

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1769

67th Legislature
2022 Regular Session

Passed by the House February 12, 2022
Yeas 71 Nays 27

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2022
Yeas 31 Nays 17

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1769** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1769

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Duerr, Springer, Fitzgibbon, Gregerson, Walen, Macri, and Slatter

Prefiled 01/05/22. Read first time 01/10/22. Referred to Committee on Local Government.

1 AN ACT Relating to community municipal corporations; amending RCW
2 35.14.060, 35.13.015, 35.13.020, 35.13.030, 35.13.080, 35.13.090,
3 35.13.100, and 35.13.110; repealing RCW 35.14.020, 35.14.030,
4 35.14.040, 35.14.050, 35.14.060, 35A.14.025, 35.14.010, and
5 35.10.540; and providing an effective date.

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

7 **Sec. 1.** RCW 35.14.060 and 2009 c 549 s 2013 are each amended to
8 read as follows:

9 The ~~((original))~~ terms of existence of any community municipal
10 corporation shall be for ~~((at least))~~ four years ~~((and until the~~
11 ~~first Monday in January next following a regular municipal election~~
12 ~~held in the city))~~ or until 30 days after the effective date of this
13 section, whichever is sooner.

14 ~~((Any such community municipal corporation may be continued~~
15 ~~thereafter for additional periods of four years' duration with the~~
16 ~~approval of the voters at an election held and conducted in the~~
17 ~~manner provided for in this section.~~

18 ~~Authorization for a community municipal corporation to continue~~
19 ~~its term of existence for each additional period of four years may be~~
20 ~~initiated pursuant to a resolution or a petition in the following~~
21 ~~manner:~~

1 ~~(1) A resolution praying for such continuation may be adopted by~~
2 ~~the community council and shall be filed not less than seven months~~
3 ~~prior to the end of the term of existence of such corporation with~~
4 ~~the city council or other legislative body of the city in which the~~
5 ~~service area is located.~~

6 ~~(2) A petition for continuation shall be signed by at least ten~~
7 ~~percent of the registered voters residing within the service area and~~
8 ~~shall be filed not less than six months prior to the end of the term~~
9 ~~of existence of such corporation with the city council or other~~
10 ~~legislative body of the city in which the service area is located.~~

11 ~~At the same election at which a proposition is submitted to the~~
12 ~~voters of the service area for the continuation of the community~~
13 ~~municipal corporation for an additional period of four years, the~~
14 ~~community councilmembers of such municipal corporation shall be~~
15 ~~elected. The positions on such council shall be the same in number as~~
16 ~~the original or initial council and shall be numbered consecutively~~
17 ~~and elected at large. Declarations of candidacy and withdrawals shall~~
18 ~~be in the same manner as is provided for members of the city council~~
19 ~~or other legislative body of the city.~~

20 ~~Upon receipt of a petition, the city clerk shall examine the~~
21 ~~signatures thereon and certify to the sufficiency thereof. No person~~
22 ~~may withdraw his or her name from a petition after it has been filed.~~

23 ~~Upon receipt of a valid resolution or upon duly certifying a~~
24 ~~petition for continuation of a community municipal corporation, the~~
25 ~~city clerk with whom the resolution or petition was filed shall cause~~
26 ~~a proposition on continuation of the term of existence of the~~
27 ~~community municipal corporation to be placed on the ballot at the~~
28 ~~next city general election. No person shall be eligible to vote on~~
29 ~~such proposition at such election unless he or she is a qualified~~
30 ~~voter and resident of the service area.~~

31 ~~The ballots shall contain the words "For continuation of~~
32 ~~community municipal corporation" and "Against continuation of~~
33 ~~community municipal corporation" or words equivalent thereto, and~~
34 ~~shall also contain the names of the candidates to be voted for to~~
35 ~~fill the positions on the community council. The names of all~~
36 ~~candidates to be voted upon shall be printed on the ballot~~
37 ~~alphabetically in groups under the numbered position on the council~~
38 ~~for which they are candidates.~~

39 ~~If the results of the election as certified by the county~~
40 ~~canvassing board reveal that a majority of the votes cast are for~~

1 ~~continuation, the municipal corporation shall continue in existence~~
2 ~~for an additional period of four years, and certificates of election~~
3 ~~shall be issued to the successful candidates who shall assume office~~
4 ~~at the same time as members of the city council or other legislative~~
5 ~~body of the city.))~~

6 **Sec. 2.** RCW 35.13.015 and 1975 1st ex.s. c 220 s 6 are each
7 amended to read as follows:

8 In addition to the method prescribed by RCW 35.13.020 for the
9 commencement of annexation proceedings, the legislative body of any
10 city or town may, whenever it shall determine by resolution that the
11 best interests and general welfare of such city or town would be
12 served by the annexation of unincorporated territory contiguous to
13 such city or town, file a certified copy of the resolution with the
14 board of county commissioners of the county in which said territory
15 is located. The resolution of the city or town initiating such
16 election shall, subject to RCW 35.02.170, describe the boundaries of
17 the area to be annexed, as nearly as may be state the number of
18 voters residing therein, pray for the calling of an election to be
19 held among the qualified voters therein upon the question of
20 annexation, and provide that said city or town will pay the cost of
21 the annexation election. The resolution may require that there also
22 be submitted to the electorate of the territory sought to be annexed
23 a proposition that all property within the area annexed shall, upon
24 annexation, be assessed and taxed at the same rate and on the same
25 basis as the property of such annexing city or town is assessed and
26 taxed to pay for all or any portion of the then outstanding
27 indebtedness of the city or town to which said area is annexed,
28 approved by the voters, contracted, or incurred prior to, or existing
29 at, the date of annexation. Whenever a city or town has prepared and
30 filed a comprehensive plan for the area to be annexed as provided for
31 in RCW 35.13.177 and 35.13.178, the resolution initiating the
32 election may also provide for the simultaneous adoption of the
33 comprehensive plan upon approval of annexation by the electorate of
34 the area to be annexed. (~~The resolution initiating the election may~~
35 ~~also provide for the simultaneous creation of a community municipal~~
36 ~~corporation and election of community councilmembers as provided for~~
37 ~~in RCW 35.14.010 through 35.14.060 upon approval of annexation by the~~
38 ~~electorate of the area to be annexed. In cities under the optional~~
39 ~~municipal code the resolution initiating the election may also~~

1 ~~provide for the simultaneous inclusion of the annexed area into a~~
2 ~~named existing community municipal corporation. The proposition for~~
3 ~~the creation of a community municipal corporation may be submitted as~~
4 ~~part of the annexation proposition or may be submitted as a separate~~
5 ~~proposition. The proposition for inclusion within a named existing~~
6 ~~community municipal corporation shall be submitted as part of the~~
7 ~~annexation proposition.))~~

8 **Sec. 3.** RCW 35.13.020 and 1981 c 332 s 3 are each amended to
9 read as follows:

10 A petition for an election to vote upon the annexation of a
11 portion of a county to a contiguous city or town signed by qualified
12 voters resident in the area equal in number to twenty percent of the
13 votes cast at the last election may be filed in the office of the
14 board of county commissioners(~~(:~~ ~~PROVIDED, That any such petition~~
15 ~~shall first be submitted to the prosecuting attorney who shall,~~
16 ~~within twenty-one days after submission, certify or refuse to certify~~
17 ~~the petition as set forth in RCW 35.13.025. If the prosecuting~~
18 ~~attorney certifies the petition, it)).~~ The petition shall be filed
19 with the legislative body of the city or town to which the annexation
20 is proposed, and such legislative body shall, by resolution entered
21 within sixty days from the date of presentation, notify the
22 petitioners, either by mail or by publication in the same manner
23 notice of hearing is required by RCW 35.13.040 to be published, of
24 its approval or rejection of the proposed action. ~~((The petition may~~
25 ~~also provide for the simultaneous creation of a community municipal~~
26 ~~corporation and election of community councilmembers as provided for~~
27 ~~in RCW 35.14.010 through 35.14.060.))~~ In approving the proposed
28 action, the legislative body may require that there also be submitted
29 to the electorate of the territory to be annexed, a proposition that
30 all property within the area to be annexed shall, upon annexation be
31 assessed and taxed at the same rate and on the same basis as the
32 property of such annexing city or town is assessed and taxed to pay
33 for all or any portion of the then outstanding indebtedness of the
34 city or town to which said area is annexed, approved by the voters,
35 contracted, or incurred prior to, or existing at, the date of
36 annexation. Only after the legislative body has completed preparation
37 and filing of a comprehensive plan for the area to be annexed as
38 provided for in RCW 35.13.177 and 35.13.178, the legislative body in
39 approving the proposed action, may require that the comprehensive

1 plan be simultaneously adopted upon approval of annexation by the
2 electorate of the area to be annexed. The approval of the legislative
3 body shall be a condition precedent to the filing of such petition
4 with the board of county commissioners as hereinafter provided. The
5 costs of conducting such election shall be a charge against the city
6 or town concerned. The proposition or questions provided for in this
7 section may be submitted to the voters either separately or as a
8 single proposition.

9 **Sec. 4.** RCW 35.13.030 and 1975 1st ex.s. c 220 s 7 are each
10 amended to read as follows:

11 A petition filed with the county commissioners to call an
12 annexation election shall, subject to RCW 35.02.170, particularly
13 describe the boundaries of the area proposed to be annexed, state the
14 number of voters residing therein as nearly as may be, state the
15 provisions, if any there be, relating to assumption of debt by the
16 owners of property of the area proposed to be annexed, and/or the
17 simultaneous adoption of a comprehensive plan for the area proposed
18 to be annexed, and shall pray for the calling of an election to be
19 held among the qualified voters therein upon the question of
20 annexation. ~~((If the petition also provides for the creation of a~~
21 ~~community municipal corporation and election of community~~
22 ~~councilmembers, the petition shall also describe the boundaries of~~
23 ~~the proposed service area, state the number of voters residing~~
24 ~~therein as nearly as may be, and pray for the election of community~~
25 ~~councilmembers by the qualified voters residing in the service~~
26 ~~area.))~~

27 **Sec. 5.** RCW 35.13.080 and 2015 c 53 s 25 are each amended to
28 read as follows:

29 Notice of an annexation election shall particularly describe the
30 boundaries of the area proposed to be annexed, ~~((describe the~~
31 ~~boundaries of the proposed service area if the simultaneous creation~~
32 ~~of a community municipal corporation is provided for,))~~ state the
33 objects of the election as prayed in the petition or as stated in the
34 resolution and require the voters to cast ballots which shall contain
35 the words "For annexation" and "Against annexation" or words
36 equivalent thereto, or contain the words "For annexation and adoption
37 of comprehensive plan" and "Against annexation and adoption of
38 comprehensive plan" or words equivalent thereto in case the

1 simultaneous adoption of a comprehensive plan is proposed, ((and, if
2 appropriate, the words "For creation of community municipal
3 corporation" and "Against creation of community municipal
4 corporation" or words equivalent thereto, or contain the words "For
5 annexation and creation of community municipal corporation" and
6 "Against annexation and creation of community municipal corporation"
7 or words equivalent thereto in case the simultaneous creation of a
8 community municipal corporation is proposed,)) and which in case the
9 assumption of indebtedness is proposed, shall contain as a separate
10 proposition, the words "For assumption of indebtedness" and "Against
11 assumption of indebtedness" or words equivalent thereto and if only a
12 portion of the indebtedness of the annexing city or town is to be
13 assumed, an appropriate separate proposition for and against the
14 assumption of such portion of the indebtedness shall be submitted to
15 the voters. ((If the creation of a community municipal corporation
16 and election of community councilmembers is provided for, the notice
17 shall also require the voters within the service area to cast ballots
18 for candidates for positions on such council.)) The notice shall be
19 posted for at least two weeks prior to the date of election in four
20 public places within the area proposed to be annexed and published in
21 accordance with the notice required by RCW 29A.52.355 prior to the
22 date of election in a newspaper of general circulation in the area
23 proposed to be annexed.

24 **Sec. 6.** RCW 35.13.090 and 2015 c 53 s 26 are each amended to
25 read as follows:

26 (1) The proposition for or against annexation or for or against
27 annexation and adoption of the comprehensive plan((, or for or
28 against creation of a community municipal corporation, or any
29 combination thereof, as the case may be,)) shall be deemed approved
30 if a majority of the votes cast on that proposition are cast in favor
31 of annexation or in favor of annexation and adoption of the
32 comprehensive plan((, or for creation of the community municipal
33 corporation, or any combination thereof, as the case may be)).

34 (2) If a proposition for or against assumption of all or any
35 portion of indebtedness was submitted to the registered voters, it
36 shall be deemed approved if a majority of at least three-fifths of
37 the registered voters of the territory proposed to be annexed voting
38 on such proposition vote in favor thereof, and the number of
39 registered voters voting on such proposition constitutes not less

1 than forty percent of the total number of votes cast in such
2 territory at the last preceding general election.

3 (3) If either or both propositions were approved by the
4 registered voters, the county auditor shall on completion of the
5 canvassing of the returns transmit to the county legislative
6 authority and to the clerk of the city or town to which annexation is
7 proposed a certificate of the election results, together with a
8 certified abstract of the vote showing the whole number who voted at
9 the election, and the number of votes cast for annexation and the
10 number cast against annexation or for annexation and adoption of the
11 comprehensive plan and the number cast against annexation and
12 adoption of the comprehensive plan (~~(or for creation of a community~~
13 ~~municipal corporation and the number cast against creation of a~~
14 ~~community municipal corporation, or any combination thereof, as the~~
15 ~~case may be))~~).

16 (4) If a proposition for assumption of all or of any portion of
17 indebtedness was submitted to the registered voters, the abstract
18 shall include the number of votes cast for assumption of indebtedness
19 and the number of votes cast against assumption of indebtedness,
20 together with a statement of the total number of votes cast in such
21 territory at the last preceding general election.

22 (~~(5) If the proposition for creation of a community municipal~~
23 ~~corporation was submitted and approved, the abstract shall include~~
24 ~~the number of votes cast for the candidates for community council~~
25 ~~positions and certificates of election shall be issued pursuant to~~
26 ~~RCW 29A.52.360 to the successful candidates who shall assume office~~
27 ~~as soon as qualified.))~~

28 **Sec. 7.** RCW 35.13.100 and 1996 c 286 s 2 are each amended to
29 read as follows:

30 If a proposition relating to annexation or annexation and
31 adoption of the comprehensive plan (~~(or creation of a community~~
32 ~~municipal corporation, or both, as the case may be))~~ was submitted to
33 the voters and such proposition was approved, the legislative body
34 shall adopt an ordinance providing for the annexation or adopt
35 ordinances providing for the annexation and adoption of the
36 comprehensive plan(~~(, or adopt an ordinance providing for the~~
37 ~~annexation and creation of a community municipal corporation, as the~~
38 ~~case may be))~~). If a proposition for annexation or annexation and
39 adoption of the comprehensive plan (~~(or creation of a community~~

1 ~~municipal corporation, as the case may be,))~~ and a proposition for
2 assumption of all or of any portion of indebtedness were both
3 submitted, and were approved, the legislative body shall adopt an
4 ordinance providing for the annexation or annexation and adoption of
5 the comprehensive plan (~~((or annexation and creation of a community~~
6 ~~municipal corporation))~~) including the assumption of all or of any
7 portion of indebtedness. If the propositions were submitted and only
8 the annexation or annexation and adoption of the comprehensive plan
9 (~~((or annexation and creation of a community municipal corporation))~~)
10 proposition was approved, the legislative body may, if it deems it
11 wise or expedient, adopt an ordinance providing for the annexation or
12 adopt ordinances providing for the annexation and adoption of the
13 comprehensive plan(~~(, or adopt ordinances providing for the~~
14 ~~annexation and creation of a community municipal corporation, as the~~
15 ~~case may be))~~).

16 **Sec. 8.** RCW 35.13.110 and 1973 1st ex.s. c 164 s 10 are each
17 amended to read as follows:

18 Upon the date fixed in the ordinance of annexation, the area
19 annexed shall become a part of the city or town. Upon the date fixed
20 in the ordinances of annexation and adoption of the comprehensive
21 plan, the area annexed shall become a part of the city or town and
22 property in the annexed area shall be subject to and a part of the
23 comprehensive plan, as prepared and filed as provided for in RCW
24 35.13.177 and 35.13.178. (~~(Upon the date fixed in the ordinances of~~
25 ~~annexation and creation of a community municipal corporation, the~~
26 ~~area annexed shall become a part of the city or town, the community~~
27 ~~municipal corporation shall be deemed organized, and property in the~~
28 ~~service area shall be deemed subject to the powers granted to such~~
29 ~~corporation as provided for in this 1967 amendatory act.))~~ All
30 property within the territory hereafter annexed shall, if the
31 proposition approved by the people so provides after June 12, 1957,
32 be assessed and taxed at the same rate and on the same basis as the
33 property of such annexing city is assessed and taxed to pay for all
34 or any portion of the then outstanding indebtedness of the city or
35 town to which said area is annexed, approved by the voters,
36 contracted, or incurred prior to, or existing at, the date of
37 annexation.

1 NEW SECTION. **Sec. 9.** The following acts or parts of acts, as
2 now existing or hereafter amended, are each repealed, effective
3 January 1, 2023:

4 (1) RCW 35.14.020 (Community council—Membership—Election—Terms)
5 and 1985 c 281 s 25 & 1967 c 73 s 2;

6 (2) RCW 35.14.030 (Community council—Employees—Office—Officers—
7 Quorum—Meetings—Compensation and expenses) and 2009 c 549 s 2012 &
8 1967 c 73 s 3;

9 (3) RCW 35.14.040 (Ordinances or resolutions of city applying to
10 land, buildings or structures within corporation, effectiveness—
11 Zoning ordinances, resolutions or land use controls to remain in
12 effect upon annexation or consolidation—Comprehensive plan) and 1967
13 c 73 s 4;

14 (4) RCW 35.14.050 (Powers and duties of community municipal
15 corporation) and 1967 c 73 s 5; and

16 (5) RCW 35.14.060 (Original term of existence of community
17 municipal corporation—Continuation of existence—Procedure) and 2009
18 c 549 s 2013 & 1967 c 73 s 6.

19 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 35A.14.025 (Election method—Creation of community
22 municipal corporation) and 1993 c 75 s 3;

23 (2) RCW 35.14.010 (When community municipal corporation may be
24 organized—Service areas—Territory) and 1993 c 75 s 1, 1985 c 281 s
25 24, & 1967 c 73 s 1; and

26 (3) RCW 35.10.540 (Consolidation—Creation of community municipal
27 corporation) and 1993 c 75 s 2.

--- END ---