

SHB 2629 - H AMD 1347

By Representative Walen

ADOPTED AS AMENDED 02/16/2020

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

3 "Sec. 1. RCW 23.86.400 and 1996 c 32 s 1 are each amended to
4 read as follows:

5 (1) (~~(As used in this section:)~~) The definitions in this
6 subsection apply throughout this section unless the context clearly
7 requires otherwise.

8 (a) "Attachment" means the affixation or installation of any
9 wire, cable or other physical material capable of carrying electronic
10 impulses or light waves for the carrying of intelligence for
11 telecommunications or television, including, but not limited to
12 cable, and any related device, apparatus, or auxiliary equipment upon
13 any pole owned or controlled in whole or in part by one or more
14 locally regulated utilities where the installation has been made with
15 the necessary consent.

16 (b) "Connection charges" means the one-time capital and
17 administrative charges imposed by a utility on a building or facility
18 owner for a new utility service, but does not include costs borne or
19 assessed by a utility for the labor, materials, and services
20 necessary to physically connect a designated facility to the
21 respective utility service.

22 (c) "Domestic violence" has the same meaning as defined in RCW
23 70.123.020.

24 (d) "Emergency shelter" means any facility:

25 (i) Whose sole purpose is to provide a temporary shelter for the
26 homeless and that does not require occupants to sign a lease or
27 occupancy agreement; and

28 (ii) That is funded in whole or in part from the state omnibus
29 capital appropriations act, state omnibus operating appropriations
30 act, housing finance commission programs, housing authorities, or
31 local government housing funds.

32 (e) "Homeless person" has the same meaning as defined in RCW
33 43.185C.010.

1 (f) "Locally regulated utility" means an electric service
2 cooperative organized under this chapter and not subject to rate or
3 service regulation by the utilities and transportation commission.

4 ~~((e))~~ (g) "Nondiscriminatory" means that pole owners may not
5 arbitrarily differentiate among or between similar classes of persons
6 approved for attachments.

7 (2) All rates, terms, and conditions made, demanded or received
8 by a locally regulated utility for attachments to its poles must be
9 just, reasonable, nondiscriminatory and sufficient. A locally
10 regulated utility shall levy attachment space rental rates that are
11 uniform for the same class of service within the locally regulated
12 utility service area.

13 (3) Nothing in this section shall be construed or is intended to
14 confer upon the utilities and transportation commission any authority
15 to exercise jurisdiction over locally regulated utilities.

16 (4) (a) A locally regulated utility located, in whole or in part,
17 within a county or a city in which a state of emergency has been
18 declared related to homelessness must waive connection charges for
19 properties used by a nonprofit organization, local agency, or any
20 other legal entity that provides emergency shelter for homeless
21 persons or victims of domestic violence who are homeless for personal
22 safety reasons.

23 (b) A locally regulated utility that is not located within a
24 county or a city in which a state of emergency has been declared
25 related to homelessness may waive connection charges for properties
26 used by a nonprofit organization, local agency, or any other legal
27 entity that provides emergency shelter to homeless persons or victims
28 of domestic violence who are homeless for personal safety reasons.

29 (5) At such time as a property receiving a waiver under
30 subsection (4) (a) of this section is no longer operating under the
31 eligibility requirements under subsection (4) (a) of this section:

32 (a) The waiver of connection charges required under subsection
33 (4) (a) of this section is no longer required; and

34 (b) Any connection charges waived under subsection (4) (a) of this
35 section are immediately due and payable to the utility as a condition
36 of continued service.

37 **Sec. 2.** RCW 24.06.600 and 1996 c 32 s 2 are each amended to read
38 as follows:

1 (1) ~~((As used in this section:))~~ The definitions in this
2 subsection apply throughout this section unless the context clearly
3 requires otherwise.

4 (a) "Attachment" means the affixation or installation of any
5 wire, cable or other physical material capable of carrying electronic
6 impulses or light waves for the carrying of intelligence for
7 telecommunications or television, including, but not limited to
8 cable, and any related device, apparatus, or auxiliary equipment upon
9 any pole owned or controlled in whole or in part by one or more
10 locally regulated utilities where the installation has been made with
11 the necessary consent.

12 (b) "Connection charges" means the one-time capital and
13 administrative charges imposed by a utility on a building or facility
14 owner for a new utility service, but does not include costs borne or
15 assessed by a utility for the labor, materials, and services
16 necessary to physically connect a designated facility to the
17 respective utility service.

18 (c) "Domestic violence" has the same meaning as defined in RCW
19 70.123.020.

20 (d) "Emergency shelter" means any facility:

21 (i) Whose sole purpose is to provide a temporary shelter for the
22 homeless and that does not require occupants to sign a lease or
23 occupancy agreement; and

24 (ii) That is funded in whole or in part from the state omnibus
25 capital appropriations act, state omnibus operating appropriations
26 act, housing finance commission programs, housing authorities, or
27 local government housing funds.

28 (e) "Homeless person" has the same meaning as defined in RCW
29 43.185C.010.

30 (f) "Locally regulated utility" means ((an-[a])) a mutual
31 corporation organized under this chapter for the purpose of providing
32 utility service and not subject to rate or service regulation by the
33 utilities and transportation commission.

34 ~~((e))~~ (g) "Nondiscriminatory" means that pole owners may not
35 arbitrarily differentiate among or between similar classes of persons
36 approved for attachments.

37 (2) All rates, terms, and conditions made, demanded or received
38 by a locally regulated utility for attachments to its poles must be
39 just, reasonable, nondiscriminatory and sufficient. A locally
40 regulated utility shall levy attachment space rental rates that are

1 uniform for the same class of service within the locally regulated
2 utility service area.

3 (3) Nothing in this section shall be construed or is intended to
4 confer upon the utilities and transportation commission any authority
5 to exercise jurisdiction over locally regulated utilities.

6 (4) (a) A locally regulated utility located, in whole or in part,
7 within a county or a city in which a state of emergency has been
8 declared related to homelessness must waive connection charges for
9 properties used by a nonprofit organization, local agency, or any
10 other legal entity that provides emergency shelter for homeless
11 persons or victims of domestic violence who are homeless for personal
12 safety reasons.

13 (b) A locally regulated utility that is not located within a
14 county or a city in which a state of emergency has been declared
15 related to homelessness may waive connection charges for properties
16 used by a nonprofit organization, local agency, or any other legal
17 entity that provides emergency shelter to homeless persons or victims
18 of domestic violence who are homeless for personal safety reasons.

19 (5) At such time as a property receiving a waiver under
20 subsection (4) (a) of this section is no longer operating under the
21 eligibility requirements under subsection (4) (a) of this section:

22 (a) The waiver of connection charges required under subsection
23 (4) (a) of this section is no longer required; and

24 (b) Any connection charges waived under subsection (4) (a) of this
25 section are immediately due and payable to the utility as a condition
26 of continued service.

27 NEW SECTION. Sec. 3. A new section is added to chapter 35.92
28 RCW to read as follows:

29 (1) Municipal utilities formed under this chapter and located, in
30 whole or in part, within a county or a city in which a state of
31 emergency has been declared related to homelessness must waive
32 connection charges for properties used by a nonprofit organization,
33 local agency, or any other legal entity that provides emergency
34 shelter for homeless persons or victims of domestic violence who are
35 homeless for personal safety reasons.

36 (2) Municipal utilities formed under this chapter and not located
37 in a county or a city in which a state of emergency has been declared
38 related to homelessness may waive connection charges for properties
39 used by a nonprofit organization, local agency, or any other legal

1 entity that provides emergency shelter for homeless persons or
2 victims of domestic violence who are homeless for personal safety
3 reasons.

4 (3) At such time as a property receiving a waiver under
5 subsection (1) of this section is no longer operating under the
6 eligibility requirements under subsection (1) of this section:

7 (a) The waiver of connection charges required under subsection
8 (1) of this section is no longer required; and

9 (b) Any connection charges waived under subsection (1) of this
10 section are immediately due and payable to the utility as a condition
11 of continued service.

12 (4) The definitions in this subsection apply throughout this
13 section unless the context clearly requires otherwise.

14 (a) "Connection charges" means the one-time capital and
15 administrative charges imposed by a utility on a building or facility
16 owner for a new utility service, but does not include costs borne or
17 assessed by a utility for the labor, materials, and services
18 necessary to physically connect a designated facility to the
19 respective utility service.

20 (b) "Domestic violence" has the same meaning as defined in RCW
21 70.123.020.

22 (c) "Emergency shelter" means any facility:

23 (i) Whose sole purpose is to provide a temporary shelter for the
24 homeless and that does not require occupants to sign a lease or
25 occupancy agreement; and

26 (ii) That is funded in whole or in part from the state omnibus
27 capital appropriations act, state omnibus operating appropriations
28 act, housing finance commission programs, housing authorities, or
29 local government housing funds.

30 (d) "Homeless person" has the same meaning as defined in RCW
31 43.185C.010.

32 **Sec. 4.** RCW 35.92.380 and 1980 c 150 s 1 are each amended to
33 read as follows:

34 Whenever a city or town waives or delays collection of tap-in
35 charges, connection fees, or hookup fees for low-income persons,
36 (~~or~~) a class of low-income persons, or emergency shelters serving
37 homeless persons, to connect to lines or pipes used by the city or
38 town to provide utility service, the waiver or delay shall be
39 pursuant to a program established by ordinance. As used in this

1 section, the provision of "utility service" includes, but is not
2 limited to, water, sanitary or storm sewer service, electricity, gas,
3 other means of power, and heat.

4 **Sec. 5.** RCW 36.94.140 and 2005 c 324 s 2 are each amended to
5 read as follows:

6 (1) Every county, in the operation of a system of sewerage and/or
7 water, shall have full jurisdiction and authority to manage,
8 regulate, and control it. Except as provided in subsection (3) of
9 this section, every county shall have full jurisdiction and authority
10 to fix, alter, regulate, and control the rates and charges for the
11 service and facilities to those to whom such service and facilities
12 are available, and to levy charges for connection to the system.

13 (2) The rates for availability of service and facilities, and
14 connection charges so charged must be uniform for the same class of
15 customers or service and facility. In classifying customers served,
16 service furnished or made available by such system of sewerage and/or
17 water, or the connection charges, the county legislative authority
18 may consider any or all of the following factors:

19 (a) The difference in cost of service to the various customers
20 within or without the area;

21 (b) The difference in cost of maintenance, operation, repair and
22 replacement of the various parts of the systems;

23 (c) The different character of the service and facilities
24 furnished various customers;

25 (d) The quantity and quality of the sewage and/or water delivered
26 and the time of its delivery;

27 (e) Capital contributions made to the system or systems,
28 including, but not limited to, assessments;

29 (f) The cost of acquiring the system or portions of the system in
30 making system improvements necessary for the public health and
31 safety;

32 (g) The nonprofit public benefit status, as defined in RCW
33 24.03.490, of the land user; and

34 (h) Any other matters which present a reasonable difference as a
35 ground for distinction.

36 (3) The rate a county may charge under this section for storm or
37 surface water sewer systems or the portion of the rate allocable to
38 the storm or surface water sewer system of combined sanitary sewage
39 and storm or surface water sewer systems shall be reduced by a

1 minimum of ten percent for any new or remodeled commercial building
2 that utilizes a permissive rainwater harvesting system. Rainwater
3 harvesting systems shall be properly sized to utilize the available
4 roof surface of the building. The jurisdiction shall consider rate
5 reductions in excess of ten percent dependent upon the amount of
6 rainwater harvested.

7 (4) A county may provide assistance to aid low-income persons in
8 connection with services provided under this chapter.

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

14 (6) A connection charge under this section for service to a
15 manufactured housing community, as defined in RCW 59.20.030, applies
16 to an individual lot within that community only if the system of
17 water or sewerage provides and maintains the connection.

18 (7)(a) A county in which a state of emergency has been declared
19 related to homelessness must waive connection charges under this
20 section for properties used by a nonprofit organization, local
21 agency, or any other legal entity that provides emergency shelter for
22 homeless persons or victims of domestic violence who are homeless for
23 personal safety reasons.

24 (b) A county in which a state of emergency has not been declared
25 related to homelessness may waive connection charges under this
26 section for properties used by a nonprofit organization, local
27 agency, or any other legal entity that provides emergency shelter for
28 homeless persons or victims of domestic violence who are homeless for
29 personal safety reasons.

30 (8) At such time as a property receiving a waiver under
31 subsection (7)(a) of this section is no longer operating under the
32 eligibility requirements under subsection (7)(a) of this section:

33 (a) The waiver of connection charges required under subsection
34 (7)(a) of this section is no longer required; and

35 (b) Any connection charges waived under subsection (7)(a) of this
36 section are immediately due and payable to the utility as a condition
37 of continued service.

38 (9) The definitions in this subsection apply throughout this
39 section unless the context clearly requires otherwise.

1 (a) "Connection charges" means the one-time capital and
2 administrative charges imposed by a utility on a building or facility
3 owner for a new utility service, but does not include costs borne or
4 assessed by a utility for the labor, materials, and services
5 necessary to physically connect a designated facility to the
6 respective utility service.

7 (b) "Domestic violence" has the same meaning as defined in RCW
8 70.123.020.

9 (c) "Emergency shelter" means any facility:

10 (i) Whose sole purpose is to provide a temporary shelter for the
11 homeless and that does not require occupants to sign a lease or
12 occupancy agreement; and

13 (ii) That is funded in whole or in part from the state omnibus
14 capital appropriations act, state omnibus operating appropriations
15 act, housing finance commission programs, housing authorities, or
16 local government housing funds.

17 (d) "Homeless person" has the same meaning as defined in RCW
18 43.185C.010.

19 **Sec. 6.** RCW 54.24.080 and 1995 c 140 s 3 are each amended to
20 read as follows:

21 (1) The commission of each district which shall have revenue
22 obligations outstanding shall have the power and shall be required to
23 establish, maintain, and collect rates or charges for electric energy
24 and water and other services, facilities, and commodities sold,
25 furnished, or supplied by the district. The rates and charges shall
26 be fair and, except as authorized by RCW 74.38.070 and by subsections
27 (2) and (3) of this section, nondiscriminatory, and shall be adequate
28 to provide revenues sufficient for the payment of the principal of
29 and interest on such revenue obligations for which the payment has
30 not otherwise been provided and all payments which the district is
31 obligated to set aside in any special fund or funds created for such
32 purpose, and for the proper operation and maintenance of the public
33 utility and all necessary repairs, replacements, and renewals
34 thereof.

35 (2) The commission of a district may waive connection charges for
36 properties purchased by low-income persons from organizations exempt
37 from tax under section 501(c)(3) of the federal internal revenue code
38 as amended prior to the July 23, 1995. Waivers of connection charges
39 for the same class of electric or gas utility service must be

1 uniformly applied to all qualified property. Nothing in this
2 subsection (2) authorizes the impairment of a contract.

3 (3) In establishing rates or charges for water service,
4 commissioners may in their discretion consider the achievement of
5 water conservation goals and the discouragement of wasteful water use
6 practices.

7 (4) (a) The commission of a district that is located, in whole or
8 in part, within a county or a city in which a state of emergency has
9 been declared related to homelessness must waive connection charges
10 for properties used by a nonprofit organization, local agency, or any
11 other legal entity that provides emergency shelter for homeless
12 persons or victims of domestic violence who are homeless for personal
13 safety reasons.

14 (b) The commission of a district that is not located within a
15 county or a city in which a state of emergency has been declared
16 related to homelessness may waive connection charges for properties
17 used by a nonprofit organization, local agency, or any other legal
18 entity that provides emergency shelter for homeless persons or
19 victims of domestic violence who are homeless for personal safety
20 reasons.

21 (5) At such time as a property receiving a waiver under
22 subsection (4) (a) of this section is no longer operating under the
23 eligibility requirements under subsection (4) (a) of this section:

24 (a) The waiver of connection charges required under subsection
25 (4) (a) of this section is no longer required; and

26 (b) Any connection charges waived under subsection (4) (a) of this
27 section are immediately due and payable to the utility as a condition
28 of continued service.

29 (6) The definitions in this subsection apply throughout this
30 section unless the context clearly requires otherwise.

31 (a) "Connection charges" means the one-time capital and
32 administrative charges imposed by a utility on a building or facility
33 owner for a new utility service, but does not include costs borne or
34 assessed by a utility for the labor, materials, and services
35 necessary to physically connect a designated facility to the
36 respective utility service.

37 (b) "Domestic violence" has the same meaning as defined in RCW
38 70.123.020.

39 (c) "Emergency shelter" means any facility:

1 (i) Whose sole purpose is to provide a temporary shelter for the
2 homeless and that does not require occupants to sign a lease or
3 occupancy agreement; and

4 (ii) That is funded in whole or in part from the state omnibus
5 capital appropriations act, state omnibus operating appropriations
6 act, housing finance commission programs, housing authorities, or
7 local government housing funds.

8 (d) "Homeless person" has the same meaning as defined in RCW
9 43.185C.010.

10 NEW SECTION. Sec. 7. A new section is added to chapter 80.28
11 RCW to read as follows:

12 (1)(a) A gas company, electrical company, wastewater company, or
13 water company that is located, in whole or in part, within a city or
14 county in which a state of emergency has been declared related to
15 homelessness must waive service line charges for properties used by a
16 nonprofit organization, local agency, or other legal entity that
17 provides emergency shelter for homeless persons or victims of
18 domestic violence who are homeless for personal safety reasons.
19 Expenses and lost revenues as a result of this waiver must be
20 included in the company's cost of service and recovered in rates to
21 other customers.

22 (b) A gas company, electrical company, wastewater company, or
23 water company that is not located within a city or county in which a
24 state of emergency has been declared related to homelessness may
25 waive service line charges for properties used by a nonprofit
26 organization, local agency, or other legal entity that provides
27 emergency shelter for homeless persons or victims of domestic
28 violence who are homeless for personal safety reasons. Expenses and
29 lost revenues as a result of this waiver must be included in the
30 company's cost of service and recovered in rates to other customers.

31 (2) At such time as a property receiving a waiver under
32 subsection (1)(a) of this section is no longer operating under the
33 eligibility requirements under subsection (1)(a) of this section:

34 (a) The waiver of service line charges required under subsection
35 (1)(a) of this section is no longer required; and

36 (b) Any service line charges waived under subsection (1)(a) of
37 this section are immediately due and payable to the utility as a
38 condition of continued service.

1 (3) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.
3 (a) "Domestic violence" has the same meaning as defined in RCW
4 70.123.020.
5 (b) "Emergency shelter" means any facility:
6 (i) Whose sole purpose is to provide a temporary shelter for the
7 homeless and that does not require occupants to sign a lease or
8 occupancy agreement; and
9 (ii) That is funded in whole or in part from the state omnibus
10 capital appropriations act, state omnibus operating appropriations
11 act, housing finance commission programs, housing authorities, or
12 local government housing funds.
13 (c) "Homeless person" has the same meaning as defined in RCW
14 43.185C.010."
15 Correct the title.

EFFECT: (1) Provides that mandatory waivers of connection charges or service line charges are no longer mandatory when the property receiving the waiver is no longer operating under the eligibility requirements and requires that charges waived are due at that time.

(2) Defines "connection charges" as the one-time capital and administrative charges imposed by a utility on a building or facility owner for a new utility service, but does not include costs borne or assessed by a utility for the labor, materials, and services necessary to physically connect a designated facility to the respective utility service.

(3) Provides for mandatory and voluntary waivers of service line charges rather than connection charges for gas, electrical, and water companies.

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