SENATE BILL REPORT

SB 5256

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, FEBRUARY 25, 1993

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

SPONSORS: Senators Sutherland, McCaslin and Erwin

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5256 be substituted therefor, and the substitute bill do pass.
Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 19, 1993; February 25, 1993

BACKGROUND:

The Local Governance Study Commission established in 1986 made various recommendations regarding the annexation procedures for cities. These recommendations were adopted by legislation enacted in 1989 and included a provision which authorized a city or town to provide factual information on the effects of a pending annexation. This authorization constituted an exception to the general prohibition in the Public Disclosure Act against the use of public office or facilities for the promotion of or opposition to any ballot proposition.

Notwithstanding the limited nature of this authorization, cities have sometimes used their employees, elected officials and other resources, including the granting of reduced utility rates to aggressively promote annexation activities. These actions appear to go beyond the intended scope of the authorization and result in public resources being used to advocate a political position.

SUMMARY:

A city or town may not use any public facilities, including physical resources, employees, and the granting of reduced charges for services to advocate for or against a proposed annexation.

EFFECT OF PROPOSED SUBSTITUTE:

City or town employees may advocate for or against annexations when they are not being compensated. A city or town may reduce utility charges for an entire area proposed for annexation but not on an individual basis.

Appropriation: none

Revenue: none

Fiscal Note: none requested

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:

Cities may be inhibited from even providing factual information as is presently permitted by law.

TESTIFIED: Senator Sutherland, prime sponsor (pro); Dave Williams, AWC (con)