

SENATE BILL REPORT

SB 6462

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
FEBRUARY 4, 1994**

Brief Description: Modifying the procedure for appealing a boundary review board decision.

SPONSORS: Senators Haugen and McCaslin

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6462 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; McCaslin, Oke, Owen and Winsley.

Minority Report: Do not pass.

Signed by Senator Loveland.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 2, 1994; February 4, 1994

BACKGROUND:

Boundary review boards must be established in each county with a population in excess of 210,000 and may be established in smaller counties. Board members are appointed and have authority to review and approve, disapprove or modify annexations of territory by governmental units in the county and extensions of water and sewer systems. When the jurisdiction of the board is invoked, a hearing must be conducted with notice to affected governmental units and the public. Decisions of the boards may be appealed to the superior court. Notices of appeal must be filed within ten days of the decision of the board. A decision of a boundary review board may be challenged on the basis that it is unconstitutional, is in excess of statutory authority, is made upon unlawful procedure, is unsupported by evidence or is arbitrary and capricious.

SUMMARY:

Decisions of boundary review boards may be appealed to the Growth Management Hearings Board with jurisdiction over the particular county involved. Notice of appeal must be filed within 60 days of the entry of a decision by the boundary review board. The only basis for review by the Growth Management Hearings Board is whether or not the decision complies with the requirements of the Growth Management Act.

EFFECT OF PROPOSED SUBSTITUTE:

The scope of review on appeal by a Growth Management Hearings Board is expanded to include all purposes of boundary review boards, not just compliance with the GMA.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

This legislation will establish appeal standard tied to GMA, not "arbitrary or capricious" standard. Allows a more reasonable time to file an appeal

TESTIMONY AGAINST:

Restricts appeals exclusively to GMA issues. Cuts out other issues. BRBs are already subject to GMA. What about merger issues? Expands GMA Hearings Board's jurisdiction beyond what they were set up for.

TESTIFIED: Randy Lewis, City of Tacoma; Bob Mack, Tacoma; Dave Williams, AWC; Alda Wilkinson, State Association of Boundary Review Boards