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**HOUSE BILL 1848**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representative Schmick

AN ACT Relating to requiring voter approval for direct petition annexations; and amending RCW 35A.14.140, 35A.14.150, 35A.14.440, and 35A.14.450.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 35A.14.140 and 1986 c 234 s 31 are each amended to read as follows:

(1) Following the hearing, if the legislative body determines to ((~~effect~~))proceed with the annexation, they ((~~shall do so by ordinance. Subject to RCW 35.02.170, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located~~))must call for the question of annexation to be decided by the voters of the proposed area in a general or special election conducted in accordance with this section and general election law. The area subject to the annexation proposal and election may include all or any portion of the area described in the petition, but may not include any property not described in the petition.

(2) Notice of an election under this section must describe the boundaries of the area proposed to be annexed. The notice must be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed, and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. The notice must be in addition to notice required by general election law.

(3)(a) The ballot measures must be submitted so as to enable voters favoring the annexation proposal, including any provisions related to the assumption of indebtedness, the simultaneous adoption of a proposed zoning regulation, or both, to vote "Yes" and those opposed to vote "No."

(b) The annexation proposal, including any provisions related to the assumption of indebtedness, the simultaneous adoption of a proposed zoning regulation, or both, may be authorized only if:

(i) The proposal is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the measure; and

(ii) The number of persons voting on the measure constitutes at least forty percent of the total number of votes cast in the area at the preceding general election.

**Sec.**  RCW 35A.14.150 and 1979 ex.s. c 124 s 9 are each amended to read as follows:

(1) If, in accordance with RCW 35A.14.140, the annexation proposal is approved by the voters voting on the measure, the legislative body of the annexing city must adopt an ordinance providing for the annexation, including any provisions related to the assumption of indebtedness, the simultaneous adoption of a proposed zoning regulation, or both.

(2) Upon the date fixed in the ordinance of annexation, a certified copy of which must be filed with the legislative body of the county in which the annexed property is located, the area annexed ((~~shall~~))must become part of the city. All property within the territory hereafter annexed ((~~shall~~))must, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for the portion of any then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation and that the city has required to be assumed. If the annexation petition so provided, all property in the annexed area ((~~shall~~))must be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340.

**Sec.**  RCW 35A.14.440 and 2003 c 331 s 12 are each amended to read as follows:

(1) Following the hearing, if the legislative body determines to ((~~effect~~))proceed with the annexation, they ((~~shall do so by ordinance. Subject to RCW 35A.14.410, the ordinance may annex all or any portion of the proposed area but may not include in the annexation any property not described in the petition. Upon passage of the annexation ordinance, a certified copy shall be filed with the board of county commissioners of the county in which the annexed property is located~~))must call for the question of annexation to be decided by the voters of the proposed area in a general or special election conducted in accordance with this section and general election law. The area subject to the annexation proposal and election may include all or any portion of the area described in the petition, but may not include any property not described in the petition.

(2) Notice of an election under this section must describe the boundaries of the area proposed to be annexed. The notice must be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed, and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. The notice must be in addition to notice required by general election law.

(3)(a) The ballot measures must be submitted so as to enable voters favoring the annexation proposal, including any provisions related to the assumption of indebtedness, the simultaneous adoption of a proposed zoning regulation, or both, to vote "Yes" and those opposed to vote "No."

(b) The annexation proposal, including any provisions related to the assumption of indebtedness, the simultaneous adoption of a proposed zoning regulation, or both, may be authorized only if:

(i) The proposal is approved by at least three-fifths of the voters of the area proposed to be annexed voting on the measure; and

(ii) The number of persons voting on the measure constitutes at least forty percent of the total number of votes cast in the area at the preceding general election.

**Sec.**  RCW 35A.14.450 and 2003 c 331 s 13 are each amended to read as follows:

(1) If, in accordance with RCW 35A.14.440, the annexation proposal is approved by the voters voting on the measure, the legislative body of the annexing city must adopt an ordinance providing for the annexation, including any provisions related to the assumption of indebtedness, the simultaneous adoption of a proposed zoning regulation, or both.

(2) Upon the date fixed in the ordinance of annexation, a certified copy of which must be filed with the legislative body of the county in which the annexed property is located, the area annexed ((~~shall~~))must become part of the city. All property within the annexed territory ((~~shall~~))must, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of the annexing code city is assessed and taxed to pay for the portion of any then-outstanding indebtedness of the city to which the area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred before, or existing at, the date of annexation and that the city has required to be assumed. If the annexation petition so provided, all property in the annexed area ((~~shall~~))must be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340.

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