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SENATE BILL 5420

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State of Washington

61st Legislature

2009 Regular Session

By Senators Haugen, Jarrett, and McDermott

Read first time 01/21/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to limiting the authority of boundary review boards  
2 to expand an annexation to twice the total area of the proposed  
3 annexation; and amending RCW 36.93.150.

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

5 **Sec. 1.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read  
6 as follows:

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

10 (1) Approve the proposal as submitted.

11 (2) Subject to RCW 35.02.170, modify the proposal by adjusting  
12 boundaries to add or delete territory. (~~However, any proposal for~~  
13 ~~annexation of territory to a town shall be subject to RCW 35.21.010 and~~  
14 ~~the board shall not add additional territory, the amount of which is~~  
15 ~~greater than that included in the original proposal.)) Subject to the  
16 requirements of this chapter, a board may modify a proposal by adding  
17 territory that would increase the total area of the proposal before the  
18 board. A board, however, may not modify a proposal for annexation of  
19 territory to a city or town by adding an amount of territory that~~

1 constitutes more than one hundred percent of the total area of the  
2 proposal before the board. Any modifications shall not interfere with  
3 the authority of a city, town, or special purpose district to require  
4 or not require preannexation agreements, covenants, or petitions. A  
5 board shall not modify the proposed incorporation of a city with an  
6 estimated population of seven thousand five hundred or more by removing  
7 territory from the proposal, or adding territory to the proposal, that  
8 constitutes ten percent or more of the total area included within the  
9 proposal before the board. However, a board shall remove territory in  
10 the proposed incorporation that is located outside of an urban growth  
11 area or is annexed by a city or town, and may remove territory in the  
12 proposed incorporation if a petition or resolution proposing the  
13 annexation is filed or adopted that has priority over the proposed  
14 incorporation, before the area is established that is subject to this  
15 ten percent restriction on removing or adding territory. A board shall  
16 not modify the proposed incorporation of a city with a population of  
17 seven thousand five hundred or more to reduce the territory in such a  
18 manner as to reduce the population below seven thousand five hundred.

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

21 (4) Determine whether, or the extent to which, functions of a  
22 special purpose district are to be assumed by an incorporated city or  
23 town, metropolitan municipal corporation, or another existing special  
24 purpose district.

25 (5) Disapprove the proposal except that the board shall not have  
26 jurisdiction: (a) To disapprove the dissolution or disincorporation of  
27 a special purpose district which is not providing services but shall  
28 have jurisdiction over the determination of a division of the assets  
29 and liabilities of a dissolved or disincorporated special purpose  
30 district; (b) over the division of assets and liabilities of a special  
31 purpose district that is dissolved or disincorporated pursuant to  
32 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city  
33 with an estimated population of seven thousand five hundred or more,  
34 but the board may recommend against the proposed incorporation of a  
35 city with such an estimated population.

36 Unless the board disapproves a proposal, it shall be presented  
37 under the appropriate statute for approval of a public body and, if  
38 required, a vote of the people. A proposal that has been modified

1 shall be presented under the appropriate statute for approval of a  
2 public body and if required, a vote of the people. If a proposal,  
3 other than that for a city, town, or special purpose district  
4 annexation, after modification does not contain enough signatures of  
5 persons within the modified area, as are required by law, then the  
6 initiating party, parties or governmental unit has thirty days after  
7 the modification decision to secure enough signatures to satisfy the  
8 legal requirement. If the signatures cannot be secured then the  
9 proposal may be submitted to a vote of the people, as required by law.

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

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

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