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HOUSE BILL 1241

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State of Washington

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1995 Regular Session

By Representatives Crouse, Casada, Dellwo, Chappell, Schoesler, Honeyford, Hymes, Sherstad, Backlund, Mastin, Benton, Campbell and Kremen

Read first time 01/18/95. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to waivers of electric and gas utility connection  
2 charges; amending RCW 35.41.080, 54.24.080, 80.28.080, and 80.28.100;  
3 adding a new section to chapter 35.21 RCW; and adding a new section to  
4 chapter 80.28 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.21 RCW  
7 to read as follows:

8 A city or town, including a code city, that owns or operates an  
9 electric or gas utility may waive connection charges for properties  
10 purchased by low-income persons from organizations exempt from tax  
11 under section 501(c)(3) of the federal internal revenue code as amended  
12 prior to the effective date of this act. Waivers of connection charges  
13 for the same class of electric or gas utility service must be uniformly  
14 applied to all qualified property. Nothing in this section authorizes  
15 the impairment of a contract.

16 **Sec. 2.** RCW 35.41.080 and 1971 ex.s. c 223 s 3 are each amended to  
17 read as follows:

1       (1) The legislative body of any city or town may provide by  
2 ordinance for revenues by fixing rates and charges for the furnishing  
3 of service, use, or benefits to those to whom service, use, or benefits  
4 from such facility or utility is available, which rates and charges  
5 shall be uniform for the same class of service. ~~((And,))~~ The  
6 legislative body may waive connection charges for properties purchased  
7 by low-income persons from organizations exempt from tax under section  
8 501(c)(3) of the federal internal revenue code as amended prior to the  
9 effective date of this act. Waivers of connection charges for the same  
10 class of electric or gas utility service must be uniformly applied to  
11 all qualified property. Nothing in this subsection (1) authorizes the  
12 impairment of a contract.

13       (2) If revenue bonds or warrants are issued against the revenues  
14 ((thereof)) collected under subsection (1) of this section, the  
15 legislative body of the city or town shall fix charges at rates which  
16 will be sufficient, together with any other moneys lawfully pledged  
17 therefor, to provide for the payment of bonds and warrants, principal  
18 and interest, sinking fund requirements and expenses incidental to the  
19 issuance of such revenue bonds or warrants; in fixing such charges the  
20 legislative body of the city or town may establish rates sufficient to  
21 pay, in addition, the costs of operating and maintaining such facility  
22 or utility.

23       **Sec. 3.** RCW 54.24.080 and 1991 c 347 s 21 are each amended to read  
24 as follows:

25       (1) The commission of each district which shall have revenue  
26 obligations outstanding shall have the power and shall be required to  
27 establish, maintain, and collect rates or charges for electric energy  
28 and water and other services, facilities, and commodities sold,  
29 furnished, or supplied by the district ~~((which))~~. The rates and  
30 charges shall be fair and, except as authorized by RCW 74.38.070 and by  
31 subsections (2) and (3) of this section, nondiscriminatory, and shall  
32 be adequate to provide revenues sufficient for the payment of the  
33 principal of and interest on such revenue obligations for which the  
34 payment has not otherwise been provided and all payments which the  
35 district is obligated to set aside in any special fund or funds created  
36 for such purpose, and for the proper operation and maintenance of the  
37 public utility and all necessary repairs, replacements, and renewals  
38 thereof.

1       (2) The commission of a district may waive connection charges for  
2 properties purchased by low-income persons from organizations exempt  
3 from tax under section 501(c)(3) of the federal internal revenue code  
4 as amended prior to the effective date of this act. Waivers of  
5 connection charges for the same class of electric or gas utility  
6 service must be uniformly applied to all qualified property. Nothing  
7 in this subsection (2) authorizes the impairment of a contract.

8       (3) In establishing rates or charges for water service,  
9 commissioners may in their discretion consider the achievement of water  
10 conservation goals and the discouragement of wasteful water use  
11 practices.

12       NEW SECTION. Sec. 4. A new section is added to chapter 80.28 RCW  
13 to read as follows:

14       A gas company or electrical company may waive connection charges  
15 for properties purchased by low-income persons from organizations  
16 exempt from tax under section 501(c)(3) of the federal internal revenue  
17 code as amended prior to the effective date of this act. Waivers of  
18 connection charges for the same class of electric or gas utility  
19 service must be uniformly applied to all qualified property. Nothing  
20 in this section authorizes the impairment of a contract.

21       **Sec. 5.** RCW 80.28.080 and 1985 c 427 s 2 are each amended to read  
22 as follows:

23       Except as provided in section 4 of this act, no gas company,  
24 electrical company or water company shall charge, demand, collect or  
25 receive a greater or less or different compensation for any service  
26 rendered or to be rendered than the rates and charges applicable to  
27 such service as specified in its schedule filed and in effect at the  
28 time, nor shall any such company directly or indirectly refund or remit  
29 in any manner or by any device any portion of the rates or charges so  
30 specified, or furnish its product at free or reduced rates except to  
31 its employees and their families, and its officers, attorneys, and  
32 agents; to hospitals, charitable and eleemosynary institutions and  
33 persons engaged in charitable and eleemosynary work; to indigent and  
34 destitute persons; to national homes or state homes for disabled  
35 volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That  
36 the term "employees" as used in this paragraph shall include  
37 furloughed, pensioned and superannuated employees, persons who have

1 become disabled or infirm in the service of any such company; and the  
2 term "families," as used in this paragraph, shall include the families  
3 of those persons named in this proviso, the families of persons killed  
4 or dying in the service, also the families of persons killed, and the  
5 surviving spouse prior to remarriage, and the minor children during  
6 minority of persons who died while in the service of any of the  
7 companies named in this paragraph: PROVIDED FURTHER, That water  
8 companies may furnish free or at reduced rates water for the use of the  
9 state, or for any project in which the state is interested: AND  
10 PROVIDED FURTHER, That gas companies, electrical companies, and water  
11 companies may charge the defendant for treble damages awarded in  
12 lawsuits successfully litigated under RCW 80.28.240.

13 Except as provided in section 4 of this act, no gas company,  
14 electrical company or water company shall extend to any person or  
15 corporation any form of contract or agreement or any rule or regulation  
16 or any privilege or facility except such as are regularly and uniformly  
17 extended to all persons and corporations under like circumstances.

18 **Sec. 6.** RCW 80.28.100 and 1961 c 14 s 80.28.100 are each amended  
19 to read as follows:

20 Except as provided in section 4 of this act, no gas company,  
21 electrical company or water company shall, directly or indirectly, or  
22 by any special rate, rebate, drawback or other device or method,  
23 charge, demand, collect or receive from any person or corporation a  
24 greater or less compensation for gas, electricity or water, or for any  
25 service rendered or to be rendered, or in connection therewith, except  
26 as authorized in this chapter, than it charges, demands, collects or  
27 receives from any other person or corporation for doing a like or  
28 contemporaneous service with respect thereto under the same or  
29 substantially similar circumstances or conditions.

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