SENATE BILL REPORT

SJR 8201

As Reported By Senate Committee On:
Government Operations, January 11, 1996

Brief Description: Amending the Constitution to revise the method of altering county boundaries.

Sponsors: Senators Haugen and Winsley.

Brief History:
Committee Activity: Government Operations: 1/26/95, 3/1/95 [DPS]; 1/1196 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Joint Resolution No. 8201 be substituted therefor, and the substitute resolution do pass.
Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Heavey and McCaslin.

Staff: Rod McAulay (786-7754)

Background: The Constitution recognized and established 34 counties at the time of statehood. It provides very general requirements for the formation of new counties.

* A new county must have a population of at least 2,000 and no county can have its population reduced below 4,000 by the creation of a new county from a portion of its territory.

* The Legislature may not enact special legislation changing the boundaries of a county or locating a county seat.

* Territory may not be removed from a county unless a majority of the voters in such territory petition for removal, and then only under such other conditions as may be prescribed by general laws enacted by the Legislature. No such general laws have ever been enacted.

Notwithstanding the absence of general enabling laws, five new counties have been created since statehood by legislation which specifically described county boundaries and prescribed the establishment of the new county government.

Summary of Substitute Bill: A new county cannot be created that has a population of less than 20,000. The removal of territory from a county, as a result of an annexation or the creation of a new county, may not reduce the population of a county to less than 20,000.

The Legislature is permitted to describe the boundaries of counties in special legislation. All portions of the state must be included in a county.

Procedures are specified for the creation of a new county, annexation of territory by a county, and consolidation of counties. The Legislature is permitted to establish by general law further requirements for these actions.

The Legislature is required to enact general laws establishing procedures for voters to choose a county seat if counties are consolidated, or if the territory remaining in a county after an annexation or the creation of a new county does not include the old county seat of the county.

A new county is established when:

1) The action is initiated by petition of 25 percent of the voters residing in the proposed new county. However, when the new county would take territory out of more than one county, the action must be initiated by petition of 25 percent of the voters residing in each portion of the proposed new county that is located within each county;

2) The petition forms are certified by voting precinct;

3) The Legislature enacts a special law creating the new county, which may include boundaries different than those proposed by the petition; and

4) A ballot proposition authorizing the new county is approved by voters residing in the proposed county.

Territory can be annexed by one county from another county when:

1) The action is initiated by resolution of the county legislative authority of the annexing county or by petition of 25 percent of the voters residing in the area;

2) The legislative authority of the county from which territory is being removed adopts a resolution authorizing the annexation;

3) The Legislature enacts a special law providing for the annexation; and

4) A ballot proposition authorizing the annexation is approved by the voters residing in the area.

Two or more counties can be consolidated when:

1) The action is initiated in each of the counties either by resolution of the county legislative authority or by petition of 25 percent of the voters residing in the county;

2) The Legislature enacts a special law providing for the consolidation; and

3) A ballot proposition authorizing the consolidation is approved by the voters of each county.

Substitute Bill Compared to Original Bill: The original joint resolution requires that a new county have minimum population of 40,000 and not reduce the county ceding territory to less

than 40,000. The substitute joint resolution reduces these threshold numbers to 20,000. The original joint resolution requires that a petition to form a new county be signed by a majority of voters residing in the portion of each ceding county that is within the proposed new county. The substitute joint resolution reduces this signature requirement to 25 percent. In all other respects, the original and substitute are the same.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The resolution is effective when it has been approved by a two-thirds majority of each house of the Legislature. The constitutional amendment must receive a favorable vote of a majority of those voting on the amendment at the next general election and would become effective when the election results are certified.

Testimony For: A clear and reasonable process is established for adjusting county boundaries, permitting mergers of counties and creating new counties. It considers raising the population threshold from 20,000 to 40,000. A 20,000 population threshold is not economically viable today.

Testimony Against: None.

Testified: Gary Lowe, WSAC (pro).