
HOUSE BILL 1848

State of Washington

64th Legislature

2015 Regular Session

By Representative Schmick

Read first time 01/30/15. Referred to Committee on Local Government.

1 AN ACT Relating to requiring voter approval for direct petition
2 annexations; and amending RCW 35A.14.140, 35A.14.150, 35A.14.440, and
3 35A.14.450.

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

5 **Sec. 1.** RCW 35A.14.140 and 1986 c 234 s 31 are each amended to
6 read as follows:

7 (1) Following the hearing, if the legislative body determines to
8 ((effect)) proceed with the annexation, they ((shall do so by
9 ordinance. Subject to RCW 35.02.170, the ordinance may annex all or
10 any portion of the proposed area but may not include in the
11 annexation any property not described in the petition. Upon passage
12 of the annexation ordinance a certified copy shall be filed with the
13 board of county commissioners of the county in which the annexed
14 property is located)) must call for the question of annexation to be
15 decided by the voters of the proposed area in a general or special
16 election conducted in accordance with this section and general
17 election law. The area subject to the annexation proposal and
18 election may include all or any portion of the area described in the
19 petition, but may not include any property not described in the
20 petition.

1 (2) Notice of an election under this section must describe the
2 boundaries of the area proposed to be annexed. The notice must be
3 posted for at least two weeks prior to the date of election in four
4 public places within the area proposed to be annexed, and published
5 at least once a week for two weeks prior to the date of election in a
6 newspaper of general circulation within the limits of the territory
7 proposed to be annexed. The notice must be in addition to notice
8 required by general election law.

9 (3)(a) The ballot measures must be submitted so as to enable
10 voters favoring the annexation proposal, including any provisions
11 related to the assumption of indebtedness, the simultaneous adoption
12 of a proposed zoning regulation, or both, to vote "Yes" and those
13 opposed to vote "No."

14 (b) The annexation proposal, including any provisions related to
15 the assumption of indebtedness, the simultaneous adoption of a
16 proposed zoning regulation, or both, may be authorized only if:

17 (i) The proposal is approved by at least three-fifths of the
18 voters of the area proposed to be annexed voting on the measure; and

19 (ii) The number of persons voting on the measure constitutes at
20 least forty percent of the total number of votes cast in the area at
21 the preceding general election.

22 **Sec. 2.** RCW 35A.14.150 and 1979 ex.s. c 124 s 9 are each amended
23 to read as follows:

24 (1) If, in accordance with RCW 35A.14.140, the annexation
25 proposal is approved by the voters voting on the measure, the
26 legislative body of the annexing city must adopt an ordinance
27 providing for the annexation, including any provisions related to the
28 assumption of indebtedness, the simultaneous adoption of a proposed
29 zoning regulation, or both.

30 (2) Upon the date fixed in the ordinance of annexation, a
31 certified copy of which must be filed with the legislative body of
32 the county in which the annexed property is located, the area annexed
33 ((shall)) must become part of the city. All property within the
34 territory hereafter annexed ((shall)) must, if the annexation
35 petition so provided, be assessed and taxed at the same rate and on
36 the same basis as the property of such annexing code city is assessed
37 and taxed to pay for the portion of any then-outstanding indebtedness
38 of the city to which said area is annexed, which indebtedness has
39 been approved by the voters, contracted for, or incurred prior to, or

1 existing at, the date of annexation and that the city has required to
2 be assumed. If the annexation petition so provided, all property in
3 the annexed area (~~shall~~) must be subject to and a part of the
4 proposed zoning regulation as prepared and filed as provided for in
5 RCW 35A.14.330 and 35A.14.340.

6 **Sec. 3.** RCW 35A.14.440 and 2003 c 331 s 12 are each amended to
7 read as follows:

8 (1) Following the hearing, if the legislative body determines to
9 (~~effect~~) ~~proceed with~~ the annexation, they (~~shall do so by~~
10 ~~ordinance. Subject to RCW 35A.14.410, the ordinance may annex all or~~
11 ~~any portion of the proposed area but may not include in the~~
12 ~~annexation any property not described in the petition. Upon passage~~
13 ~~of the annexation ordinance, a certified copy shall be filed with the~~
14 ~~board of county commissioners of the county in which the annexed~~
15 ~~property is located~~) must call for the question of annexation to be
16 decided by the voters of the proposed area in a general or special
17 election conducted in accordance with this section and general
18 election law. The area subject to the annexation proposal and
19 election may include all or any portion of the area described in the
20 petition, but may not include any property not described in the
21 petition.

22 (2) Notice of an election under this section must describe the
23 boundaries of the area proposed to be annexed. The notice must be
24 posted for at least two weeks prior to the date of election in four
25 public places within the area proposed to be annexed, and published
26 at least once a week for two weeks prior to the date of election in a
27 newspaper of general circulation within the limits of the territory
28 proposed to be annexed. The notice must be in addition to notice
29 required by general election law.

30 (3)(a) The ballot measures must be submitted so as to enable
31 voters favoring the annexation proposal, including any provisions
32 related to the assumption of indebtedness, the simultaneous adoption
33 of a proposed zoning regulation, or both, to vote "Yes" and those
34 opposed to vote "No."

35 (b) The annexation proposal, including any provisions related to
36 the assumption of indebtedness, the simultaneous adoption of a
37 proposed zoning regulation, or both, may be authorized only if:

38 (i) The proposal is approved by at least three-fifths of the
39 voters of the area proposed to be annexed voting on the measure; and

1 (ii) The number of persons voting on the measure constitutes at
2 least forty percent of the total number of votes cast in the area at
3 the preceding general election.

4 **Sec. 4.** RCW 35A.14.450 and 2003 c 331 s 13 are each amended to
5 read as follows:

6 (1) If, in accordance with RCW 35A.14.440, the annexation
7 proposal is approved by the voters voting on the measure, the
8 legislative body of the annexing city must adopt an ordinance
9 providing for the annexation, including any provisions related to the
10 assumption of indebtedness, the simultaneous adoption of a proposed
11 zoning regulation, or both.

12 (2) Upon the date fixed in the ordinance of annexation, a
13 certified copy of which must be filed with the legislative body of
14 the county in which the annexed property is located, the area annexed
15 ((shall)) must become part of the city. All property within the
16 annexed territory ((shall)) must, if the annexation petition so
17 provided, be assessed and taxed at the same rate and on the same
18 basis as the property of the annexing code city is assessed and taxed
19 to pay for the portion of any then-outstanding indebtedness of the
20 city to which the area is annexed, which indebtedness has been
21 approved by the voters, contracted for, or incurred before, or
22 existing at, the date of annexation and that the city has required to
23 be assumed. If the annexation petition so provided, all property in
24 the annexed area ((shall)) must be subject to and a part of the
25 proposed zoning regulation as prepared and filed as provided for in
26 RCW 35A.14.330 and 35A.14.340.

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