

# HOUSE BILL REPORT

## HB 2618

---

**As Reported by House Committee On:**  
Local Government

**Title:** An act relating to a city's assumption of jurisdiction over water- sewer districts.

**Brief Description:** Repealing provisions related to a city's assumption of jurisdiction over water-sewer districts.

**Sponsors:** Representatives Takko and Ross.

**Brief History:**

**Committee Activity:**

Local Government: 1/29/08, 2/1/08 [DP].

**Brief Summary of Bill**

- Repeals all of RCW Chapter 35.13A, which regulates the assumption of jurisdiction over all or part of a water-sewer district by a city or town.
- Repeals a statute authorizing a city or town to assume jurisdiction, pursuant to the authority in RCW Chapter 35.13A, over a county water-sewer system in an area subject to annexation or incorporation.
- Repeals a statute in the Public Health and Safety Code authorizing a city or town to assume jurisdiction over any public water system in accordance with the provisions of RCW Chapter 35.13A.

---

### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 6 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy and Schmick.

**Minority Report:** Do not pass. Signed by 1 member: Representative Nelson.

**Staff:** Thamas Osborn (786-7129).

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

## **Background:**

### **Powers and Authority of Water-Sewer Districts**

Water-sewer district (district) powers include the authority to purchase, construct, maintain, and supply waterworks to furnish water to inhabitants within and outside of the district. District powers also include the authority to purchase, construct, maintain, and operate systems of sewers and drainage.

### **Assumption of Jurisdiction Over a Water-Sewer District by a City or Town**

RCW Chapter 35.13A sets forth legislative and electoral mechanisms, based upon geographic location and property valuation, for the assumption of jurisdiction of water-sewer districts by cities or towns. This regulatory scheme provides several sets of requirements applicable to various types of assumptions occurring under specified circumstances, including the following:

- Whenever all of the territory of a district is located within the corporate boundaries of a city, the city legislative body may adopt a resolution or ordinance to assume jurisdiction over the entire district.
- Whenever a portion of a district equal to at least 60 percent of its area, or 60 percent of the assessed valuation of the real property lying within the district, is included within the corporate boundaries of a city, the city may assume by ordinance the full and complete management and control of that portion of the entire district not included within another city. Related statutes specify that under certain circumstances the district may, upon a favorable vote of a majority of all voters within the district, require a city to assume responsibility for the operation and maintenance of the district's property, facilities, and equipment throughout the entire district.
- Whenever the portion of a district included within the corporate boundaries of a city is less than 60 percent of the area of the district and less than 60 percent of the assessed valuation of the real property within the district, the city may assume, by ordinance, jurisdiction of the district's responsibilities, property, facilities and equipment within the corporate limits of the city. The city may also assume responsibility for the operation and maintenance of the district's property, facilities, and equipment throughout the entire district upon a favorable vote of a majority of all voters within the district.
- Whenever more than one city, in whole or in part, is included within a district, the city which has within its boundaries 60 percent or more of the area of the assessed valuation of the district may, with the approval of any other city containing part of such district, assume responsibility for operation and maintenance of the district's property, facilities, and equipment within such other city.

### **Assumption of Jurisdiction by a City or Town Over a County Water-Sewer System**

Subject to specified conditions, in the event that an area within a county is annexed to, or incorporated into, a city or town, the city or town is authorized to assume jurisdiction over that part of a county water-sewer system operating in the annexed or incorporated area. This authority may be exercised only if the assumption of jurisdiction by the city or town will not materially affect the operation of any of the remaining county system. A city or town's authority to assume such jurisdiction is derived from RCW Chapter 35.13A.

**Assumption of Jurisdiction of any Public Water-Sewer System by a City or Town**

A statutory provision in the Public Health and Safety Code states that any city or town's assumption of jurisdiction over a public water system shall be in accordance with the authority set forth in RCW Chapter 35.13A.

---

**Summary of Bill:**

The act repeals all of RCW Chapter 35.13A, which regulates the assumption of jurisdiction over all or part of a water-sewer district by a city or town.

A county governance statute authorizing a city or town to assume jurisdiction, pursuant to the authority in RCW Chapter 35.13A, over a county water-sewer system in an area subject to annexation or incorporation is repealed.

A statute in the Public Health and Safety Code authorizing a city or town to assume jurisdiction over any public water system in accordance with the provisions of RCW Chapter 35.13A is repealed.

---

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) The repealing of the assumption statutes is a necessary step that is long overdue. Since 1971 there have been 22 assumptions conducted pursuant to this statutory scheme. Many of these assumptions have been contentious and hostile, and have had adverse consequences for the public. Current law allows for hostile takeovers without allowing a vote of the people and providing little opportunity for meaningful public input. Hostile assumptions create huge problems for the jurisdictions affected by them. The process is lengthy, unpleasant, and expensive for all concerned, and yields little or no public benefit. The experience in Liberty Lake was particularly bitter. The repeal of these laws will create a new era of cooperation between cities and water-sewer districts.

(Opposed) The assumption statutes have been in place since the 1970s and since then there have only been approximately 10 water-sewer districts that have been taken over by cities and towns. Most of these assumptions did not present significant problems, thus this legislation is wholly unnecessary. City annexations of county territory do not always result in an assumption taking place and the statute does not require that the assumption process be used; it merely provides an option if an agreement can't be reached. Under current law, citizens have ample opportunity for input and in any case boundary review boards have the authority to review a problematic assumption. Furthermore, current law provides the appropriate checks

and balances. The statutory scheme authorizing and regulating assumptions is an important tool for realizing the GMA goal of having cities provide essential urban services. These statutes are the only means for a city to take over a water system and there are many cases where this is necessary for the benefit of the public. Cities are the best providers of urban services and this bill would take away an important option needed by cities.

**Persons Testifying:** (In support) Representative Takko, prime sponsor; Joe Daniels, Washington Association of Sewer and Water Districts; and Tom Agnew, Liberty Lake Sewer and Water District.

(Opposed) Dave Williams, Association of Washington Cities; Larry Blanchard, City of Kent; and Scott McCall, City of Shoreline.

**Persons Signed In To Testify But Not Testifying:** None.