

**HB 1247** - S COMM AMD

By Committee on Financial Institutions, Housing & Consumer  
Protection

ADOPTED 04/13/2005

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

3 "Sec. 1. RCW 35.91.040 and 1965 c 7 s 35.91.040 are each amended  
4 to read as follows:

5 ((No)) (1) A person, firm, or corporation ((shall)) may not be  
6 granted a permit or be authorized to tap into, or use any such water or  
7 sewer facilities or extensions thereof during the period of time  
8 prescribed in such contract without first paying to the municipality,  
9 in addition to any and all other costs and charges made or assessed for  
10 such tap, or use, or for the water lines or sewers constructed in  
11 connection therewith, the amount required by the provisions of the  
12 contract under which the water or sewer facilities so tapped into or  
13 used were constructed. All amounts so received by the municipality  
14 shall be paid out by it under the terms of such contract within sixty  
15 days after the receipt thereof. Whenever any tap or connection is made  
16 into any such contracted water or sewer facilities without such payment  
17 having first been made, the governing body of the municipality may  
18 remove, or cause to be removed, such unauthorized tap or connection and  
19 all connecting tile, or pipe located in the facility right of way and  
20 dispose of unauthorized material so removed without any liability  
21 whatsoever.

22 (2) A tap or connection charge under this section for service to a  
23 manufactured housing community, as defined in RCW 59.20.030, applies to  
24 an individual lot within that community only if the municipality  
25 provides and maintains the tap-in connection.

26 **Sec. 2.** RCW 36.94.140 and 2003 c 394 s 4 are each amended to read  
27 as follows:

28 (1) Every county, in the operation of a system of sewerage and/or  
29 water, shall have full jurisdiction and authority to manage, regulate,

1 and control it. Except as provided in subsection (3) of this section,  
2 every county shall have full jurisdiction and authority to fix, alter,  
3 regulate, and control the rates and charges for the service and  
4 facilities to those to whom such service and facilities are available,  
5 and to levy charges for connection to the system.

6 (2) The rates for availability of service and facilities, and  
7 connection charges so charged must be uniform for the same class of  
8 customers or service and facility. In classifying customers served,  
9 service furnished or made available by such system of sewerage and/or  
10 water, or the connection charges, the county legislative authority may  
11 consider any or all of the following factors:

12 (a) The difference in cost of service to the various customers  
13 within or without the area;

14 (b) The difference in cost of maintenance, operation, repair and  
15 replacement of the various parts of the systems;

16 (c) The different character of the service and facilities furnished  
17 various customers;

18 (d) The quantity and quality of the sewage and/or water delivered  
19 and the time of its delivery;

20 (e) Capital contributions made to the system or systems, including,  
21 but not limited to, assessments;

22 (f) The cost of acquiring the system or portions of the system in  
23 making system improvements necessary for the public health and safety;

24 (g) The nonprofit public benefit status, as defined in RCW  
25 24.03.490, of the land user; and

26 (h) Any other matters which present a reasonable difference as a  
27 ground for distinction.

28 (3) The rate a county may charge under this section for storm or  
29 surface water sewer systems or the portion of the rate allocable to the  
30 storm or surface water sewer system of combined sanitary sewage and  
31 storm or surface water sewer systems shall be reduced by a minimum of  
32 ten percent for any new or remodeled commercial building that utilizes  
33 a permissive rainwater harvesting system. Rainwater harvesting systems  
34 shall be properly sized to utilize the available roof surface of the  
35 building. The jurisdiction shall consider rate reductions in excess of  
36 ten percent dependent upon the amount of rainwater harvested.

37 (4) A county may provide assistance to aid low-income persons in  
38 connection with services provided under this chapter.

1 (5) The service charges and rates shall produce revenues sufficient  
2 to take care of the costs of maintenance and operation, revenue bond  
3 and warrant interest and principal amortization requirements, and all  
4 other charges necessary for the efficient and proper operation of the  
5 system.

6 (6) A connection charge under this section for service to a  
7 manufactured housing community, as defined in RCW 59.20.030, applies to  
8 an individual lot within that community only if the system of water or  
9 sewerage provides and maintains the connection."

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10 On page 1, line 2 of the title, after "connections;" strike the  
11 remainder of the title and insert "and amending RCW 35.91.040 and  
12 36.94.140."

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