

sions set forth in this chapter shall file a return each quarter whether or not any fees are due.

Passed the House January 27, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 194.

[Engrossed House Bill No. 751.]

COUNTIES—ELECTRICAL AND COMMUNICATION
LINES—UNDERGROUND CONVERSION.

AN ACT relating to counties; authorizing the conversion of overhead electric and communication facilities to underground facilities; authorizing the conversion or installation of ornamental street and road lighting facilities to be served from underground electrical facilities; authorizing contracts with electric utilities and communication utilities to effect such conversion or installation; authorizing the establishment of county road improvement districts to carry out the purposes of this act; authorizing the establishment of utility conversion guaranty funds; requiring the removal of existing overhead service lines; and adding new sections to chapter 36.88 RCW, and to chapter 4, Laws of 1963.

Be it enacted by the Legislature of the State of Washington:

New section.

Section 1. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

Counties—
Electrical and
communica-
tion lines—
Conversion to
underground.
Declaration of
purpose.

It is hereby found and declared that the conversion of overhead electric and communication facilities to underground facilities is substantially beneficial to the public safety and welfare, is in the public interest and is a public purpose, notwithstanding any resulting incidental private benefit to any electric or communication utility affected by such conversion.

Sec. 2. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

New section.

As used in this act, unless specifically defined otherwise, or unless the context indicates otherwise:

Definitions.

“Conversion area” means that area in which existing overhead electric and communication facilities are to be converted to underground facilities pursuant to the provisions of this act.

“Electric utility” means any publicly or privately owned utility engaged in the business of furnishing electric energy to the public in all or part of the conversion area and includes electrical companies as defined by RCW 80.04.010 and public utility districts.

“Communication utility” means any utility engaged in the business of affording telephonic, telegraphic, cable television or other communication service to the public in all or part of the conversion area and includes telephone companies and telegraph companies as defined by RCW 80.04.010.

Sec. 3. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

New section.

Every county shall have the power to contract with electric and communication utilities, as hereinafter provided, for any or all of the following purposes:

Counties—
Electrical and communication lines—
Underground conversion—
Contracts—
County road improvement districts—
Special assessments.

(1) The conversion of existing overhead electric facilities to underground facilities.

(2) The conversion of existing overhead communication facilities to underground facilities.

(3) The conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from underground electrical facilities.

(4) The initial installation, in accordance with the limitations set forth in RCW 36.88.015, of orna-

Counties—
Electrical and
communication
lines—
Underground
conversion—
Contracts—
County road
improvement
districts—Spe-
cial assess-
ments.

mental street and road lighting facilities to be served from underground electrical facilities.

To provide funds to pay the whole or any part of the cost of any such conversion and installation, together with the expense of furnishing electric energy, maintenance and operation to any ornamental street lighting facilities served from underground electrical facilities, every county shall have the power to create county road improvement districts and to levy and collect special assessments against the real property specially benefited by such conversion. For the purpose of ascertaining the amount to be assessed against each lot or parcel of land within any county road improvement district established pursuant to this act, in addition to other methods provided by law for apportioning special benefits, the county commissioners may apportion all or part of the special benefits accruing on a square footage basis or on a per lot basis.

New section.

Sec. 4. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

Contracts
with utilities
—Provisions.

Every county shall have the power to contract with electric and communication utilities for the conversion of existing overhead electric and communication facilities to underground facilities, for the conversion of existing street and road lighting facilities to ornamental street and road lighting facilities to be served from underground electrical facilities, and for the initial installation of ornamental street and road lighting facilities to be served from underground electrical facilities.

(1) For the supplying and approval by the electric and communication utilities of plans and specifications for such conversion;

(2) For the payment to the electric and communication utilities for any work performed or services

rendered by it in connection with the conversion project;

(3) For the payment to the electric and communication utilities for the value of the overhead facilities removed pursuant to the conversion;

(4) For ownership of the underground facilities and the ornamental street and road lighting facilities by the electric and communication utilities.

Sec. 5. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

New section.

When service from the underground electric and communication facilities is available in all or part of a conversion area, the county shall mail a notice to the owners of all structures or improvements served from the existing overhead facilities in the area, which notice shall state that:

Counties—
Electrical and
communication
lines—
Underground
conversion—
Notice to
owners—Ob-
jections—
Hearings—
Time limita-
tion.

(1) Service from the underground facilities is available;

(2) All electric and communication service lines from the existing overhead facilities within the area to any structure or improvement must be disconnected and removed within one hundred twenty days after the date of the mailing of the notice;

(3) Should such owner fail to convert such service lines from overhead to underground within one hundred twenty days after the date of the mailing of the notice, the county will order the electric and communication utilities to disconnect and remove the service lines;

(4) Should the owner object to the disconnection and removal of the service lines he may file his written objections thereto with the secretary of the board of county commissioners within one hundred twenty days after the date of the mailing of the notice and failure to so object within such time will constitute a waiver of his right thereafter to object to such disconnection and removal.

Counties—
Electrical and
communication
lines—
Underground
conversion—
Notice to
owners—Ob-
jections—
Hearings—
Time limita-
tion.

If the owner of any structure or improvement served from the existing overhead electric and communication facilities within a conversion area shall fail to convert to underground the service lines from such overhead facilities to such structure or improvement within one hundred twenty days after the mailing to him of the notice, the county shall order the electric and communication utilities to disconnect and remove all such service lines: *Provided*, That if the owner has filed his written objections to such disconnection and removal with the secretary of the board of county commissioners within one hundred twenty days after the mailing of said notice then the county shall not order such disconnection and removal until after the hearing on such objections.

Upon the timely filing by the owner of objections to the disconnection and removal of the service lines, the board of county commissioners shall conduct a hearing to determine whether the removal of all or any part of the service lines is in the public benefit. The hearing shall be held at such time as the board of county commissioners may establish for hearings on such objections and shall be held in accordance with the regularly established procedure set by the board. The determination reached by the board of county commissioners shall be final in the absence of an abuse of discretion.

New section

Sec. 6. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows:

Utility con-
version guar-
anty fund.

Every county may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its county road improvement district bonds and warrants issued to pay for the underground conversion of electric and communication facilities and the

underground conversion or installation of ornamental road and street lighting facilities ordered under this chapter. If the board of county commissioners shall determine to establish such fund it shall be designated “. . . utility conversion guaranty fund” and from moneys available such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in certificates, notes, or bonds of the United States of America, or in state, county, municipal or school district bonds, or in warrants of taxing districts of the state; provided, only, that such bonds and warrants shall be general obligations.

Sec. 7. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows: New section.

Whenever there shall be paid out of the guaranty fund any sum on account of principal or interest of a county road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the holder of the bond or interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from investments of the fund, as well as any surplus remaining in any county road improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such utility conversion county road improvement district fund. Warrants drawing interest at a rate not to exceed six percent shall be issued, as other warrants are issued by the county, against the guaranty fund to meet any liability accruing against

Counties—
Electric and
communication lines—
Underground
conversion—
Utility conversion guaranty fund—
Operation.

Counties—
Electric and
communication lines—
Underground
conversion—
Utility con-
version guar-
anty fund—
Operation.

it, and at the time of making its annual budget and tax levy the county shall provide from funds available for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for utility conversion road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of such guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. The fund shall be subrogated to the rights of the county and the county, acting on behalf of the fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the governing authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the

board of county commissioners or other legislative body, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

Sec. 8. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows: New section.

Unless otherwise provided in this act, the general provisions relating to county road improvement districts shall apply to local improvements authorized by this act. Law applicable.

Sec. 9. There is added to chapter 36.88 RCW and to chapter 4, Laws of 1963, a new section to read as follows: New section.

If any provisions of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the House March 9, 1967.

Passed the Senate March 9, 1967.

Approved by the Governor March 21, 1967.