

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2528

Chapter 161, Laws of 2000

56th Legislature
2000 Regular Session

CAPACITY CHARGES

EFFECTIVE DATE: 6/8/00

Passed by the House February 10, 2000
Yeas 88 Nays 8

CLYDE BALLARD
Speaker of the House of Representatives

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate February 29, 2000
Yeas 41 Nays 3

BRAD OWEN
President of the Senate

Approved March 27, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2528** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 27, 2000 - 4:39 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2528

Passed Legislature - 2000 Regular Session

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Cairnes, Cooper, G. Chandler, Dunshee, Tokuda, Linville, Stensen, Lovick, Esser, Kenney, Barlean, Constantine, Murray and Keiser)

Read first time 02/02/2000. Referred to Committee on .

1 AN ACT Relating to capacity charges for sewage facilities to
2 enhance water quality; and amending RCW 35.58.570.

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

4 **Sec. 1.** RCW 35.58.570 and 1996 c 230 s 1602 are each amended to
5 read as follows:

6 (1) A metropolitan municipal corporation that is engaged in the
7 transmission, treatment, and disposal of sewage may impose a capacity
8 charge on users of the metropolitan municipal corporation's sewage
9 facilities when the user connects, reconnects, or establishes a new
10 service to sewer facilities of a city, county, or special district that
11 discharges into the metropolitan facilities. (~~The capacity charge~~
12 ~~shall be approved by the council of the metropolitan municipal~~
13 ~~corporation and reviewed and reapproved annually.~~

14 ~~(2))~~ The capacity charge shall be based upon the cost of the
15 sewage facilities' excess capacity that is necessary to provide
16 sewerage treatment for new users to the system. (~~The capacity charge,~~
17 ~~which may be collected over a period of fifteen years, shall not~~
18 ~~exceed:~~

1 ~~(a) Seven dollars per month per residential customer equivalent for~~
2 ~~connections and reconnections occurring prior to January 1, 1996; and~~

3 ~~(b) Ten dollars and fifty cents per month per residential customer~~
4 ~~equivalent for connections and reconnections occurring after January 1,~~
5 ~~1996, and prior to January 1, 2001.~~

6 ~~For connections and reconnections occurring after January 1, 2001,~~
7 ~~the capacity charge shall not exceed fifty percent of the basic sewer~~
8 ~~rate per residential customer equivalent established by the~~
9 ~~metropolitan municipal corporation at the time of the connection or~~
10 ~~reconnection.~~

11 ~~(3) The capacity charge for a building other than a single family~~
12 ~~residence shall be based on the projected number of residential~~
13 ~~customer equivalents to be represented by the building, considering its~~
14 ~~intended use.~~

15 ~~(4))~~ (2) The capacity charge is a monthly charge reviewed and
16 approved annually by the metropolitan council. A metropolitan
17 municipal corporation may charge property owners seeking to connect to
18 the sewage facilities of the metropolitan municipal corporation as a
19 condition to granting the right to so connect, in addition to the cost
20 of such connection, such reasonable capacity charge as the legislative
21 body of the metropolitan municipal corporation shall determine proper
22 in order that such property owners shall bear their equitable share of
23 the cost of such system. The equitable share may include interest
24 charges applied from the date of construction of the sewage facilities
25 until the connection, or for a period not to exceed ten years, at a
26 rate commensurate with the rate of interest applicable to the
27 metropolitan municipal corporation at the time of construction or major
28 rehabilitation of the sewage facilities, or at the time of installation
29 of the sewer lines to which the property owner is seeking to connect
30 but not to exceed ten percent per year: PROVIDED, That the aggregate
31 amount of interest shall not exceed the equitable share of the cost of
32 the sewage facilities allocated to such property owners. Capacity
33 charges collected shall be considered revenue of the sewage facilities.

34 (3) The council of the metropolitan municipal corporation shall
35 enforce the collection of the capacity charge in the same manner
36 provided for the collection, enforcement, and payment of rates and
37 charges for water-sewer districts provided in RCW 57.08.081. At least
38 thirty days before commencement of an action to foreclose a lien for a
39 capacity charge, the metropolitan municipal corporation shall send

1 written notice of delinquency in payment of the capacity charge to any
2 first mortgage or deed of trust holder of record at the address of
3 record.

4 ~~((5) As used in this section, "sewage facilities" means capital
5 projects identified since January 1, 1982, to July 23, 1989, in the
6 metropolitan municipal corporation's comprehensive water pollution
7 abatement plan. "Residential customer equivalent" shall have the same
8 meaning used by the metropolitan municipal corporation in determining
9 rates and charges at the time the capacity charge is imposed.))~~

Passed the House February 10, 2000.

Passed the Senate February 29, 2000.

Approved by the Governor March 27, 2000.

Filed in Office of Secretary of State March 27, 2000.