
HOUSE BILL 1166

State of Washington

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By Representatives Forner, Dyer, Thomas, Riley, Vance, R. Johnson, Cooke, Reams and Padden

Read first time 01/20/93. Referred to Committee on Local Government.

1 AN ACT Relating to new counties; amending RCW 36.09.010; adding a
2 new section to chapter 27.12 RCW; adding a new section to chapter 35.58
3 RCW; adding a new section to chapter 53.04 RCW; adding a new section to
4 chapter 54.08 RCW; adding a new section to chapter 70.44 RCW; adding a
5 new section to chapter 36.57A RCW; adding new sections to chapter 36.09
6 RCW; adding a new section to chapter 43.63A RCW; creating a new
7 section; recodifying RCW 36.09.010; and repealing RCW 36.09.020,
8 36.09.035, 36.09.040, and 36.09.050.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** PURPOSES. The purposes of this act are to:
11 (1) Clarify the procedure by which new counties are created; (2)
12 provide an additional condition for the creation of a new county where
13 a proposed new county is created only if voters of the proposed new
14 county approve a ballot proposition authorizing creation of the new
15 county; (3) provide an interim period for the transition into the new
16 county after the initial elected officials of the new county are
17 elected; and (4) provide for a just distribution of the debts,
18 liabilities, and assets of the parent county or counties between the
19 new county and the remaining parent county or counties.

1 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
2 requires otherwise, the definitions in this section apply throughout
3 this chapter.

4 (1) "Assets" means: (a) Surplus moneys held by the parent county on
5 the last day of the interim period that are not allocated for a
6 specific purpose; and (b) tangible personal property owned by the
7 parent county, less any debt associated with the tangible personal
8 property.

9 (2) "Interim period" means the period of time for the transition to
10 a new county occurring after the initial elected officials of a new
11 county are elected and before the official date of creating the county.

12 (3) "New county" means the county that is created by removing
13 territory out of a parent county or counties.

14 (4) "Parent county" means the county out of which territory is
15 taken to create all or part of a new county.

16 (5) "Principal county auditor" means, where more than one parent
17 county exists, the auditor of the parent county out of which territory
18 is taken to create part of the new county within which more persons
19 reside than reside in any other portion of another parent county that
20 is taken to create part of the new county.

21 (6) "Remaining parent county" means the remaining portion of a
22 parent county after territory has been taken to create all or part of
23 a new county.

24 NEW SECTION. **Sec. 3.** PETITIONS PROPOSING THE CREATION OF A NEW
25 COUNTY. Petitions proposing the creation of a new county shall be
26 filed with the office of the secretary of state. The office of the
27 secretary of state shall copy the petitions and forward a copy of the
28 petitions to the county auditor of the parent county.

29 Whenever it is proposed that a new county be created out of
30 territory to be taken from more than one parent county, separate
31 petitions shall be signed by the voters of each parent county from
32 which territory is proposed to be taken to create the new county and
33 the office of secretary of state shall forward a copy of the petitions
34 that were signed by the voters of each parent county to the county
35 auditor of that parent county.

36 The county auditor or auditors shall review the signatures
37 contained on the petitions and certify to the secretary of state both:

38 (1) The number of registered voters residing within the territory in

1 that parent county that is proposed to be included in the new county
2 and (2) the number of valid signatures of registered voters residing
3 within the territory in that parent county that is proposed to be
4 included in the new county who have signed the petitions.

5 The secretary of state shall certify to the legislature the
6 sufficiency of the petitions proposing the creation of the new county.

7 NEW SECTION. **Sec. 4.** VOTER APPROVAL OF A NEW COUNTY. A new
8 county may only be created if voters of the proposed new county approve
9 a ballot proposition authorizing the creation of the new county as
10 described in special legislation enacted by the legislature creating
11 the new county. The special legislation creating the new county shall
12 be contingent on the voters of the proposed new county approving a
13 ballot proposition authorizing the new county to be created. This
14 additional condition for creating a new county is adopted under the
15 authority granted to the legislature by Article XI, section 3, of the
16 state Constitution.

17 A ballot proposition authorizing a new county to be created shall
18 be submitted to the voters of the proposed new county at the next state
19 general election occurring ninety or more days after final adjournment
20 of the legislative session at which the special legislation creating
21 the new county is enacted. The ballot proposition shall be worded
22 substantially as follows:

23 "SHALL (insert the name of the new county) BE CREATED?

24 YES l

25 NO l "

26 The new county shall be created if the ballot proposition is approved
27 by a simple majority vote of voters voting on the proposition.

28 Where a county is proposed to be created including territory
29 located in more than one parent county, the auditor of each parent
30 county shall certify the election results on this ballot proposition to
31 the principal county auditor. The principal county auditor shall
32 certify the final election results and announce whether or not the new
33 county is created.

1 NEW SECTION. **Sec. 5.** OFFICIAL DATE OF CREATION OF A NEW COUNTY.

2 A new county that is created, as provided under section 4 of this act,
3 shall be officially created on the first day of January two years after
4 the year in which the general election was held at which voters
5 authorized the creation of the new county. As provided in section 8 of
6 this act, an interim period of transition into the new county shall
7 exist after the initial elected officials of the new county assume
8 office and the date the new county is officially created.

9 During this interim period, the voters of the new county shall be
10 the resident voters of the parent county or counties who reside in the
11 new county. To avoid double voting powers, the voters of the parent
12 county during this interim period shall only be the voters of a parent
13 county who reside in the remaining parent county and voters of the new
14 county shall not participate in elections held for the parent county in
15 the remaining parent county.

16 For purposes of RCW 84.09.030 establishing the boundaries of taxing
17 districts to impose property taxes, the boundaries of a new county
18 shall be deemed to be established on the date that the results of the
19 vote on the ballot proposition are certified as authorizing the
20 creation of the new county and the boundaries of the remaining parent
21 county or counties shall be established on the same date without
22 including territory that will be removed to create the new county.

23 The parent county shall continue imposing and collecting excise
24 taxes throughout both the remaining parent county and that portion of
25 the new county that was removed to create the new county until the date
26 the new county is officially created. The parent county shall continue
27 providing services throughout both the remaining county and that
28 portion of the new county that was removed to create the new county
29 until the date the new county is officially created.

30 During the interim period, a parent county shall receive federal
31 and state moneys allocated to it as if the new county were not created.
32 The new county shall be eligible to receive federal and state moneys
33 after the date the new county is officially created.

34 NEW SECTION. **Sec. 6.** ELECTION OF INITIAL COUNTY OFFICIALS. (1)

35 If voters of a proposed new county approve the ballot proposition
36 authorizing the new county to be created, separate elections shall be
37 held in the new county to nominate and elect the initial county elected
38 officials for the new county that are specified under RCW 36.16.030.

1 Declarations of candidacy shall be made with the county auditor of
2 the parent county, or the principal county auditor if the new county
3 was created out of territory from more than one parent county, who
4 shall cause election notices to be published. The county auditor of
5 the parent county shall conduct the elections. Where the new county
6 was created out of territory from more than one parent county, the
7 county auditors of the parent counties shall conduct these elections in
8 the territory that was taken out of their counties to create the new
9 county and shall certify the election results to the principal county
10 auditor. The principal county auditor shall certify the final election
11 results and declare candidates who are nominated at the primary and the
12 initial elected officials of the new county who are elected.

13 Except as provided in this section, elections shall be held
14 following general election laws for partisan county offices.

15 (2) A three-day special filing period shall be opened for persons
16 to file declarations of their candidacies for these positions and, if
17 necessary, a primary held to nominate candidates for the new county
18 elected positions at the February special election date specified in
19 RCW 29.13.010 in the year following the year of the general election
20 where the ballot proposition was approved authorizing the new county to
21 be created. Each candidate for the office of county commissioner shall
22 file for one of three separate commissioner positions and county
23 commissioner districts shall not be used to nominate candidates for the
24 initial offices of county commissioner.

25 An election shall be held to elect the initial county elected
26 officials at the April special election date specified in RCW 29.13.010
27 in the same year as the special primary. The newly elected county
28 officials shall assume office on the first day of May after their
29 election and qualification with limited powers during the interim
30 period as provided in section 8 of this act and full powers commencing
31 when the new county is officially created.

32 (3) Each of the terms of office of the initial county elected
33 officials shall be calculated from the first day of January in the year
34 following the year in which the special election was held at which they
35 were elected. The terms shall be as follows:

36 (a) If the year in which the special election is held to elect the
37 initial county officials is an even-numbered year, but not a
38 presidential election year, the person who is elected as a county
39 commissioner receiving the greatest total number of votes, and the

1 persons who are elected as the county assessor, county auditor, county
2 clerk, county prosecuting attorney, county sheriff, county treasurer,
3 and county coroner, where applicable, shall be elected to four-year
4 terms of office, while the other two persons elected as county
5 commissioners shall be elected to two-year terms of office.

6 (b) If the year in which the special election is held to elect the
7 initial county officials is an even-numbered year and a presidential
8 election year, the two persons who are elected as county commissioners
9 receiving the two greatest total numbers of votes shall be elected to
10 four-year terms of office, while the other person who is elected as a
11 county commissioner and the persons who are elected as the county
12 assessor, county auditor, county clerk, county prosecuting attorney,
13 county sheriff, county treasurer, and county coroner, where applicable,
14 shall be elected to two-year terms of office.

15 (c) If the year in which the special election is held to elect the
16 initial county officials is an odd-numbered year, one year after a
17 presidential election year, the two persons elected as county
18 commissioners receiving the two greatest total numbers of votes shall
19 be elected to three-year terms of office, while the other person who is
20 elected as a county commissioner and the persons who are elected as the
21 county assessor, county auditor, county clerk, county prosecuting
22 attorney, county sheriff, county treasurer, and county coroner, where
23 applicable, shall be elected to one-year terms of office.

24 (d) If the year in which the special election is held to elect the
25 initial county officials is an odd-numbered year, three years after a
26 presidential election year, the person who is elected as a county
27 commissioner receiving the greatest total number of votes and the
28 persons who are elected as the county assessor, county auditor, county
29 clerk, county prosecuting attorney, county sheriff, county treasurer,
30 and county coroner, where applicable, shall be elected to three-year
31 terms of office, while the other two persons elected as county
32 commissioners shall be elected to one-year terms of office.

33 An initial county elected official shall serve until a successor is
34 elected and qualified and assumes office as provided in RCW 29.04.170.
35 Any vacancies shall be filled as provided in general law.

36 NEW SECTION. **Sec. 7.** OLD COUNTY ORDINANCES REMAIN IN EFFECT. All
37 ordinances, rules, and regulations of a parent county that were in
38 effect in any area included in a new county before the election at

1 which the ballot proposition authorizing the creation of the new county
2 was approved shall remain in effect in that area until the effective
3 date of an amendment or repeal of these ordinances, rules, or
4 regulations by the board of county commissioners of the new county.

5 NEW SECTION. **Sec. 8.** INTERIM TRANSITION PERIOD. An interim
6 period shall exist from the time the initial county elected officials
7 of the county assume office, as provided in section 6 of this act,
8 until the date the new county is officially created, as provided in
9 section 5 of this act. During this interim period, the initial county
10 elected officials are authorized to provide for the transition of the
11 area into a new county, including the authority to adopt ordinances
12 effective on or after the date the new county is officially created and
13 to enter into contracts and agreements facilitating the transition into
14 a new county and ensuring a continuation of governmental services
15 during the interim period and after the date the new county is
16 officially created.

17 The first meeting of the initial board of county commissioners of
18 the new county in the interim period shall be held at a time, date, and
19 place in the new county designated by the county auditor of the parent
20 county, or the principal county auditor if the new county is created
21 out of territory from more than one parent county. The county auditor
22 of the parent county, or the principal county auditor if the new county
23 is created out of territory from more than one parent county, shall
24 cause notice of this first meeting to be published, provide for
25 facilities and staffing for this first meeting, and chair the first
26 meeting until the initial board of county commissioners elects one of
27 its own members as chair.

28 Proposed county ordinances that are considered by the initial board
29 of commissioners during the interim period shall be published to the
30 same extent as proposed county ordinances are required to be published
31 after a county is created. However, any ordinances adopted by the
32 board of commissioners at its initial meeting shall be published after
33 they are adopted.

34 During the interim period, the initial board of commissioners and
35 other initial county elected officials may acquire needed facilities,
36 supplies, equipment, insurance, and staff as if the county were in
37 existence.

1 During the interim period, the initial board of county
2 commissioners may adopt rules establishing policies and procedures
3 under the state environmental policy act, chapter 43.21C RCW, and may
4 use these rules and procedures in making determinations under the state
5 environmental policy act, chapter 43.21C RCW.

6 During this interim period, the new county that will be officially
7 created and the initial county elected officials are subject to the
8 following as though the county were officially created: RCW 36.16.050
9 relating to the filing of bonds; RCW 4.24.470 relating to immunity;
10 chapter 42.17 RCW relating to open government; chapter 40.14 RCW
11 relating to the preservation and disposition of public records;
12 chapters 42.20, 42.22, and 42.23 RCW relating to ethics and conflicts
13 of interest; chapters 42.30 and 42.32 RCW relating to open public
14 meetings and minutes; RCW 36.72.075 relating to the designation of an
15 official newspaper, except that the initial board of county
16 commissioners may designate its official county newspaper at any
17 meeting during the interim period; RCW 36.16.138 relating to liability
18 insurance; RCW 36.32.240 through 36.32.267, and chapter 36.77 RCW, and
19 statutes referenced therein, relating to public contracts and bidding;
20 and chapter 39.34 RCW relating to interlocal cooperation.

21 During the interim period, the new county is subject to
22 indebtedness limitations provided for a county in chapter 39.36 RCW.
23 The county may issue tax anticipation or revenue anticipation notes or
24 warrants and other short-term obligations and funds may be borrowed on
25 the security of these instruments during the interim period, as
26 provided in chapter 39.50 RCW. Funds also may be borrowed from
27 federal, state, and other governmental agencies in the same manner as
28 if the new county were officially created.

29 During the interim period, the initial board of county
30 commissioners may submit ballot propositions to the voters of the new
31 county authorizing single-year excess property tax levies as provided
32 in RCW 84.52.052 and both voter-approved general indebtedness and
33 multiple-year excess levies to retire the general indebtedness as
34 provided in RCW 84.52.056 and 39.36.050, to be collected after the date
35 the new county is officially created.

36 During the interim period, the initial board of county
37 commissioners may adopt ordinances imposing excise taxes that counties
38 are authorized to impose, to be collected after the date the new county
39 is officially created, including, but not limited to, sales and use

1 taxes authorized in chapter 82.14 RCW and excise taxes on the sale of
2 real estate authorized in chapter 82.46 RCW. If the ordinances
3 imposing the excise taxes are adopted in a timely manner, these excise
4 taxes shall begin to be collected by or for the new county in its
5 boundaries on the date the new county is officially created. RCW
6 82.14.036 shall apply during the interim period.

7 NEW SECTION. **Sec. 9.** ASSISTANCE BY PARENT COUNTY. The parent
8 county or counties shall assist the new county during the interim
9 period, including, but not limited to, providing services, work, staff,
10 materials, supplies, equipment, and other property and loaning money to
11 the new county. The value of the assistance that is provided by a
12 parent county or counties to the new county during the interim period
13 shall be considered in the calculations made under section 14 of this
14 act.

15 The parent county or counties shall continue financing maintenance
16 and construction of county facilities in the new county as if the new
17 county were not created during the interim period. The parent county
18 or counties shall continue providing county services in the new county
19 during the interim period as if the new county were not created.
20 During the interim period, each officer of the parent county or
21 counties shall retain joint authority with the similar officer of the
22 new county in that portion of the new county that was created from that
23 county.

24 NEW SECTION. **Sec. 10.** BUDGETS. Budgets for the interim period
25 and the initial budget for the county effective for the first calendar
26 year after the interim period shall be adopted as provided in this
27 section.

28 The initial board of county commissioners shall adopt an interim
29 budget or budgets for the interim period in consultation with the
30 office of the state auditor, division of municipal corporations. The
31 initial interim budget may authorize the expenditure of moneys in a
32 general sense without specific detail.

33 In addition, the initial board of county commissioners shall adopt
34 a budget for the first calendar year after the interim period,
35 commencing on the first day of January two years after the year in
36 which voters approved the ballot proposition authorizing the creation
37 of the new county. A public hearing shall be held on the proposed

1 budget for this budget before its adoption. A budget message shall be
2 prepared for the proposed budget that contains an explanation of the
3 budget document, an outline of the recommended financial policies and
4 programs of the county for the ensuing fiscal year, and a statement of
5 the relation of the recommended appropriation to such policies and
6 programs. Immediately following the release of the preliminary budget,
7 the initial board of county commissioners shall cause a notice of the
8 public hearing on the budget to be published once each week for two
9 consecutive weeks prior to the public hearing, which shall be held at
10 least twenty days before the date the new county is officially created.
11 Any taxpayer may appear and be heard for or against any part of the
12 budget. The initial board of county commissioners may make such
13 adjustments and changes as it deems necessary and may adopt the final
14 budget at the conclusion of the public hearing or at any time before
15 the date the new county is officially created.

16 NEW SECTION. **Sec. 11.** PREFERENCE FOR LAID-OFF DEPUTIES AND LAID-
17 OFF EMPLOYEES OF THE PARENT COUNTY'S SHERIFF'S DEPARTMENT. During the
18 interim period and the first calendar year after the interim period,
19 all competitive examinations to determine the qualifications of
20 applicants for employment as a county deputy sheriff that are
21 administered by the civil service commission of a new county shall give
22 preference to deputy sheriffs of a remaining parent county who are
23 certified by the civil service commission of that county as having been
24 laid off due to the removal of territory from the parent county to
25 create the new county. The preference shall increase the score of such
26 an applicant by ten percent.

27 During the interim period and the first calendar year after the
28 interim period, all competitive examinations to determine the
29 qualifications of applicants for employment as an employee of the
30 county sheriff's office, other than as a deputy sheriff, that are
31 administered by the civil service commission of a new county shall give
32 preference to the nondeputy sheriff's employees in the sheriff's office
33 of a remaining parent county who are certified by the civil service
34 commission of that county as having been laid off due to the removal of
35 territory from the parent county to create the new county. The
36 preference shall increase the score of such an applicant by ten
37 percent.

1 **Sec. 12.** RCW 36.09.010 and 1963 c 4 s 36.09.010 are each amended
2 to read as follows:

3 Whenever a new county shall be or shall have been organized out of
4 (~~the territory which was included within the limits of any other~~) a
5 parent county or counties, the new county shall be liable for a
6 (~~reasonable~~) just proportion of the debts and liabilities of the
7 parent county or counties from which it was taken, and entitled to its
8 just proportion of the property and assets of the parent county or
9 counties from which it was taken. The division and distribution of
10 debts and liabilities, property, and assets shall be determined as
11 provided in sections 13 and 14 of this act.

12 NEW SECTION. **Sec. 13.** PROCEDURE TO DISTRIBUTE DEBTS, PROPERTY,
13 AND ASSETS. The county legislative authority of the parent county
14 shall appoint three persons and the initial board of county
15 commissioners of the new county shall appoint three other persons to
16 negotiate the division and distribution of the debts and liabilities,
17 property, and assets of the parent county between the new county and
18 the remaining parent county. Where a new county was created from more
19 than one parent county, a separate negotiating group shall be appointed
20 to negotiate the division and distribution of debts and liabilities,
21 property, and assets of each parent county between the new county and
22 that remaining parent county.

23 The first meeting of the negotiation party shall be at a convenient
24 time, date, and place designated by the county legislative authority of
25 the parent county, which must be within the period thirty to sixty days
26 after the date members of the initial board of county commissioners
27 assume office during the interim period. If an impasse is reached,
28 either the new county or the remaining parent county may petition the
29 department of community development to engage in, and the department of
30 community development is authorized to provide, arbitration to
31 determine the just division and distribution of the debts and
32 liabilities, property, and assets of the parent county. The results of
33 the arbitration are binding on the new county and parent county or
34 counties.

35 NEW SECTION. **Sec. 14.** REQUIREMENTS AND POLICIES GUIDING
36 DISTRIBUTION OF DEBTS, PROPERTY, AND ASSETS. (1) The division and
37 distribution of debts and liabilities, property, and assets of the

1 parent county between a new county and the remaining parent county
2 shall conform with the requirements and policies contained in this
3 section and RCW 36.09.010 (as recodified by this act).

4 (2) Except for the location of radio communication facilities, the
5 physical location of real property shall determine ownership of the
6 real property. Real property of a parent county, other than radio
7 communication facilities, that is located within the new county shall
8 become the property of the new county. Real property of a parent
9 county that is located within the remaining parent county shall remain
10 the property of the remaining parent county. The remaining parent
11 county retains ownership of the parent county's radio transmission
12 facilities that are located in a new county, unless an agreement
13 providing otherwise is reached between the remaining parent county and
14 new county.

15 (3) The new county shall be liable to the remaining parent county
16 for any debts and liabilities of the parent county associated with the
17 real property located in the new county over which it obtains
18 ownership.

19 (4) The assets and remaining debts and liabilities of the parent
20 county shall be equitably apportioned between the remaining parent
21 county and the new county, taking into consideration both: (a) The
22 proportion of the population of the remaining parent county and the
23 population of the new county; and (b) the proportion of the assessed
24 valuation of the remaining parent county and the assessed valuation of
25 the new county.

26 (5) A final figure shall be determined by combining the
27 distributions determined under subsections (3) and (4) of this section
28 and crediting to the remaining parent county with any costs it incurred
29 or will incur related to the creation of the new county, including
30 election costs and the amount of any money it lent to the new county.
31 Any resulting obligation of the remaining parent county to the new
32 county may be satisfied by agreements for the remaining parent county
33 to provide services, maintenance, and construction in the new county
34 after the interim period or future payments to the new county. Any
35 resulting obligation of the new county to the remaining parent county
36 may be satisfied by future payments to the remaining parent county.

37 (6) The distribution of debts and liabilities shall not be
38 construed to affect the rights of creditors.

1 NEW SECTION. **Sec. 15.** BORROWING MONEY FROM THE COUNTY SALES AND
2 USE TAX EQUALIZATION ACCOUNT. During the interim period, the initial
3 board of county commissioners of a new county may by resolution borrow
4 money from the county sales and use tax equalization account up to one
5 hundred thousand dollars or five dollars per capita based on a
6 population estimate of the new county made by the office of financial
7 management, whichever is less.

8 The loan authorized by this section shall be repaid over a three-
9 year period. The state treasurer shall withhold moneys from the funds
10 otherwise payable to the new county that has obtained such a loan,
11 either from the county sales and use tax equalization account or from
12 sales and use tax entitlements otherwise distributable to such new
13 county, so that the account is fully reimbursed over the three-year
14 period. The state treasurer shall adopt by rule procedures to
15 accomplish the purpose of this section on a reasonable and equitable
16 basis over the three-year period.

17 NEW SECTION. **Sec. 16.** ASSISTANCE BY THE DEPARTMENT OF COMMUNITY
18 DEVELOPMENT. The department of community development shall identify
19 federal, state, and local agencies that should receive notification
20 that a new county is about to be created and shall assist each new
21 county during its interim period in providing such notification to the
22 identified agencies.

23 NEW SECTION. **Sec. 17.** ASSISTANCE BY LOCAL GOVERNMENTS AND STATE
24 AGENCIES. Counties, cities, towns, and other local government agencies
25 and state agencies may make loans of staff and equipment, and technical
26 and financial assistance to a new county during the interim period to
27 facilitate its transition. Such loans and assistance may be without
28 compensation.

29 NEW SECTION. **Sec. 18.** COUNTY SEAT. If the special legislation
30 providing for the creation of a new county does not specify the county
31 seat of the new county, the initial board of county commissioners shall
32 designate a county seat for the new county during the interim period.
33 During the interim period, meetings of the initial board of county
34 commissioners at which ordinances are adopted need not be held at the
35 county seat.

1 NEW SECTION. **Sec. 19.** INITIAL ANNUAL SALARIES. The department of
2 community development shall establish an initial annual salary for each
3 elected official position in a new county. The annual salary for each
4 county elected official position in the new county shall be the average
5 annual salary for the same position in noncharter counties of
6 approximately the same population. The decision of the department of
7 community development establishing these annual salaries shall be
8 final. One-twelfth of the salary for an elected official position
9 shall be paid monthly during the interim period to the initial county
10 elected official.

11 NEW SECTION. **Sec. 20.** TRANSFER OF CASES. (1) If a separate
12 superior court is provided for the new county, all actions and
13 proceedings which are pending in the superior court of a parent county
14 at the date the new county is officially created affecting the title or
15 possession of real property in the new county, or in which all the
16 parties are residents of the new county, shall be transferred to the
17 superior court of the new county, and all proceedings in these lawsuits
18 shall be held in the new county as if originally commenced in that
19 county. All other civil or criminal proceedings pending in the
20 superior court of a parent county shall be prosecuted to their
21 termination in that court.

22 All pleadings, process, documents, and files in the office of the
23 county clerk and other officers of the superior court of a parent
24 county affecting actions and proceedings transferred to the superior
25 court of the new county shall be certified and transferred to the
26 county clerk or other officers of the superior court of the new county.

27 (2) All actions and proceedings which are pending in the district
28 court of a parent county at the date the new county is officially
29 created affecting real property located in the new county, or in which
30 all parties are residents of the new county, shall be transferred to
31 the district court of the new county, and all proceedings in these
32 lawsuits shall be held in the new county as if originally commenced in
33 that county. All other civil or criminal proceedings pending in the
34 district court of a parent county shall be prosecuted to their
35 termination in that court.

36 All pleadings, process, documents, and files in the district court
37 of a parent county affecting actions and proceedings transferred to the

1 district court of the new county shall be certified and transferred to
2 the district court of the new county.

3 NEW SECTION. **Sec. 21.** TRANSFER OF RECORDS. All records,
4 documents, and papers of record in the offices of county auditor,
5 county assessor, county treasurer, and other county offices of a parent
6 county affecting the title or possession of real property in the new
7 county, assessed valuation of property located in the new county, the
8 registration of voters residing in the new county, or other appropriate
9 matters, shall be copied, certified as being correct copies, and
10 transferred to the appropriate county officials and offices of the new
11 county.

12 NEW SECTION. **Sec. 22.** REMOVAL OF SPECIAL DISTRICTS FROM NEW
13 COUNTY. During the interim period, the initial board of county
14 commissioners of a new county may cause ballot propositions to be
15 submitted to the voters of the new county authorizing the removal of
16 special districts from the new county that include territory located in
17 both the new county and the remaining parent county, as provided in
18 sections 25 through 29 of this act.

19 NEW SECTION. **Sec. 23.** EMERGENCY MEDICAL CARE AND SERVICES LEVIES.
20 After the official date of creating a new county, the new county may
21 continue imposing the levies for emergency medical care and services
22 under RCW 84.52.069 during the remainder of the six-year period for
23 which such levies had been authorized by the voters of the parent
24 county. Both the new county and remaining parent county may impose the
25 levy within their respective boundaries for collection during the year
26 in which the new county is officially created at the same rate that the
27 parent could have imposed if the new county had not been created.

28 If a new county is created out of parts of two or more counties,
29 the new county may only continue levying such levies if voters of each
30 of the parent counties had authorized such levies, for the fewest
31 number of years remaining in the six-year period for which such levies
32 may be made in any of the parent counties, and at the lowest rate
33 allowed in any of the parent counties.

34 NEW SECTION. **Sec. 24.** CONSTRUCTION. The rule of strict
35 construction shall not apply to this chapter. This chapter shall be

1 liberally construed to provide for the creation of a new county and
2 removal of territory from a parent county forming all or part of the
3 new county. A continuation of government shall remain in both the new
4 county and the remaining parent county or counties.

5 The county auditor or auditors who run elections authorizing the
6 creation of a new county and the nomination and election of the initial
7 elected officials of a new county are granted the authority to provide
8 for fair and equitable elections.

9 The initial board of county commissioners of a new county is
10 granted broad authority to provide for a transition to a new county
11 during the interim period so that, to the greatest extent possible, a
12 new county will be able to fully function as a complete county
13 government at the date the new county is officially created. Should a
14 situation arise where it appears that technically the new county is
15 unable to act, the initial board of county commissioners is granted the
16 full authority to take necessary actions.

17 NEW SECTION. **Sec. 25.** A new section is added to chapter 27.12 RCW
18 to read as follows:

19 LIBRARY DISTRICTS. During the interim period, the initial board of
20 county commissioners of a new county may cause a ballot proposition to
21 be submitted to voters of that portion of the new county residing in a
22 county rural library district or intercounty rural library district to
23 authorize the removal of that portion of the new county from the
24 library district. Approval shall be by a simple majority vote of
25 voters voting on the proposition. If approved, the area shall be
26 removed from the library district effective immediately upon
27 certification of the election results. However, the library district
28 shall continue providing library services to the removed area and the
29 residents of the removed area until the last day of December in the
30 year in which library district regular property taxes are collected in
31 that area. The removal of territory from a library district shall not
32 affect the rights of creditors of the library district at the time of
33 the removal.

34 A rural county library district that remains in the new county
35 shall become an intercounty rural library district and the county
36 legislative authorities of the remaining parent county and new county
37 shall jointly appoint a board of five or seven trustees as provided in
38 RCW 27.12.130.

1 The board of county commissioners of a new county in which an
2 intercounty rural county library district remains shall participate in
3 the appointment of a board of trustees for the library district.

4 NEW SECTION. **Sec. 26.** A new section is added to chapter 35.58 RCW
5 to read as follows:

6 METROPOLITAN MUNICIPAL CORPORATIONS. During the interim period,
7 the initial board of county commissioners of a new county may cause a
8 ballot proposition to be submitted to voters of the new county who
9 reside in a metropolitan municipal corporation that includes territory
10 in both the new county and a parent county to authorize the removal of
11 the territory in the new county from the metropolitan municipal
12 corporation, even if the parent county has assumed the rights, powers,
13 functions, and responsibilities of the metropolitan municipal
14 corporation under chapter 36.56 RCW. Approval shall be by a simple
15 majority vote of voters voting on the proposition. If approved, this
16 area shall be removed from the metropolitan municipal corporation
17 effective immediately upon certification of the election results and
18 any excise taxes that are imposed by the metropolitan municipal
19 corporation shall cease being collected in that area as soon as is
20 administratively possible. The removal of territory from a
21 metropolitan municipal corporation shall not affect the rights of
22 creditors of the metropolitan municipal corporation at the time of the
23 removal.

24 NEW SECTION. **Sec. 27.** A new section is added to chapter 53.04 RCW
25 to read as follows:

26 PORT DISTRICTS. During the interim period, the initial board of
27 county commissioners of a new county may cause a ballot proposition to
28 be submitted to voters of the new county who reside in a port district
29 that includes territory in both the new county and a parent county to
30 authorize the removal of the territory in the new county from the port
31 district. Approval shall be by a simple majority vote of voters voting
32 on the proposition. If approved, this area shall be removed from the
33 port district effective immediately upon certification of the election
34 results. The port district shall sell any of its real property located
35 in the area removed from the port district within a reasonable time,
36 except for real property used for facilities that a port district is
37 authorized to provide beyond its boundaries. The removal of territory

1 from a port district shall not affect the rights of creditors of the
2 port district at the time of the removal.

3 NEW SECTION. **Sec. 28.** A new section is added to chapter 54.08 RCW
4 to read as follows:

5 PUBLIC UTILITY DISTRICTS. During the interim period, the initial
6 board of county commissioners of a new county may cause a ballot
7 proposition to be submitted to voters of the new county who reside in
8 a public utility district that includes territory in both the new
9 county and a parent county to authorize the removal of the territory in
10 the new county from the public utility district. Approval shall be by
11 a simple majority vote of voters voting on the proposition. If
12 approved, this area shall be removed from the public utility district
13 effective immediately upon certification of the election results. The
14 removal of territory from a public utility district shall not affect
15 the rights of creditors of the public utility district at the time of
16 the removal.

17 NEW SECTION. **Sec. 29.** A new section is added to chapter 70.44 RCW
18 to read as follows:

19 PUBLIC HOSPITAL DISTRICTS. During the interim period, the initial
20 board of county commissioners of a new county may cause a ballot
21 proposition to be submitted to voters of the new county who reside in
22 a public hospital district that includes territory located in both the
23 new county and a parent county to authorize the removal of the
24 territory in the new county from the public hospital district.
25 Approval shall be by a simple majority vote of voters voting on the
26 proposition. If approved, the area shall be removed from the public
27 hospital district effective immediately upon the certification of the
28 election results. However, the public hospital district shall continue
29 providing service to the residents of the removed area until the last
30 day of December in the year in which regular property taxes of the
31 public hospital district are collected in the area. The public
32 hospital district shall sell any of its real property located in the
33 area removed from the public hospital district within a reasonable
34 time. The removal of territory from a public hospital district shall
35 not affect the rights of creditors of the public hospital district at
36 the time of the removal of the territory.

1 NEW SECTION. **Sec. 30.** A new section is added to chapter 36.57A
2 RCW to read as follows:

3 PUBLIC TRANSPORTATION BENEFIT AREAS. Effective on the first day
4 after the interim period for the creation of a new county, a public
5 transportation benefit area that includes territory located in both the
6 remaining parent county and new county shall have its boundaries
7 reduced to eliminate any territory located in the new county.

8 NEW SECTION. **Sec. 31.** A new section is added to chapter 43.63A
9 RCW to read as follows:

10 REPORT ON POTENTIAL REVENUES OF THE NEW COUNTY BY THE DEPARTMENT OF
11 COMMUNITY DEVELOPMENT. The department of community development shall
12 prepare and file with the legislature, a report detailing the potential
13 revenues and expenses of a proposed new county whenever the state
14 auditor certifies that petitions proposing the creation of the new
15 county have been certified as having sufficient valid signatures. The
16 potential revenues of the proposed new county shall include both tax
17 revenues of the new county itself and distributions of state and
18 federal moneys to the new county.

19 NEW SECTION. **Sec. 32.** The following acts or parts of acts are
20 each repealed:

- 21 (1) RCW 36.09.020 and 1963 c 4 s 36.09.020;
- 22 (2) RCW 36.09.035 and 1963 c 4 s 36.09.035;
- 23 (3) RCW 36.09.040 and 1963 c 4 s 36.09.040; and
- 24 (4) RCW 36.09.050 and 1963 c 4 s 36.09.050.

25 NEW SECTION. **Sec. 33.** Captions as used in this act do not
26 constitute any part of the law.

27 NEW SECTION. **Sec. 34.** The code reviser shall recodify RCW
28 36.09.010 within chapter 36.09 RCW to conform to the reorganization of
29 chapter 36.09 RCW as provided in this act.

30 NEW SECTION. **Sec. 35.** Sections 1 through 11 and 13 through 24 of
31 this act are each added to chapter 36.09 RCW.

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