 are each amended to read  
25 as follows:

26 Every county, in the operation of a system of sewerage and/or  
27 water, shall have full jurisdiction and authority to manage, regulate,  
28 and control it and to fix, alter, regulate, and control the rates and  
29 charges for the service and facilities to those to whom such ((county))  
30 service ((is)) and facilities are available, and to levy charges for  
31 connection to the system. The rates for availability of service and  
32 facilities, and connection charges so charged must be uniform for the  
33 same class of customers or service and facility.

34 In classifying customers served, service furnished or made  
35 available by such system of sewerage and/or water, or the connection  
36 charges, the county legislative authority may consider any or all of  
37 the following factors:

1 (1) The difference in cost of service to the various customers  
2 within or without the area;

3 (2) The difference in cost of maintenance, operation, repair and  
4 replacement of the various parts of the systems;

5 (3) The different character of the service and facilities furnished  
6 various customers;

7 (4) The quantity and quality of the sewage and/or water delivered  
8 and the time of its delivery;

9 (5) Capital contributions made to the system or systems, including,  
10 but not limited to, assessments;

11 (6) The cost of acquiring the system or portions of the system in  
12 making system improvements necessary for the public health and safety;

13 (7) The nonprofit public benefit status, as defined in RCW  
14 24.03.490, of the land user; and

15 (8) Any other matters which present a reasonable difference as a  
16 ground for distinction.

17 A county may provide assistance to aid low-income persons in  
18 connection with services provided under this chapter.

19 The service charges and rates shall produce revenues sufficient to  
20 take care of the costs of maintenance and operation, revenue bond and  
21 warrant interest and principal amortization requirements, and all other  
22 charges necessary for the efficient and proper operation of the system.

23 NEW SECTION. Sec. 13. A new section is added to chapter 35.58 RCW  
24 to read as follows:

25 A metropolitan municipal corporation authorized to perform water  
26 pollution abatement may exercise all the powers relating to systems of  
27 sewerage authorized by RCW 36.94.010, 36.94.020, and 36.94.140 for  
28 counties.

29 NEW SECTION. Sec. 14. A new section is added to chapter 35.21 RCW  
30 to read as follows:

31 The legislative authority of any city or town may exercise all the  
32 powers relating to systems of sewerage authorized by RCW 35.67.010 and  
33 35.67.020.

34 NEW SECTION. Sec. 15. A new section is added to chapter 53.08 RCW  
35 to read as follows:

1 A port district may exercise all the powers relating to systems of  
2 sewerage authorized by RCW 54.16.230 for public utility districts.

3 **Sec. 16.** RCW 54.16.230 and 1975 1st ex.s. c 57 s 1 are each  
4 amended to read as follows:

5 A public utility district may acquire, construct, operate,  
6 maintain, and add to sewage systems, subject to and in compliance with  
7 the county comprehensive plan, under the general powers of Title 54 RCW  
8 or through the formation of local utility districts as provided in RCW  
9 54.16.120 through 54.16.170(~~(:—PROVIDED, That)~~). However, prior to  
10 engaging in ((any sewage system works)) the acquisition, construction,  
11 or expansion of on-site or off-site sewerage facilities, except for  
12 public restroom and sanitary facilities, as authorized by this section,  
13 the voters of the public utility district shall first approve by  
14 majority vote a referendum proposition authorizing such district to  
15 exercise ((the)) those powers ((set forth in this section)) related to  
16 the acquisition, construction, or expansion of such facilities, which  
17 proposition shall be presented at a general election. A sewage system  
18 may include any or all of the following:

19 (1) Sanitary sewage collection, treatment, and/or disposal  
20 facilities and services, including without limitation on-site or off-  
21 site sewerage facilities, inspection services and maintenance services  
22 for public or private on-site systems, or any other means of sewage  
23 treatment and disposal;

24 (2) Point and nonpoint water pollution monitoring programs that are  
25 directly related to the sewerage facilities and programs operated by a  
26 public utility district; and

27 (3) Public restroom and sanitary facilities. Rates or charges may  
28 not be imposed under this chapter on the development, construction, or  
29 reconstruction of property.

30 A public utility district may provide assistance to aid low-income  
31 persons in connection with services provided under this section.

32 Under this chapter, after July 1, 1998, any requirements for  
33 pumping the septic tank of an on-site sewage system should be based,  
34 among other things, on actual measurement of accumulation of sludge and  
35 scum by a trained inspector, trained owner's agent, or trained owner.  
36 Training must occur in a program approved by the state board of health  
37 or by a local health officer.

1 Before adopting on-site inspection and maintenance utility  
2 services, or incorporating residences into an on-site inspection and  
3 maintenance or sewer utility under this chapter, notification must be  
4 provided, prior to the applicable public hearing, to all residences  
5 within the proposed service area that have on-site systems permitted by  
6 the local health officer. The notice must clearly state that the  
7 residence is within the proposed service area and must provide  
8 information on estimated rates or charges that may be imposed for the  
9 service.

10 A public utility district shall not provide on-site sewage system  
11 inspection, pumping services, or other maintenance or repair services  
12 under this section using public utility district employees unless the  
13 on-site system is connected by a publicly owned collection system to  
14 the public utility district's sewerage system, and the on-site system  
15 represents the first step in the sewage disposal process. Nothing in  
16 this section shall affect the authority of state or local health  
17 officers to carry out their responsibilities under any other applicable  
18 law. A public utility district that provided inspection, pumping  
19 services, or other maintenance or repair services with its own  
20 employees prior to January 1, 1997, may continue to use its employees  
21 to provide that service.

22 **Sec. 17.** RCW 54.16.240 and 1975 1st ex.s. c 57 s 2 are each  
23 amended to read as follows:

24 The commission of a public utility district, by resolution may, or  
25 on petition in the same manner as provided for the creation of a  
26 district under RCW 54.08.010 shall, submit to the voters for their  
27 approval or rejection the proposal that (~~said~~) the public utility  
28 district be authorized to exercise the powers set forth in RCW  
29 54.16.230 for which an election is required.

30 **Sec. 18.** RCW 57.08.005 and 1996 c 230 s 301 are each amended to  
31 read as follows:

32 A district shall have the following powers:

33 (1) To acquire by purchase or condemnation, or both, all lands,  
34 property and property rights, and all water and water rights, both  
35 within and without the district, necessary for its purposes. The right  
36 of eminent domain shall be exercised in the same manner and by the same  
37 procedure as provided for cities and towns, insofar as consistent with

1 this title, except that all assessment or reassessment rolls to be  
2 prepared and filed by eminent domain commissioners or commissioners  
3 appointed by the court shall be prepared and filed by the district, and  
4 the duties devolving upon the city treasurer are imposed upon the  
5 county treasurer;

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

9 (3) To construct, condemn and purchase, add to, maintain, and  
10 supply waterworks to furnish the district and inhabitants thereof and  
11 any other persons, both within and without the district, with an ample  
12 supply of water for all uses and purposes public and private with full  
13 authority to regulate and control the use, content, distribution, and  
14 price thereof in such a manner as is not in conflict with general law  
15 and may construct, acquire, or own buildings and other necessary  
16 district facilities. Where a customer connected to the district's  
17 system uses the water on an intermittent or transient basis, a district  
18 may charge for providing water service to such a customer, regardless  
19 of the amount of water, if any, used by the customer. District  
20 waterworks may include facilities which result in combined water supply  
21 and electric generation, if the electricity generated thereby is a  
22 byproduct of the water supply system. That electricity may be used by  
23 the district or sold to any entity authorized by law to use or  
24 distribute electricity. Electricity is deemed a byproduct when the  
25 electrical generation is subordinate to the primary purpose of water  
26 supply. For such purposes, a district may take, condemn and purchase,  
27 acquire, and retain water from any public or navigable lake, river or  
28 watercourse, or any underflowing water, and by means of aqueducts or  
29 pipeline conduct the same throughout the district and any city or town  
30 therein and carry it along and upon public highways, roads, and  
31 streets, within and without such district. For the purpose of  
32 constructing or laying aqueducts or pipelines, dams, or waterworks or  
33 other necessary structures in storing and retaining water or for any  
34 other lawful purpose such district may occupy the beds and shores up to  
35 the high water mark of any such lake, river, or other watercourse, and  
36 may acquire by purchase or condemnation such property or property  
37 rights or privileges as may be necessary to protect its water supply  
38 from pollution. For the purposes of waterworks which include  
39 facilities for the generation of electricity as a byproduct, nothing in

1 this section may be construed to authorize a district to condemn  
2 electric generating, transmission, or distribution rights or facilities  
3 of entities authorized by law to distribute electricity, or to acquire  
4 such rights or facilities without the consent of the owner;

5 (4) To purchase and take water from any municipal corporation,  
6 private person, or entity. A district contiguous to Canada may  
7 contract with a Canadian corporation for the purchase of water and for  
8 the construction, purchase, maintenance, and supply of waterworks to  
9 furnish the district and inhabitants thereof and residents of Canada  
10 with an ample supply of water under the terms approved by the board of  
11 commissioners;

12 (5) To construct, condemn and purchase, add to, maintain, and  
13 operate systems of sewers for the purpose of furnishing the district,  
14 the inhabitants thereof, and persons outside the district with an  
15 adequate system of sewers for all uses and purposes, public and  
16 private, including but not limited to on-site sewage disposal  
17 facilities, approved septic tanks or approved septic tank systems, on-  
18 site sanitary sewerage systems, inspection services and maintenance  
19 services for private and public on-site systems, point and nonpoint  
20 water pollution monitoring programs that are directly related to the  
21 sewerage facilities and programs operated by a district, other  
22 facilities, programs, and systems for the collection, interception,  
23 treatment, and disposal of wastewater, and for the control of pollution  
24 from wastewater and for the protection, preservation, and  
25 rehabilitation of surface and underground waters, facilities for the  
26 drainage and treatment of storm or surface waters, public highways,  
27 streets, and roads with full authority to regulate the use and  
28 operation thereof and the service rates to be charged. Under this  
29 chapter, after July 1, 1998, any requirements for pumping the septic  
30 tank of an on-site sewage system should be based, among other things,  
31 on actual measurement of accumulation of sludge and scum by a trained  
32 inspector, trained owner's agent, or trained owner. Training must  
33 occur in a program approved by the state board of health or by a local  
34 health officer. Sewage facilities may include facilities which result  
35 in combined sewage disposal, treatment, or drainage and electric  
36 generation, except that the electricity generated thereby is a  
37 byproduct of the system of sewers. Such electricity may be used by the  
38 district or sold to any entity authorized by law to distribute  
39 electricity. Electricity is deemed a byproduct when the electrical

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

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

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

29 (8) Where a district contains within its borders, abuts, or is  
30 located adjacent to any lake, stream, ground water as defined by RCW  
31 90.44.035, or other waterway within the state of Washington, to provide  
32 for the reduction, minimization, or elimination of pollutants from  
33 those waters in accordance with the district's comprehensive plan, and  
34 to issue general obligation bonds, revenue bonds, local improvement  
35 district bonds, or utility local improvement bonds for the purpose of  
36 paying all or any part of the cost of reducing, minimizing, or  
37 eliminating the pollutants from these waters;

38 (9) To fix rates and charges for water, sewer, and drain service  
39 supplied and to charge property owners seeking to connect to the



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

31 Before adopting on-site inspection and maintenance utility  
32 services, or incorporating residences into an on-site inspection and  
33 maintenance or sewer utility under this chapter, notification must be  
34 provided, prior to the applicable public hearing, to all residences  
35 within the proposed service area that have on-site systems permitted by  
36 the local health officer. The notice must clearly state that the  
37 residence is within the proposed service area and must provide  
38 information on estimated rates or charges that may be imposed for the  
39 service.

1 A water-sewer district shall not provide on-site sewage system  
2 inspection, pumping services, or other maintenance or repair services  
3 under this section using water-sewer district employees unless the on-  
4 site system is connected by a publicly owned collection system to the  
5 water-sewer district's sewerage system, and the on-site system  
6 represents the first step in the sewage disposal process.

7 Except as otherwise provided in RCW 90.03.525, any public entity  
8 and public property, including the state of Washington and state  
9 property, shall be subject to rates and charges for sewer, water, storm  
10 water control, drainage, and street lighting facilities to the same  
11 extent private persons and private property are subject to those rates  
12 and charges that are imposed by districts. In setting those rates and  
13 charges, consideration may be made of in-kind services, such as stream  
14 improvements or donation of property;

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

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

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

23 (13) To sue and be sued;

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

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

29 (16) To levy taxes in accordance with this chapter and chapters  
30 57.04 and 57.20 RCW;

31 (17) To provide for making local improvements and to levy and  
32 collect special assessments on property benefitted thereby, and for  
33 paying for the same or any portion thereof in accordance with chapter  
34 57.16 RCW;

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

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

38 (20) To exercise any of the powers granted to cities and counties  
39 with respect to the acquisition, construction, maintenance, operation

1 of, and fixing rates and charges for waterworks and systems of sewerage  
2 and drainage.

3 **Sec. 19.** 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~~) sewerage, drainage, and street lighting  
7 system, a mutual system of any two or three of the systems, or separate  
8 systems.

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

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

26 **Sec. 20.** RCW 57.16.010 and 1996 c 230 s 501 are each amended to  
27 read as follows:

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

36 (1) For a general comprehensive plan of a water supply system, the  
37 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. The commissioners shall determine a general comprehensive  
13 plan for distributing such water throughout such portion of the  
14 district as may then reasonably be served by means of subsidiary  
15 aqueducts and pipe lines, and a long-term plan for financing the  
16 planned projects and the method of distributing the cost and expense  
17 thereof, including the creation of local improvement districts or  
18 utility local improvement districts, and shall determine whether the  
19 whole or part of the cost and expenses shall be paid from revenue or  
20 general obligation bonds.

21 (2) For a general comprehensive plan for a sewer system, the  
22 commissioners shall investigate all portions and sections of the  
23 district and select a general comprehensive plan for a sewer system for  
24 the district suitable and adequate for present and reasonably  
25 foreseeable future needs thereof. The general comprehensive plan shall  
26 provide for treatment plants and other methods and services, if any,  
27 for the prevention, control, and reduction of water pollution and for  
28 the treatment and disposal of sewage and industrial and other liquid  
29 wastes now produced or which may reasonably be expected to be produced  
30 within the district and shall, for such portions of the district as may  
31 then reasonably be served, provide for the acquisition or construction  
32 and installation of laterals, trunk sewers, intercepting sewers,  
33 syphons, pumping stations or other sewage collection facilities, septic  
34 tanks, septic tank systems or drainfields, and systems for the  
35 transmission and treatment of wastewater. The general comprehensive  
36 plan shall provide a long-term plan for financing the planned projects  
37 and the method of distributing the cost and expense of the sewer system  
38 and services, including the creation of local improvement districts or  
39 utility local improvement districts; and provide whether the whole or

1 some part of the cost and expenses shall be paid from revenue or  
2 general obligation bonds.

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

17 (4) For a general comprehensive plan for street lighting, the  
18 commissioners shall investigate all portions and sections of the  
19 district and adopt a general comprehensive plan for street lighting for  
20 the district suitable and adequate for present and future needs  
21 thereof. The general comprehensive plan shall provide for a system or  
22 systems of street lighting, provide for a long-term plan for financing  
23 the planned projects, and provide for a method of distributing the cost  
24 and expense of the street lighting system, including local improvement  
25 districts or utility local improvement districts, and provide whether  
26 the whole or some part of the cost and expenses shall be paid from  
27 revenue or general obligation bonds.

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

30 (6) Any general comprehensive plan or plans shall be adopted by  
31 resolution and submitted to an engineer designated by the legislative  
32 authority of the county in which fifty-one percent or more of the area  
33 of the district is located, and to the director of health of the county  
34 in which the district or any portion thereof is located, and must be  
35 approved in writing by the engineer and director of health, except that  
36 a comprehensive plan relating to street lighting shall not be submitted  
37 to or approved by the director of health. The general comprehensive  
38 plan shall be approved, conditionally approved, or rejected by the  
39 director of health and by the designated engineer within sixty days of

1 their respective receipt of the plan. However, this sixty-day time  
2 limitation may be extended by the director of health or engineer for up  
3 to an additional sixty days if sufficient time is not available to  
4 review adequately the general comprehensive plans.

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

31 If the district includes portions or all of one or more cities or  
32 towns, the general comprehensive plan shall be submitted also to, and  
33 approved by resolution of, the legislative authorities of the cities  
34 and towns before becoming effective. The general comprehensive plan  
35 shall be deemed approved by the city or town legislative authority if  
36 the city or town legislative authority fails to reject or conditionally  
37 approve the plan within ninety days of the plan's submission to the  
38 city or town or within thirty days of a hearing on the plan when the  
39 hearing is held within ninety days of submission to the county

1 legislative authority. However, a city or town legislative authority  
2 may extend this time limitation by up to an additional ninety days  
3 where a finding is made that insufficient time exists to adequately  
4 review the general comprehensive plan within these time limitations.  
5 In addition, the commissioners and the city or town legislative  
6 authority may mutually agree to an extension of the deadlines in this  
7 section.

8 Before becoming effective, the general comprehensive plan shall be  
9 approved by any state agency whose approval may be required by  
10 applicable law. Before becoming effective, any amendment to,  
11 alteration of, or addition to, a general comprehensive plan shall also  
12 be subject to such approval as if it were a new general comprehensive  
13 plan. However, only if the amendment, alteration, or addition affects  
14 a particular city or town, shall the amendment, alteration, or addition  
15 be subject to approval by such particular city or town governing body.

16 **Sec. 21.** RCW 57.08.081 and 1996 c 230 s 314 are each amended to  
17 read as follows:

18 The commissioners of any district shall provide for revenues by  
19 fixing rates and charges for furnishing sewer and drainage service and  
20 facilities to those to whom service is available or for providing  
21 water, such rates and charges to be fixed as deemed necessary by the  
22 commissioners, so that uniform charges will be made for the same class  
23 of customer or service and facility. Rates and charges may be combined  
24 for the furnishing of more than one type of sewer service(~~(and)~~) and  
25 facility such as but not limited to storm or surface water and  
26 sanitary.

27 In classifying customers of such water, sewer, or drainage system,  
28 the board of commissioners may in its discretion consider any or all of  
29 the following factors: The difference in cost (~~(of service)~~) to  
30 various customers; the location of the various customers within and  
31 without the district; the difference in cost of maintenance, operation,  
32 repair, and replacement of the various parts of the system; the  
33 different character of the service furnished various customers; the  
34 quantity and quality of the service and facility furnished; the time of  
35 its use; the achievement of water conservation goals and the  
36 discouragement of wasteful practices; capital contributions made to the  
37 system including but not limited to assessments; and any other matters  
38 which present a reasonable difference as a ground for distinction.

1 Rates shall be established as deemed proper by the commissioners and as  
2 fixed by resolution and shall produce revenues sufficient to take care  
3 of the costs of maintenance and operation, revenue bond and warrant  
4 interest and principal amortization requirements, and all other charges  
5 necessary for efficient and proper operation of the system.

6 The commissioners shall enforce collection of connection charges,  
7 and rates and charges for water supplied against property owners  
8 connecting with the system or receiving such water, and for sewer and  
9 drainage services charged against property to which and its owners to  
10 whom the service is available, such charges being deemed charges  
11 against the property served, by addition of penalties of not more than  
12 ten percent thereof in case of failure to pay the charges at times  
13 fixed by resolution. The commissioners may provide by resolution that  
14 where either connection charges or rates and charges for services  
15 supplied are delinquent for any specified period of time, the district  
16 shall certify the delinquencies to the treasurer of the county in which  
17 the real property is located, and the charges and any penalties added  
18 thereto and interest thereon at the rate of not more than the prime  
19 lending rate of the district's bank plus four percentage points per  
20 year shall be a lien against the property upon which the service was  
21 received, subject only to the lien for general taxes.

22 The district may, at any time after the connection charges or rates  
23 and charges for services supplied or available and penalties are  
24 delinquent for a period of sixty days, bring suit in foreclosure by  
25 civil action in the superior court of the county in which the real  
26 property is located. The court may allow, in addition to the costs and  
27 disbursements provided by statute, attorneys' fees, title search and  
28 report costs, and expenses as it adjudges reasonable. The action shall  
29 be in rem, and may be brought in the name of the district against an  
30 individual or against all of those who are delinquent in one action.  
31 The laws and rules of the court shall control as in other civil  
32 actions.

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

37 **Sec. 22.** RCW 90.72.040 and 1992 c 100 s 3 are each amended to read  
38 as follows:



1 (1) The county legislative authority may create a shellfish  
2 protection district on its own motion or by submitting the question to  
3 the voters of the proposed district and obtaining the approval of a  
4 majority of those voting. The boundaries of the district shall be  
5 determined by the legislative authority. The legislative authority may  
6 create more than one district. A district may include any area or  
7 areas within the county, whether incorporated or unincorporated.  
8 Counties shall coordinate and cooperate with cities, towns, and water-  
9 related special districts within their boundaries in establishing  
10 shellfish protection districts and carrying out shellfish protection  
11 programs. Where a portion of the proposed district lies within an  
12 incorporated area, the county shall develop procedures for the  
13 participation of the city or town in the determination of the  
14 boundaries of the district and the administration of the district,  
15 including funding of the district's programs. The legislative  
16 authority of more than one county may by agreement provide for the  
17 creation of a district including areas within each of those counties.  
18 County legislative authorities are encouraged to coordinate their plans  
19 and programs to protect shellfish growing areas, especially where  
20 shellfish growing areas are located within the boundaries of more than  
21 one county. The legislative authority or authorities creating a  
22 district may abolish a shellfish protection district on its or their  
23 own motion or by submitting the question to the voters of the district  
24 and obtaining the approval of a majority of those voting.

25 (2) If the county legislative authority creates a shellfish  
26 protection district by its own motion, any registered voter residing  
27 within the boundaries of the shellfish protection district may file a  
28 referendum petition to repeal the ordinance that created the district.  
29 Any referendum petition to repeal the ordinance creating the shellfish  
30 protection district shall be filed with the county auditor within seven  
31 days of passage of the ordinance. Within ten days of the filing of a  
32 petition, the county auditor shall confer with the petitioner  
33 concerning form and style of the petition, issue an identification  
34 number for the petition, and write a ballot title for the measure. The  
35 ballot title shall be posed as a question so that an affirmative answer  
36 to the question and an affirmative vote on the measure results in  
37 creation of the shellfish protection district and a negative answer to  
38 the question and a negative vote on the measure results in the  
39 shellfish protection district not being created. The petitioner shall

1 be notified of the identification number and ballot title within this  
2 ten-day period.

3 After this notification, the petitioner shall have thirty days in  
4 which to secure on petition forms the signatures of not less than  
5 twenty-five percent of the registered voters residing within the  
6 boundaries of the shellfish protection district and file the signed  
7 petitions with the county auditor. Each petition form shall contain  
8 the ballot title and full text of the measure to be referred. The  
9 county auditor shall verify the sufficiency of the signatures on the  
10 petitions. If sufficient valid signatures are properly submitted, the  
11 county auditor shall submit the referendum measure to the registered  
12 voters residing in the shellfish protection district in a special  
13 election no later than one hundred twenty days after the signed  
14 petition has been filed with the county auditor. The special election  
15 may be conducted by mail ballot as provided for in chapter 29.36 RCW.

16 (3) The county legislative authority shall not impose fees, rates,  
17 or charges for shellfish protection district programs upon properties  
18 on which fees, rates, or charges are imposed (~~to pay for another~~  
19 ~~program to eliminate or decrease contamination in storm water runoff~~)  
20 under chapter 36.89 or 36.94 RCW for substantially the same programs  
21 and services.

22 NEW SECTION. Sec. 23. (1) The department of health shall convene  
23 a work group for the purpose of making recommendations to the  
24 legislature for the development of a certification program for  
25 different classes of people involved with on-site septic systems. The  
26 work group shall study certification of persons who pump, install,  
27 design, perform maintenance, inspect, or regulate any of the above  
28 listed functions with regard to on-site septic systems. The work group  
29 shall make recommendations regarding appropriate bonding levels and  
30 other standards for the various occupations for which certification  
31 will be recommended. The work group shall also examine the development  
32 of a risk analysis pertaining to the installation and maintenance of  
33 different types of septic systems for different parts of the state.  
34 The work group shall report its findings and recommendations to the  
35 senate agriculture and environment committee and the house of  
36 representatives agriculture and ecology committee by January 1, 1998.

37 (2) The work group shall consist of a representative from each of  
38 the following groups: On-site septic system pumpers, installers,

1 designers, maintenance operators, and inspectors, as well as a  
2 representative of cities, counties, the department of health,  
3 engineers, residential construction, the Puget Sound water quality  
4 action team, public utility districts, water-sewer districts, and two  
5 members from the general public. The members of the work group shall  
6 be appointed by the governor. The representative of the department of  
7 health shall serve as the chair of the work group. Staff support for  
8 the work group shall be provided by the department of health.

9 NEW SECTION. **Sec. 24.** The sum of twenty-five thousand dollars, or  
10 as much thereof as may be necessary, is appropriated from the water  
11 quality account created under RCW 70.146.030 to the department of  
12 health for the sole purpose of supporting the Washington state  
13 university research and extension center for on-site septic systems  
14 located in Puyallup, and any costs associated with providing support to  
15 the work group created under section 23 of this act."

16 Correct the title.

--- END ---