

HOUSE BILL REPORT

HJR 4221

As Reported by House Committee On:
Local Government & Housing

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

Sponsors: Representative Dunshee.

Brief History:

Committee Activity:

Local Government & Housing: 2/5/02, 2/7/02 [DP].

Brief Summary of Bill

- Amends Article XI, section 3 to allow for the annexation by one county of another county, or the consolidation of counties if counties become financially insolvent.
- Grants emergency authority to the Legislature to ensure the provision of necessary governmental services when a county files for dissolution.

HOUSE COMMITTEE ON LOCAL GOVERNMENT & HOUSING

Majority Report: Do pass. Signed by 6 members: Representatives Dunshee, Chair; Edwards, Vice Chair; Berkey, Hatfield, Kirby and Sullivan.

Minority Report: Without recommendation. Signed by 5 members: Representatives Mulliken, Ranking Minority Member; Crouse, DeBolt, Dunn and Mielke.

Staff: Scott MacColl (786-7106).

Background:

Article XI, section 3 of the state constitution requires that no new counties may be established which reduces any county population to less than 4,000, or that creates a county with less than 2,000 population. No new territory can be taken from any county unless a majority of the voters living in the territory petition for the change in boundaries.

Any county taking territory from another county is liable for a just proportion of existing debts and liabilities of the county losing territory.

Five new counties have been formed since statehood, and no new counties have been formed since 1911. No counties have ever been dissolved.

Summary of Bill:

Article XI, section 3 is amended to allow for the annexing or consolidation of counties. The Legislature is also granted emergency authority to ensure the provision of necessary governmental services when a county files for dissolution.

The process of altering county boundaries is altered to allow for the annexation, consolidation, and dissolution of existing counties. The population requirements for new or existing counties is amended to require that any new county, annexed or otherwise, have at least 20,000 in population. The requirement is added that all areas of the state must be located within a county.

The Legislature is granted authority to consolidate two or more counties under two circumstances. First, when a county has filed a petition under federal bankruptcy laws, and a petition for dissolution is initiated by the legislative authority of the county petitioning for bankruptcy, the Legislature may act to consolidate counties.

Second, when an existing county proposes to annex another county. This action is initiated by a resolution of the legislative authority of the annexing county and the proposed annexed county. There must be a petition included with signatures of 10 percent of the voters residing in the county proposed to be annexed. A ballot proposition authorizing the annexation must be approved by the voters of the county proposing to be annexed.

The Legislature is also authorized, when a county files a petition for dissolution with the Legislature, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of that county. The Legislature also must enact such measures as may be necessary for ensuring the continuity of governmental operations during such emergencies.

Appropriation: None.

Fiscal Note: Not Requested.

Testimony For: There are currently 10 counties around the state that have under 20,000 in population. In subsection 2 the bankruptcy provisions should be deleted as the federal

bankruptcy provisions allow for municipalities but not counties. There probably needs to be a system to consolidate, and petition to join with another county. The population requirement for signatures on a petition should be higher than 10 percent, maybe up to 25 percent or more, and should be required for both the annexing and annexed county. For any county that may go under, no other county will want to pick it up, and counties have a required amount of services that need to be done on behalf of the state.

Testimony Against: None.

Testified: Paul Parker; Washington Association of Counties.