

SENATE BILL REPORT

SSB 6205

As Passed Senate, February 12, 1996

Title: An act relating to new counties.

Brief Description: Providing procedures for creating new counties.

Sponsors: Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Quigley and Long).

Brief History:

Committee Activity: Government Operations: 1/25/96, 2/1/96 [DPS].
Passed Senate, 2/12/96, 35-13.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 6205 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale, Heavey and McCaslin.

Staff: Rod McAulay (786-7754)

Background: The procedure to create a new county involves the following steps:

- A petition proposing the creation of the new county must be signed by at least a majority of the voters residing in the portion of each county that is proposed to be included in the new county;
- Special legislation is enacted by the Legislature creating the new county, defining the boundaries of the new county, and altering the boundaries of the parent county or counties out of which territory was removed to create the new county; and
- Any other requirements that are established in general laws.

The population of a new county must be at least 2,000 and the population of a parent county from which territory is removed to create the new county may not be reduced to less than 4,000.

The Legislature has enacted very few general laws relating to the creation of a new county. These provisions relate to the distribution of the parent county's debts and liabilities between the new county and what remains of the parent county. The auditors of the parent county and new county meet and attempt to agree upon the allocation of the parent county's liabilities. If they cannot agree, then a third person is called to decide. The property taxes of the parent county that are imposed, but not collected, are to be apportioned between the parent county and new county on the basis of the assessed valuation of property.

By implication from these provisions, it appears that the parent county's buildings, roads and bridges that are located in the new county are transferred to the new county.

Summary of Bill: The process for creating a new county is clarified.

Petition Requirements. A petition proposing the new county must request the creation of the new county, include a description of the new county, and in addition to the signature of each petitioner include their printed name and address. After January 1, 1997, petitions signatures must be dated and must have been affixed within two years of submission of the petitions to the Secretary of State.

Filing and Validation of Petitions. A petition to create a new county is filed with the Secretary of State together with the names of up to five proponents who are the contact persons for the Secretary of State and county auditors. Upon receipt of the petition, the Secretary of State forwards copies to the appropriate county auditor for validation of individual signatures and for certification of the number required to meet constitutional requirements. The percentage of signatures required is calculated on the basis of the number of registered voters required by Article XI, Section 3 of the state Constitution. The Secretary of State must also request the Office of Financial Management to certify the population of the proposed new county and of the remnant parent county.

If the petitions do not have sufficient signatures, additional signatures may be collected and filed over a 90 day period. The new signatures are reviewed using the same process. If there still are insufficient valid signatures, the Secretary of State notifies the appropriate county auditors and the proponents of the new county.

If the petitions have sufficient signatures, the Secretary of State notifies the Legislature and requests special legislation to create the new county.

Special Legislation and Election. The Legislature may enact special legislation creating the new county subject to a vote of the residents of the proposed new county. The special legislation must provide for the boundaries of the new county, must provide for a court system, must provide for financing the transition and establishment of the government of the new county, must designate the elected offices, and may provide any special requirements or standards for apportioning debts and assets or for the election creating the new county. The question of creating the new county is placed on the ballot at the next general election more than 60 days following the effective date of the special legislation.

Initial County Officers. The initial officers for the county, as designated in the special election, are elected at the same election at which the question of formation of the county is voted on. If formation of the new county is not approved, the votes on county officers are not counted. If formation is approved, the officers take office on January 1, following the election.

Interim Period and Formal Formation. If formation of the new county receives a favorable vote, a one-year interim period commences on January 1, following the election. During this interim period, the initial county officers establish a county government, adopt ordinances and budgets, provide for the assessment of taxes and otherwise prepare for operations to commence at the end of the interim period.

Distribution of Debts, Liabilities and Assets. During the interim period, the county auditors for the new county and the remnant parent county meet and negotiate an agreement apportioning the debts, liabilities and assets of the parent county between the new county and the remnant parent county. Real property is apportioned to the county in which it is located.

If agreement cannot be reached within 90 days, either auditor may petition the state court of appeals to make a just apportionment. The division of the Court of Appeals in which the largest population of the new county is resident has jurisdiction. The Court of Appeals is authorized to appoint a special master who, in turn, may employ such professionals as may be required to assist him or her in evaluating and recommending a just apportionment. The Court of Appeals issues an order making a just apportionment, and that order is final.

Special Districts. Special districts are retained in the new county as if the new county is not created. The road district or districts in the parent county or counties are altered to remove territory that is removed from the parent county or counties and included in the new county.

Court Jurisdiction. All cases pending in the courts of the parent county involving residents or property of the new county remain in the courts of the parent county unless all parties stipulate to a change of venue.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This legislation incorporates a rote and provides a clean procedure. It fills a gap in the law. A public airing of the issue is allowed. The democratic process is maintained.

Testimony Against: A supermajority vote (60 percent) should be required because of the seriousness. There should be a time limit on pre-1997 signatures. A full disclosure of costs should be required. Signatures should be certified by precinct so the Legislature can know where there is support. DCTED should be given guidance in setting first salaries. DCTED fiscal analysts should file a fiscal note and be prepared at the time legislation is considered. Assets should stay where they are and not be subject to allocation.

Testified: Glenn Vermillion; Nancy J. Nelson; Mary J. Butler; Gloria Abbenhouse; Stan Ball, Dan Goodwin; Anne Robison; Gary Lowe, WSAC.