

1 **SSB 6428 - H AMD 1301 ADOPTED 3-3-94**

2 By Representative Holly Myers

3 On page 8, after line 22, insert:

4 "Sec. 12. RCW 35.92.010 and 1991 c 347 s 18 are each amended
5 to read as follows:

6 A city or town may construct, condemn and purchase, purchase,
7 acquire, add to, alter, maintain and operate waterworks, within or
8 without its limits, for the purpose of furnishing the city and its
9 inhabitants, and any other persons, with an ample supply of water
10 for all purposes, public and private, including water power and
11 other power derived therefrom, with full power to regulate and
12 control the use, distribution, and price thereof: PROVIDED, That
13 the rates charged must be uniform for the same class of customers
14 or service. Such waterworks may include facilities for the
15 generation of electricity as a byproduct and such electricity may
16 be used by the city or town or sold to an entity authorized by law
17 to distribute electricity. Such electricity is a byproduct when
18 the electrical generation is subordinate to the primary purpose of
19 water supply.

20 "Rates" as used in this section includes all lawful charges
21 assessed by the utility, including, but not limited to, consumption
22 charges, connection charges, contributions provided for by state
23 law, charges for meters and other equipment provided to the
24 customer, and charges in connection with repair, replacement or
25 location of customer facilities.

26 In classifying customers served or service furnished, the city
27 or town governing body may in its discretion consider any or all of
28 the following factors: The difference in cost of service to the
29 various customers; location of the various customers within and
30 without the city or town; the difference in cost of maintenance,
31 operation, repair, and replacement of the various parts of the

1 system; the different character of the service furnished various
2 customers; the quantity and quality of the water furnished; the
3 time of its use; the achievement of water conservation goals and
4 the discouragement of wasteful water use practices; capital
5 contributions made to the system including, but not limited to,
6 assessments; and any other matters which present a reasonable
7 difference as a ground for distinction. No rate shall be charged
8 that is less than the cost of the water and service to the class of
9 customers served.

10 For such purposes any city or town may take, condemn and
11 purchase, purchase, acquire, and retain water from any public or
12 navigable lake or watercourse, surface or ground, and, by means of
13 aqueducts or pipe lines, conduct it to the city or town; and it may
14 erect and build dams or other works across or at the outlet of any
15 lake or watercourse in this state for the purpose of storing and
16 retaining water therein up to and above high water mark; and for
17 all the purposes of erecting such aqueducts, pipe lines, dams, or
18 waterworks or other necessary structures in storing and retaining
19 water, or for any of the purposes provided for by this chapter, the
20 city or town may occupy and use the beds and shores up to the high
21 water mark of any such watercourse or lake, and acquire the right
22 by purchase, or by condemnation and purchase, or otherwise, to any
23 water, water rights, easements or privileges named in this chapter,
24 or necessary for any of said purposes, and the city or town may
25 acquire by purchase or condemnation and purchase any properties or
26 privileges necessary to be had to protect its water supply from
27 pollution. Should private property be necessary for any such
28 purposes or for storing water above high water mark, the city or
29 town may condemn and purchase, or purchase and acquire such private
30 property. For the purposes of waterworks which include facilities
31 for the generation of electricity as a byproduct, nothing in this
32 section may be construed to authorize a city or town that does not
33 own or operate an electric utility system to condemn electric

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1 generating, transmission, or distribution rights or facilities of
2 entities authorized by law to distribute electricity, or to acquire
3 such rights or facilities without the consent of the owner."

EFFECT: Defines rates, for purposes of city and town water systems, as including all lawful assessed by the utility.