

CHAPTER 157

[House Bill No. 354]

CONSOLIDATION, ANNEXATION ELECTIONS, POPULATION
DETERMINATIONS—LAND RESOURCES INVENTORY

AN ACT Relating to planning and community affairs; amending section 35.10.240, chapter 7, Laws of 1965 as last amended by section 12, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.10.240; amending section 35.10.250, chapter 7, Laws of 1965 as amended by section 9, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.250; amending section 10, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.265; amending section 35.10.320, chapter 7, Laws of 1965 as amended by section 16, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.320; amending section 13, chapter 74, Laws of 1967 and RCW 43.63A.130; adding a new section to chapter 43.41 RCW; repealing section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977, section 133, chapter 151, Laws of 1979 and RCW 43.63A.085; repealing section 12, chapter 74, Laws of 1967, section 122, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.63A.120; and repealing section 49, chapter 99, Laws of 1979 and RCW 43.131.162; and declaring an emergency.

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

Section 1. Section 35.10.240, chapter 7, Laws of 1965 as last amended by section 12, chapter 195, Laws of 1973 1st ex. sess. 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 (~~United States census or the~~) determination of the (~~planning and community affairs agency~~) 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) 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 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 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) in which such indebtedness did not originate shall be deemed approved if a majority of the electors of the corporation in which such indebtedness did not originate votes in favor thereof.

A duly certified copy of such statement of either a consolidation or annexation election shall be filed with the legislative body of each of the corporations 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 (~~planning and community affairs agency~~) office of financial management a duly certified copy of the record of such statement.

Sec. 2. Section 35.10.250, chapter 7, Laws of 1965 as amended by section 9, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.250 are each amended to read as follows:

Immediately after the filing of the statement of a consolidation election, the mayor of the city or town having the largest population, as shown by the last (~~census~~) determination of the (~~planning and community affairs agency~~) office of financial management, shall call a meeting of the legislative authorities of the cities and/or towns to be consolidated. Such legislative authorities shall cause to be called a special election, to be held in such new corporation, for the election of the officers required by law to be elected

in corporations of the class and form of government to which such new corporation belongs, which election shall be held within six months thereafter: PROVIDED, That if the next regular general election of officers in cities of the class and form of government of such new corporation will be held within one year and not less than two months from the date of such consolidation election, then the officers of such new corporation shall be elected at the said next regular election. Such regular or special election shall be called and conducted and canvassed in all respects in the manner prescribed, or that may be hereafter prescribed, by law for municipal elections in corporations of the class of such new corporation, and the results transmitted by the canvassing authority to the legislative body, who shall immediately declare the result thereof and cause the same to be entered upon its journal, and file certified copies of such result with the legislative body of each of the other corporations affected, who in like manner shall cause the same to be entered upon its journal and a copy thereof shall be filed with the secretary of state.

Sec. 3. Section 10, chapter 89, Laws of 1969 ex. sess. 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 (~~planning and community affairs agency~~) office of financial management.

Sec. 4. Section 35.10.320, chapter 7, Laws of 1965 as amended by section 16, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.320 are each amended to read as follows:

All ordinances in force within any such former corporation, at the time of consolidation or annexation, not in conflict with the laws governing the consolidated corporation, or with the ordinances of the former corporation having the largest population, as shown by the last (~~census~~) determination of the (~~planning and community affairs agency~~) 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, 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 incurred prior to such consolidation or annexation.

NEW SECTION. Sec. 5. There is added to chapter 43.41 RCW a new section to read as follows:

The office of financial management shall provide by administrative regulation for the maintenance of an inventory of all state owned or controlled land resources by all state agencies owning or controlling land. That office shall cooperate with the state departments and agencies charged with administering state owned or controlled land resources to assist them in developing and maintaining land resources inventories that will permit their respective inventories to be summarized into meaningful reports for the purposes of providing executive agencies with information for planning, budgeting, and managing state owned or administered land resources and to provide the legislature, its members, committees, and staff with data needed for formulation of public policy.

Such departments or agencies shall maintain and make available such summary inventory information as may be prescribed by the rules of the office of financial management. That office shall give each affected department or agency specific written notice of hearings for consideration, adoption, or modification of such rules. All information submitted to that office under this section are a matter of public record and shall be available from said agency upon request.

Sec. 6. Section 13, chapter 74, Laws of 1967 and RCW 43.63A.130 are each amended to read as follows:

The director or the governor may establish such additional advisory or coordinating groups with the legislature or legislative council, within state government, with state and other governmental units or in specialized subject areas as may be necessary to carry out the purposes of this chapter. (~~(((Tenure and compensation for expenses shall be the same as for the state planning advisory council.)))~~)

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 53, Laws of 1969 ex. sess., section 64, chapter 75, Laws of 1977, section 133, chapter 151, Laws of 1979 and RCW 43.63A.085;

(2) Section 12, chapter 74, Laws of 1967, section 122, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.63A.120; and

(3) Section 49, chapter 99, Laws of 1979 and RCW 43.131.162.

NEW SECTION. Sec. 8. 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 2, 1981.

Passed the Senate April 21, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 158

[Substitute House Bill No. 466]

FEDERAL GEOTHERMAL ACT REVENUES—ALLOCATION

AN ACT Relating to geothermal energy; amending section 28A.40.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 4, Laws of 1981 and RCW 28A.40.100; adding a new chapter to Title 43 RCW; and providing an expiration date.

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

NEW SECTION. Section 1. The purpose of this chapter is to provide for the allocation of revenues distributed to the state under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with respect to activities of the United States bureau of land management undertaken pursuant to the Geothermal Steam Act of 1970 (30 U.S.C. Sec. 1001 et. seq.) in order to accomplish the following general objectives:

(1) Reduction of dependence on nonrenewable energy and stimulation of the state's economy through development of geothermal energy.

(2) Mitigation of the social, economic, and environmental impacts of geothermal development.

(3) Financial assistance to counties to offset the costs of providing public services and facilities necessitated by the development of geothermal resources within their jurisdictions.

(4) Maintenance of the productivity of renewable resources through the investment of proceeds from these resources.

NEW SECTION. Sec. 2. As used in this chapter:

(1) "County of origin" means any county in which the United States bureau of land management has leased lands for geothermal development.

(2) "Geothermal energy" means the natural heat of the earth and the medium by which this heat is extracted from the earth, including liquids or gases, as well as any minerals contained in any natural or injected fluids, brines, and associated gas but excluding oil, hydrocarbon gas, and other hydrocarbon substances.

NEW SECTION. Sec. 3. There is created the geothermal account in the general fund of the state treasury. All expenditures from this account are subject to appropriation and chapter 43.88 RCW.

All revenues received by the state treasurer under section 35 of the Mineral Lands Leasing Act of 1920, as amended (30 U.S.C. Sec. 191), with