

HOUSE BILL REPORT

HB 2120

As Reported By House Committee On: Government Reform & Land Use

Title: An act relating to the creation of Pioneer county, subject to the requirements of the state Constitution and statutes in respect to the establishment of new counties.

Brief Description: Creating Pioneer county.

Sponsors: Representative Koster.

Brief History:

Committee Activity:

Government Reform & Land Use: 2/24/97, 3/3/97 [DPS].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Bush; Mielke; Mulliken and Thompson.

Minority Report: Do not pass. Signed by 3 members: Representatives Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; and Gardner.

Staff: Joan Elgee (786-7135).

Background: The formation of new counties is governed by Article XI, Section 3, of the state constitution. A new county cannot be formed with less than 2,000 residents. The parent county cannot be reduced to a population of less than 4,000 residents. A majority of voters living in the territory must petition to have the new county created under such other conditions as may be prescribed by a general law. Every new county is liable for a just proportion of the existing debts and liabilities of the county or counties from which the territory is taken. Under Article II, Section 28(18), the constitution authorizes special legislation to create a new county.

There are no general state laws governing the petition process. The only general legislation that has been enacted relates to the distribution of debts, property, and uncollected taxes. This legislation has been interpreted to apply to the creation of a new county only if the special legislation creating the new county references the general law.

In April 1995 and in October 1996, petitioners from the proposed Freedom County submitted signature petitions to the Legislature.

Summary of Substitute Bill: Special legislation creating Pioneer County is adopted.

The Legislature finds that the constitutional requirements with respect to the creation of Pioneer County are met.

Election.

At the November 1997 general election, the question of whether Pioneer County will be created must be submitted to the voters who reside in the proposed Pioneer County, in northwestern Whatcom County. Thirty days before the election, the Whatcom County auditor must establish three commissioner districts in the proposed Pioneer County. If a majority of those voting vote in favor of creating Pioneer County, Pioneer County shall be created.

Transition period.

The Whatcom County auditor must open a three-day special filing period for persons to declare their candidacies for the interim elected offices of Pioneer County. The officials shall be elected at the general election held in April 1998, following a primary election in February 1998. The elected officials have limited powers during the interim period and full powers commencing January 1, 1999, the official date of creating Pioneer County. The county officials elected in 1998 serve until their successors assume office on January 1, 2000.

During the transition period, all ordinances, rules, and regulations of Whatcom County relating to Pioneer County remain in effect until amended or repealed. The interim board of county commissioners may acquire needed facilities and staff, may issue short-term obligations and may borrow from other governmental agencies. The interim board may also impose property taxes and excise taxes to be collected in 1999.

Whatcom County must assist Pioneer County by providing services and supplies, and loaning money to Pioneer County. Pioneer County must pay Whatcom County for the value of assistance after the interim period.

A city, town, or other commonly named area may be nominated for a county seat in a petition signed by Pioneer County voters representing at least 1 percent of the votes cast in Pioneer County in the 1997 general election. The Pioneer County voters shall select the county seat at the 1998 general election.

Debts and Liabilities, Property, and Assets.

Pioneer County is liable for a just proportion of the debts and liabilities, property, and assets of Whatcom County. The distribution must be determined by a six-person negotiation party: three persons appointed by the executive of Snohomish County and three persons appointed by the interim board of Whatcom County. If an impasse in negotiations is reached, either county may petition the Department of Community, Trade and Economic Development to provide binding arbitration. The assets, debts, and liabilities must be apportioned so that Pioneer County is assigned an amount in the same proportion as the assessed valuation of Pioneer County is to the total assessed valuation of Whatcom County before the creation of Pioneer County.

Courts.

The 13 superior court judges for Whatcom County are jointly assigned to Whatcom and Pioneer counties.

Pioneer County is assigned one district judge.

Substitute Bill Compared to Original Bill: The requirement that a majority of those residing in the proposed Pioneer County vote in favor of a new county is added. The interim elected officials are to be elected in April 1998 rather than in November 1997 and are to assume full powers on January 1, 1999. Other provisions are modified to be consistent with the altered timetable.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill contains several effective dates. Please refer to the bill.

Testimony For: Super bureaucrats shove things down our throats.

Testimony Against: None.

Testified: Howard Andreason (pro); and Raymond Radke (pro).