
HOUSE BILL 1102

State of Washington

56th Legislature

1999 Regular Session

By Representative Sullivan

Read first time 01/14/1999. Referred to Committee on Local Government.

1 AN ACT Relating to annexations by public utility districts;
2 amending RCW 54.04.035 and 54.32.010; adding a new section to chapter
3 54.32 RCW; and recodifying RCW 54.04.035.

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

5 **Sec. 1.** RCW 54.04.035 and 1987 c 292 s 2 are each amended to read
6 as follows:

7 In addition to other powers authorized in Title 54 RCW, public
8 utility districts may annex territory as provided in this section.

9 (1) The boundaries of a public utility district may be enlarged
10 ~~((and new contiguous territory added pursuant to the procedures for
11 annexation by cities and towns provided in RCW 35.13.015 through
12 35.13.110. The provisions of these sections concerning community
13 municipal corporations, review boards, and comprehensive plans,
14 however, do not apply to public utility district annexations. For
15 purposes of conforming with such procedures, the public utility
16 district is deemed to be the city or town and the board of
17 commissioners is deemed to be the city or town legislative body))~~ by
18 annexing an area following any of the procedures specified in this
19 section.

1 The annexation procedures provided in this section may only be used
2 to annex ~~((territory))~~ an area that is both: ~~((1))~~ (a) Contiguous to
3 the annexing public utility district; and ~~((2))~~ (b) located within
4 the service area of the annexing public utility district. As used in
5 this section, a public utility district's "service area" means those
6 areas ~~((whether))~~ located ~~((within or))~~ outside of the annexing public
7 utility district's boundaries that were generally served with
8 electrical energy by the annexing public utility district on January 1,
9 ~~((1987))~~ 1999. ~~((Such))~~ A service area may, or may not, have been
10 recognized in an agreement made under chapter 54.48 RCW~~((, but))~~. No
11 area may be ~~((included within such service area))~~ annexed under this
12 section that was generally served with electrical energy on January 1,
13 ~~((1987))~~ 1999, by another public utility ~~((as defined in RCW~~
14 54.48.010)) district, city or town electric utility, or a privately
15 owned electrical company as defined in RCW 80.04.010. No area may be
16 annexed under this section that was served with water or sewer service
17 by another public utility district on the date the initiating petition
18 was filed or the initiating resolution was adopted. An area ~~((proposed~~
19 to)) may be annexed ~~((may be))~~ under this section that is located in
20 the same or a different county as the annexing public utility district.
21 An area may be annexed under this section that is located within the
22 boundaries of another public utility district.

23 ~~((If an area proposed to be annexed is located within the~~
24 ~~boundaries of another public utility district, annexation may be~~
25 ~~initiated only upon petition of registered voters residing in the area~~
26 ~~in accordance with RCW 35.13.020 and adoption by the boards of~~
27 ~~commissioners of both districts of identical resolutions stating (a)~~
28 ~~the boundaries of the area to be annexed, (b) a determination that~~
29 ~~annexation is in the public interest of the residents of the area to be~~
30 ~~annexed as well as the public interest of their respective districts,~~
31 ~~(c) approval of annexation by the board, (d) the boundaries of the~~
32 ~~districts after annexation, (e) the disposition of any assets of the~~
33 ~~districts in the area to be annexed, (f) the obligations to be assumed~~
34 ~~by the annexing district, (g) apportionment of election costs, and (h)~~
35 ~~that voters in the area to be annexed will be advised of lawsuits that~~
36 ~~may impose liability on the annexed territory and the possible impact~~
37 ~~of annexation on taxes and utility rates.))~~

38 (2) A ballot proposition authorizing the annexation of such an area
39 shall be submitted to voters residing in the area proposed to be

1 annexed if the proposed annexation is initiated by resolution of the
2 board of commissioners of the public utility district proposing to
3 annex the area. An initiating resolution must describe the area
4 proposed to be annexed, have a map attached outlining the area proposed
5 to be annexed, and request that a special election be called at which
6 a ballot proposition authorizing the annexation is submitted to voters
7 residing in the area for their approval or rejection. The special
8 election must be held at a special election date specified under RCW
9 29.13.010 occurring at least forty-five days after the date the
10 resolution is adopted. The annexation shall occur immediately upon the
11 certification of the election results that the ballot proposition was
12 approved by a simple majority vote of voters voting on the proposition.

13 (3) A ballot proposition authorizing the annexation of such an area
14 shall be submitted to voters residing in the area proposed to be
15 annexed if a petition proposing the annexation is certified as having
16 been signed by registered voters residing in the area proposed to be
17 annexed equal in number to at least ten percent of the number of voters
18 who voted in the area at the last state general election and the board
19 of commissioners of the public utility district that is proposed to
20 annex the area approves the annexation. An initiating petition
21 proposing the annexation must be filed with the county auditor of the
22 county in which the public utility district is located that is proposed
23 to annex the area. The petition shall describe the area proposed to be
24 annexed, request the annexation, and include space for registered
25 voters residing in the area to sign the petition, print their names,
26 and insert their residential addresses. An initiating petition must be
27 accompanied by a map outlining the area proposed to be annexed and a
28 bond in the name of the county for five thousand dollars to pay for all
29 related election costs. The county auditor shall review the
30 signatures, certify the sufficiency of the petition, and notify the
31 public utility district proposed to annex the area about the
32 sufficiency. If the petition is certified as having sufficient valid
33 signatures, a ballot proposition authorizing the annexation shall be
34 submitted to the voters of the area proposed to be annexed if the board
35 of commissioners of the public utility district adopts a resolution
36 approving the annexation. However, board approval is not necessary and
37 the ballot proposition shall be submitted directly to the voters if the
38 petition is certified as having been signed by registered voters
39 residing in the area proposed to be annexed equal in number to at least

1 twenty percent of the number of voters who voted in the area at the
2 last state general election. The ballot proposition shall be submitted
3 to voters of the area at the next state general election that occurs
4 forty-five or more days after the date the resolution is adopted or
5 certification is made that the petition was signed by registered voters
6 residing in the area proposed to be annexed equal in number to at least
7 twenty percent of the number of voters in the area who voted at the
8 last state general election. The annexation shall occur immediately
9 upon certification of the election results that the ballot proposition
10 was approved by a simple majority vote of voters voting on the
11 proposition.

12 ~~(4) If ((annexation is approved,)) the area annexed is located in~~
13 ~~another public utility district, the area shall cease to be a part of~~
14 ~~((the one)) that public utility district at the same time that it~~
15 ~~becomes a part of the ((other)) public utility district annexing the~~
16 ~~area. ((The annexing public utility district shall assume~~
17 ~~responsibility for providing the area annexed with the services~~
18 ~~provided by the other public utility district in the area annexed.))~~

19 **Sec. 2.** RCW 54.32.010 and 1931 c 1 s 10 are each amended to read
20 as follows:

21 Two or more contiguous public utility districts may become
22 consolidated into one public utility district after proceedings had as
23 required by ~~((sections 8909, 8910 and 8911, of Remington's Compiled~~
24 ~~Statutes of Washington,)) chapter 35.10 RCW: PROVIDED, That a ten
25 percent petition shall be sufficient; and public utility districts
26 shall be held to be municipal corporations within the meaning of said
27 sections, and the commission shall be held to be the legislative body
28 of the public utility district as the term legislative body is used in
29 said sections: PROVIDED, That any such consolidation shall in nowise
30 affect or impair the title to any property owned or held by any such
31 public utility district, or in trust therefor, or any debts, demands,
32 liabilities or obligations existing in favor of or against either of
33 the districts so consolidated, or any proceeding then pending:
34 PROVIDED, FURTHER, That no property within either of the former public
35 utility districts shall ever be taxed to pay any of the indebtedness of
36 either of the other such former districts.~~

37 ~~((The boundaries of any public utility district may be enlarged and~~
38 ~~new territory included therein, after proceedings had as required by~~

1 ~~section 8894 of Remington's Compiled Statutes of Washington: PROVIDED,~~
2 ~~That a ten percent petition shall be sufficient; and public utility~~
3 ~~districts shall be held to be municipal corporations within the meaning~~
4 ~~of said section, and the commission shall be held to be the legislative~~
5 ~~body of the public utility district: PROVIDED, That no property within~~
6 ~~such territory so annexed shall ever be taxed to pay any portion of any~~
7 ~~indebtedness of such public utility district contracted prior to or~~
8 ~~existing at the date of such annexation.))~~

9 In all cases wherein public utility districts of less area than an
10 entire county desire to be consolidated with a public utility district
11 including an entire county, and in all cases wherein it is desired to
12 enlarge a public utility district including an entire county, by
13 annexing a lesser area than an entire county, no election shall be
14 required to be held in the district including an entire county.

15 NEW SECTION. **Sec. 3.** RCW 54.04.035, as amended by this act, is
16 recodified as a section in chapter 54.32 RCW.

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