

1 **ESSB 5300** - H AMD

2 By Representative Miloscia

3 On page 13, after line 26, insert:

4 **Sec. 17.** RCW 35.13A.030 and 1971 ex.s. c 95 s 3 are each amended
5 to read as follows:

6 Whenever a portion of a water ((~~district or~~))-sewer district equal
7 to at least sixty percent of the area or sixty percent of the assessed
8 valuation of the real property lying within such district, is included
9 within the corporate boundaries of a city, the city may assume by
10 ordinance the full and complete management and control of that portion
11 of the entire district not included within another city, if voters of
12 the entire district approve a ballot proposition authorizing the
13 assumption with the city paying for all the election costs, whereupon
14 the provisions of RCW 35.13A.020 shall be operative; or the city may
15 proceed directly under the provisions of RCW 35.13A.050.

16 **Sec. 18.** RCW 35.13A.040 and 1971 ex.s. c 95 s 4 are each amended
17 to read as follows;

18 Whenever the portion of a water ((~~or~~))-sewer district included
19 within the corporate boundaries of a city is less than sixty percent of
20 the area of the district and less than sixty percent of the assessed
21 valuation of the real property within the district, the city may elect
22 to proceed under the provisions of RCW 35.13A.050, if voters of the
23 entire district approve a ballot proposition authorizing the assumption
24 with the city paying for all the election costs.

25 **Sec. 19.** RCW 35.13A.050 and 1971 ex.s. c 95 5 are each amended
26 to read as follows:

27 When electing under RCW 35.13A.030 or 35.13A.040 to proceed under
28 this section, the city may assume((~~, by ordinance,~~)) jurisdiction of
29 the water-sewer district's responsibilities, property, facilities and
30 equipment within the corporate limits of the city, if voters of the
31 entire district approve a ballot proposition authorizing the assumption
32 with the city paying for all the election costs: PROVIDED, That if on
33 the effective date of such an ordinance the territory of the district
34 included within the city contains any facilities serving or designed to

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

11 In the event a city proceeds under this section, the board of
12 commissioners of the district may elect ((upon a favorable vote of a
13 majority of all voters within the district voting upon such
14 propositions)) to cause a separate ballot proposition to be submitted
15 to the voters of the entire district to require the city to assume
16 responsibility for the operation and maintenance of the district's
17 property, facilities and equipment throughout the entire district and
18 to pay the city a charge for such operation and maintenance which is
19 reasonable under all of the circumstances. The board of commissioners
20 of the district, at its sole discretion, may choose to have this ballot
21 proposition combined with the ballot proposition provided for under RCW
22 35.13A.040 and a single ballot proposition be submitted to the voters
23 of the entire district authorizing both the assumption of the portion
24 of the district located in the city and the requirement that the city
25 assume the responsibility for the operation and maintenance of the
26 district's property, facilities an equipment throughout the entire
27 district and to pay the city a charge for such operation and
28 maintenance which is reasonable under all the circumstances. The city
29 shall pay for all election costs whether a single ballot proposition or
30 two ballot propositions are submitted to the voters of the entire
31 district.

32 A city acquiring property, facilities and equipment under the
33 provisions of this section shall acquire such property, facilities and
34 equipment, and fix and collect service and other charges from owners
35 and occupants of properties served by the city, subject, to any
36 contractual obligations of the district which relate to the property,
37 facilities, or equipment so acquired by the city or which are secured
38 by taxes, assessments or revenues from the territory of the district

1 included within the city. In such cases, the property included within
2 the city and the owners and occupants thereof shall continue to be
3 liable for payment of its and their proportionate share of any
4 outstanding district indebtedness. The district and its officers shall
5 continue to levy taxes and assessments on and to collect service and
6 other charges from such property, or owners or occupants thereof, to
7 enforce such collections, and to perform all other acts necessary to
8 insure performance of the district's contractual obligations in the
9 same manner and by the same means as if the territory of the district
10 had not been included within the boundaries of a city.

11 **Sec. 20.** RCW 35.13A.060 and 1971 ex.s. c 95 6 are each amended
12 to read as follows:

13 Whenever more than one city, in whole or in part, is included
14 within a water ((~~district or~~))-sewer district, the city which has
15 within its boundaries sixty percent or more of the area of the assessed
16 valuation of the district (in this section referred to as the
17 "principal city") may, with the approval of any other city containing
18 part of such district, assume responsibility for operation and
19 maintenance of the district's property, facilities and equipment within
20 such other city and make and enforce such charges for operation,
21 maintenance and retirement of indebtedness as may be reasonable under
22 all the circumstances, if voters of the entire district approve a
23 ballot proposition authorizing this assumption with the principal city
24 paying for all the election costs.

25 Any other city having less than sixty percent in area or assessed
26 valuation of such district, within its boundaries may install
27 facilities and create local improvement districts or otherwise finance
28 the cost of installation of such facilities and if such facilities have
29 been installed in accordance with reasonable standards fixed by the
30 principal city, such other city may connect such facilities to the
31 utility system of such district operated by the principal city upon
32 providing for payment by the owners or occupants of properties served
33 thereby, of such charges established by the principal city as may be
34 reasonable under the circumstances.-

35 Correct the title.

EFFECT: An assumption of all or part of a water-sewer district by a city or town must be approved by the voters of the entire district approving a ballot proposition authorizing the assumption, except where the entire district is located within the city or town. Requires the city to pay for all the election costs.