

HOUSE BILL REPORT

SHB 1201

As Amended by the Senate

Title: An act relating to local government.

Brief Description: Removing references to county classes.

Sponsor(s): By House Committee on Local Government
(originally sponsored by Representatives Cooper, Wood, Rayburn, Edmondson, Franklin, Haugen, Nealey, Zellinsky, Wynne, Bray, Mitchell, Roland and Ferguson).

Brief History:

Reported by House Committee on:
Local Government, February 13, 1991, DPS;
Passed House, March 12, 1991, 97-1;
Amended by Senate.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *That Substitute House Bill No. 1201 be substituted therefor, and the substitute bill do pass.*
Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The state constitution authorizes the Legislature to classify counties as follows: (1) counties may be classified by population for purposes of electing officers in certain counties who exercise the powers of two or more county officers; and (2) counties may be classified by population for purposes of establishing compensation for county officers. A constitutional amendment authorized the Legislature to delegate the authority to establish levels of compensation of county officers to the county legislative authorities. Legislation has been enacted so delegating this authority to county legislative authorities.

The current statute that classifies counties by population creates the following 11 classes: AA, A, and 1st through 9th, each associated with a descending range of population.

This statute does not indicate how the population is determined for purposes of these classes.

Another statute permits counties to have a special county census pursuant to procedures specified by the Office of Financial Management, and that these population figures may be used to determine the class of the county.

In 1950, legislation was enacted providing that no change from the 1940 census in the classification of 7th, 8th, and 9th class counties shall occur until the board of commissioners of such counties makes an order reclassifying such counties. However, if no order is made, the federal official preliminary estimate or the final certificate of the 1940 census shall be considered as showing the actual population of the county.

The Office of Financial Management makes annual estimates of population for each county in the state that are accepted for a variety of purposes.

Counties have been classified by population since statehood and legislation has been enacted using these classifications to both combine the duties of certain county officers in certain classes of counties and to provide different levels of compensation for county officers depending on the class of the county. For example, in counties of the 4th class or smaller, no coroner is elected and the prosecuting attorney acts as the ex officio coroner, and in 9th class counties no auditor is elected, and the clerk acts as the ex officio auditor, and no assessor is elected and the treasurer acts as the ex officio assessor.

In addition, newer legislation has been enacted classifying counties for other purposes.

Several statutes relate to election practices for port districts located in counties of a particular class that differ from general election law and from the practices of these port districts.

Summary of Bill: The classes of counties are eliminated. Every statute containing a classification of counties is altered to delete the class of counties, and the population range that is associated with the classification is substituted for the class, except each reference to class AA counties is altered to a county with a population of one million or more, which only refers to King County. However, the ability of a port district that is located in a class AA county to elect its commissioners without using commissioner districts is permitted in any county with a population with

500,000 or more, which includes Pierce County and the Port of Tacoma.

The latest determination of a county's population is used whenever a statute references the population of a county, whether established by a census, special county census, or population estimate by the Office of Financial Management.

Specific port district provisions of law are repealed that differ from general election laws and provide for different ways for a prospective candidate for port commissioner to file for office or for conducting port district elections, based upon the class of county in which the port district is located.

References for school districts including a city with a population of 400,000 or more, and located in a class AA county, are altered to delete the reference to the class AA county.

The classes of counties are altered, that were used to distinguish different counties in 1990 legislation relating to financing various types of transportation, to reference those counties, by their existing population and other factors, that were attempted to be included when the legislation was enacted.

EFFECT OF SENATE AMENDMENT(S): (1) A county that once had a population of 40,000 and had a separately elected coroner, but loses population to less than 40,000, (i.e., Whitman County) may adopt an ordinance or resolution retaining the separate elective office of coroner instead of having the prosecuting attorney acting as the coroner. (2) The change in designation of a class AA county, to a county with a population of 1 million or more, is altered to a county with a population of 500,000 or more, (i.e., Pierce County) for purposes of having 12 unclassified positions in the civil service system for the sheriff's office. (3) An error was corrected in the conversion of county classes to the corresponding county populations for purposes of membership on the transportation improvement board. (4) The conversion of county classes to the corresponding county population, for purposes of permitting a county to use income earned off of county tax lands to balance its current expense fund deficit instead of being distributed to taxing districts in proportion to distributions of tax receipts from these lands, was expanded to allow a county with a population of 9,000 or less (i.e., Skamania County) to possess this authority.

Fiscal Note: Not requested.

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

Testimony For: This is a technical bill. Several practices by counties that have been followed for decades, in apparent violation of state law, were authorized by eliminating references to counties of the 9th class. Citizens may know a county's population and not know the class of the county. It is not clear which population figures are used to determine the class of a county.

Testimony Against: None.

Witnesses: Gary Lowe, Washington State Association of Counties; and George Walk, Pierce County.

VOTE ON FINAL PASSAGE:

Yeas 92; Excused 4; Absent 2

Excused: Representatives Betrozoff, Locke, Miller, Pruitt

Absent: Representatives Sprenkle, Wineberry