

SHB 1332 - S AMD 488

By Senators Jarrett, Kauffman, Carrell, Roach

ADOPTED 04/23/2009

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 39.34 RCW
4 to read as follows:

5 (1) As limited in subsection (3) of this section, a watershed
6 management partnership formed or qualified under the authority of RCW
7 39.34.200 and 39.34.210, including the separate legal entity
8 established by such a partnership under RCW 39.34.030(3)(b) to conduct
9 the cooperative undertaking of the partnership under the same statutory
10 authority, may exercise the power of eminent domain as provided in
11 chapter 8.12 RCW.

12 (2) The eminent domain authority granted under subsection (1) of
13 this section may be exercised only for those utility purposes for which
14 the watershed partnership was formed and is limited solely to providing
15 water services to its customers.

16 (3) Subsection (1) of this section applies only to a watershed
17 management partnership that:

18 (a) Was formed or qualified before July 1, 2006, under the
19 authority of RCW 39.34.200 and 39.34.210;

20 (b) Is not engaged in planning or in implementing a plan for a
21 water resource inventory area under the terms of chapter 90.82 RCW;

22 (c) Is composed entirely of cities and water-sewer districts
23 authorized to exercise the power of eminent domain in the manner
24 provided by chapter 8.12 RCW; and

25 (d) Is governed by a board of directors consisting entirely of
26 elected officials from the cities and water-sewer districts that
27 constitute the watershed management partnership.

28 (4) A watershed management partnership exercising authority under
29 this section shall:

30 (a) Comply with the notice requirements of RCW 8.25.290;

1 (b) Provide notice to the city, town, or county with jurisdiction
2 over the subject property by certified mail thirty days prior to the
3 partnership board authorizing condemnation; and

4 (c) With any city that is not a member of the watershed management
5 partnership and that has water or sewer service areas within one-half
6 mile of Lake Tapps or water or sewer service areas within five miles
7 upstream from Lake Tapps along the White river, enter into an
8 interlocal agreement to allow eminent domain within that city prior to
9 exercising eminent domain authority under this section.

10 (5) The legislature is currently unaware of any information
11 suggesting that the expected use by the watershed management
12 partnership of the Lake Tapps water supply will have a significantly
13 adverse effect on surrounding communities. However, if the watershed
14 management partnership's Lake Tapps water supply operations result in
15 a negative impact to the water supplies of a city that is not a member
16 of the watershed management partnership and the city has water or sewer
17 service areas within one-half mile of Lake Tapps or water or sewer
18 service areas within five miles upstream from Lake Tapps along the
19 White river, the city claiming a negative impact under this subsection
20 must notify the watershed management partnership of their claim and
21 give the partnership at least sixty days to resolve the claimed impact.
22 If the watershed management partnership fails to resolve the claimed
23 negative impact or disputes that the negative impact exists, the city
24 claiming the negative impact under this subsection may pursue existing
25 legal remedies in accordance with state and federal law. If a court
26 determines that a negative impact has occurred as provided under this
27 subsection, the watershed management partnership shall implement a
28 remedy acceptable to the claiming city. If the affected city or cities
29 and the watershed management partnership cannot agree on the terms
30 required under this subsection, the court shall establish the terms for
31 the remedy required under this subsection."

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1 On page 1, line 2 of the title, after "governments;" strike the
2 remainder of the title and insert "and adding a new section to chapter
3 39.34 RCW."

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