

Section 1. Section 142, chapter 255, Laws of 1927 as last amended by section 1, chapter 228, Laws of 1967 and RCW 79.01.568 are each amended to read as follows:

The beds of all navigable tidal waters in this state lying below extreme low tide (~~((not in front of any incorporated city or town, nor within two miles on either side thereof))~~), except as prohibited by Article XV, section 1 of the Washington State Constitution, shall be subject to lease for the purpose of planting and cultivating thereon oyster beds, or for the purpose of cultivating clams or other edible shellfish, or for other aquaculture use, for periods not to exceed ten years.

Where the lands are used for the cultivation of oysters, the parcels leased shall not exceed forty acres.

Where the lands are used for the cultivation of clams or other ~~((edible shellfish))~~ aquaculture use, the ~~((commissioner))~~ department of natural resources may, in ~~((his))~~ its discretion, grant leases for larger parcels.

Nothing in ~~((this 1967 amendatory act))~~ chapter 228, Laws of 1967, shall prevent any person from leasing more than one parcel, as offered by the ~~((commissioner))~~ department.

Passed the House April 23, 1979.

Passed the Senate April 18, 1979.

Approved by the Governor May 2, 1979.

Filed in Office of Secretary of State May 2, 1979.

CHAPTER 124

[House Bill No. 954]

CITIES AND TOWNS—ANNEXATION—DEBT ASSUMPTION—RURAL AIRPORT ZONING

AN ACT Relating to annexation; amending section 35A.14.015, chapter 119, Laws of 1967 ex. sess. as last amended by section 14, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.14.015; amending section 35A.14.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.020; amending section 35A.14.030, chapter 119, Laws of 1967 ex. sess. as amended by section 6, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.030; amending section 35A.14.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.070; amending section 35A.14.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.080; amending section 35A.14.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.090; amending section 35A.14.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.100; amending section 35A.14.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.120; amending section 35A.14.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.150; and adding a new section to chapter 35.22 RCW.

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

Section 1. Section 35A.14.015, chapter 119, Laws of 1967 ex. sess. as last amended by section 14, chapter 220, Laws of 1975 1st ex. sess. and RCW 35A.14.015 are each amended to read as follows:

When the legislative body of a charter code city or noncharter code city shall determine that the best interests and general welfare of such city

would be served by the annexation of unincorporated territory contiguous to such city, such legislative body may, by resolution, call for an election to be held to submit to the voters of such territory the proposal for annexation. The resolution shall, subject to RCW 35A.03.180, describe the boundaries of the area to be annexed, state the number of voters residing therein as nearly as may be, and shall provide that said city will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area 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 ~~((any))~~ 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. Whenever such city has prepared and filed a proposed zoning regulation for the area to be annexed as provided for in RCW 35A.14.330 and 35A.14.340, the resolution initiating the election may also provide for the simultaneous adoption of the proposed zoning regulation upon approval of annexation by the electorate of the area to be annexed. A certified copy of the resolution shall be filed with the ~~((board of county commissioners))~~ legislative authority of the county in which said territory is located. A certified copy of the resolution shall be filed with the boundary review board as provided for in chapter ~~((189, Laws of 1967 [chapter 36.93 RCW]))~~ 36.93 RCW or the county annexation review board established by RCW 35A.14.200, unless such annexation proposal is within the provisions of RCW 35A.14.220.

Sec. 2. Section 35A.14.020, chapter 119, Laws of 1967 ex. sess. 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 legislative body of a code city, calling for an election to vote upon the annexation of unincorporated territory contiguous to such 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 city clerk shall file with the legislative body thereof a certificate of sufficiency of the petition. 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 ~~((any))~~ 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. Whenever the legislative body has prepared and filed 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.

Sec. 3. Section 35A.14.030, chapter 119, Laws of 1967 ex. sess. as amended by section 6, chapter 251, Laws of 1971 ex. sess. and RCW 35A.14.030 are each amended to read as follows:

Upon approval of the petition for election by the legislative body of the code city to which such territory is proposed to be annexed, the petition shall be filed with the ~~((board of county commissioners for))~~ legislative authority of the county in which such territory is located, along with a statement, in the form required by the city, of the provisions, if any there be, relating to assumption of the portion of the debt that the city requires to be assumed by the owners of property of the area proposed to be annexed, and/or the simultaneous adoption of a proposed zoning regulation for the area. A copy of the petition and the statement, if any, shall also be filed with the boundary review board as provided for in chapter ~~((189, Laws of 1967 {chapter 36.93 RCW}))~~ 36.93 RCW or the county annexation review board established by RCW 35A.14.160, unless such proposed annexation is within the provisions of RCW 35A.14.220.

Sec. 4. Section 35A.14.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.070 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, as the same may have been modified by the boundary review board or the county annexation review board, state the objects of the election as prayed in the petition or as stated in the resolution, and require the voters to cast ballots which shall contain the words "For Annexation" or "Against Annexation" or words equivalent thereto, or contain the words "For Annexation and Adoption of Proposed Zoning Regulation", and "Against Annexation and Adoption of Proposed Zoning Regulation", or words equivalent thereto in case the simultaneous adoption of a proposed zoning regulation is proposed, and in case the assumption of all or a portion of indebtedness is proposed, shall contain ~~((as a))~~ an appropriate, separate proposition~~((; the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words equivalent thereto))~~ for or against the portion of indebtedness that the city requires to be assumed. The notice shall be posted for at least two weeks prior

to the date of election in four public places within the area proposed to be annexed and published at least once a week for two weeks prior to the date of election in a newspaper of general circulation within the limits of the territory proposed to be annexed. Such notice shall be in addition to the notice required by RCW 35A.29.140.

Sec. 5. Section 35A.14.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.080 are each amended to read as follows:

On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the ~~((board of county commissioners))~~ county legislative authority.

The proposition for or against annexation or for or against annexation and adoption of the proposed zoning regulation, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the proposed zoning regulation, as the case may be. If a proposition for or against assumption of all or any portion of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the ~~((board of county commissioners))~~ county legislative authority shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the proposed zoning regulation and the number cast against annexation and adoption of the proposed zoning regulation, as the case may be, and if a proposition for assumption of all or any portion of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election.

Sec. 6. Section 35A.14.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.090 are each amended to read as follows:

Upon filing of the certified copy of the finding of the ~~((board of county commissioners))~~ county legislative authority, the clerk shall transmit it to the legislative body of the city at the next regular meeting or as soon thereafter as practicable. If only a proposition relating to annexation or to annexation and adoption of a proposed zoning regulation was submitted to the voters and such proposition was approved, the legislative body shall adopt

an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of a proposed zoning regulation, as the case may be. If a proposition for annexation or for annexation and adoption of a proposed zoning regulation, and a proposition for assumption of all or any portion of indebtedness were both submitted, and both were approved, the legislative body shall adopt an ordinance providing for the annexation or for annexation and adoption of the proposed zoning regulation, including the assumption of the portion of indebtedness that was approved by the voters. If both propositions were submitted and only the annexation or the annexation and adoption of the proposed zoning regulation was approved, the legislative body may adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the proposed zoning regulation, as the case may be, or the legislative body may refuse to annex when a proposal for assumption of the portion of indebtedness has been disapproved by the voters.

Sec. 7. Section 35A.14.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.100 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city. Upon the date fixed in the ordinances of annexation and adoption of the proposed zoning regulation, the area annexed shall become a part of the city, and property in the annexed area shall be subject to the proposed zoning regulation, as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides, 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 (~~any then-outstanding~~) the portion of indebtedness of the city (~~or town to which said area is annexed, contracted prior to, or existing at, the date of annexation~~) that was approved by the voters.

Sec. 8. Section 35A.14.120, chapter 119, Laws of 1967 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 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 percent in value, according to the assessed valuation for general taxation of the property for which 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. 9. Section 35A.14.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.150 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing code city is assessed and taxed to pay for the portion of any 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 and that the city has required to be assumed. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the proposed zoning regulation as prepared and filed as provided for in RCW 35A.14.330 and 35A.14.340.

NEW SECTION. Sec. 10. There is added to chapter 35.22 RCW a new section to read as follows:

Whenever a first class city owns and operates a municipal air port which is located in an unincorporated area of a county, the airport shall be subject to the county's comprehensive plan and zoning ordinances in the same manner as if the airport were privately owned and operated.

NEW SECTION. Sec. 11. If any provision of this 1979 act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House April 23, 1979.
Passed the Senate April 11, 1979.
Approved by the Governor May 2, 1979.
Filed in Office of Secretary of State May 2, 1979.

CHAPTER 125

[House Bill No. 989]

PUBLIC SERVICE COMPANIES—UTILITY FACILITY LEASES—FEDERAL
HOLDING COMPANY LAW EXEMPTION

AN ACT Relating to the powers and duties of the utilities and transportation commission; and adding a new section to chapter 80.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 80.04 RCW a new section to read as follows:

In addition to any other powers and duties under this chapter, the commission shall have the authority to authorize and approve the terms of any lease of utility facilities by a public service company, as lessee, if the public service company makes proper application to the commission certifying that such authorization or approval is necessary or appropriate to exempt any owner of the facilities from being a public utility company under the federal Public Utility Holding Company Act of 1935.

Passed the House March 21, 1979.
Passed the Senate April 18, 1979.
Approved by the Governor May 2, 1979.
Filed in Office of Secretary of State May 2, 1979.

CHAPTER 126

[Substitute House Bill No. 57]

LOCAL OFFICIALS—ELECTION OF

AN ACT Relating to local government; amending section 3, chapter 114, Laws of 1951 and RCW 14.08.304; amending section 28A.57.312, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 43, Laws of 1975 and RCW 28A.57.312; amending section 5, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.328; amending section 3, chapter 67, Laws of 1971 as amended by section 102, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.355; amending section 6, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.356; amending section 7, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.357; amending section 8, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.358; amending section 29.13.021, chapter 9, Laws of 1965 and RCW 29.13.021; amending section 29.13.023, chapter 9, Laws of 1965 and