

SENATE BILL REPORT

SJR 8203

**AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,
JANUARY 14, 1994**

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

SPONSORS: Senators Haugen, von Reichbauer, Loveland and Winsley

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 19, 1993; February 23, 1993; January 14, 1994

BACKGROUND:

The Constitution recognized and established 34 counties at the time of statehood. It provides very general requirements for the formation of new counties.

- * The Constitution requires that a new county have a population of at least 2,000 and that no county can have its population reduced below 4,000 by the creation of a new county from a portion of its territory.
- * The Constitution prohibits the Legislature from enacting special legislation changing the boundaries of a county or locating a county seat.
- * The Constitution prohibits the removal of territory from a county unless a majority of the voters in such territory petition for removal, and then only under such other conditions as may be prescribed by general laws enacted by the Legislature. No such general laws have ever been enacted.

Notwithstanding the absence of general enabling laws and the prohibition against special legislation, five new counties have been created since statehood by legislation specifically describing county boundaries and prescribing the establishment of the new county government with varying detail.

SUMMARY:

A new county cannot be created that has a population of less than 40,000. The removal of territory from a county, as a

result of an annexation or the creation of a new county, may not reduce the population of a county to less than 40,000.

The Legislature is permitted to describe the boundaries of counties in special legislation. All portions of the state must be included in a county.

Procedures are specified for the creation of a new county, annexation of territory by a county, and consolidation of counties. The Legislature is permitted to establish by general law further requirements for these actions.

The Legislature is required to enact general laws establishing procedures for voters to choose a county seat if counties are consolidated, or if the territory remaining in a county after an annexation or the creation of a new county does not include the old county seat of the county.

A new county is established when:

- 1) The action is initiated by petition of a majority of the voters residing in the proposed new county. However, when the new county would take territory out of more than one county, the action must be initiated by petition of a majority of the voters residing in each portion of the proposed new county that is located within each county;
- 2) The petition forms are certified by voting precinct;
- 3) The Legislature enacts a special law creating the new county, which may include boundaries different than those proposed by the petition; and
- 4) A ballot proposition authorizing the new county is approved by voters residing in the proposed county.

Territory can be annexed by one county from another county when:

- 1) The action is initiated by resolution of the county legislative authority of the annexing county or by petition of 25 percent of the voters residing in the area;
- 2) The legislative authority of the county from which territory is being removed adopts a resolution authorizing the annexation;
- 3) The Legislature enacts a special law providing for the annexation; and
- 4) A ballot proposition authorizing the annexation is approved by the voters residing in the area.

Two or more counties can be consolidated when:

- 1) The action is initiated in each of the counties either by resolution of the county legislative authority or by

petition of 25 percent of the voters residing in the county;

- 2) The Legislature enacts a special law providing for the consolidation; and
- 3) A ballot proposition authorizing the consolidation is approved by the voters of each county.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR: None

TESTIMONY AGAINST: None

TESTIFIED: No one