

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2891

Chapter 113, Laws of 2004

58th Legislature
2004 Regular Session

PUBLIC UTILITY DISTRICTS

EFFECTIVE DATE: 3/24/04

Passed by the House February 12, 2004
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2004
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved March 24, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2891** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 24, 2004 - 2:28 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2891

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By House Committee on Local Government (originally sponsored by
Representatives Grant and Mastin)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to revising boundaries of a public utility district
2 in incorporated territory; amending RCW 54.12.010; adding a new section
3 to chapter 54.04 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 54.12.010 and 1994 c 223 s 56 are each amended to read
6 as follows:

7 A public utility district that is created as provided in RCW
8 54.08.010 shall be a municipal corporation of the state of Washington,
9 and the name of such public utility district shall be Public Utility
10 District No. of County.

11 The powers of the public utility district shall be exercised
12 through a commission consisting of three members in three commissioner
13 districts, and five members in five commissioner districts.

14 ((When)) (1) If the public utility district is county-wide and the
15 county has three county legislative authority districts, then, at the
16 first election of commissioners and until any change ((shall have
17 been)) is made in the boundaries of public utility district
18 commissioner districts, one public utility district commissioner shall

1 be chosen from each of the three county legislative authority
2 districts. (~~When~~)

3 (2) If the public utility district comprises only a portion of the
4 county, with boundaries established in accordance with chapter 54.08
5 RCW, or (~~when~~) if the public utility district is county-wide and the
6 county does not have three county legislative authority districts,
7 three public utility district commissioner districts, numbered
8 consecutively, each with approximately equal population and following
9 precinct lines, as far as practicable, shall be described in the
10 petition for the formation of the public utility district, (~~which~~
11 ~~shall be~~) subject to appropriate change by the county legislative
12 authority if and when it changes the boundaries of the proposed public
13 utility district(~~, and~~). One commissioner shall be elected as a
14 commissioner of each of the public utility district commissioner
15 districts. (~~Commissioner districts shall be used as follows: (1)~~)

16 (3) Only a registered voter who resides in a commissioner district
17 may be a candidate for, or hold office as, a commissioner of the
18 commissioner district(~~; and (2)~~). Only voters of a commissioner
19 district may vote at a primary to nominate candidates for a
20 commissioner of the commissioner district. Voters of the entire public
21 utility district may vote at a general election to elect a person as a
22 commissioner of the commissioner district.

23 (4) The term of office of each public utility district commissioner
24 other than the commissioners at large shall be six years, and the term
25 of each commissioner at large shall be four years. Each term shall be
26 computed in accordance with RCW (~~(29.04.170)~~) 29A.20.040 following the
27 commissioner's election. All public utility district commissioners
28 shall hold office until their successors shall have been elected and
29 have qualified and assume office in accordance with RCW (~~(29.04.170)~~)
30 29A.20.040.

31 (5) A vacancy in the office of public utility district commissioner
32 shall occur as provided in chapter 42.12 RCW or by nonattendance at
33 meetings of the public utility district commission for a period of
34 sixty days unless excused by the public utility district commission.
35 Vacancies on a board of public utility district commissioners shall be
36 filled as provided in chapter 42.12 RCW.

37 (6) The boundaries of the public utility district commissioner
38 districts may be changed only by the public utility district

1 commission, and shall be examined every ten years to determine
2 substantial equality of population in accordance with chapter ((29.70))
3 29A.76 RCW((, but)). Except as provided in this section or section 2
4 of this act, the boundaries shall not be changed oftener than once in
5 four years((, and)). Boundaries may only be changed when all members
6 of the commission are present. Whenever territory is added to a public
7 utility district under RCW 54.04.035, or added or withdrawn under
8 section 2 of this act, the boundaries of the public utility
9 commissioner districts shall be changed to include ((such)) the
10 additional or exclude the withdrawn territory. Unless the boundaries
11 are changed pursuant to section 2 of this act, the proposed change of
12 the boundaries of the public utility district commissioner district
13 must be made by resolution and after public hearing. Notice of the
14 time of ((a)) the public hearing ((thereon)) shall be published for two
15 weeks ((prior thereto)) before the hearing. Upon a referendum petition
16 signed by ten percent of the qualified voters of the public utility
17 district being filed with the county auditor, the county legislative
18 authority shall submit ((such)) the proposed change of boundaries to
19 the voters of the public utility district for their approval or
20 rejection. ((Such)) The petition must be filed within ninety days
21 after the adoption of resolution of the proposed action. The validity
22 of the petition ((shall be)) is governed by the provisions of chapter
23 54.08 RCW.

24 NEW SECTION. Sec. 2. A new section is added to chapter 54.04 RCW
25 to read as follows:

26 (1) Any voting precinct located within a county that has a federal
27 nuclear reservation within its boundaries is:

28 (a) Withdrawn from a public utility district if the precinct
29 receives at least one electric distribution, water, or sewer service
30 from a city, and no electric distribution, water, or sewer service from
31 a public utility district;

32 (b) Included in a public utility district if any portion of the
33 precinct receives at least one electric distribution, water, or sewer
34 service from the public utility district.

35 (2) For voting precincts that meet the requirements of subsection
36 (1) of this section, within ten days after the effective date of this

1 act, and for voting precincts that later meet the requirements of
2 subsection (1) of this section, within thirty days of meeting the
3 requirements:

4 (a) The city that provides any electric distribution, water, or
5 sewer service to a precinct that is withdrawn from a public utility
6 district under subsection (1) of this section shall submit to the
7 public utility district and the county auditor a list of street
8 addresses, or map of the areas to which any service is provided;

9 (b) The public utility district that provides any electric
10 distribution, water, or sewer service to a precinct that is included in
11 the public utility district under subsection (1) of this section shall
12 submit to the city or town and the county auditor a list of street
13 addresses, or map of the areas to which any service is provided.

14 (3) Within ten days of receipt of the information required under
15 subsection (2) of this section, the auditor shall determine which
16 voting precincts are required to be withdrawn from or included in the
17 public utility district, and provide that information to the public
18 utility district commissioners who shall, within ten days, revise the
19 boundaries of the district in conformance with RCW 54.12.010 without
20 dividing any voting precinct.

21 (4) Unless otherwise provided in an agreement between the public
22 utility district and the city or town, taxes or assessments levied or
23 assessed against property located in an area withdrawn from a public
24 utility district shall remain a lien and be collected as by law (a) if
25 the taxes or assessments were levied or assessed before the withdrawal
26 or (b) if the levies or assessments were made to pay or secure an
27 obligation of the district duly incurred or issued before the
28 withdrawal. The withdrawal of an area from the boundaries of a
29 district does not exempt any property therein from taxation or
30 assessment for the purpose of paying the costs of retiring or redeeming
31 any obligation of the district duly incurred or issued before the
32 withdrawal.

33 (5) Except as set forth in subsection (4) of this section, a public
34 utility district may not levy or impose any taxes upon property located
35 within those voting precincts withdrawn from the public utility
36 district.

37 (6) Nothing in this act limits the authority of public utility

1 districts and cities or towns to enter into service agreements that are
2 otherwise permitted by law.

3 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately.

Passed by the House February 12, 2004.

Passed by the Senate March 4, 2004.

Approved by the Governor March 24, 2004.

Filed in Office of Secretary of State March 24, 2004.