

HOUSE BILL REPORT

SB 5141

As Passed Legislature

Title: An act relating to five-member boards of county commissioners.

Brief Description: Accelerating changes to five-member boards of county commissioners.

Sponsor(s): Senator McCaslin.

Brief History:

Reported by House Committee on:
Local Government, April 3, 1991, DP;
Passed House, April 16, 1991, 91-0;
Passed Legislature, 91-0.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *Do pass.* Signed by 14 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Wood; Wynne; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: Two uniformity requirements are contained in the state constitution relating to county government. The Legislature is required to establish a system of county government that is uniform throughout the state. The Legislature is required to enact general and uniform laws for the election of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county officers that it may require. However, the Legislature is permitted to classify counties by population and provide for the election of an official who performs the duties of two or more of these offices in a class or classes of counties.

The Legislature established the following uniform system of county elected officials for each county that does not have a county charter: (1) a three-member board of county commissioners; (2) a prosecuting attorney; (3) a county treasurer; (4) a county clerk; (5) a county auditor; (6) a county assessor; (7) a county sheriff; and (8) a coroner, but in counties of certain classes, a separate coroner is

not elected and the prosecuting attorney acts as the coroner.

The 21st Amendment to the state constitution was adopted in 1947 allowing any county to adopt a county charter and establish a system of elected officials deviating from the uniformity requirement and including a different array of elected officials than is specified in the constitution and statutes. Five out of the 39 counties in the state have adopted such a charter.

The attorney general has issued two Attorney General Opinions stating that legislation permitting noncharter counties the option of providing for boards of county commissioners of differing sizes violates the constitutional requirement for a uniform system of elected officials. Legislation was enacted in 1990 permitting any noncharter county to increase the size of its board of commissioners from three members to five members. The legislation contained a section delaying the effective date of the option to increase the size of a board of county commissioners until January 1, 1993.

Summary of Bill: The delayed effective date of January 1, 1993, is repealed that was included in the 1990 legislation allowing a noncharter county to increase the size of its board of county commissioners from three to five members.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: None.

Testimony Against: None.

Witnesses: None.