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HOUSE BILL 2961

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Nelson, Simpson, and Hasegawa

Read first time 01/18/08. Referred to Committee on Local Government.

1            AN ACT Relating to authority to establish utility local improvement  
2 districts; and amending RCW 35.43.042.

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

4            **Sec. 1.** RCW 35.43.042 and 1969 ex.s. c 258 s 2 are each amended to  
5 read as follows:

6            Whenever the legislative authority of any city or town has provided  
7 pursuant to law for the acquisition, construction, reconstruction,  
8 purchase, condemnation and purchase, addition to, repair, or renewal of  
9 the whole or any portion of ((a)):

10            (1) A system for providing the city or town and the inhabitants  
11 thereof with water, which system includes as a whole or as a part  
12 thereof water mains, hydrants or appurtenances which are authorized  
13 subjects for local improvements under RCW 35.43.040(13) or other law;  
14 ((or a))

15            (2) A system for providing the city or town with sewerage and storm  
16 or surface water disposal, which system includes as a whole or as a  
17 part thereof drains, sewers or sewer appurtenances which are authorized  
18 subjects for local improvements under RCW 35.43.040(7) or other law;  
19 ((or))

1 (3) Off-street parking facilities; (~~and~~) or

2 (4) Underground facilities for the transmission or distribution of  
3 electricity or communications; and

4 Has further provided in accordance with any applicable provisions  
5 of the Constitution or statutory authority for the issuance and sale of  
6 revenue bonds to pay the cost of all or a portion of any such system,  
7 such legislative authority shall have the authority to establish  
8 utility local improvement districts, and to levy special assessments on  
9 all property specially benefited by any such local improvement to pay  
10 in whole or in part the damages or costs of any local improvements so  
11 provided for.

12 The initiation and formation of such utility local improvement  
13 districts and the levying, collection and enforcement of assessments  
14 shall be in the manner and subject to the same procedures and  
15 limitations as are now or hereafter provided by law for the initiation  
16 and formation of local improvement districts in cities and towns and  
17 the levying, collection and enforcement of assessments pursuant  
18 thereto.

19 It must be specified in any petition or resolution initiating the  
20 formation of such a utility local improvement district in a city or  
21 town and in the ordinance ordered pursuant thereto, that the  
22 assessments shall be for the sole purpose of payment into such revenue  
23 bond fund as may be specified by the legislative authority for the  
24 payment of revenue bonds issued to defray the cost of such system or  
25 facilities or any portion thereof as provided for in this section.

26 Assessments in any such utility local improvement district may be  
27 made on the basis of special benefits up to but not in excess of the  
28 total cost of the local improvements portion of any system or  
29 facilities payable by issuance of revenue bonds. No warrants or bonds  
30 shall be issued in any such utility local improvement district, but the  
31 collection of interest and principal on all assessments in such utility  
32 local improvement district, when collected, shall be paid into any such  
33 revenue bond fund.

34 When in the petition or resolution for establishment of a local  
35 improvement district and in the ordinance ordered pursuant thereto, it  
36 is specified or provided that the assessments shall be for the sole  
37 purpose of payment into a revenue bond fund for the payment of revenue

1 bonds, then the local improvement district shall be designated a  
2 "utility local improvement district".

3 The provisions of chapters 35.45, 35.47 and 35.48 RCW shall have no  
4 application to utility local improvement districts created under  
5 authority of this section.

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