

Washington State Patrol rule-making authority before the bill takes effect on July 1, 1990.

With the exception of section 3, Second Substitute Senate Bill No. 5375 is approved."

CHAPTER 351

[Substitute House Bill No. 1251]

ANNEXATIONS FOR MUNICIPAL PURPOSES

AN ACT Relating to annexation for municipal purposes; amending RCW 35.13.020, 35.13.060, 35.13.125, 35A.14.020, 35A.14.050, 35A.14.120, and 35.13.165; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and repealing RCW 35.13.025.

Be it enacted by the Legislature of the State of Washington:

***Sec. 1. Section 35.13.020, chapter 7, Laws of 1965 as last amended by section 3, chapter 332, Laws of 1981 and RCW 35.13.020 are each amended to read as follows:**

A petition for an election to vote upon the annexation of a portion of a county or counties to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last general state election ((may)) shall be filed ((in the office of the board of county commissioners: PROVIDED, That any such petition shall first be submitted to the prosecuting attorney who shall, within twenty-one days after submission, certify or refuse to certify the petition as set forth in RCW 35.13.025)) with the auditor of the county in which all, or the greatest portion, of the territory is located and a copy shall be filed with the legislative body of the city or town. If the territory is located in more than a single county, the auditor of the county with whom the petition is filed shall act as the lead auditor and transmit a copy of the petition to the auditor of each other county within which a portion of the territory is located. The auditor or auditors shall examine the petition, and the auditor or lead auditor shall certify the sufficiency of the petition to the legislative authority of the city or town.

If the ((prosecuting attorney)) auditor or lead auditor certifies the petition((, it shall be filed with the legislative body of the city or town to which the annexation is proposed, and such)) as containing sufficient valid signatures the legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. The petition may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to

be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Only after the legislative body has completed preparation and filing of a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the legislative body in approving the proposed action, may require that the comprehensive plan be simultaneously adopted upon approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to ~~((the filing of such petition with the board of county commissioners as hereinafter provided))~~ further proceedings upon the petition. The costs of conducting such election shall be a charge against the city or town concerned. The proposition or questions provided for in this section may be submitted to the voters either separately or as a single proposition.

*Sec. 1 was vetoed, see message at end of chapter.

Sec. 2. Section 35.13.060, chapter 7, Laws of 1965 as amended by section 6, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.060 are each amended to read as follows:

Upon granting the petition under the twenty percent annexation petition under the election method, and after the auditor has certified the petition as being sufficient, the ~~((board of county commissioners shall fix a date for the annexation election, which must be not less than thirty nor more than sixty days thereafter))~~ legislative body of the city or town shall indicate to the county auditor its preference for the date of the election on the annexation to be held, which shall be one of the dates for special elections provided under RCW 29.13.020 that is sixty or more days after the date the preference is indicated. The county auditor shall call the special election at the special election date indicated by the city or town.

Sec. 3. Section 35.13.125, chapter 7, Laws of 1965 as amended by section 11, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.125 are each amended to read as follows:

Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who, except as provided in RCW 28A.58.044, shall be either not less than ten percent of the residents of the area to be annexed or the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town

will accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of the comprehensive plan if such plan has been prepared and filed for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it shall require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption ~~((of))~~ of all or of any portion of indebtedness and/or the adoption of a comprehensive plan, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

Sec. 4. Section 35A.14.020, chapter 119, Laws of 1967 ex. sess. as last amended by section 6, chapter 332, Laws of 1981 and RCW 35A.14.020 are each amended to read as follows:

When a petition ~~((which))~~ is sufficient under the rules set forth in RCW 35A.01.040 ~~((is filed with the prosecuting attorney))~~, calling for an election to vote upon the annexation of unincorporated territory contiguous to a code city, describing the boundaries of the area proposed to be annexed, stating the number of voters therein as nearly as may be, and signed by qualified electors resident in such territory equal in number to ten percent of the votes cast at the last state general election therein, ~~((the prosecuting attorney shall, within twenty-one days after submission, certify or refuse to certify the petition as set forth in RCW 35.13.025. If the prosecuting attorney certifies the petition;))~~ it shall be ~~((transmitted to))~~ filed with the auditor of the county in which all, or the greatest portion, of the territory is located, and a copy of the petition shall be filed with the legislative body of the code city. If the territory is located in more than a single county, the auditor of the county with whom the petition is filed shall act as the lead auditor and transmit a copy of the petition to the auditor of each other county within which a portion of the territory is located. The auditor or auditors shall examine the petition, and the auditor or lead auditor shall certify the sufficiency of the petition to the legislative authority of the code city.

If the signatures on the petition are ~~((determined by the city clerk to be))~~ certified as containing sufficient valid signatures, the city ~~((clerk shall file with the legislative body thereof a certificate of sufficiency of the petition;))~~ legislative authority shall, by resolution entered within sixty days thereafter, ((the legislative body shall, by resolution;)) notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35A.14.040 to be published, of its approval or rejection of the proposed action. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to

pay for all or any portion of the then-outstanding indebtedness of the city to which said area is annexed, which indebtedness has been approved by the voters, contracted for, or incurred prior to, or existing at, the date of annexation. Only after the legislative body has completed preparation and filing of a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the legislative body in approving the proposed action, may require that the proposed zoning regulation be simultaneously adopted upon the approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to further proceedings upon the petition. The costs of conducting the election called for in the petition shall be a charge against the city concerned. The proposition or questions provided for in this section may be submitted to the voter either separately or as a single proposition.

Sec. 5. Section 35A.14.050, chapter 119, Laws of 1967 ex. sess. as last amended by section 30, chapter 234, Laws of 1986 and RCW 35A.14.050 are each amended to read as follows:

After consideration of the proposed annexation as provided in RCW 35A.14.200, the county annexation review board, within thirty days after the final day of hearing, shall take one of the following actions:

(1) Approval of the proposal as submitted.

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to include or exclude territory; except that any such inclusion of territory shall not increase the total area of territory proposed for annexation by an amount exceeding the original proposal by more than five percent: PROVIDED, That the county annexation review board shall not adjust boundaries to include territory not included in the original proposal without first affording to residents and property owners of the area affected by such adjustment of boundaries an opportunity to be heard as to the proposal.

(3) Disapproval of the proposal.

The written decision of the county annexation review board shall be filed with the board of county commissioners and with the legislative body of the city concerned. If the annexation proposal is modified by the county annexation review board, such modification shall be fully set forth in the written decision. If the decision of the boundary review board or the county annexation review board is favorable to the annexation proposal, or the proposal as modified by the review board, the ~~((board of county commissioners;))~~ legislative body of the city at its next regular meeting if to be held within thirty days after receipt of the decision of the boundary review board or the county annexation review board, or at a special meeting to be held within that period, shall ~~((set a))~~ indicate to the county auditor its preference for a special election date for submission of such annexation proposal, with any modifications made by the review board, to the voters of the territory proposed to be annexed. ~~((The question shall be submitted at a general~~

~~election if one is to be held within ninety days, or at a special election called for that purpose not less than forty-five days nor more than ninety days after the filing of the decision of the review board with the board of county commissioners:))~~ The special election date that is so indicated shall be one of the dates for special elections provided under RCW 29.13.020 that is sixty or more days after the date the preference is indicated. The county legislative authority shall call the special election at the special election date so indicated by the city. If the boundary review board or the county annexation review board disapproves the annexation proposal, no further action shall be taken thereon, and no proposal for annexation of the same territory, or substantially the same as determined by the board, shall be initiated or considered for twelve months thereafter.

Sec. 6. Section 35A.14.120, chapter 119, Laws of 1967 ex. sess. as amended by section 8, chapter 124, Laws of 1979 ex. sess. and RCW 35A.14.120 are each amended to read as follows:

Proceedings for initiating annexation of unincorporated territory to a charter code city or noncharter code city may be commenced by the filing of a petition of property owners of the territory proposed to be annexed, in the following manner. This method of annexation shall be alternative to other methods provided in this chapter. Prior to the circulation of a petition for annexation, the initiating party or parties, who shall be the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is sought, shall notify the legislative body of the code city in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the code city will accept, reject, or geographically modify the proposed annexation, whether it shall require the simultaneous adoption of a proposed zoning regulation, if such a proposal has been prepared and filed for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, and whether it shall require the assumption of all or of any portion of existing city indebtedness by the area to be annexed. If the legislative body requires the assumption of all or of any portion of indebtedness and/or the adoption of a proposed zoning regulation, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate these facts. Approval by the legislative body shall be a condition precedent to circulation of the petition. There shall be no appeal from the decision of the legislative body. A petition for annexation of an area contiguous to a code city may be filed with the legislative body of the municipality to which annexation is desired. It must be signed by the owners, as defined by RCW 35A.01.040 (9)(a) through (d), of not less than ~~((seventy-five))~~ sixty percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned: PROVIDED, That a petition for annexation of an area having at

least eighty percent of the boundaries of such area contiguous with a portion of the boundaries of the code city, not including that portion of the boundary of the area proposed to be annexed that is coterminous with a portion of the boundary between two counties in this state, need be signed by only the owners of not less than fifty percent in value according to the assessed valuation for general taxation of the property for which the annexation is petitioned. Such petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a map which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or any portion of city indebtedness by the area annexed or the adoption of a proposed zoning regulation, these facts, together with a quotation of the minute entry of such requirement, or requirements, shall also be set forth in the petition.

Sec. 7. Section 2, chapter 332, Laws of 1981 and RCW 35.13.165 are each amended to read as follows:

At any time before the date is set for an annexation election under RCW 35.13.060 or 35.13.174, all further proceedings to annex shall be terminated upon the filing of verified declarations of termination signed by:

- (1) Owners of real property consisting of at least ~~((seventy-five))~~ sixty percent of the assessed valuation in the area proposed to be annexed; or
- (2) ~~((Seventy-five))~~ Sixty percent of the owners of real property in the area proposed to be annexed.

As used in this subsection, the term "owner" shall include individuals and corporate owners. In determining who is a real property owner for purposes of this section, all owners of a single parcel shall be considered as one owner. No owner may be entitled to sign more than one declaration of termination.

Following the termination of such proceedings, no other petition for annexation affecting any portion of the same property may be considered by any government body for a period of five years from the date of filing.

The provisions of this section shall apply only to cities with a population greater than four hundred thousand.

NEW SECTION. Sec. 8. A new section is added to chapter 35.13 RCW to read as follows:

A city or town can provide factual public information on the effects of a pending annexation proposed for the city or town.

NEW SECTION. Sec. 9. A new section is added to chapter 35A.14 RCW to read as follows:

A code city can provide factual public information on the effects of pending annexation proposed for the code city.

NEW SECTION. Sec. 10. Section 1, chapter 332, Laws of 1981 and RCW 35.13.025 are each repealed.

Passed the House April 23, 1989.

Passed the Senate April 14, 1989.

Approved by the Governor May 12, 1989, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 12, 1989.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 1, Substitute House Bill No. 1251 entitled:

"AN ACT Relating to annexation for municipal purposes."

Substitute House Bill No. 1251 resulted from recommendations of the Local Governance Study Commission. The Commission found that Washington has comparatively restrictive annexation procedures, and that the problems of providing services to citizens in high-density unincorporated areas result in part from those restrictive procedures. The purpose of Substitute House Bill No. 1251 is to improve municipal annexation procedures and facilitate annexation of urbanized land. That is a laudable goal and one that I fully endorse.

A portion of section 1 of the bill, which resulted from an amendment to the original bill, would have the effect of increasing the number of signatures necessary at certain times to initiate an annexation under the petition/election method for a non-code city or town. That is contrary to the overall purpose of the legislation and the recommendations of the Local Governance Study Commission.

With the exception of section 1, Substitute House Bill No. 1251 is approved."

CHAPTER 352

[House Bill No. 1478]

BOARD OF PHARMACY—POWERS AND DUTIES

AN ACT Relating to the board of pharmacy; amending RCW 18.64.044, 18.64.245, 18.64.080, 18.64.165, and 69.41.020; reenacting and amending RCW 42.17.310; and adding new sections to chapter 69.41 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 17, chapter 90, Laws of 1979 as last amended by section 5, chapter 153, Laws of 1984 and RCW 18.64.044 are each amended to read as follows:

(1) A shopkeeper registered ((or exempt from registration)) as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer. ((Shopkeepers with fifteen or fewer drugs shall be exempt from the registration requirements of this section and shall not be required to pay any fees required by this section, but shall be considered shopkeepers for any other purposes under chapter 18.64 RCW.))

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the