

2 **SHB 2176** - S COMM AMD

3 By Committee on Government Operations

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 35.02 RCW
8 to read as follows:

9 Any person proposing the incorporation of a city or town shall file
10 a notice of the proposed incorporation with the county legislative
11 authority of the county in which all or the major portion of the
12 proposed city or town is located. The notice shall include the matters
13 required to be included in the incorporation petition under RCW
14 35.02.030 and be accompanied by both a one hundred dollar filing fee
15 and an affidavit from the person stating that he or she is a registered
16 voter residing in the proposed city or town.

17 The county legislative authority shall promptly notify the boundary
18 review board of the proposed incorporation, which shall hold a public
19 meeting on the proposed incorporation within thirty days of the notice
20 being filed where persons favoring and opposing the proposed
21 incorporation may state their views. If a boundary review board does
22 not exist in the county, the county legislative authority shall provide
23 the public meeting. The public meeting shall be held at a location in
24 or near the proposed city or town. Notice of the public meeting shall
25 be published in a newspaper of general circulation in the area proposed
26 to be incorporated at least once ten days prior to the public meeting.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.02 RCW
28 to read as follows:

29 Within one working day after the public meeting under section 1 of
30 this act, the county auditor shall provide an identification number for
31 the incorporation effort to the person who made the notice of proposing
32 the incorporation. The identification number shall be included on the
33 petition proposing the incorporation.

1 The petition proposing the incorporation may retain the proposed
2 boundaries and other matters as described in the notice, or may alter
3 the proposed boundaries and other matters.

4 **Sec. 3.** RCW 35.02.030 and 1986 c 234 s 4 are each amended to read
5 as follows:

6 The petition for incorporation shall: (1) Indicate whether the
7 proposed city or town shall be a noncharter code city operating under
8 Title 35A RCW, or a city or town operating under Title 35 RCW; (2)
9 indicate the form or plan of government the city or town is to have;
10 (3) set forth and particularly describe the proposed boundaries of the
11 proposed city or town; (4) state the name of the proposed city or town;
12 (5) state the number of inhabitants therein, as nearly as may be; and
13 (6) pray that ~~((it may))~~ the city or town be incorporated. The
14 petition shall conform to the requirements for form prescribed in RCW
15 35A.01.040. The petition shall include the identification number
16 provided under section 2 of this act and state the last date by which
17 the petition may be filed, as determined under RCW 35.02.020.

18 If the proposed city or town is located in more than one county,
19 the petition shall be prepared in such a manner as to indicate the
20 different counties within which the signators reside.

21 A city or town operating under Title 35 RCW may have a
22 mayor/council, council/manager, or commission form of government. A
23 city operating under Title 35A RCW may have a mayor/council or
24 council/manager plan of government.

25 If the petition fails to specify the matters described in
26 subsection (1) of this section, the proposal shall be to incorporate as
27 a noncharter code city. If the petition fails to specify the matter
28 described in subsection (2) of this section, the proposal shall be to
29 incorporate with a mayor/council form or plan of government.

30 **Sec. 4.** RCW 35.02.020 and 1986 c 234 s 3 are each amended to read
31 as follows:

32 A petition for incorporation must be signed by ~~((qualified))~~
33 registered voters resident within the limits of the proposed city or
34 town equal in number to at least ten percent of the ~~((votes cast at the~~
35 ~~last state general election and presented to))~~ number of voters
36 residing within the proposed city or town and filed with the auditor of
37 the county in which all, or the largest portion of, the proposed city

1 or town is located. The petition must be filed with the auditor by no
2 later than one hundred eighty days after the date the public meeting on
3 the proposed incorporation was held under section 1 of this act, or the
4 next regular business day following the one hundred eightieth day if
5 the one hundred eightieth day is not a regular business day.

6 NEW SECTION. Sec. 5. A new section is added to chapter 35.02 RCW
7 to read as follows:

8 For a period of ninety days after a petition proposing the
9 incorporation of a city or town is filed with the county auditor, a
10 petition or resolution proposing the annexation of any portion of the
11 territory included in the incorporation proposal may be filed or
12 adopted and the proposed annexation may continue following the
13 applicable statutory procedures. Territory that ultimately is annexed,
14 as a result of the filing of such an annexation petition or adoption of
15 such an annexation resolution during this ninety-day period, shall be
16 withdrawn from the incorporation proposal.

17 A proposed annexation of a portion of the territory included within
18 the proposed incorporation, that is initiated by the filing of an
19 annexation petition or adoption of an annexation resolution after this
20 ninety-day period, shall be held in abeyance and may not occur unless:
21 (1) The boundary review board modifies the boundaries of the proposed
22 incorporation to remove the territory from the proposed incorporation;
23 (2) the boundary review board rejects the proposed incorporation and
24 the proposed city or town has a population of less than seven thousand
25 five hundred; or (3) voters defeat the ballot proposition authorizing
26 the proposed incorporation.

27 NEW SECTION. Sec. 6. Where a petition proposing the incorporation
28 of a city or town has been filed with a county auditor prior to the
29 effective date of this act, the time limitations on competing
30 annexation proposals that are provided under section 5 of this act are
31 modified as follows:

32 (1) A petition or resolution proposing the annexation of any
33 portion of the territory included in the incorporation proposal, that
34 was filed or adopted within the later of ninety days after the date the
35 incorporation petition was filed or the effective date of this act, may
36 continue following the applicable statutory procedures. A boundary

1 review board may simultaneously consider the proposed incorporation and
2 such an annexation.

3 (2) A petition or resolution proposing the annexation of any
4 portion of the territory included in the incorporation proposal, that
5 is filed or adopted within the later of ninety days after the date the
6 incorporation petition was filed or the effective date of this act,
7 shall be held in abeyance and may not occur unless: (a) The boundary
8 review board modifies the boundaries of the proposed incorporation to
9 remove the territory from the proposed incorporation; (b) the boundary
10 review board rejects the proposed incorporation and the proposed city
11 or town has a population of less than seven thousand five hundred; or
12 (c) voters defeat the ballot proposition authorizing the proposed
13 incorporation.

14 NEW SECTION. **Sec. 7.** A new section is added to chapter 35.13 RCW
15 to read as follows:

16 After a petition proposing an annexation by a city or town is filed
17 with the city or town or the governing body of the city or town, or
18 after a resolution proposing an annexation by a city or town has been
19 adopted by the city or town governing body, no territory included in
20 the proposed annexation may be annexed by another city or town or
21 incorporated into a city or town unless: (1) The boundary review board
22 modifies the boundaries of the proposed annexation and removes the
23 territory; (2) the boundary review board or review board created under
24 RCW 35.13.171 rejects the proposed annexation; or (3) the city or town
25 governing body rejects the proposed annexation or voters defeat the
26 ballot proposition authorizing the annexation.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 35A.14 RCW
28 to read as follows:

29 After a petition proposing an annexation by a code city has been
30 filed with the city or the city legislative authority, or after a
31 resolution proposing the annexation by a code city has been adopted by
32 the city legislative authority, no territory included in the proposed
33 annexation may be annexed by another city or town or incorporated into
34 a city or town unless: (1) The boundary review board or county
35 annexation review board created under RCW 35A.14.160 modifies the
36 boundaries of the proposed annexation and removes the territory; (2)
37 the boundary review board or county annexation review board created

1 under RCW 35A.14.160 rejects the proposed annexation; or (3) the city
2 legislative authority rejects the proposed annexation or voters defeat
3 the ballot proposition authorizing the annexation.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.93 RCW
5 to read as follows:

6 A boundary review board may simultaneously consider the proposed
7 incorporation of a city or town, and the proposed annexation of a
8 portion of the territory included in the proposed incorporation, if the
9 resolution or petition initiating the annexation is adopted or filed
10 ninety or fewer days after the petition proposing the incorporation was
11 filed.

12 NEW SECTION. **Sec. 10.** A new section is added to chapter 36.93 RCW
13 to read as follows:

14 The proposed incorporation of any city or town that includes
15 territory located in a county in which a boundary review board exists
16 shall be reviewed by the boundary review board and action taken as
17 described under RCW 36.93.150.

18 **Sec. 11.** RCW 35.02.001 and 1989 c 84 s 25 are each amended to read
19 as follows:

20 ((~~Actions taken under chapter 35.02 RCW may be~~)) The incorporation
21 of a city or town is subject to ((~~potential~~)) review by a boundary
22 review board under chapter 36.93 RCW if a boundary review board exists
23 in the county in which all or any portion of the territory proposed to
24 be incorporated is located.

25 **Sec. 12.** RCW 35.02.010 and 1986 c 234 s 2 are each amended to read
26 as follows:

27 Any contiguous area containing not less than ((~~three~~)) one thousand
28 five hundred inhabitants lying outside the limits of an incorporated
29 city or town may become incorporated as a city or town operating under
30 Title 35 or 35A RCW as provided in this chapter: PROVIDED, That no
31 area which lies within five air miles of the boundary of any city
32 having a population of fifteen thousand or more shall be incorporated
33 which contains less than three thousand inhabitants.

1 **Sec. 13.** RCW 36.93.100 and 1992 c 162 s 1 are each amended to read
2 as follows:

3 The board shall review and approve, disapprove, or modify any of
4 the actions set forth in RCW 36.93.090 when any of the following shall
5 occur within forty-five days of the filing of a notice of intention:

6 (1) Three members of a five-member boundary review board or five
7 members of a boundary review board in a county with a population of one
8 million or more files a request for review: PROVIDED, That the members
9 of the boundary review board shall not be authorized to file a request
10 for review of the following actions:

11 (a) The incorporation of any special district or change in the
12 boundary of any city, town, or special purpose district;

13 (b) The extension of permanent water service outside of its
14 existing corporate boundaries by a city, town, or special purpose
15 district if (i) the extension is through the installation of water
16 mains of six inches or less in diameter or (ii) the county legislative
17 authority for the county in which the proposed extension is to be built
18 is required or chooses to plan under RCW 36.70A.040 and has by a
19 majority vote waived the authority of the board to initiate review of
20 all other extensions; or

21 (c) The extension of permanent sewer service outside of its
22 existing corporate boundaries by a city, town, or special purpose
23 district if (i) the extension is through the installation of sewer
24 mains of eight inches or less in diameter or (ii) the county
25 legislative authority for the county in which the proposed extension is
26 to be built is required or chooses to plan under RCW 36.70A.040 and has
27 by a majority vote waived the authority of the board to initiate review
28 of all other extensions;

29 (2) Any governmental unit affected, including the governmental unit
30 for which the boundary change or extension of permanent water or sewer
31 service is proposed, or the county within which the area of the
32 proposed action is located, files a request for review of the specific
33 action;

34 (3) A petition requesting review is filed and is signed by:

35 (a) Five percent of the registered voters residing within the area
36 which is being considered for the proposed action (as determined by the
37 boundary review board in its discretion subject to immediate review by
38 writ of certiorari to the superior court); or

1 (b) An owner or owners of property consisting of five percent of
2 the assessed valuation within such area;

3 (4) The majority of the members of boundary review boards concur
4 with a request for review when a petition requesting the review is
5 filed by five percent of the registered voters who deem themselves
6 affected by the action and reside within one-quarter mile of the
7 proposed action but not within the jurisdiction proposing the action.

8 If a period of forty-five days shall elapse without the board's
9 jurisdiction having been invoked as set forth in this section, the
10 proposed action shall be deemed approved.

11 If a review of a proposal is requested, the board shall make a
12 finding as prescribed in RCW 36.93.150 within one hundred twenty days
13 after the filing of such a request for review. If this period of one
14 hundred twenty days shall elapse without the board making a finding as
15 prescribed in RCW 36.93.150, the proposal shall be deemed approved
16 unless the board and the person who submitted the proposal agree to an
17 extension of the one hundred twenty day period.

18 **Sec. 14.** RCW 35.02.039 and 1986 c 234 s 7 are each amended to read
19 as follows:

20 (1) The county legislative authority of the county in which the
21 proposed city or town is located shall hold a public hearing on the
22 proposed incorporation if no boundary review board exists in the
23 county(~~(, or if the boundary review board does not take jurisdiction~~
24 ~~over the proposal)~~). The public hearing shall be held within sixty
25 days of when the county auditor notifies the legislative authority of
26 the sufficiency of the petition if no boundary review board exists in
27 the county, or within ninety days of when notice of the proposal is
28 filed with the boundary review board if the boundary review board fails
29 to take jurisdiction over the proposal. The public hearing may be
30 continued to other days, not extending more than sixty days beyond the
31 initial hearing date. If the boundary review board takes jurisdiction,
32 the county legislative authority shall not hold a public hearing on the
33 proposal.

34 (2) If the proposed city or town is located in more than one
35 county, a public hearing shall be held in each of the counties by the
36 county legislative authority or boundary review board. Joint public
37 hearings may be held by two or more county legislative authorities, or
38 two or more boundary review boards.

1 **Sec. 15.** RCW 36.93.150 and 1990 c 273 s 1 are each amended to read
2 as follows:

3 The board, upon review of any proposed action, shall take such of
4 the following actions as it deems necessary to best carry out the
5 intent of this chapter:

6 (1) ~~((Approval of))~~ Approve the proposal as submitted~~((;))~~.

7 (2) Subject to RCW 35.02.170, ~~((modification of))~~ modify the
8 proposal by adjusting boundaries to add or delete territory~~((; PROVED, That))~~.
9 However, any proposal for annexation ((by the
10 board)) of territory to a town shall be subject to RCW 35.21.010 and
11 the board shall not add additional territory, the amount of which is
12 greater than that included in the original proposal((;—PROVIDED
13 FURTHER, That such)). Any modifications shall not interfere with the
14 authority of a city, town, or special purpose district to require or
15 not require preannexation agreements, covenants, or petitions((;—AND
16 PROVIDED FURTHER, That)). A board shall not modify the proposed
17 incorporation of a city with an estimated population of seven thousand
18 five hundred or more by removing territory from the proposal, or adding
19 territory to the proposal, that constitutes ten percent or more of the
20 total area included within the proposal before the board((, but)).
21 However, a board shall remove territory in the proposed incorporation
22 that is located outside of an urban growth area or is annexed by a city
23 or town, and may remove territory in the proposed incorporation if a
24 petition or resolution proposing the annexation is filed or adopted
25 that has priority over the proposed incorporation, before the area is
26 established that is subject to this ten percent restriction on removing
27 or adding territory. A board shall not modify the proposed
28 incorporation of a city with a population of seven thousand five
29 hundred or more to reduce the territory in such a manner as to reduce
30 the population below seven thousand five hundred((;)).

31 (3) ~~((Determination of))~~ Determine a division of assets and
32 liabilities between two or more governmental units where relevant~~((;))~~.

33 (4) ~~((Determination))~~ Determine whether, or the extent to which,
34 functions of a special purpose district are to be assumed by an
35 incorporated city or town, metropolitan municipal corporation, or
36 another existing special purpose district~~((; or))~~.

37 (5) ~~((Disapproval of))~~ Disapprove the proposal except that the
38 board shall not have jurisdiction: (a) To disapprove the dissolution
39 or disincorporation of a special purpose district which is not

1 providing services but shall have jurisdiction over the determination
2 of a division of the assets and liabilities of a dissolved or
3 disincorporated special purpose district; (b) over the division of
4 assets and liabilities of a special purpose district that is dissolved
5 or disincorporated pursuant to chapter 36.96 RCW; nor (c) to disapprove
6 the incorporation of a city with an estimated population of seven
7 thousand five hundred or more, but the board may recommend against the
8 proposed incorporation of a city with such an estimated population.

9 Unless the board (~~(shall disapprove)~~) disapproves a proposal, it
10 shall be presented under the appropriate statute for approval of a
11 public body and, if required, a vote of the people. A proposal that
12 has been modified shall be presented under the appropriate statute for
13 approval of a public body and if required, a vote of the people. If a
14 proposal, other than that for a city, town, or special purpose district
15 annexation, after modification does not contain enough signatures of
16 persons within the modified area, as are required by law, then the
17 initiating party, parties or governmental unit has thirty days after
18 the modification decision to secure enough signatures to satisfy the
19 legal requirement. If the signatures cannot be secured then the
20 proposal may be submitted to a vote of the people, as required by law.

21 The addition or deletion of property by the board shall not
22 invalidate a petition which had previously satisfied the sufficiency of
23 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,
24 after due proceedings held, disapproves a proposed action, such
25 proposed action shall be unavailable, the proposing agency shall be
26 without power to initiate the same or substantially the same as
27 determined by the board, and any succeeding acts intended to or tending
28 to effectuate that action shall be void, but such action may be
29 reinitiated after a period of twelve months from date of disapproval
30 and shall again be subject to the same consideration.

31 The board shall not modify or deny a proposed action unless there
32 is evidence on the record to support a conclusion that the action is
33 inconsistent with one or more of the objectives under RCW 36.93.180.
34 Every such determination to modify or deny a proposed action shall be
35 made in writing pursuant to a motion, and shall be supported by
36 appropriate written findings and conclusions, based on the record.

37 **Sec. 16.** RCW 36.93.160 and 1988 c 202 s 40 are each amended to
38 read as follows:

1 (1) When the jurisdiction of the boundary review board has been
2 invoked, the board shall set the date, time and place for a public
3 hearing on the proposal. The board shall give at least thirty days'
4 advance written notice of the date, time and place of the hearing to
5 the governing body of each governmental unit having jurisdiction within
6 the boundaries of the territory proposed to be annexed, formed,
7 incorporated, disincorporated, dissolved or consolidated, or within the
8 boundaries of a special district whose assets and facilities are
9 proposed to be assumed by a city or town, and to the governing body of
10 each city within three miles of the exterior boundaries of ((such)) the
11 area and to the proponent of ((such)) the change. Notice shall also be
12 given by publication in any newspaper of general circulation in the
13 area of the proposed boundary change at least three times, the last
14 publication of which shall be not less than five days prior to the date
15 set for the public hearing. Notice shall also be posted in ten public
16 places in the area affected for five days when the area is ten acres or
17 more. When the area affected is less than ten acres, five notices
18 shall be posted in five public places for five days. Notice as
19 provided in this subsection shall include any territory which the board
20 has determined to consider adding in accordance with RCW 36.93.150(2).

21 (2) A verbatim record shall be made of all testimony presented at
22 the hearing and upon request and payment of the reasonable costs
23 thereof, a copy of the transcript of ((such)) the testimony shall be
24 provided to any person or governmental unit.

25 (3) The chairman upon majority vote of the board or a panel may
26 direct the chief clerk of the boundary review board to issue subpoenas
27 to any public officer to testify, and to compel the production by him
28 of any records, books, documents, public records or public papers.

29 (4) Within forty days after the conclusion of the final hearing on
30 the proposal, the board shall file its written decision, setting forth
31 the reasons therefor, with the board of county commissioners and the
32 clerk of each governmental unit directly affected. The written
33 decision shall indicate whether the proposed change is approved,
34 rejected, or modified and, if modified, the terms of ((such)) the
35 modification. The written decision need not include specific data on
36 every factor required to be considered by the board, but shall indicate
37 that all standards were given consideration. Dissenting members of the
38 board shall have the right to have their written dissents included as
39 part of the decision.

1 (5) Unanimous decisions of the hearing panel or a decision of a
2 majority of the members of the board shall constitute the decision of
3 the board and shall not be appealable to the whole board. Any other
4 decision shall be appealable to the entire board within ten days.
5 Appeals shall be on the record, which shall be furnished by the
6 appellant, but the board may, in its sole discretion, permit the
7 introduction of additional evidence and argument. Decisions shall be
8 final and conclusive unless within (~~ten~~) thirty days from the date of
9 (~~said~~) the action a governmental unit affected by the decision or any
10 person owning real property or residing in the area affected by the
11 decision files (~~in the superior court a notice of appeal~~) with the
12 growth planning hearings board for that jurisdiction a notice of
13 appeal. Appeals to the growth planning hearings board are limited to
14 determination of whether the decision is consistent with RCW 36.93.157,
15 36.93.170, and 36.93.180.

16 The filing of (~~such~~) the notice of appeal within (~~such~~) the
17 time limit shall stay the effective date of the decision of the board
18 until such time as the appeal shall have been adjudicated or withdrawn.
19 (~~On appeal the superior court shall not take any evidence other than~~
20 ~~that contained in the record of the hearing before the board.~~

21 (~~6~~) ~~The superior court may affirm the decision of the board or~~
22 ~~remand the case for further proceedings; or it may reverse the decision~~
23 ~~if any substantial rights may have been prejudiced because the~~
24 ~~administrative findings, inferences, conclusions, or decisions are:~~

25 (~~a~~) ~~In violation of constitutional provisions, or~~

26 (~~b~~) ~~In excess of the statutory authority or jurisdiction of the~~
27 ~~board, or~~

28 (~~c~~) ~~Made upon unlawful procedure, or~~

29 (~~d~~) ~~Affected by other error of law, or~~

30 (~~e~~) ~~Unsupported by material and substantial evidence in view of the~~
31 ~~entire record as submitted, or~~

32 (~~f~~) ~~Arbitrary or capricious.~~

33 ~~An aggrieved party may seek appellate review of any final judgment of~~
34 ~~the superior court in the manner provided by law as in other civil~~
35 ~~cases.)~~

36 **Sec. 17.** RCW 36.70A.280 and 1991 sp.s. c 32 s 9 are each amended
37 to read as follows:

1 (1) A growth planning hearings board shall hear and determine only
2 those petitions alleging either: (a) That a state agency, county, or
3 city is not in compliance with the requirements of this chapter, or
4 chapter 43.21C RCW as it relates to plans, regulations, and amendments
5 thereto, adopted under RCW 36.70A.040; ~~((or))~~ (b) that the twenty-year
6 growth management planning population projections adopted by the office
7 of financial management ~~((pursuant to))~~ under RCW 43.62.035 should be
8 adjusted; or (c) that a decision of a county boundary review board is
9 not consistent with the requirements of chapter 36.93 RCW.

10 (2) A petition may be filed only by the state, a county, or city
11 that plans under this chapter, a person who has either appeared before
12 the county or city regarding the matter on which a review is being
13 requested or is certified by the governor within sixty days of filing
14 the request with the board, or a person qualified ~~((pursuant to))~~ under
15 RCW 34.05.530.

16 (3) For purposes of this section "person" means any individual,
17 partnership, corporation, association, governmental subdivision or unit
18 thereof, or public or private organization, or entity of any character.

19 (4) When considering a possible adjustment to a growth management
20 planning population projection prepared by the office of financial
21 management, a board shall consider the implications of any such
22 adjustment to the population forecast for the entire state.

23 The rationale for any adjustment that is adopted by a board must be
24 documented and filed with the office of financial management within ten
25 working days after adoption.

26 If adjusted by a board, a county growth management planning
27 population projection shall only be used for the planning purposes set
28 forth in this chapter and shall be known as a "board adjusted
29 population projection". None of these changes shall affect the
30 official state and county population forecasts prepared by the office
31 of financial management, which shall continue to be used for state
32 budget and planning purposes.

33 **Sec. 18.** RCW 35.02.070 and 1986 c 234 s 9 are each amended to read
34 as follows:

35 (1) If a county legislative authority holds a public hearing on a
36 proposed incorporation, it shall establish and define the boundaries of
37 the proposed city or town, being authorized to decrease ~~((but not))~~ or
38 increase the area proposed in the petition ~~((, except for adjusting the~~

1 boundaries out to the right of way line of any portion of a public
2 highway, street, or road pursuant to RCW 35.02.170. Any decrease shall
3 not exceed twenty percent of the area proposed or that portion of the
4 area located within the county: PROVIDED, That the area shall not be
5 so decreased that the number of inhabitants therein shall be less than
6 required by RCW 35.02.010 as now or hereafter amended)) under the same
7 restrictions that a boundary review board may modify the proposed
8 boundaries. The county legislative authority, or the boundary review
9 board if it takes jurisdiction, shall determine the number of
10 inhabitants within the boundaries it has established.

11 (2) A county legislative authority shall disapprove the proposed
12 incorporation if, without decreasing the area proposed in the petition,
13 it does not conform with RCW 35.02.010. A county legislative authority
14 may not otherwise disapprove a proposed incorporation.

15 (3) A county legislative authority or boundary review board has
16 jurisdiction only over that portion of a proposed city or town located
17 within the boundaries of the county.

18 **Sec. 19.** RCW 35.02.078 and 1986 c 234 s 10 are each amended to
19 read as follows:

20 An election shall be held in the area proposed to be incorporated
21 to determine whether the proposed city or town shall be incorporated
22 ((if)) when the boundary review board ((~~approves or modifies and~~
23 ~~approves~~)) takes action on the proposal other than disapproving the
24 proposal, or if the county legislative authority does not disapprove
25 the proposal as provided in RCW 35.02.070. Voters at this election
26 shall determine if the area is to be incorporated.

27 The initial election on the question of incorporation shall be held
28 at the next special election date specified in RCW 29.13.020 that
29 occurs sixty or more days after the final public hearing by the county
30 legislative authority or authorities, or ((~~the approval or modification~~
31 ~~and approval~~)) action by the boundary review board or boards. The
32 county legislative authority or authorities shall call for this
33 election and, if the incorporation is approved, shall call for other
34 elections to elect the elected officials as provided in this section.
35 If the vote in favor of the incorporation receives forty percent or
36 less of the total vote on the question of incorporation, no new
37 election on the question of incorporation for the area or any portion
38 of the area proposed to be incorporated may be held for a period of

1 three years from the date of the election in which the incorporation
2 failed.

3 If the incorporation is authorized as provided by RCW 35.02.120,
4 separate elections shall be held to nominate and elect persons to fill
5 the various elective offices prescribed by law for the population and
6 type of city or town, and to which it will belong. The primary
7 election to nominate candidates for these elective positions shall be
8 held at the next special election date, as specified in RCW 29.13.020,
9 that occurs sixty or more days after the election on the question of
10 incorporation. The election to fill these elective positions shall be
11 held at the next special election date, as specified in RCW 29.13.020,
12 that occurs thirty or more days after certification of the results of
13 the primary election.

14 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.21C
15 RCW to read as follows:

16 Annexation of territory by a city or town is exempted from
17 compliance with this chapter.

18 NEW SECTION. **Sec. 21.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 35.13.175 and 1973 1st ex.s. c 164 s 18 & 1965 c 7 s
21 35.13.175;

22 (2) RCW 35A.14.230 and 1967 ex.s. c 119 s 35A.14.230;

23 (3) RCW 36.93.115 and 1982 c 220 s 5; and

24 (4) RCW 36.93.152 and 1990 c 273 s 2.

25 NEW SECTION. **Sec. 22.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and shall take
28 effect immediately."

29 **SHB 2176** - S COMM AMD
30 By Committee on Government Operations

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32 On page 1, line 1 of the title, after "annexations;" strike the
33 remainder of the title and insert "amending RCW 35.02.030, 35.02.020,
34 35.02.001, 35.02.010, 36.93.100, 36.93.150, 36.93.160, 36.70A.280,

1 35.02.070, and 35.02.078; adding new sections to chapter 35.02 RCW;
2 adding a new section to chapter 35.13 RCW; adding a new section to
3 chapter 35A.14 RCW; adding new sections to chapter 36.93 RCW; adding a
4 new section to chapter 43.21C RCW; creating a new section; repealing
5 RCW 35.13.175, 35A.14.230, 36.93.115, and 36.93.152; and declaring an
6 emergency."

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