
SENATE BILL 6291

State of Washington

56th Legislature

2000 Regular Session

By Senators Honeyford and Rossi

Read first time . Referred to Committee on .

1 AN ACT Relating to incorporations of new cities and towns; amending
2 RCW 36.93.150; and adding a new section to chapter 36.93 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.93 RCW
5 to read as follows:

6 The boundary review board shall disapprove a proposed incorporation
7 of any city or town when the tax base for the territory of the proposed
8 incorporation is less than seventy percent of the state-wide tax base
9 for all cities and towns.

10 For the purposes of this section, "tax base" means the per capita
11 value of the taxable property, as defined by RCW 39.36.015, added to
12 per capita sales and use tax revenues. The boundary review board shall
13 consult with the department of revenue for assistance in determining
14 the tax base for the territory of the proposed annexation and the
15 state-wide tax base for all cities and towns.

16 **Sec. 2.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read
17 as follows:

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

4 (1) Approve the proposal as submitted.

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

27 (3) Determine a division of assets and liabilities between two or
28 more governmental units where relevant.

29 (4) Determine whether, or the extent to which, functions of a
30 special purpose district are to be assumed by an incorporated city or
31 town, metropolitan municipal corporation, or another existing special
32 purpose district.

33 (5) Disapprove the proposal except that the board shall not have
34 jurisdiction: (a) To disapprove the dissolution or disincorporation of
35 a special purpose district which is not providing services but shall
36 have jurisdiction over the determination of a division of the assets
37 and liabilities of a dissolved or disincorporated special purpose
38 district; (b) over the division of assets and liabilities of a special
39 purpose district that is dissolved or disincorporated pursuant to

1 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city
2 with an estimated population of seven thousand five hundred or more
3 except when disapproval is pursuant to section 1 of this act, but the
4 board may recommend against the proposed incorporation of a city with
5 such an estimated population.

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

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

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

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