

SENATE BILL REPORT

SHB 1230

As Reported By Senate Committee On:
Government Operations & Elections, March 21, 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: House Committee on Local Government (originally sponsored by Representatives Upthegrove, Schindler, Simpson and Schual-Berke).

Brief History: Passed House: 3/08/05, 98-0.

Committee Activity: Government Operations & Elections: 3/17/05, 3/21/05 [DP, w/oRec].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Roach, Ranking Minority Member; Fairley, McCaslin and Pridemore.

Minority Report: That it be referred without recommendation.

Signed by Senator Haugen.

Staff: Diane Smith (786-7410)

Background: Water-sewer districts are special purpose governments administered by boards of commissioners. Commissioners serve six-year terms, may be nominated by commissioner districts, and receive \$70 per day, up to \$6,720 per year, plus expenses for their service to the district.

The number of commissioners can be increased from three to five by either of two following methods, both of which end in an election requiring approval of at least 50 percent of the voters of the district voting at the last general municipal election : (1) by petition signed by at least 10 percent of the registered voters in the district, submitted to the board, which then submits a resolution to the county auditor, who then calls a special election; or (2) by resolution of the board of commissioners, submitted to the county auditor, who then calls a special election.

Water-sewer districts may have fewer than 1,500 customers to well over 25,000. The increase number of commissioners on the board of commissioners is, in part, determined by the number of customers the district serves. The statutes make special provisions for districts with more than 10,000 customers and more than 25,000 customers.

When the number of customers is large, 10,000 or 25,000, the current three or five member board can be increased to five or seven, respectively, by resolution of the board without a vote of the voters in the district. If within 90 days of the resolution, a petition of at least 10

percent of the voters in the district is filed with the board, the board must submit the question to the county auditor who must call a special election.

The law does not have a time deadline for the board to submit petitions from the voters to the county auditor. Likewise, there is no procedure in law for determining the sufficiency of petitions submitted by the voters to the board.

Summary of Bill: The board must submit the resolution to the county auditor calling for an election on the question of the increase of the size of the board, within either 90 days of the certification of the petition from the voters or within 90 days of the board adopting its resolution.

The county auditor must not call a special election but rather must submit the question at the next general election. The "next" general election is determined by reference to the point in time 30 days before the commencement of filing week for candidates for that general election.

Rules for determining the sufficiency of the petition from the voters are set forth. Only the county auditor may determine sufficiency. The board must transmit the petition to the county auditor within 30 days of the board's receipt of the petition. Provisions are made for a water-sewer district located in more than one county. The county auditor must determine sufficiency within 30 days and then send the petition and a certificate of sufficiency to the board.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will prevent the antics of three commissioners on the southwest suburban water-sewer district. One was subject to recall and one was in a tight race. They timed the increase from three to five commissioners so that they could control the new board members. There was a petition to force a vote. This statute is deficient. The bill will make sure the commission cannot pull a pocket veto.

Testimony Against: None.

Who Testified: Pro: George Hadley, CANPS; Joe Daniels, Washington State Association of Sewer/Water Districts.