

ESHB 2629 - S COMM AMD

By Committee on Local Government

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

3 "Sec. 1. RCW 23.86.400 and 1996 c 32 s 1 are each amended to
4 read as follows:

5 (1) ~~((As used in this section:))~~ The definitions in this
6 subsection apply throughout this section unless the context clearly
7 requires otherwise.

8 (a) "Attachment" means the affixation or installation of any
9 wire, cable or other physical material capable of carrying electronic
10 impulses or light waves for the carrying of intelligence for
11 telecommunications or television, including, but not limited to
12 cable, and any related device, apparatus, or auxiliary equipment upon
13 any pole owned or controlled in whole or in part by one or more
14 locally regulated utilities where the installation has been made with
15 the necessary consent.

16 (b) "Connection charges" means the one-time capital and
17 administrative charges imposed by a utility on a building or facility
18 owner for a new utility service, but does not include costs borne or
19 assessed by a utility for the labor, materials, and services
20 necessary to physically connect a designated facility to the
21 respective utility service.

22 (c) "Domestic violence" has the same meaning as defined in RCW
23 70.123.020.

24 (d) "Emergency shelter" means any facility:

25 (i) Whose sole purpose is to provide a temporary shelter for the
26 homeless and that does not require occupants to sign a lease or
27 occupancy agreement; and

28 (ii) That is funded in whole or in part from the state omnibus
29 capital appropriations act, state omnibus operating appropriations
30 act, housing finance commission programs, housing authorities, or
31 local government housing funds.

1 (e) "Homeless person" has the same meaning as defined in RCW
2 43.185C.010.

3 (f) "Locally regulated utility" means an electric service
4 cooperative organized under this chapter and not subject to rate or
5 service regulation by the utilities and transportation commission.

6 ~~((e))~~ (g) "Nondiscriminatory" means that pole owners may not
7 arbitrarily differentiate among or between similar classes of persons
8 approved for attachments.

9 (2) All rates, terms, and conditions made, demanded or received
10 by a locally regulated utility for attachments to its poles must be
11 just, reasonable, nondiscriminatory and sufficient. A locally
12 regulated utility shall levy attachment space rental rates that are
13 uniform for the same class of service within the locally regulated
14 utility service area.

15 (3) Nothing in this section shall be construed or is intended to
16 confer upon the utilities and transportation commission any authority
17 to exercise jurisdiction over locally regulated utilities.

18 (4)(a) A locally regulated utility located, in whole or in part,
19 within a county with a population of one million five hundred
20 thousand or greater, or a city within that county, in which a state
21 of emergency has been declared related to homelessness must waive
22 connection charges for properties used by a nonprofit organization,
23 local agency, or any other legal entity that provides emergency
24 shelter for homeless persons or victims of domestic violence who are
25 homeless for personal safety reasons.

26 (b) A locally regulated utility that is not located within a
27 county with a population of one million five hundred thousand or
28 greater, or a city within that county, in which a state of emergency
29 has been declared related to homelessness may waive connection
30 charges for properties used by a nonprofit organization, local
31 agency, or any other legal entity that provides emergency shelter to
32 homeless persons or victims of domestic violence who are homeless for
33 personal safety reasons.

34 (5) At such time as a property receiving a waiver under
35 subsection (4)(a) of this section is no longer operating under the
36 eligibility requirements under subsection (4)(a) of this section:

37 (a) The waiver of connection charges required under subsection
38 (4)(a) of this section is no longer required; and

1 (b) Any connection charges waived under subsection (4)(a) of this
2 section are immediately due and payable to the utility as a condition
3 of continued service.

4 **Sec. 2.** RCW 24.06.600 and 1996 c 32 s 2 are each amended to read
5 as follows:

6 (1) ~~((As used in this section:))~~ The definitions in this
7 subsection apply throughout this section unless the context clearly
8 requires otherwise.

9 (a) "Attachment" means the affixation or installation of any
10 wire, cable or other physical material capable of carrying electronic
11 impulses or light waves for the carrying of intelligence for
12 telecommunications or television, including, but not limited to
13 cable, and any related device, apparatus, or auxiliary equipment upon
14 any pole owned or controlled in whole or in part by one or more
15 locally regulated utilities where the installation has been made with
16 the necessary consent.

17 (b) "Connection charges" means the one-time capital and
18 administrative charges imposed by a utility on a building or facility
19 owner for a new utility service, but does not include costs borne or
20 assessed by a utility for the labor, materials, and services
21 necessary to physically connect a designated facility to the
22 respective utility service.

23 (c) "Domestic violence" has the same meaning as defined in RCW
24 70.123.020.

25 (d) "Emergency shelter" means any facility:

26 (i) Whose sole purpose is to provide a temporary shelter for the
27 homeless and that does not require occupants to sign a lease or
28 occupancy agreement; and

29 (ii) That is funded in whole or in part from the state omnibus
30 capital appropriations act, state omnibus operating appropriations
31 act, housing finance commission programs, housing authorities, or
32 local government housing funds.

33 (e) "Homeless person" has the same meaning as defined in RCW
34 43.185C.010.

35 (f) "Locally regulated utility" means ((an-[a])) a mutual
36 corporation organized under this chapter for the purpose of providing
37 utility service and not subject to rate or service regulation by the
38 utilities and transportation commission.

1 (~~(e)~~) (g) "Nondiscriminatory" means that pole owners may not
2 arbitrarily differentiate among or between similar classes of persons
3 approved for attachments.

4 (2) All rates, terms, and conditions made, demanded or received
5 by a locally regulated utility for attachments to its poles must be
6 just, reasonable, nondiscriminatory and sufficient. A locally
7 regulated utility shall levy attachment space rental rates that are
8 uniform for the same class of service within the locally regulated
9 utility service area.

10 (3) Nothing in this section shall be construed or is intended to
11 confer upon the utilities and transportation commission any authority
12 to exercise jurisdiction over locally regulated utilities.

13 (4) (a) A locally regulated utility located, in whole or in part,
14 within a county with a population of one million five hundred
15 thousand or greater, or a city within that county, in which a state
16 of emergency has been declared related to homelessness must waive
17 connection charges for properties used by a nonprofit organization,
18 local agency, or any other legal entity that provides emergency
19 shelter for homeless persons or victims of domestic violence who are
20 homeless for personal safety reasons.

21 (b) A locally regulated utility that is not located within a
22 county with a population of one million five hundred thousand or
23 greater, or a city within that county, in which a state of emergency
24 has been declared related to homelessness may waive connection
25 charges for properties used by a nonprofit organization, local
26 agency, or any other legal entity that provides emergency shelter to
27 homeless persons or victims of domestic violence who are homeless for
28 personal safety reasons.

29 (5) At such time as a property receiving a waiver under
30 subsection (4) (a) of this section is no longer operating under the
31 eligibility requirements under subsection (4) (a) of this section:

32 (a) The waiver of connection charges required under subsection
33 (4) (a) of this section is no longer required; and

34 (b) Any connection charges waived under subsection (4) (a) of this
35 section are immediately due and payable to the utility as a condition
36 of continued service.

37 NEW SECTION. Sec. 3. A new section is added to chapter 35.92
38 RCW to read as follows:

1 (1) Municipal utilities formed under this chapter and located, in
2 whole or in part, within a county with a population of one million
3 five hundred thousand or greater, or a city within that county, in
4 which a state of emergency has been declared related to homelessness
5 must waive connection charges for properties used by a nonprofit
6 organization, local agency, or any other legal entity that provides
7 emergency shelter for homeless persons or victims of domestic
8 violence who are homeless for personal safety reasons.

9 (2) Municipal utilities formed under this chapter and not located
10 in a county with a population of one million five hundred thousand or
11 greater, or a city within that county, in which a state of emergency
12 has been declared related to homelessness may waive connection
13 charges for properties used by a nonprofit organization, local
14 agency, or any other legal entity that provides emergency shelter for
15 homeless persons or victims of domestic violence who are homeless for
16 personal safety reasons.

17 (3) At such time as a property receiving a waiver under
18 subsection (1) of this section is no longer operating under the
19 eligibility requirements under subsection (1) of this section:

20 (a) The waiver of connection charges required under subsection
21 (1) of this section is no longer required; and

22 (b) Any connection charges waived under subsection (1) of this
23 section are immediately due and payable to the utility as a condition
24 of continued service.

25 (4) The definitions in this subsection apply throughout this
26 section unless the context clearly requires otherwise.

27 (a) "Connection charges" means the one-time capital and
28 administrative charges imposed by a utility on a building or facility
29 owner for a new utility service, but does not include costs borne or
30 assessed by a utility for the labor, materials, and services
31 necessary to physically connect a designated facility to the
32 respective utility service.

33 (b) "Domestic violence" has the same meaning as defined in RCW
34 70.123.020.

35 (c) "Emergency shelter" means any facility:

36 (i) Whose sole purpose is to provide a temporary shelter for the
37 homeless and that does not require occupants to sign a lease or
38 occupancy agreement; and

39 (ii) That is funded in whole or in part from the state omnibus
40 capital appropriations act, state omnibus operating appropriations

1 act, housing finance commission programs, housing authorities, or
2 local government housing funds.

3 (d) "Homeless person" has the same meaning as defined in RCW
4 43.185C.010.

5 (5) This section expires July 1, 2027.

6 **Sec. 4.** RCW 35.92.380 and 1980 c 150 s 1 are each amended to
7 read as follows:

8 Whenever a city or town located in a county with a population of
9 one million five hundred thousand or greater waives or delays
10 collection of tap-in charges, connection fees, or hookup fees for
11 low-income persons, (~~or~~) a class of low-income persons, or
12 emergency shelters serving homeless persons, to connect to lines or
13 pipes used by the city or town to provide utility service, the waiver
14 or delay shall be pursuant to a program established by ordinance. As
15 used in this section, the provision of "utility service" includes,
16 but is not limited to, water, sanitary or storm sewer service,
17 electricity, gas, other means of power, and heat.

18 **Sec. 5.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to
19 read as follows:

20 (1) Every county, in the operation of a system of sewerage and/or
21 water, shall have full jurisdiction and authority to manage,
22 regulate, and control it. Except as provided in subsection (3) of
23 this section, every county shall have full jurisdiction and authority
24 to fix, alter, regulate, and control the rates and charges for the
25 service and facilities to those to whom such service and facilities
26 are available, and to levy charges for connection to the system.

27 (2) The rates for availability of service and facilities, and
28 connection charges so charged must be uniform for the same class of
29 customers or service and facility. In classifying customers served,
30 service furnished or made available by such system of sewerage and/or
31 water, or the connection charges, the county legislative authority
32 may consider any or all of the following factors:

33 (a) The difference in cost of service to the various customers
34 within or without the area;

35 (b) The difference in cost of maintenance, operation, repair and
36 replacement of the various parts of the systems;

37 (c) The different character of the service and facilities
38 furnished various customers;

1 (d) The quantity and quality of the sewage and/or water delivered
2 and the time of its delivery;

3 (e) Capital contributions made to the system or systems,
4 including, but not limited to, assessments;

5 (f) The cost of acquiring the system or portions of the system in
6 making system improvements necessary for the public health and
7 safety;

8 (g) The nonprofit public benefit status, as defined in RCW
9 24.03.490, of the land user; and

10 (h) Any other matters which present a reasonable difference as a
11 ground for distinction.

12 (3) The rate a county may charge under this section for storm or
13 surface water sewer systems or the portion of the rate allocable to
14 the storm or surface water sewer system of combined sanitary sewage
15 and storm or surface water sewer systems shall be reduced by a
16 minimum of ten percent for any new or remodeled commercial building
17 that utilizes a permissive rainwater harvesting system. Rainwater
18 harvesting systems shall be properly sized to utilize the available
19 roof surface of the building. The jurisdiction shall consider rate
20 reductions in excess of ten percent dependent upon the amount of
21 rainwater harvested.

22 (4) A county may provide assistance to aid low-income persons in
23 connection with services provided under this chapter.

24 (5) The service charges and rates shall produce revenues
25 sufficient to take care of the costs of maintenance and operation,
26 revenue bond and warrant interest and principal amortization
27 requirements, and all other charges necessary for the efficient and
28 proper operation of the system.

29 (6) A connection charge under this section for service to a
30 manufactured housing community, as defined in RCW 59.20.030, applies
31 to an individual lot within that community only if the system of
32 water or sewerage provides and maintains the connection.

33 (7)(a) A county with a population of one million five hundred
34 thousand or greater in which a state of emergency has been declared
35 related to homelessness must waive connection charges under this
36 section for properties used by a nonprofit organization, local
37 agency, or any other legal entity that provides emergency shelter for
38 homeless persons or victims of domestic violence who are homeless for
39 personal safety reasons.

1 (b) A county with a population of one million five hundred
2 thousand or greater in which a state of emergency has not been
3 declared related to homelessness may waive connection charges under
4 this section for properties used by a nonprofit organization, local
5 agency, or any other legal entity that provides emergency shelter for
6 homeless persons or victims of domestic violence who are homeless for
7 personal safety reasons.

8 (8) At such time as a property receiving a waiver under
9 subsection (7)(a) of this section is no longer operating under the
10 eligibility requirements under subsection (7)(a) of this section:

11 (a) The waiver of connection charges required under subsection
12 (7)(a) of this section is no longer required; and

13 (b) Any connection charges waived under subsection (7)(a) of this
14 section are immediately due and payable to the utility as a condition
15 of continued service.

16 (9) The definitions in this subsection apply throughout this
17 section unless the context clearly requires otherwise.

18 (a) "Connection charges" means the one-time capital and
19 administrative charges imposed by a utility on a building or facility
20 owner for a new utility service, but does not include costs borne or
21 assessed by a utility for the labor, materials, and services
22 necessary to physically connect a designated facility to the
23 respective utility service.

24 (b) "Domestic violence" has the same meaning as defined in RCW
25 70.123.020.

26 (c) "Emergency shelter" means any facility:

27 (i) Whose sole purpose is to provide a temporary shelter for the
28 homeless and that does not require occupants to sign a lease or
29 occupancy agreement; and

30 (ii) That is funded in whole or in part from the state omnibus
31 capital appropriations act, state omnibus operating appropriations
32 act, housing finance commission programs, housing authorities, or
33 local government housing funds.

34 (d) "Homeless person" has the same meaning as defined in RCW
35 43.185C.010.

36 NEW SECTION. Sec. 6. A new section is added to chapter 80.28
37 RCW to read as follows:

38 (1)(a) A gas company, electrical company, wastewater company, or
39 water company that is located, in whole or in part, within a county

1 with a population of one million five hundred thousand or greater, or
2 a city within that county, in which a state of emergency has been
3 declared related to homelessness must waive service line charges for
4 properties used by a nonprofit organization, local agency, or other
5 legal entity that provides emergency shelter for homeless persons or
6 victims of domestic violence who are homeless for personal safety
7 reasons. Expenses and lost revenues as a result of this waiver must
8 be included in the company's cost of service and recovered in rates
9 to other customers.

10 (b) A gas company, electrical company, wastewater company, or
11 water company that is not located within a county with a population
12 of one million five hundred thousand or greater, or a city within
13 that county, in which a state of emergency has been declared related
14 to homelessness may waive service line charges for properties used by
15 a nonprofit organization, local agency, or other legal entity that
16 provides emergency shelter for homeless persons or victims of
17 domestic violence who are homeless for personal safety reasons.
18 Expenses and lost revenues as a result of this waiver must be
19 included in the company's cost of service and recovered in rates to
20 other customers.

21 (2) At such time as a property receiving a waiver under
22 subsection (1)(a) of this section is no longer operating under the
23 eligibility requirements under subsection (1)(a) of this section:

24 (a) The waiver of service line charges required under subsection
25 (1)(a) of this section is no longer required; and

26 (b) Any service line charges waived under subsection (1)(a) of
27 this section are immediately due and payable to the utility as a
28 condition of continued service.

29 (3) The definitions in this subsection apply throughout this
30 section unless the context clearly requires otherwise.

31 (a) "Domestic violence" has the same meaning as defined in RCW
32 70.123.020.

33 (b) "Emergency shelter" means any facility:

34 (i) Whose sole purpose is to provide a temporary shelter for the
35 homeless and that does not require occupants to sign a lease or
36 occupancy agreement; and

37 (ii) That is funded in whole or in part from the state omnibus
38 capital appropriations act, state omnibus operating appropriations
39 act, housing finance commission programs, housing authorities, or
40 local government housing funds.

1 (c) "Homeless person" has the same meaning as defined in RCW
2 43.185C.010.

3 (4) This section expires July 1, 2027.

4 NEW SECTION. **Sec. 7.** Sections 1, 2, 4, and 5 of this act expire
5 July 1, 2027."

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6 On page 1, line 2 of the title, after "properties;" strike the
7 remainder of the title and insert "amending RCW 23.86.400, 24.06.600,
8 35.92.380, and 36.94.140; adding a new section to chapter 35.92 RCW;
9 adding a new section to chapter 80.28 RCW; and providing expiration
10 dates."

EFFECT: Limits applicability of the utility waiver to counties
with a population of 1,500,000 or greater, and cities within that
county.

Removes section 6, which included PUDs in the required waiver.

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