
Local Government & Housing Committee

HJR 4221

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

Sponsors: Representative Dunshee.

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.
- Grants emergency authority to the Legislature to ensure the provision of necessary governmental services when a county files for dissolution.

Hearing Date: 2/5/02

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 four thousand, or that creates a county with less than two thousand 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 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.

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 ten 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.