
HOUSE BILL 2667

State of Washington 59th Legislature 2006 Regular Session

By Representatives Springer, Nixon, Hasegawa, Jarrett, Upthegrove,
Clibborn and Lovick

Read first time 01/11/2006. Referred to Committee on Local Government.

1 AN ACT Relating to providing municipal services to annexed areas;
2 amending RCW 36.75.060, 36.33.220, 36.82.020, 36.82.040, and 36.82.070;
3 and adding a new section to chapter 36.82 RCW.

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

5 **Sec. 1.** RCW 36.75.060 and 1969 ex.s. c 182 s 3 are each amended to
6 read as follows:

7 (1) For the purpose of efficient administration of the county roads
8 of each county the board may(, but not more than once in each year,)
9 form their respective counties, or any part thereof, into suitable and
10 convenient road districts, not exceeding nine in number, and cause a
11 description thereof to be entered upon their records. Except as
12 provided in this section, amendments to the boundaries of a road
13 district may be considered by a board no more frequently than once
14 every year.

15 (2) Unless the board decides otherwise by majority vote, there
16 shall be at least one road district in each county commissioner's
17 district embracing territory outside of cities and towns and territory
18 inside of cities and towns as provided in chapter 36.82 RCW.
19 Amendments to the boundaries of a road district to include territory

1 inside of a city or town within a road district may be considered by a
2 board more frequently than once per year and must have the approval of
3 any applicable city and town legislative authorities. No road district
4 shall extend into more than one county commissioner's district. The
5 authority of a county to include territory inside of a city or town
6 within a road district expires ten years after the city or town annexes
7 the subject territory.

8 **Sec. 2.** RCW 36.33.220 and 2001 c 212 s 25 are each amended to read
9 as follows:

10 (1)(a) The legislative authority of any county may budget, in
11 accordance with the provisions of chapter 36.40 RCW, and expend any
12 portion of the county road property tax revenues for:

13 (i) Any service to be provided in the unincorporated area of the
14 county notwithstanding any other provision of law, including chapter
15 36.82 RCW and RCW 84.52.050 and 84.52.043; and

16 (ii) The provision of municipal services within an annexation area
17 or areas as provided under chapter 36.82 RCW.

18 (b) "Annexation area" and "municipal services" have the same
19 meanings as provided in section 6 of this act.

20 (2)(a) County road property tax revenues that are diverted under
21 chapter 39.89 RCW may be expended as provided under chapter 39.89 RCW.

22 (b) County road property tax revenues that are diverted under
23 section 6 of this act shall be expended as provided under chapter 36.82
24 RCW.

25 (3) If an annexing city or town and the applicable county or
26 counties fail to reach agreement on the transfer of funds as provided
27 in section 6 of this act, funds accruing to and deposited in the county
28 road fund from the annexation area or areas may only be expended by a
29 county within the annexation area or areas from which the funds were
30 levied.

31 **Sec. 3.** RCW 36.82.020 and 1991 c 363 s 87 are each amended to read
32 as follows:

33 ~~((Any))~~ (1) Except as otherwise provided in this chapter, funds
34 accruing to and to be deposited in the county road fund ((arising))
35 from any levy in any road district shall be expended for proper county
36 road purposes.

1 (2) Funds accruing to and to be deposited in the county road fund
2 from any levy in an annexation area or areas in any road district may
3 also be expended for the provision of municipal services within an
4 annexation area or areas as provided by this chapter and RCW 36.33.220.

5 (3) If an annexing city or town and the applicable county or
6 counties fail to reach agreement on the transfer of funds as provided
7 in section 6 of this act, funds accruing to and deposited in the county
8 road fund from the annexation area or areas may only be expended by a
9 county within the annexation area or areas from which the funds were
10 levied.

11 **Sec. 4.** RCW 36.82.040 and 2001 c 212 s 27 are each amended to read
12 as follows:

13 (1) For the purpose of raising revenue for establishing, laying
14 out, constructing, altering, repairing, improving, and maintaining
15 county roads, bridges, and wharves necessary for vehicle ferriage and
16 for other proper county purposes, and for the provision of municipal
17 services as provided by this chapter and RCW 36.33.220, the board shall
18 annually at the time of making the levy for general purposes make a
19 uniform tax levy throughout the county, or any road district thereof,
20 of not to exceed two dollars and twenty-five cents per thousand dollars
21 of assessed value of the last assessed valuation of the taxable
22 property in the county, or road district thereof, unless other law of
23 the state requires a lower maximum levy, in which event such lower
24 maximum levy shall control.

25 (2) All funds accruing from such levy shall be credited to and
26 deposited in the county road fund except that revenue diverted under:

27 (a) RCW 36.33.220 shall be placed in a separate and identifiable
28 account within the county current expense fund (~~and except that~~
29 revenue diverted under));

30 (b) Chapter 39.89 RCW shall be expended as provided under chapter
31 39.89 RCW; and

32 (c) Section 6 of this act shall be expended as provided by this
33 chapter and RCW 36.33.220.

34 (3) The authority of a county to levy funds under this chapter from
35 incorporated territory within a road district expires ten years after
36 the city or town annexes the subject territory.

1 **Sec. 5.** RCW 36.82.070 and 2001 c 221 s 3 are each amended to read
2 as follows:

3 (1) Any money paid to any county road fund may be used for the
4 construction, alteration, repair, improvement, or maintenance of county
5 roads and bridges thereon and for wharves necessary for ferriage of
6 motor vehicle traffic, and for ferries, and for the acquiring,
7 operating, and maintaining of machinery, equipment, quarries, or pits
8 for the extraction of materials, and for the cost of establishing
9 county roads, acquiring rights-of-way therefor, and expenses for the
10 operation of the county engineering office, for the provision of
11 municipal services as provided by this chapter and RCW 36.33.220, and
12 for any of the following programs when directly related to county road
13 purposes: ~~((+1))~~ (a) Insurance; ~~((+2))~~ (b) self-insurance programs;
14 and ~~((+3))~~ (c) risk management programs; and for any other proper
15 county road purpose. Such expenditure may be made either independently
16 or in conjunction with the state or any city, town, or tax district
17 within the county.

18 (2) County road purposes also include the removal of barriers to
19 fish passage related to county roads, and include but are not limited
20 to the following activities associated with the removal of these
21 barriers: Engineering and technical services; stream bank
22 stabilization; streambed restoration; the placement of weirs, rock, or
23 woody debris; planting; and channel modification. County road funds
24 may be used beyond the county right-of-way for activities clearly
25 associated with removal of fish passage barriers that are the
26 responsibility of the county. Activities related to the removal of
27 barriers to fish passage performed beyond the county right-of-way must
28 not exceed twenty-five percent of the total cost of activities related
29 to fish barrier removal on any one project, and the total annual cost
30 of activities related to the removal of barriers to fish passage
31 performed beyond the county rights-of-way must not exceed one-half of
32 one percent of a county's annual road construction budget. The use of
33 county road funds beyond the county right-of-way for activities
34 associated with the removal of fish barriers is permissive, and wholly
35 within the discretion of the county legislative authority. The use of
36 county road funds beyond the county right-of-way for such activities
37 does not create or impose a legal duty upon a county for salmon
38 recovery work beyond the county right-of-way.

1 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.82 RCW
2 to read as follows:

3 (1) Taxes levied under this chapter for collection from within an
4 annexation area shall be transferred to an annexing city or town and
5 expended for municipal services within an annexation area if the
6 legislative authority of the annexing city or town has:

7 (a) Completed the annexation of an annexation area;

8 (b) Determined by resolution or ordinance that the costs of
9 providing municipal services to the annexation area exceed or are
10 projected to exceed the general revenue generated for the city or town
11 from the annexation area on an annual basis; and

12 (c) Entered into an interlocal agreement under chapter 39.34 RCW
13 with the applicable county or counties specifying the terms by which
14 levied funds may be transferred to the annexing city or town.

15 (2)(a)(i) The authority of a county to transfer funds under this
16 section expires ten years after the city or town annexes the subject
17 territory.

18 (ii) The authority of a city or town to expend funds under this
19 section expires ten years after the city or town annexes the subject
20 territory. The period of expenditure may not commence before the date
21 on which the annexation area is annexed to the city or town.

22 (b) Funds transferred to a city or town under this section for
23 three years after the adoption of a resolution or ordinance as provided
24 in subsection (1)(b) of this section may not include taxes levied under
25 this chapter that are allocated by a county legislative authority to a
26 county sheriff. However, funds transferred to a city or town under
27 this section shall include taxes levied under this chapter that are
28 allocated to a county sheriff that are in excess of four percent of the
29 revenue from an annexation area.

30 (c) Funds levied under this chapter before the date on which the
31 annexation area is annexed to the city or town may not be transferred
32 and expended under this section.

33 (3) Funds expended by a city or town under this section shall be
34 used solely to provide, maintain, and operate municipal services for
35 the annexation area. Funds expended under this section may not be used
36 in an annexation area other than that from which the funds were levied.

37 (4) The following definitions apply throughout this chapter unless
38 the context clearly requires otherwise:

1 (a) "Annexation area" means an area that has been annexed to a city
2 or town.

3 (b) "Municipal services" means those services customarily provided
4 to the public by a city or town government.

5 NEW SECTION. **Sec. 7.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

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