
Local Government Committee

HB 2618

Brief Description: Repealing provisions related to a city's assumption of jurisdiction over water-sewer districts.

Sponsors: Representatives Takko and Ross.

Brief Summary of Bill

- Repeals all of RCW chapter 35.13A, which regulates the assumption of jurisdiction over all or part of a water-sewer district by a city or town.
- Repeals a statute authorizing a city or town to assume jurisdiction, pursuant to the authority in RCW chapter 35.13A, over a county water-sewer system in an area subject to annexation or incorporation.
- Repeals a statute in the Public Health and Safety Code authorizing a city or town to assume jurisdiction over any public water system in accordance with the provisions of RCW chapter 35.13A.

Hearing Date: 1/29/08

Staff: Thamas Osborn (786-7129).

Background:

Powers and Authority of Water-Sewer Districts

Water-sewer district (district) powers include the authority to purchase, construct, maintain, and supply waterworks to furnish water to inhabitants within and outside of the district. District powers also include the authority to purchase, construct, maintain, and operate systems of sewers and drainage.

Assumption of Jurisdiction Over a Water-Sewer District by a City or Town

RCW chapter 35.13A sets forth legislative and electoral mechanisms, based upon geographic location and property valuation, for the assumption of jurisdiction of water-sewer districts by

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cities or towns. This regulatory scheme provides several sets of requirements applicable to various types of assumptions occurring under specified circumstances, including the following:

- Whenever all of the territory of a district is located within the corporate boundaries of a city, the city legislative body may adopt a resolution or ordinance to assume jurisdiction over the entire district;
- Whenever a portion of a district equal to at least 60 percent of its area, or 60 percent of the assessed valuation of the real property lying within the district, is included within the corporate boundaries of a city, the city may assume by ordinance the full and complete management and control of that portion of the entire district not included within another city. Related statutes specify that under certain circumstances the district may, upon a favorable vote of a majority of all voters within the district, require a city to assume responsibility for the operation and maintenance of the district's property, facilities, and equipment throughout the entire district;
- Whenever the portion of a district included within the corporate boundaries of a city is less than 60 percent of the area of the district and less than 60 percent of the assessed valuation of the real property within the district, the city may assume, by ordinance, jurisdiction of the district's responsibilities, property, facilities and equipment within the corporate limits of the city. The city may also assume responsibility for the operation and maintenance of the district's property, facilities, and equipment throughout the entire district upon a favorable vote of a majority of all voters within the district; and
- Whenever more than one city, in whole or in part, is included within a district, the city which has within its boundaries 60 percent or more of the area of the assessed valuation of the district may, with the approval of any other city containing part of such district, assume responsibility for operation and maintenance of the district's property, facilities, and equipment within such other city.

Assumption of Jurisdiction by a City or Town Over a County Water-Sewer System

Subject to specified conditions, in the event that an area within a county is annexed to, or incorporated into, a city or town, the city or town is authorized to assume jurisdiction over that part of a county water-sewer system operating in the annexed or incorporated area. This authority may be exercised only if the assumption of jurisdiction by the city or town will not materially affect the operation of any of the remaining county system. A city or town's authority to assume such jurisdiction is derived from RCW chapter 35.13A.

Assumption of Jurisdiction of any Public Water-Sewer System by a City or Town

A statutory provision in the Public Health and Safety Code states that any city or town's assumption of jurisdiction over a public water system shall be in accordance with the authority set forth in RCW chapter 35.13A.

Summary of Bill:

The act repeals all of RCW chapter 35.13A, which regulates the assumption of jurisdiction over all or part of a water-sewer district by a city or town.

A county governance statute authorizing a city or town to assume jurisdiction, pursuant to the authority in RCW chapter 35.13A, over a county water-sewer system in an area subject to annexation or incorporation is repealed.

A statute in the Public Health and Safety Code authorizing a city or town to assume jurisdiction over any public water system in accordance with the provisions of RCW chapter 35.13A is repealed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.