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**SUBSTITUTE HOUSE BILL 2344**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Local Government (originally sponsored by Representatives Donaghy and Duerr)

AN ACT Relating to the effective date of the filing of a notice of intention with a boundary review board; amending RCW 36.93.100; and adding a new section to chapter 36.93 RCW.

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

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

(1) The effective filing date for a notice of intention is established by the earlier of the date that the chief clerk of the boundary review board determines that the notice of intention is sufficient or the date that the notice of intention is deemed sufficient pursuant to subsection (4) of this section. The chief clerk must make a determination of sufficiency within 30 calendar days of the receipt of the notice and the payment of the applicable filing fee.

(2) A notice of intention is sufficient if the applicable filing fee has been paid, and the information in the notice is accurate and complete and includes:

(a) The information required by RCW 36.93.130;

(b) Any additional information required by a board's rules; and

(c) Exhibits demonstrating that any statutory requirements related to the action for which the notice is being submitted have been completed.

(3) A notice of intention, whether the original notice submission or a resubmission containing corrections, that is found by the chief clerk of the boundary review board to be insufficient shall be returned to the initiator of the action for correction. The chief clerk must review any corrected notice within 14 calendar days of its resubmission to determine whether it is now sufficient or remains insufficient and in need of further correction.

(4) If the chief clerk of the boundary review board does not make a determination of sufficiency or insufficiency within the time periods established by this section, then the notice of intention shall be deemed sufficient.

**Sec.**  RCW 36.93.100 and 1994 c 216 s 13 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within ((~~forty-five~~)) 45 days of the effective filing date of a notice of intention:

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

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

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

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

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

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

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

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

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

If a period of ((~~forty-five~~)) 45 days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within ((~~one hundred twenty~~)) 120 days after the filing of such a request for review. If this period of ((~~one hundred twenty~~)) 120 days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the ((~~one hundred twenty~~)) 120-day period.

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