
HOUSE BILL 2413

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Takko and Kochmar

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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