
SUBSTITUTE SENATE BILL 6008

State of Washington

63rd Legislature

2014 Regular Session

By Senate Governmental Operations (originally sponsored by Senators Chase, Roach, Rivers, Hatfield, Hasegawa, Keiser, and Benton)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to voter approval of assumptions of water-sewer
2 districts by cities and towns; adding new sections to chapter 35.13A
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13A RCW
6 to read as follows:

7 (1) A city or town may not assume, under this chapter, the
8 jurisdiction of all or part of a water-sewer district serving a
9 population greater than one thousand residents unless voters of the
10 entire water-sewer district approve a ballot proposition authorizing
11 the assumption under general election law. The cost of the election
12 must be borne by the city or town seeking approval to assume
13 jurisdiction of a water-sewer district.

14 (2) A city or town may assume jurisdiction over a water-sewer
15 district located entirely within its boundaries without seeking
16 approval of the voters, as required under subsection (1) of this
17 section, if the board of commissioners of the water-sewer district
18 consent to the assumption of jurisdiction by the city or town. The

1 feasibility study required under subsection (3) of this section is not
2 required if the board of commissioners of the water-sewer district
3 consents to the assumption of jurisdiction by the city or town.

4 (3) Following the passage of a resolution by a city or town to
5 assume all or part of a special purpose water-sewer district under this
6 chapter, a feasibility study of the assumption must be conducted,
7 unless the board of commissioners of the water-sewer district consents
8 to the assumption of jurisdiction by the city or town as provided under
9 subsection (2) of this section. The study must be jointly and equally
10 funded by the city or town and the district through a mutually agreed
11 contract with a qualified independent consultant with professional
12 expertise involving public water and sewer systems. The study must
13 address the impact of the proposed assumption on both the city or town
14 and district. Issues to be considered must be mutually agreed to by
15 the city or town and the district and must include, but not be limited
16 to, engineering and operational impacts, costs of the assumption to the
17 city or town and the district including potential impacts on future
18 water-sewer rates, bond ratings and future borrowing costs, status of
19 existing water rights, and other issues jointly agreed to. The
20 findings of the joint study must be presented as a public record that
21 is available to the registered voters of the district, both within and
22 without the boundary of the city or town conducting the assumption,
23 prior to a vote on the proposed assumption by all the voters in the
24 district. The study must be completed within six months of the passage
25 of the resolution to assume the district. No vote may take place until
26 the study has been completed and the results have been made available
27 to the registered voters of the district.

28 (4) Once the voters in a water-sewer district have approved or
29 disapproved an assumption through the ballot proposition process
30 required under subsection (1) of this section, a boundary review board
31 does not have jurisdiction, under chapter 36.93 RCW, to conduct a
32 review of the assumption where the attempted or completed assumption
33 involves not more than one city or town.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13A RCW
35 to read as follows:

36 (1) If a city or town assumes jurisdiction over a water-sewer
37 district without seeking approval of the voters pursuant to section 1

1 of this act, the assumption is subject to referendum for forty-five
2 days after its approval by a boundary review board or the superior
3 court under chapter 36.93 RCW or, in those counties without a boundary
4 review board, a petition to dissolve the district has been filed in
5 superior court under RCW 35.13A.080. Upon the filing of a timely and
6 sufficient referendum petition with the board of commissioners, signed
7 by registered voters in number equal to not less than ten percent of
8 the registered voters in the area to be assumed who voted in the last
9 municipal general election, the question of assumption must be
10 submitted to the voters of the area in a general election if one is to
11 be held within ninety days or at a special election called for that
12 purpose by the board of commissioners in accordance with RCW
13 29A.04.330. The election must be conducted in accordance with the
14 general election laws of the state. The assumption is deemed approved
15 by the voters unless a majority of the votes cast on the proposition
16 are in opposition thereto.

17 (2) After the expiration of the forty-fifth day from but excluding
18 the date the assumption has been approved by a boundary review board or
19 the superior court under chapter 36.93 RCW or, in those counties
20 without a boundary review board, a petition to dissolve the district
21 has been filed in superior court under RCW 35.13A.080, if no timely and
22 sufficient referendum petition has been filed, the city or town may
23 proceed to assume jurisdiction over the water-sewer district.

24 NEW SECTION. **Sec. 3.** This act is applicable to assumptions of
25 jurisdiction of water-sewer districts by cities or towns that have been
26 initiated prior to the effective date of this section and that are
27 pending as of that date, as well as those assumptions of jurisdiction
28 that are initiated on or after the effective date of this section.
29 Nothing in this act may be construed to preempt or modify any existing
30 interlocal agreement, franchise, or contract between a city or town and
31 a water-sewer district in effect on the effective date of this section.

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