

government and its existing public institutions, and shall take effect July 1, 1985.

Passed the House March 12, 1985.

Passed the Senate April 11, 1985.

Approved by the Governor April 23, 1985.

Filed in Office of Secretary of State April 23, 1985.

CHAPTER 141

[Substitute House Bill No. 1232]

WATER AND SEWER DISTRICTS—ANNEXATIONS

AN ACT Relating to water and sewer districts; and amending RCW 36.94.420, 56.04-.070, 56.12.030, 56.24.120, 56.32.070, 57.04.070, 57.12.020, 57.24.070, and 57.32.130.

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

Sec. 1. Section 2, chapter 147, Laws of 1984 and RCW 36.94.420 are each amended to read as follows:

If so provided in the transfer agreement, the area served by the system shall, upon completion of the transfer, be deemed annexed to and become a part of the water or sewer district acquiring the system. The county shall provide notice of the hearing by the county legislative authority on the ordinance executing the transfer agreement under RCW 36.94.330 as follows: (1) By mailed notice to all ratepayers served by the system at least fifteen days prior to the hearing; and (2) by notice in a newspaper of general circulation once at least fifteen days prior to the hearing.

In the event of an annexation under this section resulting from the transfer of a system of sewerage or combined water and sewer systems from a county to a water district governed by Title 57 RCW, the water district shall have all the powers of a water district provided by RCW 57.40.150, as if a sewer district had been merged into a water district. In the event of an annexation under this section as a result of the transfer of a system of water or combined water and sewer systems from a county to a sewer district governed by Title 56 RCW, the sewer district shall have all the powers of a sewer district provided by RCW 56.36.060 as if a water district had been merged into the sewer district.

Sec. 2. Section 5, chapter 210, Laws of 1941 as amended by section 3, chapter 45, Laws of 1981 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 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 and 36.94.420, as now or hereafter amended.

Sec. 3. Section 8, chapter 210, Laws of 1941 as last amended by section 2, chapter 169, Laws of 1981 and RCW 56.12.030 are each amended to read as follows:

Nominations for the first board of commissioners to be elected at the election for the formation of the sewer district shall be by petition of fifty qualified electors or ten percent of the qualified electors of the district, whichever is the smaller. The petition shall be filed in the auditor's office of the county in which the district is located at least thirty days before the election. Thereafter candidates for the office of sewer commissioner shall file declarations of candidacy and their election shall be conducted as provided by the general elections laws. A vacancy or vacancies shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: PROVIDED, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and said appointed commissioners shall serve until the next regular election for commissioners(~~(: PROVIDED FURTHER, That)~~). If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the board of county commissioners. Any person residing in the district who is at the time of election a qualified voter may vote at any election held in the sewer district.

All expense of elections for the formation or reorganization of a sewer district shall be paid by the county in which the election is held and the expenditure is hereby declared to be for a county purpose, and the money paid for that purpose shall be repaid to the county by the district if formed or reorganized.

Sec. 4. Section 6, chapter 11, Laws of 1967 ex. sess. and RCW 56.24-.120 are each amended to read as follows:

A petition for annexation of an area contiguous to a sewer district may be made in writing, addressed to and filed with the board of commissioners of the district to which annexation is desired. It must be signed by the owners, according to the records of the county auditor, of not less than sixty percent of the area of land for which annexation is petitioned, excluding county and state rights of way, parks, tidelands, lakes, retention ponds, and stream and water courses. Additionally, the petition shall set forth a description of the property according to government legal subdivisions or legal plats, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. Such county and state properties shall be excluded from local improvement districts or utility local improvement districts in the annexed area and from special assessments, rates, or charges of the district except where service has been regulated and provided to such

properties. The owners of such property shall be invited to be included within local improvement districts or utility local improvement districts at the time they are proposed for formation.

Sec. 5. Section 8, chapter 197, Laws of 1967 and RCW 56.32.070 are each amended to read as follows:

The sewer commissioners of all sewer districts consolidated into any new consolidated sewer district shall become sewer commissioners thereof until their respective terms of office expire. ~~((When the terms of expiration reduce the total number of remaining sewer commissioners to less than three then the board of commissioners of the consolidated sewer district shall be maintained at the number of three, in accordance with the provisions of RCW 56.12.020 and 56.12.030))~~ At each election of sewer commissioners following the consolidation, only one position shall be filled, so that as the terms of office expire the total number of sewer commissioners in the consolidated sewer district shall be reduced to three.

Sec. 6. Section 4, chapter 114, Laws of 1929 as amended by section 9, chapter 45, Laws of 1981 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 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 and 36.94.420, as now or hereafter amended.

Sec. 7. Section 3, chapter 18, Laws of 1959 as last amended by section 1, chapter 169, Laws of 1981 and RCW 57.12.020 are each amended to read as follows:

Nominations for the first board of commissioners to be elected at the election for the formation of the water district shall be by petition of at least twenty-five percent of the qualified electors of the district, or twenty-five of the qualified electors of the district, whichever is lesser, filed in the auditor's office of the county in which the district is located, at least thirty days prior to the election. Thereafter, candidates for the office of water commissioners shall file declarations of candidacy and their election shall be conducted as provided by the general election laws. A vacancy or vacancies on the board shall be filled by appointment by the remaining commissioner or commissioners until the next regular election for commissioners: **PROVIDED**, That if there are two vacancies on the board, one vacancy shall be filled by appointment by the remaining commissioner and the one remaining vacancy shall be filled by appointment by the then two commissioners and said appointed commissioners shall serve until the next regular election for commissioners ~~((: PROVIDED FURTHER, That))~~. If the vacancy or vacancies remain unfilled within six months of its or their occurrence, the

county legislative authority in which the district is located shall make the necessary appointment or appointments. If there is a vacancy of the entire board a new board may be appointed by the board of county commissioners.

Any person residing in the district who is a qualified voter under the laws of the state may vote at any district election.

Sec. 8. Section 18, chapter 251, Laws of 1953 and RCW 57.24.070 are each amended to read as follows:

A petition for annexation of an area contiguous to a water district may be made in writing, addressed to and filed with the board of commissioners of the district to which annexation is desired. It must be signed by the owners, according to the records of the county auditor, of not less than sixty percent of the area of land for which annexation is petitioned, excluding county and state rights of way, parks, tidelands, lakes, retention ponds, and stream and water courses. Additionally, the petition shall set forth a description of the property according to government legal subdivisions or legal plats, and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. Such county and state properties shall be excluded from local improvement districts or utility local improvement districts in the annexed area and from special assessments, rates, or charges of the district except where service has been regulated and provided to such properties. The owners of such property shall be invited to be included within local improvement districts or utility local improvement districts at the time they are proposed for formation.

Sec. 9. Section 13, chapter 267, Laws of 1943 and RCW 57.32.130 are each amended to read as follows:

The water commissioners of all water districts consolidated into any new consolidated water district shall become water commissioners thereof until their respective terms of office expire. (~~When the terms of expiration reduce the total number of remaining water commissioners to less than three then the board of commissioners of the consolidated water district shall be maintained at the number of three, in accordance with the provisions of RCW 57.12.020 and 57.12.030~~) At each election of water commissioners following the consolidation, only one position shall be filled, so that as the terms of office expire the total number of water commissioners in the consolidated water district shall be reduced to three.

Passed the House March 19, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor April 23, 1985.

Filed in Office of Secretary of State April 23, 1985.