

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1332

Chapter 504, Laws of 2009

61st Legislature
2009 Regular Session

WATERSHED MANAGEMENT PARTNERSHIP--EMINENT DOMAIN

EFFECTIVE DATE: 07/26/09

Passed by the House April 25, 2009
Yeas 92 Nays 4

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 23, 2009
Yeas 43 Nays 5

BRAD OWEN

President of the Senate

Approved May 15, 2009, 2:07 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1332** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 18, 2009

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1332

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter, and Maxwell)

READ FIRST TIME 02/11/09.

1 AN ACT Relating to the authority of a watershed management
2 partnership to exercise powers of its forming governments; and adding
3 a new section to chapter 39.34 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 39.34 RCW
6 to read as follows:

7 (1) As limited in subsection (3) of this section, a watershed
8 management partnership formed or qualified under the authority of RCW
9 39.34.200 and 39.34.210, including the separate legal entity
10 established by such a partnership under RCW 39.34.030(3)(b) to conduct
11 the cooperative undertaking of the partnership under the same statutory
12 authority, may exercise the power of eminent domain as provided in
13 chapter 8.12 RCW.

14 (2) The eminent domain authority granted under subsection (1) of
15 this section may be exercised only for those utility purposes for which
16 the watershed partnership was formed and is limited solely to providing
17 water services to its customers.

18 (3) Subsection (1) of this section applies only to a watershed
19 management partnership that:

1 (a) Was formed or qualified before July 1, 2006, under the
2 authority of RCW 39.34.200 and 39.34.210;

3 (b) Is not engaged in planning or in implementing a plan for a
4 water resource inventory area under the terms of chapter 90.82 RCW;

5 (c) Is composed entirely of cities and water-sewer districts
6 authorized to exercise the power of eminent domain in the manner
7 provided by chapter 8.12 RCW; and

8 (d) Is governed by a board of directors consisting entirely of
9 elected officials from the cities and water-sewer districts that
10 constitute the watershed management partnership.

11 (4) A watershed management partnership exercising authority under
12 this section shall:

13 (a) Comply with the notice requirements of RCW 8.25.290;

14 (b) Provide notice to the city, town, or county with jurisdiction
15 over the subject property by certified mail thirty days prior to the
16 partnership board authorizing condemnation; and

17 (c) With any city that is not a member of the watershed management
18 partnership and that has water or sewer service areas within one-half
19 mile of Lake Tapps or water or sewer service areas within five miles
20 upstream from Lake Tapps along the White river, enter into an
21 interlocal agreement to allow eminent domain within that city prior to
22 exercising eminent domain authority under this section.

23 (5) The legislature is currently unaware of any information
24 suggesting that the expected use by the watershed management
25 partnership of the Lake Tapps water supply will have a significantly
26 adverse effect on surrounding communities. However, if the watershed
27 management partnership's Lake Tapps water supply operations result in
28 a negative impact to the water supplies of a city that is not a member
29 of the watershed management partnership and the city has water or sewer
30 service areas within one-half mile of Lake Tapps or water or sewer
31 service areas within five miles upstream from Lake Tapps along the
32 White river, the city claiming a negative impact under this subsection
33 must notify the watershed management partnership of their claim and
34 give the partnership at least sixty days to resolve the claimed impact.
35 If the watershed management partnership fails to resolve the claimed
36 negative impact or disputes that the negative impact exists, the city
37 claiming the negative impact under this subsection may pursue existing
38 legal remedies in accordance with state and federal law. If a court

1 determines that a negative impact has occurred as provided under this
2 subsection, the watershed management partnership shall implement a
3 remedy acceptable to the claiming city. If the affected city or cities
4 and the watershed management partnership cannot agree on the terms
5 required under this subsection, the court shall establish the terms for
6 the remedy required under this subsection.

Passed by the House April 25, 2009.

Passed by the Senate April 23, 2009.

Approved by the Governor May 15, 2009.

Filed in Office of Secretary of State May 18, 2009.