
SENATE BILL 5069

State of Washington

58th Legislature

2003 Regular Session

By Senators Haugen, Mulliken, Kline, T. Sheldon, Swecker and Schmidt

Read first time 01/14/2003. Referred to Committee on Land Use & Planning.

1 AN ACT Relating to assumptions of water-sewer districts by cities
2 and towns; adding a new section to chapter 36.93 RCW; and adding new
3 sections to chapter 35.13A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.93 RCW
6 to read as follows:

7 For a proposal by a city to assume less than all of the area of a
8 water-sewer district under chapter 35.13A RCW:

9 (1) In addition to the factors of RCW 36.93.170, the board shall
10 consider the following factors and the effect of the proposal on the
11 following factors:

12 (a) Rates and charges for the city and district systems;

13 (b) Operation and maintenance of the city and district systems;

14 (c) Staffing levels and employees of the city and district;

15 (d) Condition, age, and type of system facilities in the city and
16 district;

17 (e) Water supply rights and contracts and sewer service contracts
18 of the city and district; and

1 (f) Financing of capital improvements to the city and district
2 systems.

3 (2) In accordance with the first paragraph of RCW 35.13A.050, the
4 board shall identify the relevant facilities and determine as part of
5 its decision the economically useful life, sufficient available
6 capacity, and reasonable rates for the facilities.

7 (3) The board shall determine as part of its decision a division of
8 assets and liabilities between the city and district.

9 (4) The board shall hire a consultant or consultants to prepare a
10 report on the factors, identifications, and determinations of
11 subsections (1), (2), and (3) of this section. The consultants shall
12 consider any information or reports prepared by the city and district
13 regarding the proposal. The cost of the consultant's report shall be
14 borne by the city.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.13A RCW
16 to read as follows:

17 When a city assumes less than all of the territory of a water-sewer
18 district under this chapter, the city shall install and maintain, at
19 its cost and expense, a water consumption meter on every line providing
20 water between the district and the city. Each meter shall be located
21 at the boundary between the city and district or as close thereto as
22 physically possible, or as agreed to by the city and district.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.13A RCW
24 to read as follows:

25 If a city desires to impose a utility business and occupation tax
26 on water delivered to or sewer service provided in territory assumed
27 under this chapter, it shall pass an ordinance specifically imposing
28 the tax on the delivery or service, even if it has passed a general
29 ordinance imposing the tax. The ordinance shall be deemed to impose
30 the tax for the first time in the assumed territory for purposes of RCW
31 35.21.706, and shall be subject to referendum in accordance with RCW
32 35.21.706. The ordinance shall be effective before the filing of a
33 notice of intention in counties with a boundary review board, or before
34 the passage of the ordinance assuming the territory in counties without
35 a boundary review board.

1 NEW SECTION. **Sec. 4.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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