

SENATE BILL REPORT

SB 5512

AS PASSED SENATE, MARCH 13, 1991

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

SPONSORS: Senators McCaslin and Madsen.

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Matson, and Sutherland.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 18, 1991; February 25, 1991

HOUSE COMMITTEE ON LOCAL GOVERNMENT

BACKGROUND:

Sewer districts and water districts may create Utility Local Improvement Districts (ULIDs) to finance the extension of their services into new neighborhoods. The creation of a ULID may be initiated by either a resolution of the board of the sewer or water district or by a petition of citizens. Before proceeding, the board must conduct a public hearing. When creation is initiated by a resolution of the board, their authority to proceed with the project may be divested by the filing of written protests signed by the owners of at least 40 percent of the land area in the proposed ULID. These protests must be filed before the required hearing.

If a ULID project is ultimately approved, an appeal to the superior court may be taken within 30 days of the publication of a notice of the passage of the resolution approving the project. An appeal may also be taken from the subsequent fixing of an assessment against a parcel of real estate to fund the project. The superior court may confirm, correct, modify or annul the assessment.

SUMMARY:

It is a misdemeanor to connect or maintain a connection with a sewer district system without the permission of the district.

Protests of the proposed creation of a ULID may be filed up to ten days after the required public hearing.

When an appeal is taken to the superior court, the court must find from the evidence that an assessment is founded upon the

fundamentally wrong basis or that a decision of the legislative body was arbitrary or capricious, before it may correct, modify or annul the appealed action.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Provides remedy for illegal hookups to sewer and water systems. Allows time for public to learn about a proposed project before deciding whether to protest. Clarifies court test for overruling a sewer or water district action.

TESTIMONY AGAINST: None

TESTIFIED: Jim Salatino, Washington Association of Sewer Districts (pro); Joe Daniels, Washington Association of Water Districts (pro)

HOUSE AMENDMENT(S):

A section is added which will allow a majority of any three-member sewer or water district board to refer to the voters the question of enlarging the board to five. Current law requires a unanimous vote of the board to place such a question on the ballot.