

SENATE BILL REPORT

SB 5172

As of January 26, 2015

Title: An act relating to the lien for collection of sewer utility charges by counties.

Brief Description: Revising the lien for collection of sewer charges by counties.

Sponsors: Senators Dammeier, Roach and Conway.

Brief History:

Committee Activity: Government Operations & State Security: 1/22/15.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & STATE SECURITY

Staff: Karen Epps (786-7424)

Background: Counties that operate a water or sewer system are required to have a lien on the applicable property for delinquent charges. The lien is for all charges, interest, and penalties, and attaches to the premises to which the services were provided. After 60 days, the county may bring a foreclosure action in superior court in the county where the property is located. The lien is subject to foreclosure in the same manner as the foreclosure of a real property tax lien.

Cities and towns have the authority to impose a sewerage lien for up to six months without recording with the county auditor. The sewerage lien is recorded in the same manner as a mechanic's lien. An action to foreclose a six months' lien may be commenced at any time after six months. The sewerage lien includes all charges, interest, penalties, and lien recording and release fees. Cities and towns operating their own municipal water system may also terminate water service to the applicable property until the charges are paid.

Summary of Bill: A county that operates a sewer or water system may impose a sewerage lien for up to six months without recording the lien with the county auditor. A county may enforce the lien by terminating water service to the property. A county may adopt a resolution or ordinance allowing a sewerage lien to be imposed by the county for up to one year without recording with the county auditor. The lien includes all charges, interest, penalties, and lien recording and release fees.

Appropriation: None.

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.

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 provides an additional tool to our counties that is currently available to our cities. The hope is that this process will decrease the cost to the ratepayer as they become current and it will decrease administrative costs to our counties. This bill will benefit both the customers and the county. It allows the customer additional time and opportunity to pay their delinquent surcharges on a monthly basis and avoid legal costs. Pierce County has over 61,000 accounts that this bill will impact.

Persons Testifying: PRO: Senator Dammeier, prime sponsor; Maylin Clark, Pierce County Public Works.