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SENATE BILL 5000

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State of Washington

57th Legislature

2001 Regular Session

By Senators Roach, Finkbeiner, Johnson and Swecker

Read first time 01/08/2001. Referred to Committee on Environment,  
Energy & Water.

1 AN ACT Relating to charges for surface water runoff; and amending  
2 RCW 36.89.080, 36.94.140, and 86.15.160.

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

4 **Sec. 1.** RCW 36.89.080 and 1998 c 74 s 1 are each amended to read  
5 as follows:

6 Any county legislative authority may provide by resolution for  
7 revenues by fixing rates and charges for the furnishing of service to  
8 those served or receiving benefits or to be served or to receive  
9 benefits from any storm water control facility (~~or contributing to an~~  
10 ~~increase of surface water runoff~~). In fixing rates and charges, the  
11 county legislative authority may in its discretion consider: (1)  
12 Services furnished or to be furnished; (2) benefits received or to be  
13 received; (3) the character and use of land (~~or its water runoff~~  
14 ~~characteristics~~); (4) the nonprofit public benefit status, as defined  
15 in RCW 24.03.490, of the land user; (5) income level of persons served  
16 or provided benefits under this chapter, including senior citizens and  
17 disabled persons; or (6) any other matters which present a reasonable  
18 difference as a ground for distinction. The service charges and rates  
19 collected shall be deposited in a special fund or funds in the county

1 treasury to be used only for the purpose of paying all or any part of  
2 the cost and expense of maintaining and operating storm water control  
3 facilities, all or any part of the cost and expense of planning,  
4 designing, establishing, acquiring, developing, constructing and  
5 improving any of such facilities, or to pay or secure the payment of  
6 all or any portion of any issue of general obligation or revenue bonds  
7 issued for such purpose. Rates and charges may not be fixed or altered  
8 based on the water runoff characteristics of the property served except  
9 with regard to a landfill as defined in RCW 70.95.030.

10 **Sec. 2.** RCW 36.94.140 and 1997 c 447 s 12 are each amended to read  
11 as follows:

12 Every county, in the operation of a system of sewerage and/or  
13 water, shall have full jurisdiction and authority to manage, regulate,  
14 and control it and to fix, alter, regulate, and control the rates and  
15 charges for the service and facilities to those to whom such service  
16 and facilities are available, and to levy charges for connection to the  
17 system. The rates for availability of service and facilities, and  
18 connection charges so charged must be uniform for the same class of  
19 customers or service and facility. Rates and charges may not be fixed  
20 or altered based on the water runoff characteristics of the property  
21 served except with regard to a landfill as defined in RCW 70.95.030.

22 In classifying customers served, service furnished or made  
23 available by such system of sewerage and/or water, or the connection  
24 charges, the county legislative authority may consider any or all of  
25 the following factors:

26 (1) The difference in cost of service to the various customers  
27 within or without the area;

28 (2) The difference in cost of maintenance, operation, repair and  
29 replacement of the various parts of the systems;

30 (3) The different character of the service and facilities furnished  
31 various customers;

32 (4) The quantity and quality of the sewage and/or water delivered  
33 and the time of its delivery;

34 (5) Capital contributions made to the system or systems, including,  
35 but not limited to, assessments;

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

1 (7) The nonprofit public benefit status, as defined in RCW  
2 24.03.490, of the land user; and

3 (8) Any other matters which present a reasonable difference as a  
4 ground for distinction.

5 A county may provide assistance to aid low-income persons in  
6 connection with services provided under this chapter.

7 The service charges and rates shall produce revenues sufficient to  
8 take care of the costs of maintenance and operation, revenue bond and  
9 warrant interest and principal amortization requirements, and all other  
10 charges necessary for the efficient and proper operation of the system.

11 **Sec. 3.** RCW 86.15.160 and 1986 c 278 s 60 are each amended to read  
12 as follows:

13 For the purposes of this chapter the supervisors may authorize:

14 (1) An annual excess ad valorem tax levy within any zone or  
15 participating zones when authorized by the voters of the zone or  
16 participating zones under RCW 84.52.052 and 84.52.054;

17 (2) An assessment upon property, including state property,  
18 specially benefited by flood control improvements or storm water  
19 control improvements imposed under chapter 86.09 RCW;

20 (3) Within any zone or participating zones an annual ad valorem  
21 property tax levy of not to exceed fifty cents per thousand dollars of  
22 assessed value when the levy will not take dollar rates that other  
23 taxing districts may lawfully claim and that will not cause the  
24 combined levies to exceed the constitutional and/or statutory  
25 limitations, and the additional levy, or any portion thereof, may also  
26 be made when dollar rates of other taxing units is released therefor by  
27 agreement with the other taxing units from their authorized levies;

28 (4) A charge, under RCW 36.89.080, for the furnishing of service to  
29 those who are receiving or will receive benefits from storm water  
30 control facilities (~~(and who are contributing to an increase in surface~~  
31 ~~water runoff)). Except as otherwise provided in RCW 90.03.525, any~~  
32 public entity and public property, including the state and state  
33 property, shall be liable for the charges to the same extent a private  
34 person and privately owned property is liable for the charges, and in  
35 setting these rates and charges, consideration may be made of in-kind  
36 services, such as stream improvements or donation of property;

37 (5) The creation of local improvement districts and utility local  
38 improvement districts, the issuance of improvement district bonds and

1 warrants, and the imposition, collection, and enforcement of special  
2 assessments on all property, including any state-owned or other  
3 publicly-owned property, specially benefited from improvements in the  
4 same manner as provided for counties by chapter 36.94 RCW.

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