

ESHB 1627 - S COMM AMD

By Committee on Government Operations, Tribal Relations & Elections

ADOPTED 02/29/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.93.150 and 1994 c 216 s 15 are each amended to
4 read as follows:

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

8 (1) Approve the proposal as submitted.

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

1 incorporation, before the area is established that is subject to this
2 ten percent restriction on removing or adding territory. A board shall
3 not modify the proposed incorporation of a city with a population of
4 seven thousand five hundred or more to reduce the territory in such a
5 manner as to reduce the population below seven thousand five hundred.

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

8 (4) Determine whether, or the extent to which, functions of a
9 special purpose district are to be assumed by an incorporated city or
10 town, metropolitan municipal corporation, or another existing special
11 purpose district.

12 (5) Disapprove the proposal except that the board shall not have
13 jurisdiction: (a) To disapprove the dissolution or disincorporation of
14 a special purpose district which is not providing services but shall
15 have jurisdiction over the determination of a division of the assets
16 and liabilities of a dissolved or disincorporated special purpose
17 district; (b) over the division of assets and liabilities of a special
18 purpose district that is dissolved or disincorporated pursuant to
19 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city
20 with an estimated population of seven thousand five hundred or more,
21 but the board may recommend against the proposed incorporation of a
22 city with such an estimated population.

23 Unless the board disapproves a proposal, it shall be presented
24 under the appropriate statute for approval of a public body and, if
25 required, a vote of the people. A proposal that has been modified
26 shall be presented under the appropriate statute for approval of a
27 public body and if required, a vote of the people. If a proposal,
28 other than that for a city, town, or special purpose district
29 annexation, after modification does not contain enough signatures of
30 persons within the modified area, as are required by law, then the
31 initiating party, parties or governmental unit has thirty days after
32 the modification decision to secure enough signatures to satisfy the
33 legal requirement. If the signatures cannot be secured then the
34 proposal may be submitted to a vote of the people, as required by law.

35 The addition or deletion of property by the board shall not
36 invalidate a petition which had previously satisfied the sufficiency of
37 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,
38 after due proceedings held, disapproves a proposed action, such

1 proposed action shall be unavailable, the proposing agency shall be
2 without power to initiate the same or substantially the same as
3 determined by the board, and any succeeding acts intended to or tending
4 to effectuate that action shall be void, but such action may be
5 reinitiated after a period of twelve months from date of disapproval
6 and shall again be subject to the same consideration.

7 The board shall not modify or deny a proposed action unless there
8 is evidence on the record to support a conclusion that the action is
9 inconsistent with one or more of the objectives under RCW 36.93.180.
10 The board may not increase the area of a city or town annexation unless
11 it holds a separate public hearing on the proposed increase and
12 provides ten or more days' notice of the hearing to the registered
13 voters and property owners residing within the area subject to the
14 proposed increase. Every such determination to modify or deny a
15 proposed action shall be made in writing pursuant to a motion, and
16 shall be supported by appropriate written findings and conclusions,
17 based on the record."

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18 On page 1, line 2 of the title, after "annexation;" strike the
19 remainder of the title and insert "and amending RCW 36.93.150."

EFFECT: Removes the limitations on a board's authority to modify
a proposal by adding territory to a proposed annexation area. Removes
the provisions that specify that if an annexation would result in
modifications to zoning ordinances of the increased area, the Board may
not increase a city or town annexation without first obtaining written
consent from the owners of property equaling at least 60 percent of the
assessed valuation within the increased area. Removes the provisions
that specify if an annexation would result in additional indebtedness
or excess tax levies, or both, for the increased area, the Board may

not increase a city or town annexation without first obtaining written consent from at least 60 percent of the registered voters residing within the increased area. Removes the provisions that provide if a Boundary Review Board increases the total area of a city or town annexation, property owners in the increased area may, after the annexation, continue to own and possess pets and livestock lawfully in their possession at the time of the annexation.

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