
SUBSTITUTE HOUSE BILL 1158

State of Washington

63rd Legislature

2013 Regular Session

By House Local Government (originally sponsored by Representatives Kirby, Green, O'Ban, Sawyer, Ryu, and Morrell)

READ FIRST TIME 02/05/13.

1 AN ACT Relating to the annexation of property owned by the state
2 for military purposes; and amending RCW 38.12.020, 35.13.130,
3 35.13.125, and 35A.14.120.

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

5 **Sec. 1.** RCW 38.12.020 and 2009 c 21 s 1 are each amended to read
6 as follows:

7 The adjutant general shall:

8 (1) Subject to the orders of the commander-in-chief, command the
9 Washington national guard and recruit, train, maintain, and administer
10 the organized militia of the state of Washington.

11 (2) Supervise the preparation and submission of any records
12 required by the federal government, the governor, or as otherwise
13 required by law.

14 (3) Maintain records of the organized militia and state military
15 department as required by law. The adjutant general shall deposit
16 records with the state archivist for historical purposes.

17 (4) Cause to be published and distributed to the organized militia
18 at state expense necessary documents or publications, to include the
19 Washington code of military justice.

1 (5) Keep just and true accounts of all moneys received and
2 disbursed by the military department.

3 (6) Attest all commissions issued to military officers of this
4 state.

5 (7) Be the custodian of the seal of the office of adjutant general
6 and deliver the same to his or her successor. All orders issued from
7 the office of the adjutant general shall be authenticated with the
8 seal. Orders or records under the seal shall be prima facie proof of
9 certification or authenticity.

10 (8) Promulgate in orders such regulations pertaining to the
11 operation and function of the state military department and organized
12 militia, as in his or her opinion the conditions demand.

13 (9) Attend to the care, preservation, safekeeping, and repairing of
14 all military property belonging to the state, or issued to the state by
15 the United States for military purposes. Any property of the state
16 military department which, after proper inspection, is found unsuitable
17 or no longer needed for use of the organized militia shall be disposed
18 of in such manner as the governor shall direct and the proceeds thereof
19 used for replacements in kind or by other needed authorized military
20 supplies, and the adjutant general may execute the necessary
21 instruments of conveyance to effect such sale or disposal.

22 (10) Issue the military property as the necessity of service
23 requires and make purchases for that purpose.

24 (11) Be the custodian of all military relics, trophies, colors, and
25 histories now in possession of, or which may be acquired by, the state.

26 (12) Keep a record of all real property owned or used by the state
27 for military purposes, and in connection therewith he or she shall have
28 sole power to execute all leases to acquire the use of real property by
29 the state for military purposes, or lease it to other agencies for use
30 for authorized activities. The adjutant general shall also have full
31 power to execute and grant easements for rights-of-way for
32 construction, operation, and maintenance of utility service, water,
33 sewage, ~~((and))~~ drainage for such realty, and to file a petition under
34 RCW 35.13.125, 35.13.130, and 35A.14.120 to have real property owned by
35 the state for military purposes annexed to a city or town if that
36 property constitutes the whole of the property in the annexation
37 petition.

1 **Sec. 2.** RCW 35.13.130 and 2009 c 60 s 3 are each amended to read
2 as follows:

3 A petition for annexation of an area contiguous to a city or town
4 may be made in writing addressed to and filed with the legislative body
5 of the municipality to which annexation is desired. Except where all
6 the property sought to be annexed is property of a school district, and
7 the school directors thereof file the petition for annexation as in RCW
8 28A.335.110 authorized, or all the property sought to be annexed is
9 owned by the state for military purposes, and the adjutant general
10 files a petition for annexation as authorized in RCW 38.12.020, the
11 petition must be signed by the owners of not less than sixty percent in
12 value according to the assessed valuation for general taxation of the
13 property for which annexation is petitioned: PROVIDED, That in cities
14 and towns with populations greater than one hundred sixty thousand
15 located east of the Cascade mountains, the owner of tax exempt property
16 may sign an annexation petition and have the tax exempt property
17 annexed into the city or town, but the value of the tax exempt property
18 shall not be used in calculating the sufficiency of the required
19 property owner signatures unless only tax exempt property is proposed
20 to be annexed into the city or town. The petition shall set forth a
21 description of the property according to government legal subdivisions
22 or legal plats which is in compliance with RCW 35.02.170, and shall be
23 accompanied by a plat which outlines the boundaries of the property
24 sought to be annexed. If the legislative body has required the
25 assumption of all or of any portion of city or town indebtedness by the
26 area annexed, and/or the adoption of a comprehensive plan for the area
27 to be annexed, these facts, together with a quotation of the minute
28 entry of such requirement or requirements shall be set forth in the
29 petition.

30 **Sec. 3.** RCW 35.13.125 and 1990 c 33 s 565 are each amended to read
31 as follows:

32 Proceedings for the annexation of territory pursuant to RCW
33 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be
34 commenced as provided in this section. Prior to the circulation of a
35 petition for annexation, the initiating party or parties who, except as
36 provided in RCW 28A.335.110 and 38.12.020, shall be either not less
37 than ten percent of the residents of the area to be annexed or the

1 owners of not less than ten percent in value, according to the assessed
2 valuation for general taxation of the property for which annexation is
3 petitioned, shall notify the legislative body of the city or town in
4 writing of their intention to commence annexation proceedings. The
5 legislative body shall set a date, not later than sixty days after the
6 filing of the request, for a meeting with the initiating parties to
7 determine whether the city or town will accept, reject, or
8 geographically modify the proposed annexation, whether it shall require
9 the simultaneous adoption of the comprehensive plan if such plan has
10 been prepared and filed for the area to be annexed as provided for in
11 RCW 35.13.177 and 35.13.178, and whether it shall require the
12 assumption of all or of any portion of existing city or town
13 indebtedness by the area to be annexed. If the legislative body
14 requires the assumption of all or of any portion of indebtedness and/or
15 the adoption of a comprehensive plan, it shall record this action in
16 its minutes and the petition for annexation shall be so drawn as to
17 clearly indicate this fact. There shall be no appeal from the decision
18 of the legislative body.

19 **Sec. 4.** RCW 35A.14.120 and 1989 c 351 s 6 are each amended to read
20 as follows:

21 Proceedings for initiating annexation of unincorporated territory
22 to a charter code city or noncharter code city may be commenced by the
23 filing of a petition of property owners of the territory proposed to be
24 annexed or, where all of the property sought to be annexed is owned by
25 the state for military purposes, by the filing of a petition of the
26 adjutant general as authorized in RCW 38.12.020 in the following
27 manner. This method of annexation shall be alternative to other
28 methods provided in this chapter. Prior to the circulation of a
29 petition for annexation, the initiating party or parties, who, except
30 as provided in RCW 38.12.020, shall be the owners of not less than ten
31 percent in value, according to the assessed valuation for general
32 taxation of the property for which annexation is sought, shall notify
33 the legislative body of the code city in writing of their intention to
34 commence annexation proceedings. The legislative body shall set a
35 date, not later than sixty days after the filing of the request, for a
36 meeting with the initiating parties to determine whether the code city
37 will accept, reject, or geographically modify the proposed annexation,

1 whether it shall require the simultaneous adoption of a proposed zoning
2 regulation, if such a proposal has been prepared and filed for the area
3 to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, and
4 whether it shall require the assumption of all or of any portion of
5 existing city indebtedness by the area to be annexed. If the
6 legislative body requires the assumption of all or of any portion of
7 indebtedness and/or the adoption of a proposed zoning regulation, it
8 shall record this action in its minutes and the petition for annexation
9 shall be so drawn as to clearly indicate these facts. Approval by the
10 legislative body shall be a condition precedent to circulation of the
11 petition. There shall be no appeal from the decision of the
12 legislative body. A petition for annexation of an area contiguous to
13 a code city may be filed with the legislative body of the municipality
14 to which annexation is desired. It must be signed by the owners, as
15 defined by RCW 35A.01.040(9) (a) through (d), of not less than sixty
16 percent in value, according to the assessed valuation for general
17 taxation of the property for which annexation is petitioned or, where
18 all of the property sought to be annexed is owned by the state for
19 military purposes, by the adjutant general as authorized in RCW
20 38.12.020: PROVIDED, That a petition signed by property owners for
21 annexation of an area having at least eighty percent of the boundaries
22 of such area contiguous with a portion of the boundaries of the code
23 city, not including that portion of the boundary of the area proposed
24 to be annexed that is coterminous with a portion of the boundary
25 between two counties in this state, need be signed by only the owners
26 of not less than fifty percent in value according to the assessed
27 valuation for general taxation of the property for which the annexation
28 is petitioned. Such petition shall set forth a description of the
29 property according to government legal subdivisions or legal plats and
30 shall be accompanied by a map which outlines the boundaries of the
31 property sought to be annexed. If the legislative body has required
32 the assumption of all or any portion of city indebtedness by the area
33 annexed or the adoption of a proposed zoning regulation, these facts,
34 together with a quotation of the minute entry of such requirement, or
35 requirements, shall also be set forth in the petition.

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