
HOUSE BILL 2076

State of Washington

57th Legislature

2001 Regular Session

By Representatives Roach, Grant, G. Chandler and Ericksen

Read first time 02/14/2001. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to charges for surface water runoff; and amending
2 RCW 36.89.080, 36.94.140, and 86.15.160.

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

4 **Sec. 1.** RCW 36.89.080 and 1998 c 74 s 1 are each amended to read
5 as follows:

6 Any county legislative authority may provide by resolution for
7 revenues by fixing rates and charges for the furnishing of service to
8 those served or receiving benefits or to be served or to receive
9 benefits from any storm water control facility (~~or contributing to an~~
10 ~~increase of surface water runoff~~). In fixing rates and charges, the
11 county legislative authority may in its discretion consider: (1)
12 Services furnished or to be furnished; (2) benefits received or to be
13 received; (3) the character and use of land (~~or its water runoff~~
14 ~~characteristics~~); (4) the nonprofit public benefit status, as defined
15 in RCW 24.03.490, of the land user; (5) income level of persons served
16 or provided benefits under this chapter, including senior citizens and
17 disabled persons; or (6) any other matters which present a reasonable
18 difference as a ground for distinction. The service charges and rates
19 collected shall be deposited in a special fund or funds in the county

1 treasury to be used only for the purpose of paying all or any part of
2 the cost and expense of maintaining and operating storm water control
3 facilities, all or any part of the cost and expense of planning,
4 designing, establishing, acquiring, developing, constructing and
5 improving any of such facilities, or to pay or secure the payment of
6 all or any portion of any issue of general obligation or revenue bonds
7 issued for such purpose. Rates and charges may not be fixed or altered
8 based on the water runoff characteristics of the property served except
9 with regard to a landfill as defined in RCW 70.95.030.

10 **Sec. 2.** RCW 36.94.140 and 1997 c 447 s 12 are each amended to read
11 as follows:

12 Every county, in the operation of a system of sewerage and/or
13 water, shall have full jurisdiction and authority to manage, regulate,
14 and control it and to fix, alter, regulate, and control the rates and
15 charges for the service and facilities to those to whom such service
16 and facilities are available, and to levy charges for connection to the
17 system. The rates for availability of service and facilities, and
18 connection charges so charged must be uniform for the same class of
19 customers or service and facility. Rates and charges may not be fixed
20 or altered based on the water runoff characteristics of the property
21 served except with regard to a landfill as defined in RCW 70.95.030.

22 In classifying customers served, service furnished or made
23 available by such system of sewerage and/or water, or the connection
24 charges, the county legislative authority may consider any or all of
25 the following factors:

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

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

30 (3) The different character of the service and facilities furnished
31 various customers;

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

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

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

1 (7) The nonprofit public benefit status, as defined in RCW
2 24.03.490, of the land user; and

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

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

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

11 **Sec. 3.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to read
12 as follows:

13 For the purposes of this chapter the supervisors may authorize:

14 (1) An annual excess ad valorem tax levy within any zone or
15 participating zones when authorized by the voters of the zone or
16 participating zones under RCW 84.52.052 and 84.52.054;

17 (2) An assessment upon property, including state property,
18 specially benefited by flood control improvements or storm water
19 control improvements imposed under chapter 86.09 RCW;

20 (3) Within any zone or participating zones an annual ad valorem
21 property tax levy of not to exceed fifty cents per thousand dollars of
22 assessed value when the levy will not take dollar rates that other
23 taxing districts may lawfully claim and that will not cause the
24 combined levies to exceed the constitutional and/or statutory
25 limitations, and the additional levy, or any portion thereof, may also
26 be made when dollar rates of other taxing units is released therefor by
27 agreement with the other taxing units from their authorized levies;

28 (4) A charge, under RCW 36.89.080, for the furnishing of service to
29 those who are receiving or will receive benefits from storm water
30 control facilities (~~(and who are contributing to an increase in surface~~
31 ~~water runoff)). Except as otherwise provided in RCW 90.03.525, any~~
32 public entity and public property, including the state and state
33 property, shall be liable for the charges to the same extent a private
34 person and privately owned property is liable for the charges, and in
35 setting these rates and charges, consideration may be made of in-kind
36 services, such as stream improvements or donation of property;

37 (5) The creation of local improvement districts and utility local
38 improvement districts, the issuance of improvement district bonds and

1 warrants, and the imposition, collection, and enforcement of special
2 assessments on all property, including any state-owned or other
3 publicly-owned property, specially benefited from improvements in the
4 same manner as provided for counties by chapter 36.94 RCW.

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