

HOUSE BILL REPORT

SHB 1230

As Passed House:

March 8, 2005

Title: An act relating to boards of commissioners of water-sewer districts.

Brief Description: Changing provisions relating to boards of commissioners of water-sewer districts.

Sponsors: By House Committee on Local Government (originally sponsored by Representatives Upthegrove, Schindler, Simpson and Schual-Berke).

Brief History:

Committee Activity:

Local Government: 1/26/05, 2/10/05 [DPS].

Floor Activity:

Passed House: 3/8/05, 98-0.

Brief Summary of Substitute Bill

- Specifies that water-sewer district commissioners must, upon the satisfaction of certain criteria and within 90 days, submit a resolution to the county auditor requesting an election to determine whether the number of commissioners serving on a board should be increased.
- Specifies provisions for placing a related ballot measure on a general election ballot.
- Includes provisions governing the sufficiency determination process for voter-initiated petitions relating to increasing the number of water-sewer district commissioners serving on a board.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Clibborn, Vice Chair; Schindler, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; B. Sullivan, Takko and Woods.

Staff: Ethan Moreno (786-7386).

Background:

Water-sewer district powers include the authority to purchase, construct, maintain, and supply waterworks to furnish an ample supply of water to inhabitants within and outside of the district. Water-sewer districts have full authority to regulate and control the use, content, distribution, and price of the supplied water in a manner consistent with legal provisions.

The governing body of a district is a board of commissioners consisting of three, five, or seven members. In accordance with statutory provisions, the board must, by resolution, adopt rules governing the transaction of its business.

Statutes provide several methods to increase the number of commissioners serving on a board, depending on district and board size. If any three-member board determines by resolution that it would be in the best interest of the district to increase the number of commissioners from three to five, or if the three-member board of a district with any number of customers is presented with a petition to increase the number of commissioners signed by a specific percentage of qualified voters of the district, the board must submit a resolution to the county auditor requesting that an election be held. Current law does not require the board to submit the resolution within a specified number of days. Upon receipt of the resolution, the county auditor must call a special election to be held within the district, at which election a ballot proposition, and subsequent increase of the board, may be approved by the voters.

If the three-member board in a district with more 10,000 customers determines by resolution that it would be in the best interest of the district to increase the number of commissioners from three to five, the number of commissioners must be increased without an election, unless a timely petition requesting an election and signed by a specific percentage of the qualified voters is filed with the board. If such a petition is received within 90 days, the board must submit the resolution and the petition to the county auditor, who must call a special election as specified by law. Current law does not require the board to submit the resolution within a prescribed number of days.

A similar statutory scheme exists for increasing a board from five to seven commissioners in any district with more than 25,000 customers. As with qualifying three-member boards, following the adoption of the board resolution, the number of commissioners may be increased to seven without an election unless a sufficient petition is filed with the board within 90 days of adopting the resolution. Alternately, if a five-member board in a district with more than 25,000 customers resolves to increase the number of commissioners to seven, the board may submit a resolution to the county auditor requesting that an election be held.

Current law for water-sewer districts includes general petition sufficiency rules for petitions that must be signed by property owners, but does not include similar general provisions for petitions that must be signed by registered voters. Water-sewer district law, however, does include statutes establishing sufficiency determination provisions for specific statutory schemes (*e.g.*, forming districts, annexations).

Summary of Substitute Bill:

Existing law providing, in part, methods for increasing the number of water-sewer district commissioners serving on boards is amended to specify that if a three-member board with any number of customers determines by resolution to increase the number of commissioners to five, or if the board receives a sufficient petition calling for such an increase, the board must, within 90 days of adopting the resolution or within 90 days of the petition being certified as sufficient, submit a resolution to the county auditor requesting an election to determine whether the board should be increased.

If a three-member board in a district with more than 10,000 customers determines by resolution to increase the number of commissioners to five, and if a sufficient petition requesting an election to determine the issue is filed with the board, the board must, within 90 days of the petition being certified as sufficient, submit the resolution and petition to the county auditor who must call such an election.

If a five-member board in a district with more than 25,000 customers determines by resolution to increase the number of commissioners to seven, and if a sufficient petition requesting an election to determine the issue is filed with the board, the board must, within 90 days of the petition being certified as sufficient, submit the resolution and petition to the county auditor who must call such an election.

If a resolution (or resolution and petition) requesting an election as provided above is submitted to the county auditor at least 30 days before candidate filing begins, the auditor must place the proposition on the next general election ballot. If a resolution (or resolution and petition) requesting an election is submitted to the auditor fewer than 30 days before candidate filing begins, during candidate filing, or after filing, the auditor must place the proposition on a general election ballot in the following year.

New provisions for the sufficiency process for petitions relating to increasing the number of members serving on a water-sewer district board are provided. The provisions specify, in part, that, whenever qualifying petitions requiring voter signatures are submitted to water-sewer boards, the following rules govern the sufficiency determination process:

- sufficiency determinations must satisfy legal requirements and may only be made by a county auditor;
- within 30 days of a board receiving a petition, the petition must be transmitted to the qualifying auditor who shall, within 30 days, complete the sufficiency determination process; and
- if the district is located within more than one county, the county auditor in which the largest geographic portion of the district is located must be the lead auditor and must transfer a copy of the petition to the auditors of other applicable counties. Within 30 days after the lead auditor receives the petition, the applicable auditors must satisfy sufficiency determination requirements to the lead auditor. If, after receiving this information, the petition is found by the lead auditor to be sufficient, the petition and a certificate of sufficiency must be transmitted to the water-sewer district board of commissioners.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Citizens have the right to petition water-sewer district commissioners to increase the size of a district board. Current law includes requirements pertaining to petitions that boards must satisfy, as well as sufficiency provisions, but does not specify when requirements must be met. The absence of statutory timelines creates the potential for a "pocket veto" of citizen petitions. This bill will establish needed timelines and procedures.

Testimony Against: None.

Persons Testifying: (In support of original bill) Representative Upthegrove, prime sponsor; Joe Daniels, Washington Association of Water & Sewer Districts; and George Hadley.

Persons Signed In To Testify But Not Testifying: None.