

# HOUSE BILL REPORT

## HB 1158

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### As Reported by House Committee On:

Local Government

Appropriations Subcommittee on General Government

**Title:** An act relating to the annexation of property owned by the state for military purposes.

**Brief Description:** Concerning the annexation of property owned by the state for military purposes.

**Sponsors:** Representatives Kirby, Green, O'Ban, Sawyer, Ryu and Morrell.

### Brief History:

#### Committee Activity:

Local Government: 1/24/13, 1/31/13 [DPS];

Appropriations Subcommittee on General Government: 2/20/13, 2/23/13, 2/25/13 [DP2S (w/o sub LG)].

#### Brief Summary of Second Substitute Bill

- Provides the Director of the Office of Financial Management with authority to file petitions to annex property owned by the state for military purposes.
- Provides the Legislature with approval or rejection of the petition for annexation which requires state expenditures within the omnibus appropriations act.

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## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Takko, Chair; Fitzgibbon, Vice Chair; Taylor, Ranking Minority Member; Kochmar, Assistant Ranking Minority Member; Buys, Liias, Springer and Upthegrove.

**Staff:** Michaela Murdock (786-7289).

### Background:

Adjutant General.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The Governor, with the advice and consent of the Senate, appoints the Adjutant General of the State of Washington. The Adjutant General is the head of the Washington Military Department (department) and oversees the department's four major operational divisions: The Army National Guard, the Air National Guard, Emergency Management, and State Services.

Duties and powers of the Adjutant General are prescribed by statute. One duty of the Adjutant General is to keep records of all real property owned or used by the state for military purposes. The Adjutant General also has sole power to execute leases to acquire the use of real property by the state for military purposes and to lease it to other agencies, and the Adjutant General has the power to execute and grant easements for rights-of-way for construction, operation, and maintenance of utility service, water, sewer, and drainage for such realty.

#### Annexation of Unincorporated Areas by Non-Code Cities.

Current law authorizes multiple methods for annexations of unincorporated areas by non-code cities and towns. The use of direct petitions for annexation is one authorized method.

Under the direct petition method authorized for non-code cities, a petition for annexation of an unincorporated area may be submitted to the legislative body of the city or town to which annexation is desired. The initiating party or parties must: (1) comprise not less than 10 percent of the residents of the area to be annexed; or (2) own not less than 10 percent, in assessed value, of the area to be annexed. The law provides that if all of the property sought to be annexed is property of a school district, the district school board may be the sole initiating party. Prior to circulating the petition for annexation, the initiating party or parties must give written notice to the city or town legislative body of the intent to commence annexation proceedings.

Direct petitions for annexation by non-code cities generally must be signed by the owners of at least 60 percent of the land value of the property proposed for annexation. Again, if all of the land sought to be annexed is property of a school district, the school district board of directors may file the petition. After a petition with the required number of signatures has been filed, the city or town legislative body must satisfy public hearing and notification requirements. If the city or town legislative body decides to annex any or all of the territory described in the petition, it must do so by adopting an ordinance that also establishes the annexation effective date.

#### Annexation of Unincorporated Areas by Code Cities.

Current law authorizes multiple methods for annexation of unincorporated areas by code cities. The use of direct petitions for annexation is one authorized method.

Under the direct petition method, the annexation process may be commenced by filing a petition signed by the property owners of the territory proposed to be annexed with the legislative body of the code city. Prior to circulating the petition, the initiating parties, which are the owners of not less than 10 percent in assessed value of the area to be annexed, must give written notice of their intent to commence annexation proceedings to the legislative body of the code city. The code city may accept, reject, or modify the proposed annexation,

and may require adoption of a proposed zoning regulation or the assumption of existing city indebtedness by the territory proposing annexation.

The annexation petition must be signed by the owners of not less than 60 percent, or in some circumstances 50 percent, in assessed value of the area to be annexed. If, after a public hearing on the annexation petition, the legislative body of the code city grants the annexation, it must do so by ordinance.

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**Summary of Substitute Bill:**

The Adjutant General may file a direct petition for annexation to have real property owned by the state for military purposes annexed to a non-code or code city or town, provided that state military property constitutes all of the property to be annexed.

Provisions governing direct petitions for annexation of unincorporated areas by non-code cities are modified to treat an adjutant general seeking annexation of state military property the same as a school district board of directors seeking annexation of school district property. Both school district property and property owned by the state for military purposes are exempt from the requirement that a percentage of residents or landowners in the area to be annexed must sign the notice and petition for annexation. However, all of the property to be annexed by the petition must be either school district or state military property, respectively.

Similar to the exemption provided for annexation by code cities, property owned by the state for military purposes is exempt from the requirement that a percentage of owners of the area to be annexed sign the notice and petition for annexation.

**Substitute Bill Compared to Original Bill:**

The substitute bill authorizes the Adjutant General to file petitions for annexation of unincorporated property owned by the state for military purposes to code cities in a manner similar to that authorized in the underlying bill for non-code cities.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The bill seeks to resolve an issue that the City of Lakewood has been dealing with for some time. Lakewood is directly adjacent to Camp Murray and Joint Base Lewis-McChord (JBLM). Lakewood would like to annex Camp Murray, which is state-owned

property situated in unincorporated Pierce County. Lakewood and Camp Murray have discussed annexation, but the law is unclear as to who has the authority to sign an annexation petition on behalf of Camp Murray. As a result, no one is willing to step forward. The Legislature needs to clarify the law so that annexations like this can move forward.

The Adjutant General is appointed by the Governor and confirmed by the Senate. Accordingly, not only does the Adjutant General seem to be an appropriate figure to vest with the authority to sign a petition for annexation, but also the Adjutant General would have oversight by and accountability to the executive branch. The City of Lakewood has no preference as to who is given the authority to sign the annexation petition; it just wants some person to have the authority.

Camp Murray is an island within Lakewood's urban growth area that is penned in by federal land, Interstate 5, and American Lake. As a result, Lakewood has been unable to expand into that portion of its urban growth area. Also, Lakewood already provides some services to Camp Murray. For example, Lakewood patrols a boat launch on state property that is isolated and dark and requires police patrolling. This job falls to Lakewood even though the area is outside of Lakewood's jurisdiction.

Currently, the Pierce County Sheriff's Office provides primary police protection to Camp Murray; however, the JBLM also provides security and Lakewood provides back-up. The JBLM provides fire protection services. Water-sewer services are, and will continue to be provided by the JBLM. Electricity, gas, cable, and telephone are provided by a number of providers and that would not change. Lakewood's utilities are also provided by a variety of providers, and Lakewood pays a utility tax. Maintaining utilities for Camp Murray and avoiding imposition of Lakewood's utility tax on Camp Murray can and will be addressed through an interlocal agreement. Negotiations between the parties have tried to make an annexation as revenue neutral as possible.

The bill would merely be an enabling statute that would authorize but not require the Adjutant General to file a petition for annexation of Camp Murray to Lakewood. Unless those parties can reach a mutually agreeable arrangement as to utilities and other matters, an annexation will not occur.

(Opposed) None.

**Persons Testifying:** Representative Kirby, prime sponsor; and Don Anderson and Dave Bugher, City of Lakewood.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by 6 members: Representatives Hudgins, Chair; Buys, Dunshee, Hunt, Pedersen and Springer.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Parker, Ranking Minority Member; Chandler and Taylor.

**Staff:** Danielle Cruver (786-7157).

**Summary of Recommendation of Committee On Appropriations Subcommittee on General Government Compared to Recommendation of Committee On Local Government:**

The Appropriations Subcommittee on General Government recommended the Director of the Office of Financial Management have authority to file a petition to have real property owned by the state for military purposes and that the Legislature must approve or reject annexation petitions that require state expenditures in the Omnibus Appropriations Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Second Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The genesis of this bill comes from the City of Lakewood. For the past five years, Lakewood has discussed the annexation of Camp Murray. A question arose as to who is the correct official to file the petition. After discussions with the Military Department and the Governor, it was decided that legislation would be required to clarify who has authority. This bill attempts to make annexation revenue neutral. The proposed amendment that changes authority to the Office of Financial Management was previously discussed and is supported by Lakewood. The city has concerns about going through the legislative process, and is happy to work with members to move the bill forward.

(Opposed) None.

**Persons Testifying:** Briahna Taylor, City of Lakewood.

**Persons Signed In To Testify But Not Testifying:** None.