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HOUSE BILL 2413

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State of Washington                      63rd Legislature                      2014 Regular Session

By Representatives Takko, Kochmar, and Ryu

Read first time 01/16/14. Referred to Committee on Local Government.

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

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35.13A RCW  
6 to read as follows:

7            (1) A city or town may not assume, under this chapter, the  
8 jurisdiction of all or part of a water-sewer district serving a  
9 population greater than one thousand residents and containing, within  
10 its boundaries, the territory of two or more cities or towns, or one  
11 city or town and unincorporated territory, unless voters of the entire  
12 water-sewer district approve a ballot proposition authorizing the  
13 assumption under general election law. The cost of the election must  
14 be borne by the city or town seeking approval to assume jurisdiction of  
15 a water-sewer district.

16            (2) A city or town may assume jurisdiction over a water-sewer  
17 district located within its boundaries without seeking approval of the  
18 voters, as required under subsection (1) of this section, if the board  
19 of commissioners of the water-sewer district consent to the assumption

1 of jurisdiction by the city or town. The feasibility study required  
2 under subsection (3) of this section is not required if the board of  
3 commissioners of the water-sewer district consents to the assumption of  
4 jurisdiction by the city or town.

5 (3) Following the passage of a resolution by a city or town to  
6 assume all or part of a special purpose water-sewer district under this  
7 chapter, a feasibility study of the assumption must be conducted,  
8 unless the board of commissioners of the water-sewer district consents  
9 to the assumption of jurisdiction by the city or town as provided under  
10 subsection (2) of this section. The study must be jointly and equally  
11 funded by the city or town and the district through a mutually agreed  
12 contract with a qualified independent consultant with professional  
13 expertise involving public water and sewer systems. The study must  
14 address the impact of the proposed assumption on both the city or town  
15 and district. Issues to be considered must be mutually agreed to by  
16 the city or town and the district and must include, but not be limited  
17 to, engineering and operational impacts, costs of the assumption to the  
18 city or town and the district including potential impacts on future  
19 water-sewer rates, bond ratings and future borrowing costs, status of  
20 existing water rights, and other issues jointly agreed to. The  
21 findings of the joint study must be presented as a public record that  
22 is available to the registered voters of the district, both within and  
23 without the boundary of the city or town conducting the assumption,  
24 prior to a vote on the proposed assumption by all the voters in the  
25 district. The study must be completed within six months of the passage  
26 of the resolution to assume the district. No vote may take place until  
27 the study has been completed and the results have been made available  
28 to the registered voters of the district.

29 (4) This section is applicable to assumptions of jurisdiction of  
30 water-sewer districts by cities or towns that have been initiated prior  
31 to the effective date of this section and that are pending as of that  
32 date, as well as those assumptions of jurisdiction that are initiated  
33 on or after the effective date of this section.

34 (5) Once the voters in a water-sewer district have approved or  
35 disapproved an assumption through the ballot proposition process  
36 required under subsection (1) of this section, a boundary review board  
37 does not have jurisdiction, under chapter 36.93 RCW, to conduct a

1 review of the assumption where the attempted or completed assumption  
2 involves not more than one city or town.

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

5 (1) If a city or town assumes jurisdiction over a water-sewer  
6 district without seeking approval of the voters pursuant to section  
7 2(1) of this act, the assumption is subject to referendum for forty-  
8 five days after its passage. Upon the filing of a timely and  
9 sufficient referendum petition with the board of commissioners, signed  
10 by registered voters in number equal to not less than ten percent of  
11 the registered voters in the area to be assumed who voted in the last  
12 municipal general election, the question of assumption must be  
13 submitted to the voters of the area in a general election if one is to  
14 be held within ninety days or at a special election called for that  
15 purpose by the board of commissioners in accordance with RCW  
16 29A.04.330. The election must be conducted in accordance with the  
17 general election laws of the state. The assumption is deemed approved  
18 by the voters unless a majority of the votes cast on the proposition  
19 are in opposition thereto.

20 (2) After the expiration of the forty-fifth day from but excluding  
21 the date the board of commissioners of the water-sewer district  
22 consented to the assumption of jurisdiction by the city or town, if no  
23 timely and sufficient referendum petition has been filed, the city or  
24 town assumes jurisdiction over the water-sewer district.

25 NEW SECTION. **Sec. 3.** Nothing in this act may be construed to  
26 preempt or modify any existing interlocal agreement, franchise, or  
27 contract between a city or town and a water-sewer district in effect on  
28 the effective date of this section.

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