

mended to read as follows:

No person shall knowingly cast contempt upon any flag, standard, color, ensign or shield, as defined in RCW 9.86.010, by publicly ~~((mutilate))~~ mutilating, ((deface)) defacing, ((defile)) defiling, ((defy)) burning, or ((trample)) trampling upon said flag, standard, color, ensign or shield ~~((or-by-word-or-act-east-contempt-upon-any-such-flag,-standard,-color,-ensign-or-shield))~~.

NEW SECTION. Sec. 2. Section 7, chapter 107, Laws of 1919 and RCW 9.86.060; section 8, chapter 107, Laws of 1919 and RCW 9.86-.070 are each hereby repealed.

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CHAPTER 111
[Engrossed Substitute House Bill No. 66]
BOUNDARY REVIEW BOARDS

AN ACT Relating to state and local government; amending section 3, chapter 189, Laws of 1967, and RCW 36.93.030; amending section 5, chapter 189, Laws of 1967, as amended by section 1, chapter 98, Laws of 1967 ex. sess. and RCW 36.93.050; amending section 6, chapter 189, Laws of 1967, and RCW 36.93.060; amending section 8, chapter 189, Laws of 1967, and RCW 36.93.080; amending section 12, chapter 189, Laws of 1967, and RCW 36.93.120; amending section 13, chapter 189, Laws of 1967, and RCW 36.93-.130; amending section 15, chapter 189, Laws of 1967, and RCW 36.93.150; and amending section 16, chapter 189, Laws of 1967, and RCW 36.93.160; amending section 9, chapter 189, Laws of 1967 and RCW 36.93.090; and adding new sections to chapter 36-.93 RCW.

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

Section 1. Section 3, chapter 189, Laws of 1967 and RCW 36.93-.030 are each amended to read as follows:

(1) There is hereby created and established in each class AA and class A county a board to be known and designated as a "boundary review board".

(2) A boundary review board may be created and established in any ~~((first-class))~~ other class county ~~((with-a-population-over-one hundred-seventy-thousand))~~ in the following manner:

~~((1))~~ (a) The board of county commissioners may, by majority vote, adopt a resolution establishing a boundary review board; or

~~((2))~~ (b) A petition seeking establishment of a boundary review board signed by qualified electors residing in the county equal in number to at least five percent of the votes cast in the county at the last county general election may be filed with the county auditor.

Upon the filing of such a petition, the county auditor shall examine the same and certify to the sufficiency of the signatures thereon. No person may withdraw his name from a petition after it has been filed with the auditor. Within thirty days after the filing of such petition, the county auditor shall transmit the same to the board of county commissioners, together with his certificate of sufficiency.

After receipt of a valid petition for the establishment of a boundary review board, the board of county commissioners shall submit the question of whether a boundary review board should be established to the electorate at the next county primary or county general election which occurs more than thirty days from the date of receipt of the petition. Notice of the election shall be given as provided in RCW 29.27.080 and shall include a clear statement of the proposal to be submitted.

If a majority of the persons voting on the proposition shall vote in favor of the establishment of the boundary review board, such board shall thereupon be deemed established.

Sec. 2. Section 5, chapter 189, Laws of 1967, as amended by section 1, chapter 98, Laws of 1967 ex. sess., and RCW 36.93.050 are each amended to read as follows:

After the effective date of this act, the governor shall within forty-five days appoint a board for each class AA ~~((and-class-A))~~ county consisting of eleven members as provided for in this section.

After a board has been established in a county other than class AA (~~(or class A)~~) by resolution, by operation of law or by approval of the electors after an election initiated by petition, the governor shall appoint a board within forty-five days for each such county consisting of (~~eleven~~) five members as provided for in this section.

Of the members of the first board to be appointed in class AA (~~(and class A)~~) counties after the taking effect of this section, four members, consisting of one member appointed from each of the four classes of nominees, shall have terms expiring January 1, 1970; four members, consisting of one member appointed from each of the four classes of nominees, shall have terms expiring January 1, 1972; and three members consisting of one member from each of the three classes of nominees furnishing three members to the board, shall have terms expiring January 1, 1974. (~~(When any other county establishes such a board of eleven members, the expiration dates of the initial terms of the members of the board shall be adjusted so that the terms of four members, consisting of one member appointed from each of the four classes of nominees, shall be at least two years, but less than four years, the terms of four members, consisting of one member appointed from each of the four classes of nominees, shall be at least four years, but less than six years, and the terms of three members, consisting of one member from each of the three classes of nominees furnishing three members to the board, shall not be less than six years, nor more than eight years, and all terms shall expire on January 1 of an even-numbered year in accordance with the above.)~~) When any (~~other~~) county establishes (~~such~~) a board of five members, two members shall have a term of not less than two years, nor more than four years; two members shall have a term of not less than four years, and not more than six years; and one member shall have a term of not less than six years, nor more than eight years. Upon the expiration of the terms of the initial members first to be appointed, each succeeding member shall be appointed and hold office for a term of six years.

Any vacancy on ((the)) an eleven member or five member board shall be filled by appointment by the governor from the same source as the preceding member, which source shall have the opportunity to make new nominations for the vacated position, and such appointee shall serve only for the balance of the full term of his predecessor.

In each boundary review board which consists of eleven members, all members shall be residents of the county in which the review board is established. Three members shall be selected independently by the governor and the remaining eight members shall be selected by the governor from the following sources:

(1) Three members shall be selected from nominees of the individual mayors of the cities and towns within the county;

(2) Three members shall be selected from nominees of the individual members of the board of county commissioners; and

(3) Two members shall be selected from nominees of each special purpose district lying wholly or partly within the county. Selection shall be made so that the terms of not more than one appointee from each source expires in any one year.

Nominations shall be filed with the office of the governor within thirty days after the effective date of this act, within thirty days after the creation of a boundary review board by election, operation of law, or resolution as provided in RCW 36.93.030, or within thirty days of the creation of a vacancy on the board, as appropriate. Nominations to fill vacancies caused by expiration of terms shall be filed at least thirty days preceding the expiration of the terms. Each source shall nominate at least two persons for every available position. In the event there are less than two nominees for any position, the governor may appoint the member for that position independently.

No nominee for membership and no member shall be a consultant or adviser on a contractual or regular retaining basis of the state of Washington, or of any municipal corporation thereof within the county in which the board is established, or any agency or association

thereof.

Sec. 3. Section 6, chapter 189, Laws of 1967, and RCW 36.93-.060 are each amended to read as follows:

In counties other than class AA or those class A counties covered under section 10 of this 1969 amendatory act (~~(of class A, if the resolution or petition establishing the board so provides)~~) the board shall consist of five members, selected as follows:

- (1) Two by the governor, independently;
- (2) One from nominees of the individual mayors of the cities and towns within the county;
- (3) One from nominees of the individual members of the board of county commissioners; and
- (4) One from nominees of each special purpose district lying wholly or partly within the county.

Nominations shall be made and vacancies filled in the manner provided in RCW 36.93.050.

Boards established pursuant to this section shall not meet in panels. In all other respects, such boards shall organize and operate as generally provided in this chapter.

Sec. 4. Section 8, chapter 189, Laws of 1967, and RCW 36.93-.080 are each amended to read as follows:

Expenditures by the board shall be subject to the provisions of chapter 36.40 RCW and other statutes relating to expenditures by counties. The planning and community affairs agency, or to whatever entity the local government functions of this agency shall be transferred, shall on a quarterly basis remit to each county one-half of the actual costs incurred by the county for the operation of the boundary review board within individual counties as provided for in this chapter. However, in the event no funds are appropriated to the said agency for this purpose, this shall not in any way effect the operation of the boundary review board.

Sec. 5. Section 9, chapter 189, Laws of 1967 and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file a notice of intention with the board, which may review any such proposed actions pertaining to:

(1) The creation, dissolution, incorporation, disincorporation, consolidation, or change in the boundary of any city, town, or special purpose district; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065.

Sec. 6. Section 12, chapter 189, Laws of 1967 and RCW 36.93-.120 are each amended to read as follows:

A fee of twenty-five dollars shall be paid by all initiators and in addition if the jurisdiction of the review board is invoked pursuant to RCW 36.93.100, ((the initiator of the proposal subjected to review and)) the person or entity seeking review, except for the boundary review board itself, shall ((each)) pay to the county treasurer and place in the county current expense fund the sum of one hundred dollars.

Sec. 7. Section 13, chapter 189, Laws of 1967, and RCW 36.93-.130 are each amended to read as follows:

The notice of intention shall contain the following information:

- (1) The nature of the action sought;
- (2) A brief statement of the reasons for the proposed action;
- (3) The legal description of the boundaries proposed to be created, abolished or changed by such action;
- (4) A county assessor's map on which the boundaries proposed to be created, abolished or changed by such action are designated; PROVIDED, That at the discretion of the boundary review board a map

other than the county assessor's map may be accepted.

Sec. 8. Section 15, chapter 189, Laws of 1967 and RCW 36.93-.150 are each amended to read as follows:

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

- (1) Approval of the proposal as submitted;
- (2) Modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal;
- (3) Determination of a division of assets and liabilities between two or more governmental units were relevant;
- (4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or
- (5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district.

Unless the board shall disapprove a proposal, (~~the proposal as it may have been modified by the board~~) it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the pro-

posal may be submitted to a vote of the people, as required by law.

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

Sec. 9. Section 16, chapter 189, Laws of 1967, and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing (~~(, and the)~~). Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof,

a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within (~~thirty~~) forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal. The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if

any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

NEW SECTION. Sec. 10. There is added to chapter 36.93 RCW a new section to read as follows:

Eleven member boards created and established in Class A counties by the 1967 legislature shall be reduced to five member boards as provided in this section. The governor shall not make any appointments, except for vacancies to fill unexpired terms, to the boards in these class A counties until 1972, at which time one appointment shall be made by the governor, independently, and one appointment from among the nominees of the special purpose districts as provided in RCW 36.93.060, whose terms shall expire on January 1, 1974. In 1974 the governor shall appoint five members to the board as provided in RCW 36.93.060. The reduction in members by this section shall not affect the board's jurisdiction over cases pending at the time of reduction.

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