

(8) "State" includes any state, district, commonwealth, territory, insular possession, and any other area subject to the legislative authority of the United States of America.

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CHAPTER 45

[Substitute House Bill No. 352]

SEWER AND WATER DISTRICTS—SERVICE AND BONDING AUTHORITY

AN ACT Relating to special purpose districts; amending section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090; amending section 5, chapter 210, Laws of 1941 and RCW 56.04.070; amending section 48, chapter 210, Laws of 1941 as last amended by section 3, chapter 103, Laws of 1959 and RCW 56.08.060; amending section 4, chapter 58, Laws of 1974 ex. sess. as last amended by section 1, chapter 12, Laws of 1980 and RCW 56.20.015; amending section 4, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.040; amending section 6, chapter 148, Laws of 1969 ex. sess. and RCW 56.36.060; amending section 4, chapter 114, Laws of 1929 and RCW 57.04.070; amending section 3, chapter 251, Laws of 1953 as amended by section 4, chapter 108, Laws of 1959 and RCW 57.08.045; amending section 1, chapter 111, Laws of 1963 as last amended by section 69, chapter 141, Laws of 1979 and RCW 57.08.065; amending section 4, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.130; amending section 6, chapter 146, Laws of 1971 ex. sess. and RCW 57.40.150; adding a new section to chapter 56.36 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. It is declared to be the public policy of the state of Washington to provide for the orderly growth and development of those areas of the state requiring public water service or sewer service and to secure the health and welfare of the people residing therein. The growth of urban population and the movement of people into suburban areas has required the performance of such services by water districts and sewer districts and the development of such districts has created problems of conflicting jurisdiction and potential double taxation.

It is the purpose of this act to reduce the duplication of service and the conflict among jurisdictions by establishing the principle that the first in time is the first in right where districts overlap and by encouraging the consolidation of districts. It is also the purpose of this act to prevent the imposition of double taxation upon the same property by establishing a general classification of property which will be exempt from property taxation by a district when such property is within the jurisdiction of an established district duly authorized to provide service of like character.

Unless the context clearly requires otherwise, as used in this act, the term "district" means either a water district organized under Title 57 RCW or a sewer district organized under Title 56 RCW or a merged water and sewer district organized pursuant to chapter 57.40 or 56.36 RCW.

Sec. 2. Section 9, chapter 189, Laws of 1967 as last amended by section 12, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; or

(4) The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

(5) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

Sec. 3. Section 5, chapter 210, Laws of 1941 and RCW 56.04.070 are each amended to read as follows:

Whenever two or more petitions for the formation of a sewer district shall be filed as ~~((herein))~~ provided in this chapter, the petition describing the greater area shall supersede all others, and an election shall first be held thereunder, and no lesser sewer district shall ever be created within the limits in whole or in part of any other sewer district, except as provided in RCW 56.36.060, as now or hereafter amended.

Sec. 4. Section 48, chapter 210, Laws of 1941 as last amended by section 3, chapter 103, Laws of 1959 and RCW 56.08.060 are each amended to read as follows:

A sewer district may enter into contracts with any county, city, town, sewer district, water district, or any other municipal corporation, or with any private person, firm or corporation, for the acquisition, ownership, use, and operation of any property, facilities, or services, within or without the sewer district and necessary or desirable to carry out the purposes of the sewer district, and a sewer district or a water district duly authorized to exercise sewer district powers may provide sewer service to property owners ~~((outside))~~ in areas within or without the limits of the ~~((sewer))~~ district: PROVIDED, That if any such area is located within another existing district duly authorized to exercise sewer district powers in such area, then

sewer service may not be so provided by contract or otherwise without the consent by resolution of the board of commissioners of such other district.

Sec. 5. Section 4, chapter 58, Laws of 1974 ex. sess. as last amended by section 1, chapter 12, Laws of 1980 and RCW 56.20.015 are each amended to read as follows:

In addition to all of the powers and authorities set forth in Title 56 RCW, any sewer district shall have all of the powers of cities as set forth in chapter 35.44 RCW. Sewer districts may also exercise all of the powers permitted to a water district under Title 57 RCW, except that a sewer district may not exercise water district powers in any area within its boundaries which is part of an existing district which previously shall have been duly authorized to exercise water district powers in such area without the consent by resolution of the board of commissioners of such district.

A sewer district shall have the power to issue general obligation bonds for water system purposes: PROVIDED, That a proposition to authorize general obligation bonds payable from excess tax levies for water system purposes pursuant to chapters 57.16 and 57.20 RCW shall be submitted to all of the qualified voters within that part of the sewer district which is not contained within another existing district duly authorized to exercise water district powers, and the taxes to pay the principal of and interest on the bonds approved by such voters shall be levied only upon all of the taxable property within such part of the sewer district.

Sec. 6. Section 4, chapter 148, Laws of 1969 ex. sess. and RCW 56.36-.040 are each amended to read as follows:

If at such election a majority of the voters in the water district or all or either of the water districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the sewer district and each water district in which the majority of voters voted in favor of the merger, and each such water district shall cease to exist as a separate entity and the area within such water district shall become a part of the sewer district. The water commissioners of any water district so merged shall cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of sewer commissioners of the sewer district, the members of which shall thereafter be elected in the manner provided in RCW 56.12.030.

Sec. 7. Section 6, chapter 148, Laws of 1969 ex. sess. and RCW 56.36-.060 are each amended to read as follows:

Following merger, the sewer district and the board of commissioners thereof shall have all powers granted sewer districts by RCW 56.08.060 and 56.20.015 and shall have all other powers granted sewer districts by Title 56 RCW in any area within its boundaries which is not part of another existing

district duly authorized to exercise sewer district powers in such area and shall have all powers granted water districts by RCW 57.08.045 and 57.08-.065 and shall have all other powers granted water districts by Title 57 RCW in any area within its boundaries which is not part of another existing district duly authorized to exercise water district powers in such area. The sewer district shall have the power to issue revenue bonds to which are pledged water revenue, sewer revenue, or both water and sewer revenue, as well as the power to levy assessments against property specially benefited in ~~((the manner levied by))~~ local improvement districts or utility local improvement districts, for improvements to the water system or the sewer system or both.

NEW SECTION. Sec. 8. There is added to chapter 56.36 RCW a new section to read as follows:

Each and all of the respective areas of land organized as a water district and heretofore attempted to be merged into a sewer district under chapter 148 of the Laws of 1969, and amendments thereto, and which have maintained their organization as part of a sewer district since the date of such attempted merger, are hereby validated and declared to be a proper merger of a water district into a sewer district. Such district shall have the respective boundaries set forth in their merger proceedings as shown by the official files of the legislative authority of the county in which such merged district is located. All debts, contracts, bonds, and other obligations heretofore executed in connection with or in pursuance of such attempted organization, and any and all assessments or levies and all other actions taken by such districts or by their respective officers acting under such attempted organization, are hereby declared legal and valid and of full force and effect. Such districts may hereafter exercise their powers only to the extent permitted by and in accordance with the provisions of RCW 56.36.060, as now or hereafter amended.

Sec. 9. Section 4, chapter 114, Laws of 1929 and RCW 57.04.070 are each amended to read as follows:

Whenever two or more petitions for the formation of a water district shall be filed as ~~((herein))~~ provided in this chapter, the petition describing the greater area shall supersede all others and an election shall first be held thereunder, and no lesser water district shall ever be created within the limits in whole or in part of any water district, except as provided in RCW 57.40.150, as now or hereafter amended.

Sec. 10. Section 3, chapter 251, Laws of 1953 as amended by section 4, chapter 108, Laws of 1959 and RCW 57.08.045 are each amended to read as follows:

A water district may enter into contracts with any county, city, town, sewer district, water district, or any other municipal corporation, or with any private person or corporation, for the acquisition, ownership, use and

operation of any property, facilities, or services, within or without the water district and necessary or desirable to carry out the purposes of the water district, and a water district or sewer district duly authorized to exercise water district powers may provide water services to property owners (~~(outside))~~ in areas within or without the limits of the ~~((water))~~ district: PROVIDED, That if such area is located within another existing district duly authorized to exercise water district powers in such area, then water service may not be so provided by contract or otherwise without the consent by resolution of the board of commissioners of such other district.

Sec. 11. Section 1, chapter 111, Laws of 1963 as last amended by section 69, chapter 141, Laws of 1979 and RCW 57.08.065 are each amended to read as follows:

In addition to the powers now given water districts by law, they shall also have power to establish, maintain and operate a mutual water and sewer system or a separate sewer system within their water district area in the same manner as provided by law for the doing thereof in connection with water supply systems.

In addition thereto, a water district constructing, maintaining and operating a sanitary sewer system may exercise all the powers permitted to a sewer district under Title 56 RCW, including, but not limited to, the right to compel connections to the district's system, liens for delinquent sewer connection charges or sewer service charges, and all other powers presently exercised by or which may be hereafter granted to such sewer districts: PROVIDED, That a water district may not exercise sewer district powers in any area within its boundaries which is part of an existing district which previously shall have been duly authorized to exercise sewer district powers in such area without the consent by resolution of the board of commissioners of such other district: PROVIDED FURTHER, That no water district shall proceed to exercise the powers herein granted to establish, maintain, construct and operate any sewer system without first obtaining written approval and certification of necessity so to do from the department of ecology and department of social and health services. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof shall be approved by the same county and state officials as are required to approve such plans adopted by a sewer district.

A water district shall have the power to issue general obligation bonds for sewer system purposes: PROVIDED, That a proposition to authorize general obligation bonds payable from excess tax levies for sewer system purposes pursuant to chapter 56.16 RCW shall be submitted to all of the qualified voters within that part of the water district which is not contained within another existing district duly authorized to exercise sewer district powers, and the taxes to pay the principal of and interest on the bonds approved by such voters shall be levied only upon all of the taxable property within such part of the water district.

Sec. 12. Section 4, chapter 146, Laws of 1971 ex. sess. and RCW 57-40.130 are each amended to read as follows:

If at such election a majority of the voters in the sewer district or all or either of the sewer districts involved, shall vote in favor of the merger, the county election canvassing board shall so declare in its canvass, and the return of the election shall be made within ten days after the date of such election. Upon completion of the return the merger shall be effective as to the water district and each sewer district in which the majority of voters voted in favor of the merger, and each such sewer district shall cease to exist as a separate entity and the area within such sewer district shall become a part of the water district. The sewer commissioners of any sewer district so merged shall cease to hold office, and the affairs of the merged districts shall be managed and conducted by the board of water commissioners of the water district, the members of which shall thereafter be elected in the manner provided by RCW 57.12.020.

Sec. 13. Section 6, chapter 146, Laws of 1971 ex. sess. and RCW 57-40.150 are each amended to read as follows:

Following merger, the water district and the board of commissioners thereof shall have all powers granted water districts by RCW 57.08.045 and 57.08.065 and shall have all other powers granted water districts by Title 57 RCW in any area within its boundaries which is not part of another existing district duly authorized to exercise water district powers in such area and shall have all powers granted sewer districts by RCW 56.08.060 and 56.20-.015 and shall have all other power granted sewer districts by Title 56 RCW in any area within its boundaries which is not part of another existing district duly authorized to exercise sewer district powers in such area. The water district shall have the power to issue revenue bonds to which are pledged sewer revenue, water revenue, or both sewer and water revenue, as well as the power to levy assessments against property specially benefited in ~~((the manner levied by))~~ local improvement districts or utility local improvement districts, for improvements to the sewer system or the water system or both.

NEW SECTION. Sec. 14. 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.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House March 17, 1981.

Passed the Senate April 13, 1981.

Approved by the Governor April 22, 1981.

Filed in Office of Secretary of State April 22, 1981.

CHAPTER 46

[House Bill No. 438]

PUBLIC WORKS CONTRACTORS—PREVAILING WAGE STATEMENTS

AN ACT Relating to public works; amending section 1, chapter 63, Laws of 1945 as amended by section 1, chapter 14, Laws of 1967 ex. sess. and RCW 39.12.020; and amending section 4, chapter 63, Laws of 1945 as last amended by section 1, chapter 49, Laws of 1975-'76 2nd ex. sess. and RCW 39.12.040.

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

Section 1. Section 1, chapter 63, Laws of 1945 as amended by section 1, chapter 14, Laws of 1967 ex. sess. and RCW 39.12.020 are each amended to read as follows:

The hourly wages to be paid to laborers, workmen or mechanics, upon all public works and under all public building service maintenance contracts of the state or any county, municipality or political subdivision created by its laws, shall be not less than the prevailing rate of wage for an hour's work in the same trade or occupation in the locality within the state where such labor is performed. For a contract in excess of ten thousand dollars, a contractor required to pay the prevailing rate of wage shall post in a location readily visible to workers at the job site:

(1) A copy of a statement of intent to pay prevailing wages approved by the industrial statistician of the department of labor and industries under RCW 39.12.040; and

(2) The address and telephone number of the industrial statistician of the department of labor and industries where a complaint or inquiry concerning prevailing wages may be made.

This chapter shall not apply to workmen or other persons regularly employed on monthly or per diem salary by the state, or any county, municipality, or political subdivision created by its laws.

Sec. 2. Section 4, chapter 63, Laws of 1945 as last amended by section 1, chapter 49, Laws of 1975-'76 2nd ex. sess. and RCW 39.12.040 are each amended to read as follows:

Before payment is made by or on behalf of the state, or any county, municipality, or political subdivision created by its laws, of any sum or sums due on account of a public works contract, it shall be the duty of the officer or person charged with the custody and disbursement of public funds to require the contractor and each and every subcontractor from the contractor