

HOUSE BILL REPORT

SB 5512

*As Passed House
April 18, 1991*

Title: An act relating to sewer and water districts.

Brief Description: Prohibiting connection of a sewer without approval of sewer district.

Sponsor(s): Senators McCaslin and Madsen.

Brief History:

Reported by House Committee on:
Local Government, April 5, 1991, DPA;
Passed House, April 18, 1991, 97-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass as amended.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Bill Lynch (786-7092).

Background:

I. Penalties for Unauthorized Sewer Connections

It is unlawful to make or maintain a sewer connection with any sewer of a city or town, or with any sewer which is connected directly or indirectly with any sewer of a city or town, without permission from the city or town. Any unauthorized connection to a city sewer is punishable as a misdemeanor. No similar provision currently exists in law for unauthorized connections to sewers maintained by a sewer district or a water district.

II. Inconsistencies in Procedures to Form a Local Improvement District/Utility Local Improvement District by Resolution

When a sewer district forms a local improvement district (LID) or when a water district forms a utility local improvement district (ULID) by resolution, it must allow

property owners within the proposed district an opportunity to file written protests with the board objecting to the formation of the improvement district.

There is an inconsistency in statute over when property owners must file protests to the board over the creation of the district. One section of law states that the protests must be filed no later than 10 days after the public hearing. Another section of law states that the protests must be filed with the board before the public hearing.

III. Standard for Judicial Review

The city local improvement district statutes provide a standard of review that a superior court must use when considering an appeal of a city council's decision concerning assessments. The court must confirm the decision unless it finds from the evidence that the assessment is founded upon a fundamentally wrong basis, or the decision was arbitrary or capricious, or both. There is no standard of review set forth in statute for a court to review an appeal of a water district or sewer district board's decision concerning assessments.

IV. Expansion in Number of Board Members of a Sewer District or Water District

If a board of sewer district commissioners or water district commissioners wishes to submit a proposition to the voters to increase the size of the board from three to five members, a unanimous vote of the board is required. It is suggested that only a simple majority vote should be required.

Summary of Bill: It is unlawful to make or maintain a sewer connection with any sewer of a sewer district or water district, or with any sewer which is connected directly or indirectly with any sewer of a sewer district or water district, without permission from the sewer or water district. Any unlawful connection to a sewer district or water district sewer is punishable as a misdemeanor.

Written protests concerning the formation of a local improvement/utility local improvement district must be filed with the board of a water district or sewer district no later than 10 days after the public hearing on formation of the local improvement district.

A standard of review is established for a court to use in reviewing an appeal of a sewer district or water district board's decision concerning assessments. The court must confirm the board's action unless it finds from the evidence

that the assessment is either founded upon a fundamentally wrong basis, or that a decision of the legislative body was arbitrary and capricious, or both.

A simple majority vote of a board of commissioners for a water district or sewer district is required in order to submit a proposition to the voters of the district to increase the size of the board from three to five members.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This gives sewer districts and water districts the same power as cities. Inconsistencies are removed from the law. Less protests will be filed if people know that they can wait until after the public hearing to file a protest.

Testimony Against: None.

Witnesses: (Original bill): Jim Salatino, Washington State Association of Sewer Districts; and Joe Daniels, Washington State Association of Water/Wastewater Districts.