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SENATE BILL 5068

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Conway and Shin

Read first time 01/17/13. Referred to Committee on Governmental Operations .

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, and  
3 35.13.125.

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 and 35.13.130 to have real property owned by the state  
35 for military purposes annexed to a city or town if that property  
36 constitutes the whole of the property in the annexation 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.

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