
Local Government Committee

HB 1158

Brief Description: Concerning the annexation of property owned by the state for military purposes.

Sponsors: Representatives Kirby, Green, O'Ban, Sawyer, Ryu and Morrell.

Brief Summary of Bill

- Modifies provisions governing direct petitions for annexation of unincorporated areas by non-code cities.
- Expands the adjutant general's authority, with regard to real property owned or used by the state for military purposes, to permit the adjutant general to file a petition seeking annexation of state military property to a non-code city or town under certain conditions.

Hearing Date: 1/24/13

Staff: Michaela Murdock (786-7289).

Background:

Adjutant General.

The Governor, with the advice and consent of the Senate, appoints the adjutant general of the state of Washington. The adjutant general is the head of the Washington Military Department (department) and oversees the department's four major operational divisions: The Army National Guard, the Air National Guard, Emergency Management, and State Services.

Duties and powers of the adjutant general are prescribed by statute. One duty of the adjutant general is to keep records of all real property owned or used by the state for military purposes. The adjutant general also has sole power to execute leases to acquire the use of real property by the state for military purposes and to lease it to other agencies, and the adjutant general has the power to execute and grant easements for rights-of-way for construction, operation, and maintenance of utility service, water, sewer, and drainage for such realty.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Annexation of Unincorporated Areas.

Current law authorizes multiple methods for municipal annexations of unincorporated areas. The use of direct petitions for annexation is one authorized method.

Under the direct petition method authorized for non-code cities, a petition for annexation of an unincorporated area may be submitted to the legislative body of the city or town to which annexation is desired. The initiating party or parties must: (1) comprise not less than 10 percent of the residents of the area to be annexed; or (2) own not less than 10 percent, in assessed value, of the area to be annexed. The law provides that if all of the property sought to be annexed is property of a school district, the district school board may be the sole initiating party. Prior to circulating the petition for annexation, the initiating party or parties must give written notice to the city or town legislative body of the intent to commence annexation proceedings.

Direct petitions for annexation by non-code cities generally must be signed by the owners of at least 60 percent of the land value of the property proposed for annexation. Again, if all of the land sought to be annexed is property of a school district, the school district board of directors may file the petition.

After the petition with the required number of signatures has been filed, the city or town legislative body must satisfy public hearing and notification requirements. If the city or town legislative body decides to annex any or all of the territory described in the petition, it must do so by adopting an ordinance that also establishes the annexation effective date.

Summary of Bill:

The adjutant general may file a direct petition for annexation to have real property owned by the state for military purposes annexed to a non-code city or town, provided that state military property constitutes all of the property to be annexed.

Provisions governing direct petitions for annexation of unincorporated areas by non-code cities are modified to treat an adjutant general seeking annexation of state military property the same as a school district board of directors seeking annexation of school district property. Both school district property and property owned by the state for military purposes are excepted from the requirement that a percentage of residents or landowners in the area to be annexed must sign the notice and petition for annexation. However, all of the property to be annexed by the petition must be either school district or state military property, respectively.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.