

HOUSE BILL REPORT

SHB 1643

As Passed House:

March 13, 1995

Title: An act relating to new counties.

Brief Description: Providing procedures for creating new counties.

Sponsors: By House Committee on Government Operations (originally sponsored by Representatives Stevens, Cairnes, Koster, L. Thomas, Dyer, Cooke, B. Thomas, Thompson, D. Schmidt, Boldt, Lambert and Backlund).

Brief History:

Committee Activity:

Government Operations: 2/21/95, 2/24/95 [DPS].

Floor Activity:

Passed House: 3/13/95, 64-33.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Reams, Chairman; Goldsmith, Vice Chairman; L. Thomas, Vice Chairman; Hargrove; Honeyford; Hymes; Mulliken; D. Schmidt and Van Luven.

Minority Report: Do not pass. Signed by 6 members: Representatives Rust, Ranking Minority Member; Scott, Assistant Ranking Minority Member; Chopp; R. Fisher; Sommers and Wolfe.

Staff: Steve Lundin (786-7127).

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

- o 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 removed from that county and included in the new county;
- o 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

- o Any other requirements must be followed 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 have its population 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 distribution of the parent county's liabilities between the new county and parent county. 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 how a new county is created is clarified.

1. Petition requirements.

Petitions proposing the new county must request the creation of the new county, include a legal description of the new county, identify the proponents, and include lines and spaces for signatures, printed names, and addresses for each person who signs the petition.

2. Filing petitions and validating signatures.

Petitions calling for the creation of a new county are filed with the Secretary of State, who copies the petitions and forwards a copy to the county auditor of each county from which territory is proposed to be removed to create the new county. Each county auditor reviews the signatures and certifies to the Secretary of State both the number of registered voters residing in that portion of the county proposed to be removed and included in the new county and the number of valid signatures of those voters. The Secretary of State certifies whether the petitions include sufficient valid signatures.

If the petitions do not have sufficient signatures, additional signatures may be collected and filed over a 90 day period. The new petitions are reviewed using the same procedure.

If the Secretary of State certifies the petitions as having sufficient valid signatures, the Legislature is notified and may enact special legislation creating the new county.

3. Special legislation creating the new county.

If the petitions are certified as having sufficient valid signatures, both the Senate and House of Representatives must hold a public hearing on the special legislation creating the new county at the next regular session following the certification and must take action on the proposal at that session. Special legislation creating the new county shall be given high priority.

Special legislation creating a new county must include a variety of matters, including: (a) the name of the new county; (b) a description of the boundaries of the new county and the altered boundaries of the parent county or counties; (c) a statement of the population of the new county; (d) a finding that the new county and parent county or counties meet the population requirements of the state constitution; (e) a statement that the petitions contained sufficient valid signatures; and (f) an official date the new county is created.

The boundaries of the new county must be as presented in the petition, except for minor corrections of errors. However, the Legislature may add additional areas to the new county if the Secretary of State certifies that additional petitions proposing the addition of these areas were filed with sufficient valid signatures.

4. County officials.

The interim officials of a new county are selected as follows:

- o The Governor appoints two persons as two interim county commissioners, from a list of from five to 10 persons who are nominated by the person or persons who filed petitions with the most signatures.
- o These two interim county commissioners appoint a third person as an interim county commissioner and the three persons constitute the interim board of county commissioners.
- o The interim board of county commissioners appoints all other interim county officials.

Provisions are made for the director of the Department of Community, Trade, and Economic Development to establish the same annual salary for each county commissioner of a new county. The annual salary is the lower annual salary provided for a county commissioner in any of the four non-charter counties in the state with the

closest population to that of the new county. The interim board of commissioners establishes salaries for the other county officials.

The first election of officials in a new county is held at the state general election in the same year as the official date of creating the new county, if the official date of creating the new county is on or before the 15th day of June, or at the state general election in the year following the official date of creating the new county, if the official date of creating the new county is after the 15th day of June.

5. County seat.

Voters of the new county select the county seat for the new county at the same election when the officials of the new county are first elected.

6. Special districts.

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

7. Courts.

If the county is not placed within a multi-county superior court, a new superior court must be created for the new county. A district court shall be created for the new county. Cases in the superior court of the parent county involving residents or property in the new county are transferred to the new superior court. Cases in the district court of the parent county involving residents or property in the new county are transferred from the district court of the parent county to the new district court of the new county.

8. Transfer of documents.

The parent county pays for the costs of reproducing and transferring documents and records from the parent county to the new county.

9. Interim transition period.

An interim transition period is provided, running from the date the special legislation is enacted creating the new county until the official date of creating the new county, during which the interim county officials take actions necessary for the area to become a new county.

The interim board of county commissioners may adopt ordinances that become effective on or after the official date of creating the new county, including the imposition of taxes, may borrow money, and may hire staff. Until altered by the board of commissioners of the new county, ordinances of the parent county remain in effect in the new county after it is officially created.

The parent county or counties must assist the new county during the interim transition period. Other units of local government and state agencies may provide assistance to the new county. In addition, the new county may borrow money from the county sale and use tax equalization account.

10. Distribution of debts, liabilities, and assets.

The existing provisions of law relating to the distribution of debts and liabilities of the parent county, between the parent county and new county, are substantially altered to provide for a distribution of the parent county's debts, liabilities, and assets between the parent county and new county.

The ownership of the parent county's real property that is located in the new county is transferred to the new county. Debt associated with the real property goes with the ownership of the real property.

Depending on the nature of the remaining assets, debts, and liabilities of the parent county, these assets, debts, and liabilities are distributed between the new county and parent county on the basis of relative number of road miles in the counties or relative value of taxable property in the counties. Property taxes that were imposed by the parent county, but not collected, are apportioned between the parent county and the new county on the basis of the relative value of taxable property in the counties. The auditors of the new county and parent county meet to make these determinations. If they cannot agree, the state auditor is called to mediate.

11. Liberal construction.

A liberal construction is provided for these provisions to allow for the transition and maintenance of government in the new county.

12. Boundary for tax purposes.

Special provisions are made to establish the boundaries of the new county, remaining parent county or counties, and road districts in these counties, at the earliest date to permit the imposition of property taxes.

Appropriation: None.

Fiscal Note: Requested on February 16, 1995.

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

Testimony For: This will clarify how a new county is created. The issue is representation. The people feel disenfranchised. We have unresponsive urban county government. There is no reason for a vote on creating the new county, since the petition signature requirement is so high. The Growth Management Act drove a wedge between people. Counties are different than cities, so there is no reason to have a vote to create the county or a vote to elect the initial commissioners. People are different in rural areas -- urban people think chickens get pregnant.

Testimony Against: Government is much more complicated now than in 1911 when the last county was created. A vote should be held to determine if people really want the new county. People change their minds. Without a vote no real political debate will arise. The legislature should be able to adjust the boundaries to insure they are rational. People in the parent county have rights too. A time limit should exist on collecting the signatures. The method of selecting the initial commissioners is flawed -- there should be a vote.

Testified: Representatives Stevens, Cairnes and Koster; sponsors; Ray Radke, Howard Anderson, Tom Brown, Whatcom County; Pete Poeschel, Dave Guadalupe and Neil Nutson, Freedom County; Arnold Hansen, Milt West and Gary Graber, Skykomish County; Ted Cowan, Lois Gustafson, John Kramer, Cedar County; Janelle Keller and Jeff McDowell, Washington State Grange Association; Gary Lowe, Washington Association of Counties; Randy Finden, State Auditors Office; Darrell Hartin, Snohomish County Property Rights Alliance; Barbara Bell, citizen; John Gintz, citizen; Tom Brown, Independence County; Howard Andreason, and Pioneer County.