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ENGROSSED SUBSTITUTE SENATE BILL 6008

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State of Washington

63rd Legislature

2014 Regular Session

**By** Senate Governmental Operations (originally sponsored by Senators Chase, Roach, Rivers, Hatfield, Hasegawa, Keiser, and Benton)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to voter approval of assumptions of water-sewer  
2 districts by cities and towns; adding new sections to chapter 35.13A  
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.13A RCW  
6 to read as follows:

7 (1) A city or town that is wholly or at least eighty percent  
8 located in a county with a population greater than one million five  
9 hundred thousand may not assume, under this chapter, the jurisdiction  
10 of all or part of a water-sewer district serving a population greater  
11 than one thousand residents unless voters of the entire water-sewer  
12 district approve a ballot proposition authorizing the assumption under  
13 general election law. The cost of the election must be borne by the  
14 city or town seeking approval to assume jurisdiction of a water-sewer  
15 district.

16 (2) A city or town that is wholly or at least eighty percent  
17 located in a county with a population greater than one million five  
18 hundred thousand may assume jurisdiction over a water-sewer district  
19 located entirely within its boundaries without seeking approval of the

1 voters, as required under subsection (1) of this section, if the board  
2 of commissioners of the water-sewer district consent to the assumption  
3 of jurisdiction by the city or town. The feasibility study required  
4 under subsection (3) of this section is not required if the board of  
5 commissioners of the water-sewer district consents to the assumption of  
6 jurisdiction by the city or town.

7 (3) Following the passage of a resolution by a city or town that is  
8 wholly or at least eighty percent located in a county with a population  
9 greater than one million five hundred thousand to assume all or part of  
10 a special purpose water-sewer district under this chapter, a  
11 feasibility study of the assumption must be conducted, unless the board  
12 of commissioners of the water-sewer district consents to the assumption  
13 of jurisdiction by the city or town as provided under subsection (2) of  
14 this section. The study must be jointly and equally funded by the city  
15 or town and the district through a mutually agreed contract with a  
16 qualified independent consultant with professional expertise involving  
17 public water and sewer systems. The study must address the impact of  
18 the proposed assumption on both the city or town and district. Issues  
19 to be considered must be mutually agreed to by the city or town and the  
20 district and must include, but not be limited to, engineering and  
21 operational impacts, costs of the assumption to the city or town and  
22 the district including potential impacts on future water-sewer rates,  
23 bond ratings and future borrowing costs, status of existing water  
24 rights, and other issues jointly agreed to. The findings of the joint  
25 study must be presented as a public record that is available to the  
26 registered voters of the district, both within and without the boundary  
27 of the city or town conducting the assumption, prior to a vote on the  
28 proposed assumption by all the voters in the district. The study must  
29 be completed within six months of the passage of the resolution to  
30 assume the district. No vote may take place until the study has been  
31 completed and the results have been made available to the registered  
32 voters of the district.

33 (4) Once the voters in a water-sewer district have approved or  
34 disapproved an assumption through the ballot proposition process  
35 required under subsection (1) of this section, a boundary review board  
36 does not have jurisdiction, under chapter 36.93 RCW, to conduct a  
37 review of the assumption where the attempted or completed assumption  
38 involves not more than one city or town.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 35.13A RCW  
2 to read as follows:

3        (1) If a city or town that is wholly or at least eighty percent  
4 located in a county with a population greater than one million five  
5 hundred thousand assumes jurisdiction over a water-sewer district  
6 without seeking approval of the voters pursuant to section 1 of this  
7 act, the assumption is subject to referendum for forty-five days after  
8 its approval by a boundary review board or the superior court under  
9 chapter 36.93 RCW or, in those counties without a boundary review  
10 board, a petition to dissolve the district has been filed in superior  
11 court under RCW 35.13A.080. Upon the filing of a timely and sufficient  
12 referendum petition with the board of commissioners, signed by  
13 registered voters in number equal to not less than ten percent of the  
14 registered voters in the area to be assumed who voted in the last  
15 municipal general election, the question of assumption must be  
16 submitted to the voters of the area in a general election if one is to  
17 be held within ninety days or at a special election called for that  
18 purpose by the board of commissioners in accordance with RCW  
19 29A.04.330. The election must be conducted in accordance with the  
20 general election laws of the state. The assumption is deemed approved  
21 by the voters unless a majority of the votes cast on the proposition  
22 are in opposition thereto.

23        (2) After the expiration of the forty-fifth day from but excluding  
24 the date the assumption has been approved by a boundary review board or  
25 the superior court under chapter 36.93 RCW or, in those counties  
26 without a boundary review board, a petition to dissolve the district  
27 has been filed in superior court under RCW 35.13A.080, if no timely and  
28 sufficient referendum petition has been filed, the city or town may  
29 proceed to assume jurisdiction over the water-sewer district.

30        NEW SECTION.    **Sec. 3.**    This act is applicable to assumptions of  
31 jurisdiction of water-sewer districts by cities or towns that is wholly  
32 or at least eighty percent located in a county with a population  
33 greater than one million five hundred thousand that have been initiated  
34 prior to the effective date of this section and that are pending as of  
35 that date, as well as those assumptions of jurisdiction that are  
36 initiated on or after the effective date of this section. Nothing in

1 this act may be construed to preempt or modify any existing interlocal  
2 agreement, franchise, or contract between a city or town and a water-  
3 sewer district in effect on the effective date of this section.

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