

but the director shall have no liability for payment in excess of the amount of the deposit.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

- (1) Section 10, chapter 392, Laws of 1955 and RCW 19.30.100;
- (2) Section 15, chapter 392, Laws of 1955, section 20, chapter 199, Laws of 1969 ex. sess. and RCW 19.30.140; and
- (3) Section 8, chapter 392, Laws of 1955 and RCW 19.30.080.

NEW SECTION. Sec. 18. If any provision of this 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.

NEW SECTION. Sec. 19. This 1985 act shall take effect January 1, 1986.

Passed the House April 22, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor May 13, 1985.

Filed in Office of Secretary of State May 13, 1985.

## CHAPTER 281

[Engrossed Substitute House Bill No. 543]

### CONSOLIDATION OF CITIES

AN ACT Relating to cities and towns; amending RCW 35.10.217, 35.10.240, 35.10.265, 35.10.300, 35.10.310, 35.10.315, 35.10.317, 35.10.320, 35.10.331, 35.14.010, 35.14.020, 35A-.01.040, and 36.93.090; reenacting RCW 35A.29.090; adding new sections to chapter 35.10 RCW; adding a new section to chapter 35A.05 RCW; adding a new section to chapter 43.21C RCW; repealing RCW 35.10.200, 35.10.211, 35.10.215, 35.10.220, 35.10.230, 35.10.245, 35-.10.250, 35.10.260, 35A.05.010, 35A.05.020, 35A.05.030, 35A.05.040, 35A.05.050, 35A.05-.060, 35A.05.070, 35A.05.080, 35A.05.090, 35A.05.100, 35A.05.110, 35A.05.120, 35A.05.130, 35A.05.140, 35A.05.150, 35A.05.160, and 35A.05.170; and declaring an emergency.

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

NEW SECTION. Sec. 1. The purpose of this chapter is to establish clear and uniform provisions of law governing the consolidation of all types and classes of cities.

NEW SECTION. Sec. 2. As used in this chapter, the term "city" means any city or town.

NEW SECTION. Sec. 3. Two or more contiguous cities located in the same or different counties may consolidate into one city by proceedings in conformity with the provisions of this chapter. When cities are separated by water and/or tide or shore lands they shall be deemed contiguous for all the purposes of this chapter and, upon a consolidation of such cities under the provisions of this chapter, any such intervening water and/or tide or shore

lands shall become a part of the consolidated city. The consolidated city shall become a noncharter code city operating under Title 35A RCW.

**NEW SECTION.** Sec. 4. The submission of a ballot proposal to the voters of two or more contiguous cities for the consolidation of these contiguous cities may be caused by the adoption of a joint resolution, by a majority vote of each city legislative body, seeking consolidation of such contiguous cities. The joint resolution shall provide for submission of the question to the voters at the next general municipal election, if one is to be held more than ninety days but not more than one hundred eighty days after the passage of the joint resolution, or shall call for a special election to be held for that purpose at the next special election date, as specified in RCW 29.13.020, that occurs ninety or more days after the passage of the joint resolution. The legislative bodies of the cities also shall notify the county legislative authority of each county in which the cities are located of the proposed consolidation.

**NEW SECTION.** Sec. 5. The submission of a ballot proposal to the voters of two or more contiguous cities for the consolidation of these contiguous cities may also be caused by the filing of a petition with the legislative body of each such city, signed by the voters of each city in number equal to not less than ten percent of the votes cast at the last general municipal election therein, seeking consolidation of such contiguous cities. A copy of the petition shall be forwarded immediately by each city to the auditor of the county or counties within which that city is located.

The county auditor or auditors shall determine the sufficiency of the signatures in each petition within ten days of receipt of the copies and immediately notify the cities proposed to be consolidated of the sufficiency. If each of the petitions is found to have sufficient valid signatures, the auditor or auditors shall call a special election at which the question of whether such cities shall consolidate shall be submitted to the voters of each of such cities. If a general election is to be held more than ninety days but not more than one hundred eighty days after the filing of the last petition, the question shall be submitted at that election. Otherwise the question shall be submitted at a special election to be called for that purpose at the next special election date, as specified in RCW 29.13.020, that occurs ninety or more days after the date when the last petition was filed.

If each of the petitions is found to have sufficient valid signatures, the auditor or auditors also shall notify the county legislative authority of each county in which the cities are located of the proposed consolidation.

Petitions shall conform with the requirements for form prescribed in RCW 35A.01.040, except different colored paper may be used on petitions circulated in the different cities. A legal description of the cities need not be included in the petitions.

NEW SECTION. Sec. 6. A joint resolution or petition shall prescribe the form or plan of government of the proposed consolidated city, or shall provide that a ballot proposition to determine the form or plan of government shall be submitted to the voters of the cities proposed to be consolidated. The plans or forms of government include: Mayor/council, council/manager, and commission. If a commission form or plan of government is prescribed or chosen by the voters, the commission shall be subject to chapter 35.17 RCW and the noncharter code city shall be assumed to have had a commission plan or form of government prior to its becoming a noncharter code city, as provided in RCW 35A.02.130. However, three commissioners would be elected at the election provided in section 11 of this act.

NEW SECTION. Sec. 7. A joint resolution or a petition may contain a proposal that a general obligation indebtedness of one or more of the cities proposed to be consolidated shall be assumed by the proposed consolidated city, in which event, the joint resolution or petition shall specify the improvement or service for which such general obligation indebtedness was incurred and state the amount of any such indebtedness then outstanding and the rate of interest payable thereon.

NEW SECTION. Sec. 8. The county legislative authority, or the county legislative authorities jointly, shall set the date, time, and place for one or more public meetings on the proposed consolidation, and name a person or persons to chair the meetings. There shall be at least one public meeting in each county in which one or more of the cities proposed to be consolidated is located. A county legislative authority may name the members of the boundary review board, if one exists in the county, to chair one or more of the public meetings held in that county. In addition to any meeting held by the county, a boundary review board, if requested by a majority of the county legislative authority, may hold a public meeting on proposed consolidation of cities. The meeting shall be limited to receiving comments and written materials from citizens and city officials on the proposed consolidation of that portion of cities located in the county which the boundary review board serves. The record and proceedings of the boundary review board are supplemental and advisory to the consolidation of cities. If a boundary review board meets pursuant to this section, the boundary review board may include, as part of its record, comments pertaining to the probable environmental impact of the proposed consolidation. The record of the meeting and advisory comments of the board, if any, must be filed with the county legislative authority no later than twenty days before the date of the election at which the question of consolidating the cities is presented to the voters. The boundary review board shall not have any authority or jurisdiction on city consolidations under chapter 36.93 RCW. A public meeting shall be held at each specified date, time, and place. The public meetings of the county or the boundary review board shall be held at least

twenty but not more than forty-five days before the date of the election at which the question of consolidating the cities is presented to the voters.

At each public meeting, each city proposed to be consolidated shall present testimony and written materials concerning the following topics: (1) The rate or rates of property taxes imposed by the city, and the purposes of these levies; (2) the excise taxes imposed by the city, including the tax bases and rates; and (3) the indebtedness of the city, including general indebtedness, both voter-approved and nonvoter-approved, as well as the city's special indebtedness, such as revenue bond indebtedness. Any interested person, including the officials of the cities proposed to be consolidated, may present information concerning the proposed consolidation and testify for or against the proposed consolidations.

Notice of each public meeting shall be published by the county within whose boundaries the public meeting is held in the normal manner notices of county hearings are published.

NEW SECTION. Sec. 9. Ballot titles on the questions shall be prepared as provided in RCW 35A.29.120. If a proposal for assumption of indebtedness is to be submitted to the voters of a city in which the indebtedness did not originate, the proposal shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the words "For Assumption of Indebtedness" and "Against Assumption of Indebtedness" or words equivalent thereto. If the question of the form or plan of government is to be submitted to the voters, the question shall be separately stated and the ballots shall contain, as a separate proposition to be voted on, the option of a voter to select one of the three forms or plans of government.

NEW SECTION. Sec. 10. The county canvassing board in each county involved shall canvass the returns in each election. The votes cast in each of such cities shall be canvassed separately, and the statement shall show the whole number of votes cast, the number of votes cast in each city for consolidation, and the number of votes cast in each city against such consolidation. If a proposal for assumption or indebtedness was voted upon in a city in which the indebtedness did not originate, the statement shall show the number of votes cast in such a city for assumption of indebtedness and the number of votes cast against assumption of indebtedness. If a question of the form or plan of government was voted upon, the statement shall show the number of votes cast in each city for each of the optional forms or plans of government. A certified copy of such statement shall be filed with the legislative body of each of the cities proposed to be consolidated.

If it appears from such statement of canvass that a majority of the votes cast in each of the cities were in favor of consolidation, the consolidation shall be authorized and shall be effective when the newly elected legislative body members assume office, as provided in section 11 of this act.

If a question of the form or plan of government was voted upon, that form or plan receiving the greatest combined number of votes shall become

the form or plan of government for the consolidated city. If two or three of the forms or plans of government received the same highest number of votes, the form or plan of government shall be chosen by lot between those receiving the same highest number, where the mayor of the largest of the cities proposed to be consolidated draws the lot at a public meeting.

If a proposition to assume indebtedness was submitted to voters of a city in which the indebtedness did not originate, the proposition shall be deemed approved if approved by a majority of at least three-fifths of the voters of the city, and the number of persons voting on the proposition constitutes not less than forty percent of the number of votes cast in the city at the last preceding general election. However, if the general indebtedness in question was incurred by action of a city legislative body, a proposition for assuming the indebtedness need only be approved by a simple majority vote of the voters of the city in which such indebtedness did not originate.

NEW SECTION. Sec. 11. If the voters of each of the cities proposed to consolidate approve the consolidation, elections to nominate and elect the elected officials of the consolidated city shall be held at times specified in RCW 35A.02.050. Terms shall be established as if the city is initially incorporating.

The newly elected officials shall take office immediately upon their qualification. The effective date of the consolidation shall be when a majority of the newly elected members of the legislative body assume office. The clerk of the newly consolidated city shall transmit a duly certified copy of an abstract of the votes to authorize the consolidation and of the election of the newly elected city officials to the secretary of state and the office of financial management.

NEW SECTION. Sec. 12. A newly consolidated city shall be known as the city of . . . . . (listing the names of the cities that were consolidated in alphabetical order). The legislative body of the newly consolidated city may present another name or two names for the newly consolidated city to the city voters for their approval or rejection at the next municipal general election held after the effective date of the consolidation. If only one alternative name is submitted, this alternative name shall become the name of the consolidated city if approved by a simple majority vote of the voters voting on the question. If two alternative names are submitted, the name receiving the simple majority vote of the voters voting on the question shall become the name of the consolidated city.

NEW SECTION. Sec. 13. If consolidation is authorized, the costs of such election and the public meetings shall be borne by the city formed by such consolidation. If the consolidation is not authorized, the costs of election and the public meetings shall be borne proportionately by each city affected, in that ratio in which the number of inhabitants residing in the total area in which the election was held, as shown by the figures released at the

most recent state or federal census or by a determination of the office of financial management.

**NEW SECTION.** Sec. 14. A new section is added to chapter 35A.05 RCW to read as follows:

Code cities shall consolidate as provided in chapter 35.10 RCW.

Sec. 15. Section 4, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.217 are each amended to read as follows:

~~((Three other))~~ The following methods are available for the annexation of all or a part of a city ~~((or town))~~ to another city ~~((or town))~~:

(1) A petition for an election to vote upon the annexation of all or a part of a city ~~((or town))~~ to another city ~~((or town))~~ signed by qualified ~~((electors))~~ voters of the city ~~((or town))~~ proposed to be annexed equal in number to at least one-fifth of the votes cast at the last municipal general election held therein may be filed with the legislative body of the city ~~((or town))~~ to be annexed. Such legislative body, in turn, shall, by resolution, advise the legislative body of the city ~~((or town))~~ to which annexation is proposed of the receipt of such petition and request the latter legislative body to indicate by resolution whether it will accept the proposed annexation, and if so, on what terms. If such resolution of the annexing city states that its legislative body is favorably disposed toward such annexation, the legislative body of the city ~~((or town))~~ to be annexed shall submit to the ~~((electors))~~ voters in such territory proposed to be annexed, the question of whether such territory shall be annexed and such other propositions as are deemed appropriate.

(2) The legislative body of a city ~~((or town))~~ may on its own initiative by resolution indicate its desire to be annexed to a city ~~((or town))~~ either in whole or in part. In case such resolution is passed, such resolution shall be transmitted to the city ~~((or town))~~ to which it desires to be annexed, and the legislative body of such city ~~((or town))~~ shall by resolution indicate whether it will accept the proposed annexation, and if so, on what terms.

(3) In the event there are no qualified electors residing within a part of a city ~~((or town))~~ which said city ~~((or town))~~ wishes to have annexed to another contiguous city ~~((or town))~~, then the issue of annexation will be decided by the legislative body of the city ~~((or town))~~ from which the territory is to be withdrawn. This decision, which shall be by majority vote of said legislative body, shall be considered as if it was an election by qualified voters of said territory and handled accordingly under the other applicable sections of this chapter.

If the legislative body of the city ~~((or town))~~ to which annexation is proposed indicates a willingness to accept the annexation, then the question of whether such territory shall be annexed to such ~~((corporation))~~ city and become a part thereof and such other propositions as are deemed appropriate shall be submitted to the electors in the territory to be annexed by the legislative body of the city ~~((or town))~~ or part thereof to be annexed at an

election which such legislative body shall cause to be called for that purpose.

Sec. 16. Section 35.10.240, chapter 7, Laws of 1965 as last amended by section 1, chapter 157, Laws of 1981 and RCW 35.10.240 are each amended to read as follows:

In all cases of ~~((consolidation or))~~ annexation, the county canvassing board or boards shall canvass the votes cast thereat.

~~((In an election on the question of consolidation the votes cast in each of such corporations shall be canvassed separately, and a statement shall be prepared showing the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, the number of votes cast for creation of a community municipal corporation and the number of votes cast against creation of a community municipal corporation, or both, as the case may be, in each of such corporations. In case the question of the form of government of the new corporation shall have been submitted at such election, the votes thereon and on the name of the new corporation shall be canvassed, and the result of such canvass shall be included in the statement, showing the total number of votes cast in all of the corporations for each form of government submitted. A certified copy of such statement shall be filed with the legislative body of each of the corporations affected.~~

~~If it shall appear upon such statement of canvass that a majority of the votes cast in each of such corporations were in favor of consolidation or consolidation and creation of a community municipal corporation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the last determination of the office of financial management on or before the second Monday next succeeding the receipt of the statement of canvass to prepare a statement of votes cast and declaring the consolidation adopted or consolidation adopted and a community municipal corporation created, and if such issue were submitted, declaring the form of government to be that form for which a majority of all the votes on that issue were cast and the name of the consolidated city to be that name for which the greatest number of votes were cast.))~~

In an election on the question of the annexation of all or a part of a city ~~((or town))~~ to another city ~~((or town))~~, the votes cast in the city ~~((or town))~~ or portion thereof to be annexed shall be canvassed, and if a majority of the votes cast be in favor of annexation, the results shall be included in a statement indicating the total number of votes cast.

~~((Both with respect to consolidation and annexation;))~~    A proposition for the assumption of indebtedness outside the constitutional and/or statutory limits by the other ~~((corporation(s)))~~ city or cities in which the indebtedness did not originate shall be deemed approved if a majority of at least

three-fifths of the ~~((electors of the corporation))~~ voters of each city in which the indebtedness did not originate votes 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 ~~((corporations))~~ cities in which indebtedness did not originate at the last preceding general election: PROVIDED, HOWEVER, That if general obligation bond indebtedness was incurred by action by the city legislative body, a proposition for the assumption of such indebtedness by the other ~~((corporation(s)))~~ city or cities in which such indebtedness did not originate shall be deemed approved if a majority of the ~~((electors))~~ voters of ~~((the corporation))~~ each city in which such indebtedness did not originate votes in favor thereof.

A duly certified copy of such statement of ~~((either a consolidation or))~~ an annexation election shall be filed with the legislative body of each of the ~~((corporations))~~ cities affected and recorded upon its minutes, and it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state and the office of financial management a duly certified copy of the record of such statement.

Sec. 17. Section 10, chapter 89, Laws of 1969 ex. sess. as amended by section 3, chapter 157, Laws of 1981 and RCW 35.10.265 are each amended to read as follows:

Immediately after the filing of the statement of an annexation election, the legislative body of the annexing city may, if it deems it wise or expedient, adopt an ordinance providing for the annexation. Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the annexing city ~~((or town))~~. The clerk of the annexing city shall transmit a certified copy of this ordinance to the secretary of state and the office of financial management.

Sec. 18. Section 35.10.300, chapter 7, Laws of 1965 as amended by section 12, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.300 are each amended to read as follows:

Upon the consolidation of two or more ~~((corporations))~~ cities, or the annexation of any city ~~((or town))~~ to another city ~~((or town))~~, as provided in this chapter, the title to all property and assets owned by, or held in trust for, such former ~~((corporation, or))~~ city ~~((or town,))~~ shall vest in such consolidated ~~((corporation))~~ city, or annexing city ~~((or town))~~, as the case may be: PROVIDED, That if any such former ~~((corporation, or))~~ city ~~((or town))~~, shall be indebted, the proceeds of the sale of any such property and assets not required for the use of such consolidated ~~((corporation))~~ city, or annexing city, shall be applied to the payment of such indebtedness, if any exist at the time of such sale.

Sec. 19. Section 35.10.310, chapter 7, Laws of 1965 as amended by section 13, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.310 are each amended to read as follows:

Such consolidation, or annexation, shall in no wise affect or impair the validity of claim or chose in action existing in favor of or against, any such former (~~(corporation or)~~) city (~~(or town)~~) so consolidated or annexed, or any proceeding pending in relation thereto, but such consolidated (~~(corporation;)~~) or annexing city (~~(or town;)~~) shall collect such claims in favor of such former (~~(corporation, or)~~) cities (~~(or towns)~~), and shall apply the proceeds to the payment of any just claims against them respectively, and shall when necessary levy and collect taxes against the taxable property within any such former (~~(corporation, or)~~) city (~~(or town;)~~) sufficient to pay all just claims against it.

Sec. 20. Section 14, chapter 89, Laws of 1969 ex. sess. as amended by section 13, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.10.315 are each amended to read as follows:

Upon the consolidation of two or more (~~(corporations)~~) cities, or the annexation of any city (~~(or town)~~) after March 1st and prior to the date of adopting the final budget and levying the property tax dollar rate (~~(on the first Monday in October)~~) in that year for the next calendar year, the legislative body of the consolidated city or the annexing city is authorized to adopt the final budget and to levy the property tax dollar rate for the consolidated cities (~~(or towns)~~) and any city (~~(or town)~~) annexed.

Sec. 21. Section 15, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.317 are each amended to read as follows:

Upon the consolidation of two or more (~~(corporations)~~) cities, or the annexation of any city (~~(or town)~~), the consolidated or annexing city shall receive all state funds to which the component cities (~~(or towns)~~) would have been entitled to receive during the year when such consolidation or annexation became effective.

Sec. 22. Section 35.10.320, chapter 7, Laws of 1965 as last amended by section 4, chapter 157, Laws of 1981 and RCW 35.10.320 are each amended to read as follows:

All ordinances in force within any such former (~~(corporation)~~) city or cities, at the time of consolidation or annexation, not in conflict with the laws governing the consolidated (~~(corporation)~~) city, or with the ordinances of the former (~~(corporation)~~) city having the largest population, as shown by the last determination of the office of financial management shall remain in full force and effect until superseded or repealed by the legislative body of the consolidated (~~(corporation;)~~) or annexing city (~~(or town)~~), and shall be enforced by such (~~(corporation or)~~) city (~~(or town)~~), but all ordinances of such former (~~(corporations)~~) cities, in conflict with such (~~(laws, charters~~

or)) ordinances shall be deemed repealed by, and from and after, such consolidation or annexation, but nothing in this section shall be construed to discharge any person from any liability, civil or criminal, for any violation of any ordinance of such former ((corporation)) city or cities incurred prior to such consolidation or annexation.

Sec. 23. Section 17, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.331 are each amended to read as follows:

Unless indebtedness approved by the voters, contracted, or incurred prior to the date of consolidation or annexation as provided herein has been assumed by the voters in the other ((corporation(s))) city or cities in which such indebtedness did not originate, such indebtedness continues to be the obligation of the city ((or town)) in which it originated, and the legislative body of the consolidated or annexing city shall continue to levy the necessary taxes within the former ((corporation)) city that incurred this indebtedness to amortize such indebtedness.

Sec. 24. Section 1, chapter 73, Laws of 1967 and RCW 35.14.010 are each amended to read as follows:

~~Whenever ((cities are consolidated or cities of the third or fourth classes are annexed pursuant to the provisions of chapter 35.10 RCW, or)) unincorporated territory is annexed by a city pursuant to the provisions of chapter 35.13 RCW, community municipal corporations may be organized in the manner provided for in this 1967 amendatory act for the ((following service areas:~~

~~(1) The entire territory within the boundaries of the least populous of two cities consolidated pursuant to chapter 35.10 RCW;~~

~~(2) The entire territory within the boundaries of any city of the third or fourth class which has become annexed to a city of the first class pursuant to chapter 35.10 RCW; and~~

~~(3) The)) territory comprised of all or a part of an unincorporated area annexed to a city pursuant to chapter 35.13 RCW, if ((fa)) (1) the service area is such as would be eligible for incorporation as a city or town or ((fb)) (2) the service area has a minimum population of not less than three hundred inhabitants and ten percent of the population of the annexing city or ((fc)) (3) the service area has a minimum population of not less than one thousand inhabitants.~~

No territory shall be included in the service area of more than one community municipal corporation. Whenever a new community municipal corporation is formed embracing all of the territory of an existing community municipal corporation, the prior existing community municipal corporation shall be deemed to be dissolved on the effective date of the new corporation.

Sec. 25. Section 2, chapter 73, Laws of 1967 and RCW 35.14.020 are each amended to read as follows:

A community municipal corporation shall be governed by a community council composed ((as follows:

~~(1) As to a service area comprising the territory within the boundaries of the least populous of two consolidated cities, the members of the city council or commission of the least populous of the two cities shall be the members of the original community council. If the voters within the service area have elected to continue the community municipal corporation in existence as provided for in RCW 35.14.060, the membership of any such subsequent council shall be the same in number as the original council and such subsequent members shall be elected to consecutively numbered positions at the continuation election from qualified electors residing within the service area.~~

~~(2) As to a service area comprising the territory within a city of the third or fourth class annexed to a city of the first class, the members of the city council or commission of the third or fourth class city shall be the members of the original community council. If the voters within the service area have elected to continue the community municipal corporation in existence as provided for in RCW 35.14.060, the membership of any such subsequent council shall be the same in number as the original council and such subsequent members shall be elected to consecutively numbered positions at the continuation election from qualified electors residing within the service area.~~

~~(3) As to a service area comprising all or part of an unincorporated area annexed to a city, the community council shall consist)) of five members. Initial council members shall be elected concurrently with the annexation election to consecutively numbered positions from qualified electors residing within the service area. Declarations of candidacy and withdrawals shall be in the same manner as is provided for members of the city council or other legislative body of the city to which annexation is proposed. Subsequent council membership shall be the same in number as the initial council and such members shall be elected to consecutively numbered positions at the continuation election pursuant to RCW 35.14.060 from qualified electors residing within the service area.~~

~~((4)) Terms of original council members shall be coexistent with the original term of existence of the community municipal corporation and until their successors are elected and qualified. Vacancies in any council shall be filled for the remainder of the unexpired term by a majority vote of the remaining members.~~

Sec. 26. Section 35A.01.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.01.040 are each amended to read as follows:

Wherever in this title petitions are required to be signed and filed, the following rules shall govern the sufficiency thereof:

(1) A petition may include any page or group of pages containing an identical text or prayer intended by the circulators, signers or sponsors to be

presented and considered as one petition and containing the following essential elements when applicable, except that the elements referred to in subdivisions (d) and (e) hereof are essential for petitions referring or initiating legislative matters to the voters, but are directory as to other petitions:

(a) The text or prayer of the petition which shall be a concise statement of the action or relief sought by petitioners;

(b) If the petition initiates or refers an ordinance, a true copy thereof;

(c) If the petition seeks the annexation, ((consolidation;)) incorporation, withdrawal, or reduction of an area for any purpose, an accurate legal description of the area proposed for such action;

(d) Numbered lines for signatures with space provided beside each signature for the date of signing and the address of the signer;

(e) The warning statement prescribed in subsection (2) of this section.

(2) Petitions shall be printed or typed on single sheets of white paper of good quality and each sheet of petition paper having a space thereon for signatures shall contain the text or prayer of the petition and the following warning:

#### WARNING

Every person who signs this petition with any other than his true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he is not a legal voter, or signs a petition when he is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Each signature shall be executed in ink or indelible pencil and shall be followed by the date of signing and the address of the signer.

(3) The term "signer" means any person who signs his own name to the petition.

(4) To be sufficient a petition must contain valid signatures of qualified electors or property owners, as the case may be, in the number required by the applicable statute or ordinance. Within three working days after the filing of a petition, the officer or officers whose duty it is to determine the sufficiency of the petition shall proceed to make such a determination with reasonable promptness and shall file with the officer receiving the petition for filing a certificate stating the date upon which such determination was begun, which date shall be referred to as the terminal date. Additional pages of one or more signatures may be added to the petition by filing the same with the appropriate filing officer prior to such terminal date. Any signer of a filed petition may withdraw his or her signature by a written request for withdrawal filed with the receiving officer prior to such terminal date. Such written request shall so sufficiently describe the petition as to make identification of the person and the petition certain. The name of any person seeking to withdraw shall be signed exactly the same as contained on the

petition and, after the filing of such request for withdrawal, prior to the terminal date, the signature of any person seeking such withdrawal shall be deemed withdrawn.

(5) Petitions containing the required number of signatures shall be accepted as prima facie valid until their invalidity has been proved.

(6) A variation on petitions between the signatures on the petition and that on the voter's permanent registration caused by the substitution of initials instead of the first or middle names, or both, shall not invalidate the signature on the petition if the surname and handwriting are the same.

(7) Signatures, including the original, of any person who has signed a petition two or more times shall be stricken.

(8) Signatures followed by a date of signing which is more than six months prior to the date of filing of the petition shall be stricken.

(9) When petitions are required to be signed by the owners of property, the following shall apply:

(a) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse;

(b) In the case of mortgaged property, the signature of the mortgagor shall be sufficient, without the signature of his or her spouse;

(c) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient, without the signature of his or her spouse;

(d) Any officer of a corporation owning land within the area involved who is duly authorized to execute deeds or encumbrances on behalf of the corporation, may sign on behalf of such corporation, and shall attach to the petition a certified excerpt from the bylaws of such corporation showing such authority;

(e) When property stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator, or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

Sec. 27. Section 35A.29.090, chapter 119, Laws of 1967 ex. sess. as amended by section 29, chapter 18, Laws of 1979 ex. sess. and by section 25, chapter 126, Laws of 1979 ex. sess. and RCW 35A.29.090 are each re-enacted to read as follows:

Except as otherwise provided in RCW 35A.03.130, 35A.04.140, 35A.05.110, or 35A.08.110, the term of every code city officer elected to office in a general municipal election as provided in RCW 29.13.020 shall begin when qualified and in accordance with RCW 29.04.170: PROVIDED, That any person elected to less than a full term where the office sought is vacant or is held by an appointed incumbent shall assume office as soon as the election returns are certified and they are qualified in accordance with

RCW 29.01.135, unless otherwise provided in this title: PROVIDED FURTHER, That when not otherwise provided in this title the term of officers elected at a special election shall begin on the first Monday following the certification of the election returns.

Sec. 28. Section 7, chapter 10, Laws of 1982 and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The: (a) Creation, ((dissolution,)) incorporation, ((disincorporation, consolidation,)) or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (b) consolidation of special purpose districts, but not including consolidation of cities and towns; or (c) dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; or

(4) The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

(5) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

NEW SECTION. Sec. 29. A new section is added to chapter 43.21C RCW to read as follows:

Consolidations of cities or towns, and the annexations of all of a city or town by another city or town, are exempted from compliance with this chapter.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

(1) Section 35.10.200, chapter 7, Laws of 1965, section 1, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.200;

(2) Section 2, chapter 89, Laws of 1969 ex. sess., section 2, chapter 8, Laws of 1984 and RCW 35.10.211;

(3) Section 3, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.215;

(4) Section 35.10.220, chapter 7, Laws of 1965, section 15, chapter 73, Laws of 1967, section 5, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.220;

(5) Section 35.10.230, chapter 7, Laws of 1965, section 16, chapter 73, Laws of 1967, section 6, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.230;

(6) Section 8, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.245;

(7) Section 35.10.250, chapter 7, Laws of 1965, section 9, chapter 89, Laws of 1969 ex. sess., section 2, chapter 157, Laws of 1981 and RCW 35.10.250;

(8) Section 35.10.260, chapter 7, Laws of 1965, section 18, chapter 73, Laws of 1967, section 11, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.260;

(9) Section 35A.05.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.010;

(10) Section 35A.05.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.020;

(11) Section 35A.05.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.030;

(12) Section 35A.05.040, chapter 119, Laws of 1967 ex. sess., section 2, chapter 203, Laws of 1984 and RCW 35A.05.040;

(13) Section 35A.05.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.050;

(14) Section 35A.05.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.060;

(15) Section 35A.05.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.070;

(16) Section 35A.05.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.080;

(17) Section 35A.05.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.090;

(18) Section 35A.05.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.100;

(19) Section 35A.05.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.110;

(20) Section 35A.05.120, chapter 119, Laws of 1967 ex. sess., section 31, chapter 151, Laws of 1979 and RCW 35A.05.120;

(21) Section 35A.05.130, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.130;

(22) Section 35A.05.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.140;

(23) Section 35A.05.150, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.150;

(24) Section 35A.05.160, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.160; and

(25) Section 1, chapter 8, Laws of 1984 and RCW 35A.05.170.

NEW SECTION. Sec. 31. If any provision of this 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.

NEW SECTION. Sec. 32. Sections 1 through 13 of this act are each added to chapter 35.10 RCW.

NEW SECTION. Sec. 33. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 22, 1985.

Passed the Senate April 15, 1985.

Approved by the Governor May 13, 1985.

Filed in Office of Secretary of State May 13, 1985.

## CHAPTER 282

[House Bill No. 629]

### LOCAL TAXING DISTRICT LEVIES—VOTING REQUIREMENTS AND TIME LIMITATIONS REVISED

AN ACT Relating to excess levies for capital purposes; amending RCW 84.52.056; and providing an effective date.

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

Sec. 1. Section 84.52.056, chapter 15, Laws of 1961 as last amended by section 104, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.056 are each amended to read as follows:

Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. (~~Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.~~)