

SSB 6208 - H COMM AMD
By Committee on Local Government

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 57.08.005 and 2003 c 394 s 5 are each amended to
4 read as follows:

5 A district shall have the following powers:

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

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

19 (3) To construct, condemn and purchase, add to, maintain, and
20 supply waterworks to furnish the district and inhabitants thereof
21 and any other persons, both within and without the district, with
22 an ample supply of water for all uses and purposes public and
23 private with full authority to regulate and control the use,
24 content, distribution, and price thereof in such a manner as is not
25 in conflict with general law and may construct, acquire, or own
26 buildings and other necessary district facilities. Where a
27 customer connected to the district's system uses the water on an
28 intermittent or transient basis, a district may charge for
29 providing water service to such a customer, regardless of the

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

27 (4) To purchase and take water from any municipal corporation,
28 private person, or entity. A district contiguous to Canada may
29 contract with a Canadian corporation for the purchase of water and
30 for the construction, purchase, maintenance, and supply of
31 waterworks to furnish the district and inhabitants thereof and
32 residents of Canada with an ample supply of water under the terms
33 approved by the board of commissioners;

34 (5) To construct, condemn and purchase, add to, maintain, and
35 operate systems of sewers for the purpose of furnishing the
36 district, the inhabitants thereof, and persons outside the district
37 with an adequate system of sewers for all uses and purposes, public
38 and private, including but not limited to on-site sewage disposal
39 facilities, approved septic tanks or approved septic tank systems,

1 on-site sanitary sewerage systems, inspection services and
2 maintenance services for private and public on-site systems, point
3 and nonpoint water pollution monitoring programs that are directly
4 related to the sewerage facilities and programs operated by a
5 district, other facilities, programs, and systems for the
6 collection, interception, treatment, and disposal of wastewater,
7 and for the control of pollution from wastewater with full
8 authority to regulate the use and operation thereof and the service
9 rates to be charged. Under this chapter, after July 1, 1998, any
10 requirements for pumping the septic tank of an on-site sewage
11 system should be based, among other things, on actual measurement
12 of accumulation of sludge and scum by a trained inspector, trained
13 owner's agent, or trained owner. Training must occur in a program
14 approved by the state board of health or by a local health officer.
15 Sewage facilities may include facilities which result in combined
16 sewage disposal or treatment and electric generation, except that
17 the electricity generated thereby is a byproduct of the system of
18 sewers. Such electricity may be used by the district or sold to
19 any entity authorized by law to distribute electricity.
20 Electricity is deemed a byproduct when the electrical generation is
21 subordinate to the primary purpose of sewage disposal or treatment.
22 For such purposes a district may conduct sewage throughout the
23 district and throughout other political subdivisions within the
24 district, and construct and lay sewer pipe along and upon public
25 highways, roads, and streets, within and without the district, and
26 condemn and purchase or acquire land and rights of way necessary
27 for such sewer pipe. A district may erect sewage treatment plants
28 within or without the district, and may acquire, by purchase or
29 condemnation, properties or privileges necessary to be had to
30 protect any lakes, rivers, or watercourses and also other areas of
31 land from pollution from its sewers or its sewage treatment plant.
32 For the purposes of sewage facilities which include facilities that
33 result in combined sewage disposal or treatment and electric
34 generation where the electric generation is a byproduct, nothing in
35 this section may be construed to authorize a district to condemn
36 electric generating, transmission, or distribution rights or
37 facilities of entities authorized by law to distribute electricity,
38 or to acquire such rights or facilities without the consent of the
39 owners;

1 (6)(a) To construct, condemn and purchase, add to, maintain,
2 and operate systems of drainage for the benefit and use of the
3 district, the inhabitants thereof, and persons outside the district
4 with an adequate system of drainage, including but not limited to
5 facilities and systems for the collection, interception, treatment,
6 and disposal of storm or surface waters, and for the protection,
7 preservation, and rehabilitation of surface and underground waters,
8 and drainage facilities for public highways, streets, and roads,
9 with full authority to regulate the use and operation thereof and,
10 except as provided in (b) of this subsection, the service rates to
11 be charged.

12 (b) The rate a district may charge under this section for storm
13 or surface water sewer systems or the portion of the rate allocable
14 to the storm or surface water sewer system of combined sanitary
15 sewage and storm or surface water sewer systems shall be reduced by
16 a minimum of ten percent for any new or remodeled commercial
17 building that utilizes a permissive rainwater harvesting system.
18 Rainwater harvesting systems shall be properly sized to utilize the
19 available roof surface of the building. The jurisdiction shall
20 consider rate reductions in excess of ten percent dependent upon
21 the amount of rainwater harvested.

22 (c) Drainage facilities may include natural systems. Drainage
23 facilities may include facilities which result in combined drainage
24 facilities and electric generation, except that the electricity
25 generated thereby is a byproduct of the drainage system. Such
26 electricity may be used by the district or sold to any entity
27 authorized by law to distribute electricity. Electricity is deemed
28 a byproduct when the electrical generation is subordinate to the
29 primary purpose of drainage collection, disposal, and treatment.
30 For such purposes, a district may conduct storm or surface water
31 throughout the district and throughout other political subdivisions
32 within the district, construct and lay drainage pipe and culverts
33 along and upon public highways, roads, and streets, within and
34 without the district, and condemn and purchase or acquire land and
35 rights of way necessary for such drainage systems. A district may
36 provide or erect facilities and improvements for the treatment and
37 disposal of storm or surface water within or without the district,
38 and may acquire, by purchase or condemnation, properties or
39 privileges necessary to be had to protect any lakes, rivers, or

1 watercourses and also other areas of land from pollution from storm
2 or surface waters. For the purposes of drainage facilities which
3 include facilities that also generate electricity as a byproduct,
4 nothing in this section may be construed to authorize a district to
5 condemn electric generating, transmission, or distribution rights
6 or facilities of entities authorized by law to distribute
7 electricity, or to acquire such rights or facilities without the
8 consent of the owners;

9 (7) To construct, condemn, acquire, and own buildings and other
10 necessary district facilities;

11 (8) To compel all property owners within the district located
12 within an area served by the district's system of sewers to connect
13 their private drain and sewer systems with the district's system
14 under such penalty as the commissioners shall prescribe by
15 resolution. The district may for such purpose enter upon private
16 property and connect the private drains or sewers with the district
17 system and the cost thereof shall be charged against the property
18 owner and shall be a lien upon property served;

19 (9) Where a district contains within its borders, abuts, or is
20 located adjacent to any lake, stream, ground water as defined by
21 RCW 90.44.035, or other waterway within the state of Washington, to
22 provide for the reduction, minimization, or elimination of
23 pollutants from those waters in accordance with the district's
24 comprehensive plan, and to issue general obligation bonds, revenue
25 bonds, local improvement district bonds, or utility local
26 improvement bonds for the purpose of paying all or any part of the
27 cost of reducing, minimizing, or eliminating the pollutants from
28 these waters;

29 (10) Subject to subsection (6) of this section, to fix rates
30 and charges for water, sewer, and drain service supplied and to
31 charge property owners seeking to connect to the district's
32 systems, as a condition to granting the right to so connect, in
33 addition to the cost of the connection, such reasonable connection
34 charge as the board of commissioners shall determine to be proper
35 in order that those property owners shall bear their equitable
36 share of the cost of the system. For the purposes of calculating
37 a connection charge, the board of commissioners shall determine the
38 pro rata share of the cost of existing facilities and facilities
39 planned for construction within the next ten years and contained in

1 an adopted comprehensive plan and other costs borne by the district
2 which are directly attributable to the improvements required by
3 property owners seeking to connect to the system. The cost of
4 existing facilities shall not include those portions of the system
5 which have been donated or which have been paid for by grants. The
6 connection charge may include interest charges applied from the
7 date of construction of the system until the connection, or for a
8 period not to exceed ten years, whichever is shorter, at a rate
9 commensurate with the rate of interest applicable to the district
10 at the time of construction or major rehabilitation of the system,
11 or at the time of installation of the lines to which the property
12 owner is seeking to connect. In lieu of requiring the installation
13 of permanent local facilities not planned for construction by the
14 district, a district may permit connection to the water and/or
15 sewer systems through temporary facilities installed at the
16 property owner's expense, provided the property owner pays a
17 connection charge consistent with the provisions of this chapter
18 and agrees, in the future, to connect to permanent facilities when
19 they are installed; or a district may permit connection to the
20 water and/or sewer systems through temporary facilities and collect
21 from property owners so connecting a proportionate share of the
22 estimated cost of future local facilities needed to serve the
23 property, as determined by the district. The amount collected,
24 including interest at a rate commensurate with the rate of interest
25 applicable to the district at the time of construction of the
26 temporary facilities, shall be held for contribution to the
27 construction of the permanent local facilities by other developers
28 or the district. The amount collected shall be deemed full
29 satisfaction of the proportionate share of the actual cost of
30 construction of the permanent local facilities. If the permanent
31 local facilities are not constructed within fifteen years of the
32 date of payment, the amount collected, including any accrued
33 interest, shall be returned to the property owner, according to the
34 records of the county auditor on the date of return. If the amount
35 collected is returned to the property owner, and permanent local
36 facilities capable of serving the property are constructed
37 thereafter, the property owner at the time of construction of such
38 permanent local facilities shall pay a proportionate share of the
39 cost of such permanent local facilities, in addition to reasonable

1 connection charges and other charges authorized by this section.

2 A district may permit payment of the cost of connection and the
3 reasonable connection charge to be paid with interest in
4 installments over a period not exceeding fifteen years. The county
5 treasurer may charge and collect a fee of three dollars for each
6 year for the treasurer's services. Those fees shall be a charge to
7 be included as part of each annual installment, and shall be
8 credited to the county current expense fund by the county
9 treasurer. Revenues from connection charges excluding permit fees
10 are to be considered payments in aid of construction as defined by
11 department of revenue rule. Rates or charges for on-site
12 inspection and maintenance services may not be imposed under this
13 chapter on the development, construction, or reconstruction of
14 property.

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

24 A water-sewer district shall not provide on-site sewage system
25 inspection, pumping services, or other maintenance or repair
26 services under this section using water-sewer district employees
27 unless the on-site system is connected by a publicly owned
28 collection system to the water-sewer district's sewerage system,
29 and the on-site system represents the first step in the sewage
30 disposal process.

31 Except as otherwise provided in RCW 90.03.525, any public
32 entity and public property, including the state of Washington and
33 state property, shall be subject to rates and charges for sewer,
34 water, storm water control, drainage, and street lighting
35 facilities to the same extent private persons and private property
36 are subject to those rates and charges that are imposed by
37 districts. In setting those rates and charges, consideration may
38 be made of in-kind services, such as stream improvements or
39 donation of property;

1 (11) To contract with individuals, associations and
2 corporations, the state of Washington, and the United States;

3 (12) To employ such persons as are needed to carry out the
4 district's purposes and fix salaries and any bond requirements for
5 those employees;

6 (13) To contract for the provision of engineering, legal, and
7 other professional services as in the board of commissioner's
8 discretion is necessary in carrying out their duties;

9 (14) To sue and be sued;

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

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

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

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

21 (19) To establish street lighting systems under RCW 57.08.060;

22 (20) To exercise such other powers as are granted to water-
23 sewer districts by this title or other applicable laws; and

24 (21) To exercise any of the powers granted to cities and
25 counties with respect to the acquisition, construction,
26 maintenance, operation of, and fixing rates and charges for
27 waterworks and systems of sewerage and drainage."

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13A
2 RCW to read as follows:

3 (1) A city having a population of less than five thousand
4 residents may not assume, under this chapter, the jurisdiction of
5 all or part of a water-sewer district serving a population greater
6 than one thousand residents and containing, within its boundaries,
7 the territory of two or more cities, or one city and unincorporated
8 territory, unless voters of the entire water-sewer district approve
9 a ballot proposition authorizing the assumption under general

1 election law. The cost of the election shall be borne by the city
2 seeking approval to assume jurisdiction of a water-sewer district.

3 (2) A city or town may assume jurisdiction over a water-sewer
4 district located within its boundaries without seeking approval of
5 the voters, as required under subsection (1) of this section, if
6 the board of commissioners of the water-sewer district consent to
7 the assumption of jurisdiction by the city or town. The
8 feasibility study required under subsection (3) of this section is
9 not required if the board of commissioners of the water-sewer
10 district consents to the assumption of jurisdiction by the city or
11 town.

12 (3) Following the passage of a resolution by a city or town to
13 assume all or part of a special purpose water-sewer district under
14 this chapter, a feasibility study of such assumption shall be
15 conducted, unless the board of commissioners of the water-sewer
16 district consent to the assumption of jurisdiction by the city or
17 town as provided under subsection (2) of this section. The study
18 will be jointly and equally funded by the city and the district
19 through a mutually agreed contract with a qualified independent
20 consultant with professional expertise involving public water and
21 sewer systems. The study shall address the impact of the proposed
22 assumption on both the city and district. Issues to be considered
23 shall be mutually agreed to by the city and the district and shall
24 include, but not be limited to, engineering and operational
25 impacts, costs of the assumption to the city and the district
26 including potential impacts on future water-sewer rates, bond
27 ratings and future borrowing costs, status of existing water
28 rights, and other issues jointly agreed to. The findings of the
29 joint study shall be presented as a public record that is available
30 to the registered voters of the district, both within and without
31 the boundary of the city conducting the assumption, prior to a vote
32 on the proposed assumption by all the voters in the district. The
33 study shall be completed within six months of the passage of the
34 resolution to assume the district. No vote shall take place until
35 such study has been completed and the results have been made
36 available to the registered voters of the district.

37 (4) This section is applicable to assumptions of jurisdiction
38 of water-sewer districts by cities or towns that have been
39 initiated prior to the effective date of this act and which are

1 pending as of that date, as well as those assumptions of
2 jurisdiction that are initiated on or after the effective date of
3 this act.

4 (5) Once the voters in a water-sewer district have made the
5 decision to approve or disapprove an assumption through the ballot
6 proposition process required under subsection (1) of this section,
7 a boundary review board does not have jurisdiction, under chapter
8 36.93 RCW, to conduct a review of such assumption where the
9 attempted or completed assumption involves not more than one city.

10 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of
12 the state government and its existing public institutions, and
13 takes effect immediately."

14 Correct the title.