

SENATE BILL REPORT

SB 5185

As of February 4, 2013

Title: An act relating to the powers of water-sewer districts.

Brief Description: Concerning the powers of water-sewer districts.

Sponsors: Senators Roach, Benton, Conway, Chase and Shin.

Brief History:

Committee Activity: Governmental Operations: 2/04/13.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Staff: Karen Epps (786-7424)

Background: General purpose and selected special purpose local governments are authorized to provide water-related utility services. This includes, for example, cities, towns, counties, water-sewer districts (districts), and public utility districts.

Cities and towns may provide for the sewerage, drainage, and water supply of the city or town, and may establish, construct, and maintain water supply systems and systems of sewers and drains within or outside their incorporated limits. Cities and towns are also authorized to establish rates and charges for providing water and sewer services.

Similarly, counties may provide for the sewerage, drainage, and water supply within all or a portion of a county. Counties may control, regulate, operate, and manage these systems.

Cities, towns, and counties, as general purpose local governments, also have general building and permitting authority for projects located within their jurisdiction.

Districts may purchase, construct, maintain, and supply waterworks to furnish water to inhabitants within and outside of the district, and may develop and operate systems of sewers and drainage. Districts may also create facilities, systems, and programs for the collection, interception, treatment, and disposal of wastewater, and for the control of pollution from the wastewater. Districts are authorized to establish rates and charges for providing water and sewer services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Districts are granted the authority to exclusively exercise the same power granted to cities and towns with respect to the permitting, design, construction, inspection, and approval of facilities that are critical infrastructure for the functions of water works and systems of sewerage and drainage. This power may be exercised to the same extent as cities and counties exercise over their own infrastructure. Critical infrastructure constitutes facilities that serve as their exclusive purpose, the functions necessary to water works and systems of sewerage and drainage.

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.

Staff Summary of Public Testimony: PRO: This bill is designed to address an issue with respect to inspection, permitting, and design of a water and sewer district's critical infrastructure. The intent of this bill is to try to prevent duplicity and redundancy in the inspection and approval process of critical infrastructure. This bill is not designed for cities to give up any of their existing power. Water, sewer, and storm drainage are the backbone of our public health system. As such, they are designed as critical infrastructure under the International Building Code to the highest applicable seismic standards done by licensed civil engineers. This attention to design and inspection is what the districts would like to remain in control of. Special inspections are the responsibility of the public agency that will operate and maintain this critical infrastructure. Counties and cities review the comprehensive plan adopted by a water and sewer district which includes new structures. There is a cost to these duplicative inspections and one city wants to charge the district \$87,000 to do an inspection because the city has to hire outside engineers.

CON: Cities are not water and sewer districts and rights of way are under cities' authority. Cities are opposed to having any issues related to rights of way taken out of their control. This bill is not necessary. Cities and water – sewer districts have a good working relationship. It would be best to continue to do things as they have been done in the past. Counties are responsible for land use regulations under the Growth Management Act (GMA). If water and sewer districts were allowed to do permitting, that would be a go-around of the land use regulations. Land use regulations are a tool that counties use to make sure they are in compliance with GMA. This bill would preempt the authority that counties have under land use regulations. The bill as written is very broad and deals with exclusive authority over permitting, design, and construction of critical infrastructure. Some cities feel that this is a power reserved for cities. This bill could undermine the authority of counties that have franchise agreements in place.

Persons Testifying: PRO: Joe Daniels, WA Assn. of Water & Sewer Districts; Ron Speer, Soos Creek Water District; Greg Hill, Roth Hill Engineering; Steve Lindstrom, Sno-King Water District Coalition.

CON: Carolyn Robertson, City of Auburn; Laura Merrill, Gary Rowe, WA State Assn. of Counties; Carl Schroeder, Assn. of WA Cities.