

SENATE BILL REPORT

SB 6016

As of March 2, 1999

Title: An act relating to new counties.

Brief Description: Providing for the formation of new counties.

Sponsors: Senators Gardner, Kline, Patterson and Haugen.

Brief History:

Committee Activity: State & Local Government: 3/3/99.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Staff: Sharon Swanson (786-7445)

Background: The State Constitution establishes minimal procedures for the creation of a new county. The Legislature has not adopted statutes relating to a formal process for the establishment of new counties.

Summary of Bill: The proponents of a proposed new county must submit a statement to the Secretary of State's office 12 months before the next regular session of the Legislature at which the petitions are to be submitted for approval. The statement must include the name and legal description of the proposed county, as well as an affidavit from the proponents that each is a registered voter within the territory of the proposed new county.

A petition proposing the creation of the new county must be submitted to the Secretary of State after it has been signed by a majority of the registered voters living within area of the proposed county.

The Secretary of State must certify the sufficiency of the petitions and file the petitions with the Legislature within 30 days of receipt.

Petitions filed with the Legislature must be considered at the next regular legislative session. Failure of the Legislature to act constitutes disapproval of the petition.

If a proposal is approved, a special election must be held at the next general election within the boundaries of the proposed new county, for the purpose of electing members of a planning commission. The planning commission prepares a general outline of the county government for the new county.

In the first general election following the beginning of a planning commission period, the question of creation of a new county must be submitted to all voters residing within the boundaries of the parent county or counties. A three-fifths vote is needed in favor of creating a new county, for the measure to pass. Upon certification of the election, an interim period begins and the members of the planning commission become members of the

initial board of county officials. Members serve in this capacity until regular county commissioners are elected and sworn into office.

The initial board members are authorized to adopt an interim budget, collect sales and use taxes, borrow money from the state treasurer, and may also adopt ordinances on any matter within the authority of a nonhome rule county.

During the interim period, the parent county remains responsible for providing all county services unless otherwise agreed to by the parent county and the initial board members of the new county.

A new county is liable for a just proportion of the debts and liabilities of the parent county, and must also receive a just proportion of the assets of the parent county.

Each parent county retains ownership of the real property it owns and that remains within its boundaries. At the effective date of the creation of the new county, the new county acquires ownership of real property that was owned by the parent county but is located within the new county. Equipment used for transportation construction and maintenance is divided by apportionment based on the number of miles of roads in the new county.

The superior court and district court of the parent county retains jurisdiction on any matters pending before them at the close of the interim period unless all parties to the matter stipulate otherwise.

Current statutes relating to the following are repealed: change to newly created county; procedure to settle amount charged new county; payment of indebtedness; and collection of taxes levied.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.