

SENATE BILL REPORT

SB 5889

As of February 24, 1997

Title: An act relating to the creation of Pioneer county, subject to the requirements of the state Constitution and statutes in respect to the establishment of new counties.

Brief Description: Creating Pioneer county.

Sponsors: Senator Anderson.

Brief History:

Committee Activity: Government Operations: 2/24/97.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Kathleen Healy (786-7403)

Background: The formation of new counties is governed by Article II, Section 3 of the state Constitution. A new county cannot be formed with less than 2,000 residents. The parent county cannot be reduced to a population of less than 4,000 residents. A majority of voters living in the territory must petition to have the new county created, but only under the provisions of a general law applicable to the whole state. Every new county is liable for a just proportion of the existing debts and liabilities of the county or counties from which the territory is taken.

This constitutional provision does not provide a process for determining the sufficiency of the formation process. There are no general state laws governing the petition process.

Summary of Bill: Pioneer County is created. The official date of creating Pioneer County is January 1, 1999.

On July 1, 1997, the Governor must divide Pioneer County into three county commissioner districts. Interim elected officials are elected at the 1997 general election by the Whatcom County voters who reside in what will become Pioneer County. The interim elected officials hold office until January 1, 1998, when their successors take office.

During the transition period, all ordinances, rules, and regulations of Whatcom County relating to Pioneer County remain in effect until amended or repealed. The interim board of county commissioners may acquire needed facilities and staff, and is subject to state laws relating to open government, public records, ethics and conflicts of interest, public contracts and bidding, and other laws.

Whatcom County must assist Pioneer County by providing services, supplies and loaning money to Pioneer County. Pioneer County must pay Whatcom County for the value of assistance after the interim period.

The interim board may issue short-term obligations and borrow from other governmental agencies. The interim board may also impose property taxes and excise taxes to be collected in 1999.

A city, town or other commonly named area may be nominated for county seat in a petition signed by Pioneer County voters representing at least 1 percent of the votes cast in Pioneer County in the 1997 general election. Pioneer County voters must select the county seat at the 1998 general election.

Pioneer County is liable for a just proportion of the debts and liabilities, property, and assets of Whatcom County. The distribution must be determined by a six-person negotiation party, three appointed by the executive of Whatcom County and three appointed by the interim board of Pioneer County. If an impasse in negotiations is reached, either county may petition the Department of Community, Trade, and Economic Development to provide binding arbitration. The assets, debts, and liabilities must be apportioned so that Pioneer County is assigned an amount in the same proportion as the total assessed valuation of Pioneer County is to the total assessed valuation of Whatcom County before the creation of Pioneer County.

The three superior court judges for Whatcom County are jointly assigned to Whatcom and Pioneer County.

Pioneer County is assigned one district court judge.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately, except section 101, which takes effect January 1, 1999.