

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2146**

Chapter 344, Laws of 2009

61st Legislature  
2009 Regular Session

WATER OR SEWER FACILITIES--CONTRACT PERIODS

EFFECTIVE DATE: 07/26/09

Passed by the House April 21, 2009  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 17, 2009  
Yeas 45 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 5, 2009, 2:28 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2146** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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HOUSE BILL 2146

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Ericks, Johnson, Eddy, and Lias

Read first time 02/11/09. Referred to Committee on Local Government & Housing.

1            AN ACT Relating to contract requirements for water or sewer  
2 facilities; and amending RCW 35.91.020.

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

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

6            (1) Except as provided under subsection (2) of this section, the  
7 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 plants,  
11 water mains, hydrants, reservoirs, or appurtenances, hereinafter called  
12 "water or sewer facilities," within their boundaries or (except for  
13 counties) within ten miles from their corporate limits connecting with  
14 the public water or sewerage system to serve the area in which the real  
15 estate of such owners is located, and to provide for a period of not to  
16 exceed (~~fifteen~~) twenty years for the reimbursement of such owners  
17 and their assigns by any owner of real estate who did not contribute to  
18 the original cost of such water or sewer facilities and who  
19 subsequently tap onto or use the same of a fair pro rata share of the

1 cost of the construction of said water or sewer facilities, including  
2 not only those directly connected thereto, but also users connected to  
3 laterals or branches connecting thereto, subject to such reasonable  
4 rules and regulations as the governing body of such municipality may  
5 provide or contract, and notwithstanding the provisions of any other  
6 law.

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

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

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

31 (4) To the extent it may require in the performance of such  
32 contract, such municipality may install said water or sewer facilities  
33 in and along the county streets in the area to be served as hereinabove  
34 provided, subject to such reasonable requirements as to the manner of  
35 occupancy of such streets as the county may by resolution provide. The  
36 provisions of such contract shall not be effective as to any owner of  
37 real estate not a party thereto unless such contract has been recorded

1 in the office of the county auditor of the county in which the real  
2 estate of such owner is located prior to the time such owner taps into  
3 or connects to said water or sewer facilities.

Passed by the House April 21, 2009.

Passed by the Senate April 17, 2009.

Approved by the Governor May 5, 2009.

Filed in Office of Secretary of State May 8, 2009.