

**HB 1513** - H AMD 25

By Representative Haler

WITHDRAWN 3/03/2009

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

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4 **"Sec. 1.** RCW 35.91.020 and 2006 c 88 s 2 are each amended to read  
5 as follows:

6 (1)(a) Except as provided under subsection (2) of this section,  
7 the governing body of any city, town, county, water-sewer district, or  
8 drainage district, hereinafter referred to as a "municipality" may  
9 contract with owners of real estate for the construction of storm,  
10 sanitary, or combination sewers, pumping stations, and disposal  
11 plants, water mains, hydrants, reservoirs, or appurtenances,  
12 hereinafter called "water or sewer facilities," within their  
13 boundaries or (except for counties) within ten miles from their  
14 corporate limits connecting with the public water or sewerage system  
15 to serve the area in which the real estate of such owners is located,  
16 and to provide for a period of not to exceed fifteen years for the  
17 reimbursement of such owners and their assigns by any owner of real  
18 estate who did not contribute to the original cost of such water or  
19 sewer facilities and who subsequently tap onto or use the same of a  
20 fair pro rata share of the cost of the construction of said water or  
21 sewer facilities, including not only those directly connected thereto,  
22 but also users connected to laterals or branches connecting thereto,  
23 subject to such reasonable rules and regulations as the governing body  
24 of such municipality may provide or contract, and notwithstanding the  
25 provisions of any other law.

26 (b) As an alternative to financing projects under this chapter  
27 solely by owners of real estate, a municipality may join in the

1 financing of improvement projects for water or sewer facilities and  
2 may be reimbursed in the same manner as the owners of real estate who  
3 participate in the projects, if the municipality has specified the  
4 conditions of its participation in an ordinance. As another  
5 alternative, a municipality may create an assessment reimbursement  
6 area on its own initiative, without the participation of a private  
7 property owner, finance the costs of the water or sewer facilities,  
8 and become the sole beneficiary of the reimbursements that are  
9 contributed.

10 (2)(a) The contract may provide for an extension of the  
11 fifteen-year reimbursement period for a time not to exceed the  
12 duration of any moratorium, phasing ordinance, concurrency  
13 designation, or other governmental action that prevents making  
14 applications for, or the approval of, any new development within the  
15 benefit area for a period of six months or more.

16 (b) Upon the extension of the reimbursement period pursuant to (a)  
17 of this subsection, the contract must specify the duration of the  
18 contract extension and must be filed and recorded with the county  
19 auditor. Property owners who are subject to the reimbursement  
20 obligations under subsection (1) of this section shall be notified by  
21 the contracting municipality of the extension filed under this  
22 subsection.

23 (3) Each contract shall include a provision requiring that every  
24 two years from the date the contract is executed a property owner  
25 entitled to reimbursement under this section provide the contracting  
26 municipality with information regarding the current contract name,  
27 address, and telephone number of the person, company, or partnership  
28 that originally entered into the contract. If the property owner  
29 fails to comply with the notification requirements of this subsection  
30 within sixty days of the specified time, then the contracting  
31 municipality may collect any reimbursement funds owed to the property  
32 owner under the contract. Such funds must be deposited in the capital  
33 fund of the municipality.

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1 (4) To the extent it may require in the performance of such  
2 contract, such municipality may install said water or sewer facilities  
3 in and along the county streets in the area to be served as  
4 hereinabove provided, subject to such reasonable requirements as to  
5 the manner of occupancy of such streets as the county may by  
6 resolution provide. The provisions of such contract shall not be  
7 effective as to any owner of real estate not a party thereto unless  
8 such contract has been recorded in the office of the county auditor of  
9 the county in which the real estate of such owner is located prior to  
10 the time such owner taps into or connects to said water or sewer  
11 facilities."

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**EFFECT:** (1) Deletes the amendatory sections of the bill authorizing municipalities to participate in the financing of water or sewer facilities development projects and obtaining subsequent reimbursement from property owners benefitting from such development. (2) Replaces the deleted sections with a new amendatory section creating alternative methods for municipalities to finance improvement projects for water or sewer facilities and to later seek reimbursement.

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