



HOUSE JOINT RESOLUTION 4203

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4203 begins on page 26.

Vote cast by the 1990 Legislature on final passage:

HOUSE: Yeas, 87; Nays, 1; Absent or not voting, 9.

SENATE: Yeas, 44; Nays, 3; Absent or not voting, 2.

Official Ballot Title:

Shall constitutional provisions governing the creation of new counties be amended to alter requirements for county formation, annexation, and consolidation?

The law as it now exists:

The State Constitution provides that no new county having a population less than 2,000 persons can be created and its creation cannot reduce any existing county to a population of less than 4,000. The creation of a new county requires a majority

Statement for

HJR 4203 IS GOOD, OPEN, AND EFFICIENT GOVERNMENT

Although existing state law permits county boundaries to be changed when necessary, it does not provide a clear method for making these changes. In fact, existing law is so vague that some previously changed boundaries may be illegal.

HJR 4203 provides clear and fair methods for changing county boundaries. Each change would require voter approval before a county boundary could be altered.

HJR 4203 REPAIRS STRUCTURAL FLAWS IN EXISTING CONSTITUTIONAL LAW

1) Existing law does not provide a clear method to create a new county. HJR 4203 clarifies the law and provides fairness to all parties.

2) Present law does not permit counties to be combined. HJR 4203 provides clear and fair methods to combine counties.

3) Current law does not permit territory to be transferred between counties. HJR 4203 provides clear and fair methods to transfer territory between counties.

PROBABLE USE OF HJR 4203

Minor boundary adjustments between counties probably will be the most common use of HJR 4203. Most county boundaries were drawn 100 years ago to reflect geographical differences, and while the state's geography has changed, county boundaries have not. As a result, some county boundaries are illogical and cumbersome.

Problems include the difficulties experienced by road crews in providing services to isolated parts of certain counties when an adjoining county could more efficiently provide the same services. Also, some county boundaries that were once defined as the middle of a river channel, for example, can no longer be located.

HJR 4203 is in the public interest. It will provide equitable methods to clarify and change county boundaries for the benefit of all citizens.

Rebuttal of Statement against

The opposition statement is in error. Do not be misled.

HJR 4203 not only *increases* your constitutional rights, but *decreases* the power of government.

There is no process under the Constitution to change county boundaries, either for purposes of annexation or consolidation. The process for creating new counties is unclear.

HJR 4203 permits rational, efficient, and *accountable* county boundary changes.

Let's give power to the people. The people know best.

Voters Pamphlet Statement Prepared by:

BOB McCASLIN, State Senator; DAVID COOPER, State Representative; ROY FERGUSON, State Representative.

of the voters living in the area to petition and all other conditions are prescribed by general law applicable to the whole state.

The effect of HJR 4203, if approved into law:

The State Constitution would be amended to provide that no new county could be created with a population of less than 10,000. The population minimum would not apply to the consolidation of two or more counties. The removal of any area from an existing county would not be permitted if it reduced that county to a population of less than 10,000. The creation of new counties, annexations, or consolidations would be pursuant to special laws enacted by the Legislature.

The creation of a new county would require (1) a petition by a majority of the voters residing in that area, (2) a special legislative enactment, and (3) approval at an election by the voters in the area. The Legislature could establish boundaries differing from those proposed by the petition.

Annexation of territory to an adjoining county would require

(1) a petition by 25 percent of the voters residing in the area, (2) legislative approval by the county losing the area, (3) special enactment by the Legislature, and (4) approval at an election by the voters in the area being annexed. Two or more counties could consolidate when proposed by the legislative bodies of the respective counties or by a petition of 25 percent of the voters in the county. It would also require a special law enacted by the Legislature and approval by the voters in each county.

Statement against

PROTECT YOUR RIGHTS; VOTE NO ON HJR 4203

Watch out, the purpose of HJR 4203 is to reduce your constitutional rights while expanding the power of government.

Article XI, Section 3 of our Constitution provides that when the majority of voters living in an area wish to leave the county they live in and create a new county they may petition the legislature for such a change.

HJR 4203 would allow the legislature to establish boundaries for the new county different than those proposed in the petition. Some persons who signed the citizens petition may be left out of the new county while others who were not within the area described by the petition could find themselves in a new county.

GOVERNMENT TAKES THE POWER

HJR 4203 creates a new process whereby county governments, with the consent of the legislature, may propose a county annexation or consolidation to the voters for their approval.

What is now a constitutional power for the people, will be, changed by HJR 4203. County governments, eager to trade populations for their own purposes, will go directly to the legislature. The people will be last in line.

THE SOLUTION IS WORSE THAN THE PROBLEM

There is a need to update our constitutional provisions relating to the establishment and adjustment of county lines, but not through HJR 4203. We should allow citizens more power to propose changes in county lines, but we do not need to condition those changes on the acceptance of county governments as is the case in HJR 4203.

Rebuttal of Statement for

HJR 4203 is not just a vehicle to iron out "minor boundary adjustments" between counties.

It becomes a major roadblock to citizens desiring to express themselves on county boundaries.

The measure eliminates voter initiation of boundary changes. Voters have only an "after the fact" chance to speak out.

This Constitutional Amendment encourages abuses by county authority and is heavily weighted toward those who wish to change boundaries or annex new territory for their own purposes.

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Voters Pamphlet Statement Prepared by:
JEAN MARIE BROUGH, State Representative; A.L. (SLIM) RASMUSSEN, State Senator.



COMPLETE TEXT OF House Joint Resolution No. 4203

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XI, section 3 of the state Constitution to read as follows:

Article XI, section 3. No new counties shall be established, or annexation shall occur, which ~~((shall))~~ at the time of such action reduces any county to a population less than ~~((four))~~ ten thousand ~~((4,000))~~, nor shall a) No new county shall be formed containing a ~~((less))~~ population of less than ~~((two))~~ ten thousand ~~((2,000))~~, except by the consolidation of two or more counties. ~~((There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor and then only under such other conditions as may be prescribed by a general law applicable to the whole state.))~~

Notwithstanding the provisions of Article 2, section 28 of this Constitution, county boundaries shall be described in special laws enacted by the legislature. All portions of the state shall be in a county.

County boundaries shall be altered as follows:

(1) A new county shall be established when: (a) First, the action is initiated by petition of a majority of the voters residing in the proposed new county, but when the proposed 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; (b) second, the petitions referred to in (a) are certified by voting precinct; (c) third, the legislature enacts a special law authorizing the creation of the new county; and (d) fourth, a ballot proposition authorizing the creation of the new county is approved by the voters residing in the proposed county. The legislature may establish the boundaries of the new county notwithstanding the boundaries proposed by the petition.

(2) An existing county may annex territory from another county when: (a) First, the action is initiated by either resolution of the legislative authority of the annexing county or petition of twenty-five percent of the voters residing in the area within a county proposed to be annexed; (b) second, the legislative authority of the county from which the area would be removed adopts a resolution authorizing the annexation; (c) third, the legislature enacts a special law providing for the annexation; and (d) fourth, a ballot proposition authorizing the annexation is approved by the voters residing in that area.

(3) Two or more counties may consolidate when: (a) First, the action is initiated in each of the counties proposed to be consolidated by either resolution of the county legislative authority or petition by twenty-five percent of the voters residing in the county; (b) second, the legislature enacts a special law providing for the consolidation; and (c) third, a ballot proposition authorizing the consolidation is approved by the voters of each of the counties.

The legislature may implement this section and may place additional requirements or conditions on the altering of county boundaries by enacting general laws applicable to the entire state.

Notwithstanding the provisions of section 2 of this Article, the legislature shall enact general laws applicable to the entire state to establish procedures whereby, at the time of a vote under subsection (1), (2), or (3) of this section, the voters also select the location of a county seat whenever two or more counties consolidate, or the location of a county seat in that portion of a county remaining after an annexation or creation of a new county, if the old county seat is located in the territory removed from the county.

Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: PROVIDED, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use, or under construction, which shall fall within and be retained by the county: PROVIDED FURTHER, That this shall not be construed to affect the rights of creditors.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four

times during the four weeks next preceding the election in every legal newspaper in the state.



COMPLETE TEXT OF House Joint Resolution No. 4231

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 2 of the Constitution of the state of Washington to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one ~~((per centum))~~ percent of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district for each of six or fewer consecutive years and for a stated purpose or purposes, as specified in a ballot proposition authorizing the levy or levies, when specifically authorized so to do by a majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition to levy such additional taxes submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of ~~((persons))~~ voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty ~~((per centum))~~ percent of the total ~~((votes cast))~~ number of voters voting in such taxing district at the last preceding general election when the number of ~~((electors))~~ voters voting on the proposition does not exceed forty ~~((per centum))~~ percent of the total ~~((votes cast))~~ number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition to levy when the number of ~~((electors))~~ voters voting on the proposition exceeds forty ~~((per centum))~~ percent of the total ~~((votes cast))~~ number of voters voting in such taxing district in the last preceding general election ~~((PROVIDED, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodeling of school facilities may provide such support for a period not exceeding six years));~~

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the ~~((electors))~~ voters thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of ~~((persons))~~ voters voting on the proposition shall constitute not less than forty ~~((per centum))~~ percent of the total number of ~~((votes cast))~~ voters voting in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal