

HB 2146 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/17/2009

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

3 "Sec. 1. RCW 35.91.020 and 2006 c 88 s 2 are each amended to read
4 as follows:

5 (1) Except as provided under subsection (2) of this section, the
6 governing body of any city, town, county, water-sewer district, or
7 drainage district, hereinafter referred to as a "municipality" may
8 contract with owners of real estate for the construction of storm,
9 sanitary, or combination sewers, pumping stations, and disposal plants,
10 water mains, hydrants, reservoirs, or appurtenances, hereinafter called
11 "water or sewer facilities," within their boundaries or (except for
12 counties) within ten miles from their corporate limits connecting with
13 the public water or sewerage system to serve the area in which the real
14 estate of such owners is located, and to provide for a period of not to
15 exceed ((fifteen)) twenty years for the reimbursement of such owners
16 and their assigns by any owner of real estate who did not contribute to
17 the original cost of such water or sewer facilities and who
18 subsequently tap onto or use the same of a fair pro rata share of the
19 cost of the construction of said water or sewer facilities, including
20 not only those directly connected thereto, but also users connected to
21 laterals or branches connecting thereto, subject to such reasonable
22 rules and regulations as the governing body of such municipality may
23 provide or contract, and notwithstanding the provisions of any other
24 law.

25 (2)(a) The contract may provide for an extension of the ((fifteen))
26 twenty-year reimbursement period for a time not to exceed the duration
27 of any moratorium, phasing ordinance, concurrency designation, or other
28 governmental action that prevents making applications for, or the
29 approval of, any new development within the benefit area for a period
30 of six months or more.

1 (b) Upon the extension of the reimbursement period pursuant to (a)
2 of this subsection, the contract must specify the duration of the
3 contract extension and must be filed and recorded with the county
4 auditor. Property owners who are subject to the reimbursement
5 obligations under subsection (1) of this section shall be notified by
6 the contracting municipality of the extension filed under this
7 subsection.

8 (3) Each contract shall include a provision requiring that every
9 two years from the date the contract is executed a property owner
10 entitled to reimbursement under this section provide the contracting
11 municipality with information regarding the current contract name,
12 address, and telephone number of the person, company, or partnership
13 that originally entered into the contract. If the property owner fails
14 to comply with the notification requirements of this subsection within
15 sixty days of the specified time, then the contracting municipality may
16 collect any reimbursement funds owed to the property owner under the
17 contract. Such funds must be deposited in the capital fund of the
18 municipality.

19 (4) To the extent it may require in the performance of such
20 contract, such municipality may install said water or sewer facilities
21 in and along the county streets in the area to be served as hereinabove
22 provided, subject to such reasonable requirements as to the manner of
23 occupancy of such streets as the county may by resolution provide. The
24 provisions of such contract shall not be effective as to any owner of
25 real estate not a party thereto unless such contract has been recorded
26 in the office of the county auditor of the county in which the real
27 estate of such owner is located prior to the time such owner taps into
28 or connects to said water or sewer facilities."

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29 On page 1, line 2 of the title, after "facilities;" strike the
30 remainder of the title and insert "and amending RCW 35.91.020."

EFFECT: Makes a technical amendment. The conditions for extension of the fifteen-year reimbursement period are amended to apply to the twenty-year reimbursement period.

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