

# HOUSE BILL REPORT

## SSB 5256

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As Reported By House Committee On:  
Local Government

**Title:** An act relating to annexation by cities and towns.

**Brief Description:** Restricting the use of city or town facilities to advocate for or against an annexation.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senators Sutherland, McCaslin and Erwin).

**Brief History:**

Reported by House Committee on:  
Local Government, April 2, 1993, DPA.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass as amended. Signed by 12 members: Representatives H. Myers, Chair; Bray, Vice Chair; Edmondson, Ranking Minority Member; Reams, Assistant Ranking Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero; Springer; Van Luven; and Zellinsky.

**Staff:** Steve Lundin (786-7127).

**Background:**

A. City & town annexation procedures.

Three primary procedures exist for a city or town to annex unincorporated territory that is adjacent to a portion of the city's or town's boundaries.

Two of the procedures involve an election where voters who reside in the area proposed to be annexed vote on a ballot proposition authorizing the annexation. One of these procedures is the **resolution/election** method, where the annexation is proposed by resolution of the annexing city or town. The other of these procedures is the **petition/election** method, where the annexation is proposed by petition of voters residing in the area proposed to be annexed.

The third procedure is the **direct property owner petition** method where no election is held and the annexation occurs

if the city or town council approves the annexation and a petition proposing the annexation is signed by the owners of at least 75 percent of the value of taxable property in the area proposed to be annexed, if a non-code city or town is proposed to annex the area, or by the owners of at least 60 percent of the value of taxable property in the area proposed to be annexed, if a code city is proposed to annex the area.

B. Election limitations & information on city annexations.

The public disclosure law forbids the use of any public facilities to directly or indirectly assist the campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

However, cities and towns are authorized to provide factual public information on the effects of a pending annexation proposed for the city or town.

**Summary of Amended Bill:** Any local government may provide factual information on the effects of a pending annexation to a city or town under an election method of annexation.

A local government may not use its public facilities to promote or oppose a proposed or pending annexation to a city or town under the direct property owner petition method of annexation.

However, this restriction does not apply to the following: (1) Members of a governing body may express a collective decision to promote or oppose an annexation if the decision is taken at an open public meeting; (2) a public official may make statements promoting or opposing an annexation at an open press conference or in response to a specific inquiry; (3) public officials and employees may engage in activities that are part of the normal and regular conduct of their positions or employment; (4) a local government may generate and provide factual information on the effects of an annexation; (5) local governmental facilities may be used for forums and to distribute materials for and against an annexation; (6) employees and public facilities may be used to prepare speeches for public officials promoting or opposing an annexation; and (7) city and town employees or officials may solicit signatures on annexation petitions outside of their normal working hours if compensation or privileges is not provided for such activities and public vehicles may not be used for such activities.

A city or town may not grant reduced utility or other charges to individual property owners as a condition of

signing an annexation petition or otherwise agreeing to an annexation.

**Amended Bill Compared to Substitute Bill:** The intent section was deleted. Restrictions are placed on the use of any public facilities, instead of just city or town facilities, to promote or oppose an annexation. However, certain actions related to pending or proposed annexations are allowed.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There have been substantial abuses of the use of city resources to advocate aggressively for annexation. Individuals in areas proposed for annexation have been offered reduced utility rates in exchange for signing an annexation petition.

**Testimony Against:** The original bill could prohibit cities from providing factual information as is presently permitted by law.

**Witnesses:** (Pro): Senator Dean Sutherland, prime sponsor; and Ed Stanwood, citizen, city of Vancouver.

(Con): Dave Williams, Association of Washington Cities; Bruce Benson, city of Yakima; Tom Drummond, Meadow View Park; Bruce Hagens, Mayor, city of Vancouver; and Eric Sheals, city of Kirkland.