

2 **SSB 6205** - H COMM AMD

3 By Committee on Government Operations

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** The purpose of this act is to establish  
8 procedures for the formation of new counties and to provide for a just  
9 apportionment of the debts, liabilities, and assets of the parent  
10 county or counties between a new county and the remaining parent county  
11 or counties.

12 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
13 otherwise, the definitions in this section apply throughout this  
14 chapter.

15 (1) "Assets" means all: (a) Real estate and leasehold interests in  
16 real estate owned by the parent county; (b) tangible personal property  
17 owned or leased by the parent county; and (c) intangible personal  
18 property owned by the parent county including cash, securities,  
19 commercial paper, notes, accounts receivable, and contract rights.  
20 Assets shall be determined as of the first day of the interim period.

21 (2) "Citizens' oversight committee" means a committee of not less  
22 than three or more than nine registered voters who reside in a proposed  
23 new county appointed by the county auditor of a parent county for the  
24 purpose of overseeing the review of signatures on petitions for the  
25 formation of a new county.

26 (3) "Interim period" means the period during which a new county  
27 government is established; the just apportionment of debts,  
28 liabilities, and assets between a new county and a parent county is  
29 completed; and the transfer of all records from the parent county or  
30 counties to the new county is completed. The period begins on January  
31 1 following an election in which the formation of a new county is  
32 approved and ends on the following January 1.

33 (4) "New county" means the county that is created by striking  
34 territory from a parent county or counties as provided pursuant to  
35 Article XI, section 3 of the state Constitution.

1 (5) "Parent county or counties" means the existing county or  
2 counties out of which territory is stricken to create a new county.

3 (6) "Petitioner" means a valid signer of a petition to form a new  
4 county.

5 (7) "Proponents" means up to five individuals who are registered  
6 voters in the proposed new county who are involved in the process to  
7 create a new county and who identify themselves as proponents and  
8 submit their names and addresses along with the petition requesting the  
9 creation of a new county to the secretary of state.

10 (8) "Principal county auditor" means, if more than one parent  
11 county exists, the auditor of the parent county out of which territory  
12 is taken to create part of the new county in which more persons reside  
13 than reside in any other portion of another parent county that is taken  
14 to create part of the new county.

15 NEW SECTION. **Sec. 3.** (1) A petition requesting the creation of a  
16 new county together with a complete legal description of the proposed  
17 new county and the names and addresses of the proponents shall be filed  
18 with the secretary of state who shall stamp each page with the date it  
19 is filed.

20 (2) A petition may consist of multiple pages in identical form.  
21 Each page shall include: (a) A request to create a new county and the  
22 name of the proposed new county; (b) a map of the proposed new county;  
23 (c) a statement, printed in bold type, that reads: "WARNING: Every  
24 person who signs this petition with any other than his or her true  
25 name, knowingly signs more than one of these petitions, signs this  
26 petition when he or she is not a registered voter, or makes any false  
27 statement on this petition may be punished by fine or imprisonment or  
28 both."; and (d) lines and spaces that provide for each signer's  
29 signature, printed name, full address of residence for voting purposes,  
30 and the date of signing. The required map of the proposed new county  
31 may be printed on the front or back of the petition or attached on a  
32 separate page.

33 (3) The requirements in this section that petition signatures be  
34 dated and that they be affixed on the petition within two years of the  
35 submission of the petition to the secretary of state shall not apply to  
36 any petitions filed pursuant to this act with the secretary of state  
37 prior to January 1, 1997. A new county petition circulated prior to  
38 the effective date of this act and filed pursuant to this act with the

1 secretary of state prior to January 1, 1997, and differing in form from  
2 the information required by this act shall be deemed acceptable as to  
3 form requirements.

4 (4) A petition proposing the creation of a new county must be  
5 signed by at least the percentage of registered voters required by  
6 Article XI section 3 of the state Constitution residing in the portion  
7 of each parent county that is proposed to be stricken and included in  
8 the new county. Signatures must be dated within two years of the date  
9 the petition is initially filed with the secretary of state.

10 (5) Within ten days of receipt of the petition, the secretary of  
11 state shall forward a copy of the petition to the county auditor of  
12 each parent county for validation of the signatures. With respect to  
13 each signature, the county auditor shall validate that: (a) The signer  
14 is a registered voter; (b) the signer resides in the portion of the  
15 parent county that is proposed to be stricken; and (c) the signature  
16 was dated within two years of the date the petition was initially filed  
17 with the secretary of state. The parent county auditor shall have  
18 forty-five days from receipt of the petition to complete the validation  
19 of signatures. For any petitioner, a variation between the signature  
20 of the petitioner on the petition and that in the registration files  
21 due to the substitution of initials or the use of common nicknames is  
22 permitted so long as the surname and handwriting are clearly the same.

23 (6) Upon receiving the copy of the petition for validation, the  
24 county auditor shall appoint a citizens' oversight committee to monitor  
25 the validation process. At least a majority of the persons appointed  
26 to the citizens' oversight committee shall be registered voters living  
27 in the proposed new county who have signed the petition to create the  
28 new county.

29 (7) If the petition reviewed by the county auditor contains the  
30 valid signatures of at least the percentage of registered voters  
31 required by Article XI section 3 of the state Constitution of the  
32 parent county who reside in the portion of the parent county that is  
33 proposed to be stricken from that county, the county auditor shall  
34 return the copy of the petition to the secretary of state together with  
35 a certificate stating: (a) The total number of registered voters  
36 residing within the territory of the parent county that is proposed to  
37 be stricken as of the date the petition was filed with the secretary of  
38 state; and (b) the number of signatures on the petition identified by  
39 precinct that are determined to be the valid signatures of registered

1 voters residing within the portion of the parent county that is  
2 proposed to be stricken who signed the petition within two years of its  
3 filing with the secretary of state.

4 (8) If the petition reviewed by the county auditor does not contain  
5 valid signatures of at least the percentage of registered voters  
6 required by Article XI section 3 of the state Constitution of the  
7 parent county residing in the territory proposed to be stricken from  
8 that county who signed the petition within two years of its filing with  
9 the secretary of state, the county auditor shall notify both the  
10 proponents of the new county and the secretary of state of the number  
11 of additional valid signatures required to equal the required  
12 percentage of active registered voters residing in the territory  
13 proposed to be stricken from that county. The proponents shall have  
14 ninety days from the date of notification to obtain the necessary  
15 additional signatures. The additional signatures must be submitted on  
16 the required petition form to the secretary of state no later than the  
17 first business day following the ninetieth day following the county  
18 auditor's notification under this subsection. The secretary of state  
19 shall forward a copy of the additional signatures to the appropriate  
20 county auditor for validation in the same manner as the original  
21 submission. Upon completion of the validation of the additional  
22 signatures, the county auditor shall return the copy of the additional  
23 signatures to the secretary of state with the certificate as required  
24 by subsection (7) of this section.

25 (9) Upon receipt of the initial petition and legal description of  
26 the proposed new county, the secretary of state shall forward a copy of  
27 the legal description of the proposed new county to the director of the  
28 office of financial management for a population determination. The  
29 director of the office of financial management, using the most current  
30 data available, shall certify to the secretary of state within thirty  
31 days from receipt of the request from the secretary of state, the  
32 population of the proposed new county and the population of the  
33 remaining portion of each parent county.

34 (10) Upon receipt of the certificates from the county auditors of  
35 the parent county or counties and from the director of the office of  
36 financial management, the secretary of state shall certify whether the  
37 proposed new county and the remaining parent county or counties will  
38 have the minimum populations required by the state Constitution and  
39 whether the petition has been signed within two years of its filing

1 with the secretary of state by at least the percentage of registered  
2 voters required by Article XI section 3 of the state Constitution  
3 residing in the portion of each parent county that is to be stricken to  
4 form the new county.

5 (11) If, based upon the certification by the secretary of state,  
6 the request to create a new county does not meet the minimum population  
7 requirements or is not supported by the minimum number of valid  
8 signatures, the secretary of state shall notify the proponents of the  
9 new county and the county auditors of each parent county.

10 (12) If the secretary of state certifies that the proposal to  
11 create a new county does meet the minimum population requirements and  
12 that the petition has the minimum number of valid signatures, the  
13 secretary of state shall notify the proponents of the new county, the  
14 county auditor of the parent county or counties, the speaker of the  
15 house of representatives, and the president of the senate. The  
16 secretary of state shall request legislation to authorize the  
17 establishment of the proposed new county to be considered by the  
18 legislature at the earliest opportunity.

19 (13) Any citizen dissatisfied with determination of the county  
20 auditor that a petition does not contain the requisite number of  
21 signatures may, within fifteen days after such determination, apply to  
22 the superior court of Thurston county or of a parent county for a  
23 citation requiring the county auditor to submit the petition to said  
24 court for examination, and for a writ of mandate compelling the auditor  
25 to issue the certificate in subsection (7) of this section. Such  
26 application and all proceedings had thereunder shall take precedence  
27 over other cases and shall be speedily heard and determined.

28 The decision of the superior court granting or refusing to grant  
29 the writ of mandate or injunction may be reviewed by the supreme court  
30 within fifteen days after the decision of the superior court, and if  
31 the supreme court decides that writ of mandate or injunction, as the  
32 case may be, should issue, it shall issue the writ directed to the  
33 county auditor; otherwise it shall dismiss the proceedings.

34 NEW SECTION. **Sec. 4.** As required by Article XI, section 3 of the  
35 state Constitution, the number of registered voters required to sign  
36 the petition is at least one more than fifty percent of the number of  
37 votes cast by voters residing in the portion of each parent county that  
38 is proposed to be stricken and included in the new county for the

1 office of governor at the last regular gubernatorial election prior to  
2 the submission of the petition to the secretary of state.

3 NEW SECTION. **Sec. 5.** The legislature may enact special  
4 legislation authorizing the creation of a new county by striking  
5 territory from an existing county or counties subject to approval by  
6 the voters residing in the proposed new county. The special  
7 legislation shall include: (1) A legal description of the proposed new  
8 county; (2) any special requirements regarding the procedures used or  
9 standards applied to make a just apportionment of debts, liabilities,  
10 and assets between the new county and each parent county; (3)  
11 directions to the county auditor of the parent county or counties  
12 regarding the conduct of an election on the creation of the new county;  
13 (4) provision for necessary financial resources for the new county  
14 required through the interim period and until receipt of regular taxes  
15 and other revenues; (5) based upon the population of the proposed new  
16 county and consistent with general law, the initial officials to be  
17 elected to govern the new county; (6) provision for superior court and  
18 district court for the new county; and (7) such other measures as the  
19 legislature finds appropriate to facilitate the efficient organization  
20 of the new county government. All counties must consist of a single  
21 contiguous area of land and water.

22 NEW SECTION. **Sec. 6.** The legislature shall request the department  
23 of community, trade, and economic development to prepare and file with  
24 the legislature a report detailing the potential revenues and expenses  
25 of a proposed new county and the remnant parent county or counties  
26 whenever the secretary of state certifies a petition pursuant to  
27 Article XI, section 3 of the state Constitution, to the legislature  
28 proposing the creation of a new county. The potential revenues of the  
29 proposed new county must include both tax revenue of the proposed new  
30 county itself and distributions of state and federal moneys to the new  
31 county.

32 NEW SECTION. **Sec. 7.** Following the enactment of special  
33 legislation authorizing the creation of a new county, the question of  
34 creation of a new county shall be submitted to the voters residing  
35 within the boundaries of the proposed new county as described in the  
36 special legislation at the next general election that follows the

1 effective date of the special legislation by at least sixty days. The  
2 question shall be presented on the ballot in substantially the  
3 following form: Shall the new county of (insert name of new county) be  
4 created? - yes or no? If a majority of those voting on the question  
5 vote in favor of creation of a new county, the new county shall be  
6 established, with an interim organization period commencing on January  
7 1 of the year following the election. If a majority of those voting on  
8 the question vote against creation of a new county, the new county  
9 shall not be established, and the question of creation of a new county  
10 in any portion or all of the area proposed for a new county may not be  
11 submitted to the voters prior to the general election four years  
12 following. Thirty days prior to the election to create a county, the  
13 county legislative authority for the parent county from which the  
14 largest population is removed to form the new county shall establish  
15 three commissioner districts in the proposed new county subject to the  
16 criteria in RCW 29.70.100(4). The initial commissioners of the new  
17 county may alter these boundaries, subject to the same criteria, during  
18 the interim period by unanimous vote. After the interim period,  
19 commissioner district boundaries may be altered as provided in RCW  
20 36.32.020.

21 NEW SECTION. **Sec. 8.** (1) If voters of a proposed new county  
22 approve the ballot proposition authorizing the new county to be  
23 created, separate elections shall be held in the new county to nominate  
24 and elect the initial county elected officials for the new county that  
25 are specified under the special legislation.

26 Declarations of candidacy shall be made with the county auditor of  
27 the parent county or the principal county auditor if the new county was  
28 created out of territory from more than one parent county, who shall  
29 cause election notices to be published. The county auditor of the  
30 parent county shall conduct the elections. Where the new county was  
31 created out of territory from more than one parent county, the county  
32 auditors of the parent counties shall conduct these elections in the  
33 territory that was taken out of their counties to create the new county  
34 and shall certify the election results to the principal county auditor.  
35 The principal county auditor shall certify the final election results  
36 and declare candidates who are nominated at the primary and the initial  
37 elected officials of the new county who are elected.

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

3 (2) A three-day special filing period shall be opened for persons  
4 to file declarations of their candidacies for these positions. The  
5 filing period shall be the first three business days following the date  
6 of certification of the election to form a new county. A primary shall  
7 be held to nominate candidates for the new county elected positions at  
8 the February special election date specified in RCW 29.13.010 in the  
9 year following the year of the general election where the ballot  
10 proposition was approved authorizing the new county to be created.  
11 Each candidate for the office of county commissioner shall file for one  
12 of three separate county commissioner positions and county commissioner  
13 districts shall be used to nominate candidates for the initial offices  
14 of county commissioner. The candidates' names shall appear on the  
15 ballot in alphabetical order under the title of the position for which  
16 each has filed.

17 An election shall be held to elect the initial county elected  
18 officials at the April election date specified in RCW 29.13.010 in the  
19 same year as the special primary. The newly elected county officials  
20 shall assume office immediately upon the certification of the election  
21 with limited powers during the interim period as provided in this  
22 chapter and full powers commencing when the new county is officially  
23 created on the January 1st of the following year.

24 NEW SECTION. **Sec. 9.** The cost of conducting the election to  
25 create a new county shall be paid by the parent county or counties if  
26 the new county is not created. If the new county is created, the new  
27 county shall reimburse the parent county or counties for all election  
28 costs including the election to create the new county, and the special  
29 primary and special election to elect the new county officers.

30 NEW SECTION. **Sec. 10.** The terms of office for all of the initial  
31 county officials except for commissioner position No. 3 shall be from  
32 the date of their election until the end of the next year in which the  
33 governor is elected. The term of office for the initial commissioner  
34 for position No. 3 shall be from the date of his or her election until  
35 the end of the next year that is two years prior to the year in which  
36 the governor is elected. Thereafter, the terms of all officers shall  
37 be four years.



1        NEW SECTION.     **Sec. 11.**     The director of the department of  
2 community, trade, and economic development shall designate the annual  
3 salaries for the initial elected officers of the new county which shall  
4 be within ten percent of the salaries paid for the same offices in  
5 existing counties of similar population. The salaries may be payable  
6 either monthly, twice monthly, or every two weeks in equal installments  
7 as determined by the initial board of county commissioners.

8        NEW SECTION.     **Sec. 12.**     (1) The initial county commissioners shall  
9 designate an initial county seat for the new county. A permanent  
10 county seat shall be selected by the voters of the new county at the  
11 September primary occurring during the interim period.

12        (2) A city, town, or other commonly named area within the new  
13 county may be nominated as the permanent county seat in a petition that  
14 has been signed by at least one percent of the number of active  
15 registered voters residing in the new county and filed with the initial  
16 county auditor during the regular filing period for filing declarations  
17 of candidacy provided in RCW 29.15.020.

18        (3) The ballot proposition to select the county seat must list the  
19 names of the nominated cities, towns, and commonly named areas  
20 alphabetically. Each voter may select a single nominee. The nominee  
21 receiving the most number of votes is the permanent county seat until  
22 removed under general law.

23        NEW SECTION.     **Sec. 13.**     Except as provided in this section, the  
24 creation of a new county may not affect the boundaries of a city, town,  
25 or special district of any kind.

26        (1) Unless the initial board of county commissioners provides  
27 otherwise, a single road district must exist in the new county composed  
28 of all the unincorporated area within the new county. Territory that  
29 is stricken from a parent county to create a new county must also be  
30 stricken from the road district or districts of the parent county  
31 effective as of the final day of the interim period.

32        (2) An area in a new county that was included in a county rural  
33 library district must remain part of that county rural library  
34 district. The trustees of such a library district must be appointed by  
35 joint action of the members of the county legislative authorities of  
36 the parent county or counties and the new county, with the vote on each  
37 appointment distributed among the members of the county legislative

1 authorities so that the combined total vote of all the members of a  
2 single county legislative authority is in direct proportion to the  
3 percentage of population within the library district residing in that  
4 county and each member of that county legislative authority receiving  
5 an equal portion of that vote.

6 (3) Effective on the first day after the interim period for the  
7 creation of a new county, a public transportation benefit area that  
8 includes territory located in both the remaining parent county and new  
9 county shall have its boundaries reduced to eliminate any territory  
10 located in the new county.

11 NEW SECTION. **Sec. 14.** The superior court and district court for  
12 the new county shall obtain jurisdiction over all new matters over  
13 which such courts otherwise have jurisdiction pursuant to the state  
14 Constitution and state law filed on or after January 1 following the  
15 interim period. The superior court and district court of the parent  
16 county or counties shall retain jurisdiction of any matters pending  
17 before them or on appeal from them on December 31 at the close of the  
18 interim period unless all parties to such matter stipulate to a change  
19 of venue to the superior or district court of the new county.

20 All pleadings, process, documents, and files in the office of the  
21 county clerk and in the offices of officers of the superior or district  
22 court of a parent county pertaining to actions and proceedings  
23 transferred to the superior or district court of the new county must be  
24 certified and transferred to the county clerk or to officers of the  
25 superior or district court of the new county.

26 NEW SECTION. **Sec. 15.** Within one hundred eighty days of the  
27 beginning of the interim period for a new county, all records,  
28 documents, and papers in the offices of county auditor, county  
29 assessor, county treasurer, and other county officers of a parent  
30 county, affecting the title or possession of real property in the new  
31 county, assessed valuation of property located in the new county,  
32 registration of voters residing in the new county, or other appropriate  
33 matters, must be certified by the appropriate parent county official  
34 and must be transferred to the appropriate county officials and  
35 officers of the new county. If original records, documents, or papers  
36 are not transferred, certified copies shall be provided. The  
37 appropriate county officials of the parent county and the new county

1 may agree to transfers utilizing electronic, photostatic, mechanical,  
2 or other methods that adequately ensure the accuracy of the transferred  
3 information. All costs incurred with regard to the transfer of  
4 records, documents, and papers shall be paid by the new county.

5 NEW SECTION. **Sec. 16.** During the interim period for a new county,  
6 the initial county officials have the following powers:

7 (1) The initial board of county commissioners may adopt ordinances  
8 and adopt resolutions necessary to implement the general powers  
9 provided by this section. The initial board of county commissioners  
10 may also adopt ordinances on any matter within the authority of a  
11 nonhome-rule county, which shall become effective on January 1  
12 following the interim period.

13 (2) The initial county officials, subject to state law governing  
14 counties in general, may purchase or lease land, buildings, equipment,  
15 and supplies; contract for services; and employ staff as necessary to  
16 implement the powers provided by this section and to assure the  
17 establishment of the necessary infrastructure and staffing for the full  
18 operation of county government on January 1 following the interim  
19 period.

20 (3) The initial county officials may enter interlocal agreements  
21 with the parent county to facilitate the establishment of the new  
22 county government and for services to be rendered following the interim  
23 period.

24 (4) The initial board of county commissioners may:

25 (a) Cause tax anticipation or revenue anticipation notes or  
26 warrants or other short-term obligations to be issued as provided in  
27 chapter 39.50 RCW;

28 (b) Authorize the borrowing of money from state or federal agencies  
29 to the same extent as is authorized for a nonhome-rule county;

30 (c) Submit ballot propositions to the voters of the new county  
31 authorizing a single-year excess levy to be imposed, as provided by RCW  
32 84.52.052;

33 (d) Submit ballot propositions to the voters of the new county  
34 authorizing both voter-approved general indebtedness and bond  
35 retirement excess levies, as provided by RCW 84.52.056 and 39.36.050;

36 (e) Impose property taxes as authorized for counties, to be  
37 collected following the interim period; and

1 (f) Impose excise taxes as authorized for counties effective on  
2 January 1 following the interim period, including, but not limited to,  
3 sales and use taxes authorized in chapter 82.14 RCW and real estate  
4 excise taxes authorized in chapter 82.46 RCW.

5 NEW SECTION. **Sec. 17.** The initial county officers of a new county  
6 during the interim period are subject to all state laws limiting the  
7 authority of or imposing obligations on such offices as if the new  
8 county were fully established.

9 NEW SECTION. **Sec. 18.** All ordinances, rules, and regulations of  
10 a parent county that are in effect at the beginning of the interim  
11 period for a new county and that are adopted by the parent county  
12 during the interim period of a new county shall have their full force  
13 and effect within the portion of the parent county that is stricken to  
14 form the new county until the end of the interim period unless repealed  
15 by the parent county prior to that date.

16 NEW SECTION. **Sec. 19.** During the interim period for a new county,  
17 the parent county shall remain responsible for providing all county  
18 services previously provided by that parent county in the portion of  
19 the parent county that is stricken to form a new county unless  
20 otherwise agreed to between the parent county and the initial officers  
21 of the new county.

22 NEW SECTION. **Sec. 20.** (1) The budget for the interim period for  
23 a new county shall be adopted as provided in this section. The budget  
24 for the first budget cycle of the new county following the interim  
25 period shall be adopted as provided in chapter 36.40 RCW.

26 (2) The initial board of county commissioners shall adopt a budget  
27 for the interim period and make any subsequent amendments in  
28 consultation with the state auditor and the department of community,  
29 trade, and economic development. The department of community, trade,  
30 and economic development shall provide to the initial officers of the  
31 new county, at the earliest date feasible following the election  
32 authorizing formation of the new county, a report detailing the  
33 potential revenues and expenses of the new county. The interim period  
34 budget may initially authorize expenditure of moneys by general  
35 category without specific detail. The budget may be amended

1 periodically during the interim period to reflect actual revenues or  
2 expenditure requirements as they become known.

3 NEW SECTION. **Sec. 21.** During the interim period for a new county,  
4 the initial board of county commissioners may borrow money from the  
5 state treasurer in amounts and on terms deemed prudent and reasonable  
6 by the state treasurer.

7 Any loan obtained pursuant to this section must be repaid within  
8 three years of the initial disbursement. The state treasurer may  
9 withhold moneys from the funds otherwise payable to the new county to  
10 assure repayment.

11 NEW SECTION. **Sec. 22.** A new section is added to chapter 47.01 RCW  
12 to read as follows:

13 Beginning on January 1 following the interim period for a new  
14 county, the department of transportation shall adjust the allocations  
15 of transportation moneys made to counties to include the new county on  
16 the same bases as apply to previously existing counties.

17 **Sec. 23.** RCW 36.09.010 and 1963 c 4 s 36.09.010 are each amended  
18 to read as follows:

19 Whenever a new county shall be or shall have been ~~((organized))~~  
20 created out of the territory which was ~~((included within the limits of~~  
21 ~~any other)) stricken from another~~ county or counties, the new county  
22 shall be liable for a ~~((reasonable))~~ just proportion of the debts and  
23 liabilities of the parent county ~~((from which it was taken, and~~  
24 entitled to its proportion of the property of the county)) or counties  
25 and shall receive a just proportion of the assets of the parent county  
26 or counties.

27 **Sec. 24.** RCW 36.09.020 and 1963 c 4 s 36.09.020 are each amended  
28 to read as follows:

29 (1) The auditor of the ~~((old))~~ parent county shall give the auditor  
30 of the new county reasonable notice to meet ~~((him))~~ together on a  
31 certain day at the county seat of the ~~((old))~~ parent county, or at some  
32 other convenient place, to settle ~~((upon and fix the amount which the~~  
33 new county shall pay)) the apportionment of debts and liabilities, if  
34 any, as provided in subsection (2) of this section and apportionment of  
35 assets as provided by section 25 of this act.

1       ~~(2) In ((doing so)) apportioning the debts and liabilities, they~~  
2 ~~shall not charge either county with any share of debts ((arising from~~  
3 ~~the erection of)) or liabilities then existing incurred in the purchase~~  
4 ~~of any county property, or in the purchase or construction of any~~  
5 ~~public buildings then in use or under construction, or ((out of the~~  
6 ~~construction of)) any roads or bridges ((which shall be and remain,~~  
7 ~~after the division, within the limits of the other county, and of the~~  
8 ~~other debts they shall apportion to each county such a share of the~~  
9 ~~indebtedness as may be just and equitable, taking into consideration~~  
10 ~~the population of such portion of territory so forming a part of the~~  
11 ~~said counties while so united, and also the relative advantages,~~  
12 ~~derived from the old county organization)) then in use or under~~  
13 ~~construction, that are located within the other county.~~

14       Except as may be provided otherwise in the special legislation  
15 authorizing the creation of the new county, the remaining debts and  
16 liabilities of the parent county must be apportioned so that the new  
17 county is assigned an amount of these debts and liabilities that is in  
18 the same proportion as the assessed valuation of the new county, that  
19 was part of that parent county, is to the total assessed valuation in  
20 the parent county before the creation of the new county. The assessed  
21 valuations must be those used for taxes imposed in the year before the  
22 election was held authorizing the creation of the new county.

23       This section may not be construed to affect the rights of  
24 creditors.

25       NEW SECTION. Sec. 25. The assets of the parent county shall be  
26 apportioned as follows:

27       (1) The parent county shall retain ownership of real property it  
28 owns that remains in its boundaries after the creation of the new  
29 county. At the effective date of the creation of the new county, the  
30 new county shall acquire ownership of real property that was owned by  
31 the parent county that is located in the new county;

32       (2) All equipment owned by the parent county that is used in the  
33 construction or maintenance of roads or bridges must be apportioned  
34 based on total appraised value of the equipment between the new county  
35 and the parent county so that the new county receives a portion of this  
36 equipment that is in the same proportion as the number of miles of  
37 county roads in the new county, that were part of that parent county,

1 is to the total number of miles of county roads in the parent county  
2 before the creation of the new county; and

3 (3) All other assets of the parent county, the apportionment of  
4 which is not otherwise provided for, must be apportioned between the  
5 parent county and new county based on total appraised value of the  
6 assets so that the new county receives a portion of these assets that  
7 is in the same proportion as the assessed valuation of the new county,  
8 that was part of the parent county, is to the total assessed valuation  
9 of the parent county before the creation of the new county. The  
10 assessed valuations must be those used for taxes imposed in the year of  
11 the election authorizing creation of the new county.

12 NEW SECTION. **Sec. 26.** (1) If the auditor for a parent county and  
13 the auditor for a new county formed in whole or in part from territory  
14 stricken from the parent county cannot agree to the apportionment of  
15 debts, liabilities, and assets, pursuant to RCW 36.09.010, 36.09.020,  
16 and section 25 of this act within sixty days of the notice to meet  
17 issued pursuant to RCW 36.09.020, either auditor may petition the  
18 division of the state court of appeals in which the greatest portion of  
19 the population of the new county resides, to impose, by order, an  
20 apportionment.

21 (2) Prior to entering an order of apportionment, the court of  
22 appeals may:

23 (a) Appoint a special master to gather facts, conduct hearings,  
24 review evidence, and make recommendations to the court;

25 (b) Authorize the special master to employ appraisers, accountants,  
26 actuaries, engineers, attorneys, or other experts, and to consult with  
27 state agencies, to assemble and evaluate evidence; and

28 (c) Exercise all other powers otherwise granted to the court that  
29 are necessary for the efficient and just resolution of issues.

30 (3) The court of appeals may award payment of fees and costs to any  
31 special master and any experts that the special master is authorized to  
32 retain and may assess such fees and costs against the parent county and  
33 the new county in such proportions as it deems just.

34 (4) The court of appeals, subject to any limitations imposed by the  
35 special legislation authorizing creation of the new county, shall enter  
36 an order apportioning all debts, liabilities, and assets of the parent  
37 county between the parent county and new county and providing for the

1 method and time of transfer or payment. The order of the court of  
2 appeals shall be final.

3 (5) The provisions of RCW 2.06.040 shall apply to a proceeding  
4 under this section except that a decision rendered under this section  
5 shall not have precedential value and need not be published as an  
6 opinion of the court.

7 **Sec. 27.** RCW 2.06.030 and 1980 c 76 s 3 are each amended to read  
8 as follows:

9 The administration and procedures of the court shall be as provided  
10 by rules of the supreme court. The court shall be vested with all  
11 power and authority, not inconsistent with said rules, necessary to  
12 carry into complete execution all of its judgments, decrees and  
13 determinations in all matters within its jurisdiction, according to the  
14 rules and principles of the common law and the Constitution and laws of  
15 this state.

16 For the prompt and orderly administration of justice, the supreme  
17 court may (1) transfer to the appropriate division of the court for  
18 decision a case or appeal pending before the supreme court; or (2)  
19 transfer to the supreme court for decision a case or appeal pending in  
20 a division of the court.

21 Subject to the provisions of this section, the court shall have  
22 exclusive appellate jurisdiction in all cases except:

23 (a) cases of quo warranto, prohibition, injunction or mandamus  
24 directed to state officials;

25 (b) criminal cases where the death penalty has been decreed;

26 (c) cases where the validity of all or any portion of a statute,  
27 ordinance, tax, impost, assessment or toll is drawn into question on  
28 the grounds of repugnancy to the Constitution of the United States or  
29 of the state of Washington, or to a statute or treaty of the United  
30 States, and the superior court has held against its validity;

31 (d) cases involving fundamental and urgent issues of broad public  
32 import requiring prompt and ultimate determination; and

33 (e) cases involving substantive issues on which there is a direct  
34 conflict among prevailing decisions of panels of the court or between  
35 decisions of the supreme court;

36 all of which shall be appealed directly to the supreme court:  
37 PROVIDED, That whenever a majority of the court before which an appeal  
38 is pending, but before a hearing thereon, is in doubt as to whether



1 such appeal is within the categories set forth in subsection (d) or (e)  
2 of this section, the cause shall be certified to the supreme court for  
3 such determination.

4 The appellate jurisdiction of the court of appeals does not extend  
5 to civil actions at law for the recovery of money or personal property  
6 when the original amount in controversy, or the value of the property  
7 does not exceed the sum of two hundred dollars.

8 The court shall have appellate jurisdiction over review of final  
9 decisions of administrative agencies certified by the superior court  
10 pursuant to RCW 34.05.518.

11 The court shall have original jurisdiction over petitions filed  
12 pursuant to section 26 of this act.

13 Appeals from the court to the supreme court shall be only at the  
14 discretion of the supreme court upon the filing of a petition for  
15 review. No case, appeal or petition for a writ filed in the supreme  
16 court or the court shall be dismissed for the reason that it was not  
17 filed in the proper court, but it shall be transferred to the proper  
18 court.

19 NEW SECTION. Sec. 28. Each parent county shall continue imposing  
20 sales and use taxes throughout its entire boundaries until the end of  
21 the interim period as defined in section 2 of this act. Before the end  
22 of the interim period, each parent county shall continue receiving  
23 federal and state moneys allocated to it as if the new county did not  
24 exist. State moneys must be allocated to the new county on whatever  
25 basis these moneys are distributed commencing on the first day  
26 following the interim period.

27 NEW SECTION. Sec. 29. The rule of strict construction does not  
28 apply to this chapter. The authority granted to the initial county  
29 commissioners of a new county shall be liberally interpreted to provide  
30 for a transition to a new county during the interim period so that, to  
31 the greatest extent possible, a new county will be able to fully  
32 function as a complete county government at the date the new county is  
33 officially created.

34 **Sec. 30.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to read  
35 as follows:

1 The board of county commissioners of each county shall divide their  
2 county into three commissioner districts so that each district shall  
3 comprise as nearly as possible one-third of the population of the  
4 county: PROVIDED, That the territory comprised in any voting precincts  
5 of such districts shall remain compact, and shall not be divided by the  
6 lines of (~~said~~) the districts.

7 However, the commissioners of any county composed entirely of  
8 islands and with a population of less than thirty-five thousand may  
9 divide their county into three commissioner districts without regard to  
10 population, except that if any single island is included in more than  
11 one district, the districts on such island shall comprise, as nearly as  
12 possible, equal populations.

13 The lines of the districts shall not be changed oftener than once  
14 in four years except as authorized by section 7 of this act and only  
15 when a full board of commissioners is present. The districts shall be  
16 designated as districts numbered one, two, and three.

17 **Sec. 31.** RCW 84.09.030 and 1994 c 292 s 4 are each amended to read  
18 as follows:

19 Except as follows, the boundaries of counties, cities and all other  
20 taxing districts, for purposes of property taxation and the levy of  
21 property taxes, shall be the established official boundaries of such  
22 districts existing on the first day of March of the year in which the  
23 property tax levy is made.

24 The official boundaries of a newly incorporated taxing district  
25 shall be established at a different date in the year in which the  
26 incorporation occurred as follows:

27 (1) Boundaries for a newly incorporated city shall be established  
28 on the last day of March of the year in which the initial property tax  
29 levy is made, and the boundaries of a road district, library district,  
30 or fire protection district or districts, that include any portion of  
31 the area that was incorporated within its boundaries shall be altered  
32 as of this date to exclude this area, if the budget for the newly  
33 incorporated city is filed pursuant to RCW 84.52.020 and the levy  
34 request of the newly incorporated city is made pursuant to RCW  
35 84.52.070. Whenever a proposed city incorporation is on the March  
36 special election ballot, the county auditor shall submit the legal  
37 description of the proposed city to the department of revenue on or  
38 before the first day of March;

1 (2) Boundaries for a newly incorporated port district shall be  
2 established on the first day of October if the boundaries of the newly  
3 incorporated port district are coterminous with the boundaries of  
4 another taxing district, as they existed on the first day of March of  
5 that year;

6 (3) Boundaries of any other newly incorporated taxing district  
7 shall be established on the first day of June of the year in which the  
8 property tax levy is made if the taxing district has boundaries  
9 coterminous with the boundaries of another taxing district, as they  
10 existed on the first day of March of that year;

11 (4) Boundaries for a newly incorporated water district shall be  
12 established on the fifteenth of June of the year in which the  
13 proposition under RCW 57.04.050 authorizing a water district excess  
14 levy is approved; and

15 (5) Boundaries of a new county, the counties from which territory  
16 is stricken to create the new county, any road districts in the  
17 counties from which the territory is stricken, and road districts in  
18 the newly created county shall be established on the first day of  
19 January following a favorable election for the creation of a new  
20 county.

21 The boundaries of a taxing district shall be established on the  
22 first day of June if territory has been added to, or removed from, the  
23 taxing district after the first day of March of that year with  
24 boundaries coterminous with the boundaries of another taxing district  
25 as they existed on the first day of March of that year. However, the  
26 boundaries of a road district, library district, or fire protection  
27 district or districts, that include any portion of the area that was  
28 annexed to a city or town within its boundaries shall be altered as of  
29 this date to exclude this area. In any case where any instrument  
30 setting forth the official boundaries of any newly established taxing  
31 district, or setting forth any change in such boundaries, is required  
32 by law to be filed in the office of the county auditor or other county  
33 official, said instrument shall be filed in triplicate. The officer  
34 with whom such instrument is filed shall transmit two copies to the  
35 county assessor.

36 No property tax levy shall be made for any taxing district whose  
37 boundaries are not established as of the dates provided in this  
38 section.

1        NEW SECTION.    **Sec. 32.**    (1) Every person who signs a petition  
2 requesting the creation of a new county with any other than his or her  
3 true name is guilty of a class C felony punishable under RCW 9A.20.021.

4        (2) Every person who:    (a) Knowingly signs more than one petition  
5 for the same effort to create a new county; (b) signs a petition  
6 requesting the creation of a new county knowing that he or she is not  
7 a legal voter; or (c) makes a false statement as to his or her  
8 residence on any petition requesting the creation of a new county, is  
9 guilty of a gross misdemeanor punishable under RCW 9A.20.021.

10       NEW SECTION.    **Sec. 33.**    If necessary, the code reviser shall  
11 recodify RCW 36.09.010 and 36.09.020 to conform with the reorganization  
12 of chapter 36.09 RCW as provided in this act and provide for a logical  
13 order of sections.

14       NEW SECTION.    **Sec. 34.**    The following acts or parts of acts are  
15 each repealed:

16        (1) RCW 4.12.070 and 1891 c 33 s 2, Code 1881 s 53, 1877 p 12 s 54,  
17 1869 p 14 s 54, & 1854 p 377 s 2;

18        (2) RCW 36.09.035 and 1963 c 4 s 36.09.035;

19        (3) RCW 36.09.040 and 1963 c 4 s 36.09.040; and

20        (4) RCW 36.09.050 and 1963 c 4 s 36.09.050.

21       NEW SECTION.    **Sec. 35.**    Sections 2 through 21, 25, 26, 28, 29, and  
22 32 of this act are each added to chapter 36.09 RCW.

23       NEW SECTION.    **Sec. 36.**    If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected."

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