

HOUSE BILL REPORT

HJR 4215

As Reported by House Committee On:

Local Government

Brief Description: Authorizing consolidation or merging of statutory and constitutional county functions and structures.

Sponsors: Representatives Sommers, Romero, Jarrett, Clibborn, Moeller, Bush, Edwards, Morrell and Kagi.

Brief History:

Committee Activity:

Local Government: 1/26/04, 2/4/04 [DP].

Brief Summary of Bill

- Creates a ballot initiative for consideration at the next general election proposing the amendment of the state constitution so as to allow counties to consolidate or merge any statutory or constitutional function or structure.
- Authorizes the Legislature to pass laws necessary to implement the proposed constitutional amendment and to impose additional requirements or conditions required for such implementation.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives Romero, Chair; Simpson, D., Vice Chair; Jarrett, Assistant Ranking Minority Member; Clibborn, Edwards, Mielke, Moeller and Upthegrove.

Minority Report: Do not pass. Signed by 3 members: Representatives Schindler, Ranking Minority Member; Ahern and Ericksen.

Staff: Thamas Osborn (786-7129).

Background:

In Article XI, sections 1 through 5, the State Constitution provides that counties shall be the primary legal subdivision of the state and outlines the general requirements for county governance. Under these constitutional provisions, the Legislature is required to establish

a uniform system of county government and to provide for the election and compensation of county commissioners, sheriffs, clerks, treasurers, prosecuting attorneys, and other necessary officers.

The State Constitution prohibits the creation of a new county with fewer than 2,000 residents or which has the effect of reducing the population of an existing county to less than 4,000 residents. No territory can be taken from any county unless a majority of the voters living in the territory petition for the change in boundaries. Any county taking territory from another county is liable for a just proportion of existing debts and liabilities of the county losing territory.

Five new counties have been formed since statehood, and no new counties have been formed since 1911. No counties have ever been dissolved.

At present, Washington has 39 counties with populations ranging from 2,400 to 1.7 million. Thirty-four of these counties operate under the commission form of government and 5 have adopted "home rule" charters, pursuant to provisions in the State Constitution and legislation enacted in 1948. The five "home rule" charter counties are Clallam, King, Pierce, Snohomish, and Whatcom.

Summary of Bill:

The bill creates a ballot initiative for consideration at the next general election proposing the amendment of Article XI, Section 3, of the State Constitution, so as to allow counties to consolidate or merge any statutory or constitutional function or structure.

The proposed constitutional amendment would also authorize the Legislature to pass laws necessary to implement the proposed constitutional amendment and to impose additional requirements or conditions required for such implementation. Any such laws must be "general" laws applicable to the whole state.

Appropriation: None.

Fiscal Note: Available.

Testimony For: The constitutional amendment proposed by the by joint resolution is necessary in order to provide counties with the authority to work together to consolidate services and functions. The current provisions of the Constitution do not explicitly grant such authority. Many counties are facing economic difficulties and the amendment, if adopted, would allow efficiencies that are not currently possible. Small counties are particularly hard-pressed to provide residents with the full range of functions and services, thus consolidating such services and functions with other counties would be

particularly beneficial to them. Furthermore, the amendment would allow counties to share officials such as the sheriff and prosecutor, which would result in significant cost savings to those counties who decide to do so.

Testimony Against: The Washington Association of Counties and the Washington Association of County Officials oppose the passage of this House Joint Resolution. The amendment is not necessary and does not address the problems being faced by counties in this state. Current law already allows counties to enter into interlocal agreements that involve the sharing of many functions and services by counties. Accordingly, the efficiencies allegedly being promoted by the proposed amendment already exist under current law.

Persons Testifying: (In Support) Representative H. Sommers, Prime Sponsor.

(Opposed) Scott Merriman, Washington State Association of Counties; and Mike Dodge, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.