

Disposition of proceeds.

SEC. 3. The proceeds from the sale of the properties described in section 1 of this act shall be applied to the State College of Washington building account in the general fund.

Passed the Senate February 19, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 90.

[S. B. 202.]

MUNICIPAL UTILITIES.

AN ACT relating to municipal utilities; amending section 3, chapter 266, Laws of 1955 and RCW 35.67.020; amending section 5, chapter 193, Laws of 1941 and RCW 35.67.190; amending section 6, chapter 193, Laws of 1941 and RCW 35.67.200 and 35.67.210; amending section 2, chapter 209, Laws of 1957 and RCW 80.40.010; amending section 3, chapter 209, Laws of 1957, section 3, chapter 288, Laws of 1957 and RCW 80.40.020; and adding a new section to chapter 80.40 RCW.

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

RCW 35.67.020 amended.

SECTION 1. Section 3, chapter 266, Laws of 1955 and RCW 35.67.020 are each amended to read as follows:

Authority to construct and regulate rates.

Every city and town may construct, condemn and purchase, acquire, add to, maintain, conduct, and operate systems of sewerage and systems and plants for refuse collection and disposal together with additions, extensions, and betterments thereto, within and without its limits, with full jurisdiction and authority to manage, regulate, and control them and to fix, alter, regulate, and control the rates and charges for the use thereof: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewer-

age, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Classification
of service—
Factors in.

SEC. 2. Section 5, chapter 193, Laws of 1941, and RCW 35.67.190 are each amended to read as follows:

RCW 35.67.190
amended.

The legislative body of such city or town may provide by ordinance for revenues by fixing rates and charges for the furnishing of service to those served by its system of sewerage or system for refuse collection and disposal, which rates and charges shall be uniform for the same class of customer or service. In classifying customers served or service furnished by such system of sewerage, the city or town legislative body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Revenues for
service.

Classification
of services.

If special indebtedness bonds or warrants are

Minimum
rates.

issued against the revenues, the legislative body shall by ordinance fix charges at rates which will be sufficient to take care of the costs of maintenance and operation, bond and warrant principal and interest, sinking fund requirements, and all other expenses necessary for efficient and proper operation of the system.

Compulsory
use.

All property owners within the area served by such sewerage system shall be compelled to connect their private drains and sewers with such city or town system, under such penalty as the legislative body of such city or town may by ordinance direct. Such penalty may in the discretion of such legislative body be an amount equal to the charge that would be made for sewer service if the property was connected to such system. All penalties collected shall be considered revenue of the system.

RCW 35.67.200
and 35.67.210
amended.

SEC. 3. Section 6, chapter 193, Laws of 1941 (heretofore divided and codified as RCW 35.67.200 and 35.67.210) is divided and amended as set forth in sections 4 and 5 of this act.

RCW 35.67.200.
Sewerage
lien—Author-
ity.

SEC. 4. (RCW 35.67.200) Cities and towns owning their own sewer systems shall have a lien for delinquent and unpaid rates and charges for sewer service, penalties levied pursuant to RCW 35.67.190, and connection charges, including interest thereon, against the premises to which such service has been furnished or is available, which lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. The city or town by ordinance may provide that delinquent charges shall bear interest at not exceeding eight percent per annum.

RCW 35.67.210.
Sewerage
lien—Extent—
Notice.

SEC. 5. (RCW 35.67.210) The sewerage lien shall be effective for a total of not to exceed six months' delinquent charges without the necessity of any writing or recording. In order to make such

lien effective for more than six months' charges the city or town treasurer, clerk, or official charged with the administration of the affairs of the utility shall cause to be filed for record in the office of the county auditor of the county in which such city or town is located, a notice in substantially the following form:

“Sewerage lien notice
City (or town) of

vs.

..... reputed owner.

Notice is hereby given that the city (or town) of has and claims a lien for sewer charges against the following described premises situated in county, Washington, to wit:

(here insert legal description of premises)

Said lien is claimed for not exceeding six months such charges and interest now delinquent, amount to \$....., and is also claimed for future sewerage charges against said premises.

Dated

City (or town) of

By”

The lien notice may be signed by the city or town treasurer or clerk or other official in charge of the administration of the utility. The lien notice shall be recorded as prescribed by law for the recording of mechanics' liens.

SEC. 6. Section 2, chapter 209, Laws of 1957 and RCW 80.40.010 are each amended to read as follows:

RCW 80.40.010 amended.

A city or town may construct, condemn and purchase, purchase, acquire, add to, maintain, and operate waterworks, within or without its limits, for the purpose of furnishing the city and its inhabitants, and any other persons, with an ample supply of water for all purposes, public and private, including water power and other power derived therefrom,

Authority to acquire and operate waterworks.

Classification
of services—
Factors in.

with full power to regulate and control the use, distribution, and price thereof: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including, but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction. No rate shall be charged that is less than the cost of the water and service to the class of customers served.

For such purposes any city or town may take, condemn and purchase, purchase, acquire, and retain water from any public or navigable lake or watercourse, surface or ground, and, by means of aqueducts or pipe lines, conduct it to the city or town; and it may erect and build dams or other works across or at the outlet of any lake or watercourse in this state for the purpose of storing and retaining water therein up to and above high water mark; and for all the purposes of erecting such aqueducts, pipe lines, dams, or water works or other necessary structures in storing and retaining water, or for any of the purposes provided for by this chapter, the city or town may occupy and use the beds and shores up to the high water mark of any such watercourse or lake, and acquire the right by purchase, or by condemnation and purchase, or otherwise, to any water, water rights, easements or privileges named in this

chapter, or necessary for any of said purposes, and the city or town may acquire by purchase or condemnation and purchase any properties or privileges necessary to be had to protect its water supply from pollution. Should private property be necessary for any such purposes or for storing water above high water mark, the city or town may condemn and purchase, or purchase and acquire such private property.

SEC. 7. Section 3, chapter 209, Laws of 1957, section 3, chapter 288, Laws of 1957, and RCW 80.40.020 are each amended to read as follows:

RCW 80.40.020 amended.

A city or town may also construct, condemn and purchase, purchase, acquire, add to, maintain, and operate systems of sewerage, and systems and plants for garbage and refuse collection and disposal, with full authority to manage, regulate, operate, and control them, and to fix the price of service thereof, within and without the limits of the city or town: *Provided*, That the rates charged must be uniform for the same class of customers or service. In classifying customers served or service furnished by such system of sewerage, the city or town governing body may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the city or town; the difference in cost of maintenance, operation, repair, and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the sewage delivered and the time of its delivery; capital contributions made to the system, including but not limited to, assessments; and any other matters which present a reasonable difference as a ground for distinction.

Authority to acquire and operate sewerage and garbage systems.

Classification of services—Factors in.

SEC. 8. There is added to chapter 80.40 RCW a new section to read as follows:

New section.

Connection charges authorized.

Cities and towns are authorized to charge property owners seeking to connect to the water or sewerage system of the city or town as a condition to granting the right to so connect, in addition to the cost of such connection, such reasonable connection charge as the legislative body of the city or town shall determine proper in order that such property owners shall bear their equitable share of the cost of such system. Connection charges collected shall be considered revenue of such system.

Severability.

SEC. 9. If any provision 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.

Passed the Senate February 13, 1959.

Passed the House March 4, 1959.

Approved by the Governor March 9, 1959.

CHAPTER 91.

[S. B. 345.]

STATE FUNDS—INVESTMENTS.

AN ACT relating to the investment of state funds, and adding new sections each to chapter 41.32, 41.44 and 43.33 RCW.

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

New section.

SECTION 1. There is added to chapter 41.32 RCW a new section to read as follows:

Investment, state teachers' retirement funds, authorized.

The state teachers' retirement board may authorize the state finance committee to invest those funds which are not under constitutional prohibition in farm ownership and soil and water conservation loans fully guaranteed as to principal and interest under the Bankhead-Jones Farm Tenant Act administered by the United States department of agriculture.