
SENATE BILL 5730

State of Washington

55th Legislature

1997 Regular Session

By Senators McCaslin, Haugen, Hale, Patterson, Sellar, Thibaudeau and Wood

Read first time 02/10/97. Referred to Committee on Government Operations.

1 AN ACT Relating to new counties; amending RCW 36.09.010, 36.09.020,
2 2.06.030, 36.32.020, and 84.09.030; adding new sections to chapter
3 36.09 RCW; adding a new section to chapter 47.01 RCW; creating a new
4 section; recodifying RCW 36.09.010 and 36.09.020; repealing RCW
5 4.12.070, 36.09.035, 36.09.040, and 36.09.050; and prescribing
6 penalties.

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

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

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

16 (1) "Assets" means all: (a) Real estate and leasehold interests in
17 real estate owned by the parent county; (b) tangible personal property
18 owned or leased by the parent county; and (c) intangible personal

1 property owned by the parent county including cash, securities,
2 commercial paper, notes, accounts receivable, and contract rights.
3 Assets shall be determined as of the first day of the interim period.

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

9 (3) "Interim period" means the period during which a new county
10 government is established; the just apportionment of debts,
11 liabilities, and assets between a new county and a parent county is
12 completed; and the transfer of all records from the parent county or
13 counties to the new county is completed. The period begins on January
14 1 following an election in which the formation of a new county is
15 approved and ends on the following January 1.

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

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

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

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

28 (8) "Principal county auditor" means, if more than one parent
29 county exists, the auditor of the parent county out of which territory
30 is taken to create part of the new county in which more persons reside
31 than reside in any other portion of another parent county that is taken
32 to create part of the new county.

33 (9) "Remnant portion" means that portion of a parent county which
34 remains after striking the territory of a proposed new county.

35 NEW SECTION. **Sec. 3.** (1) A petition requesting the creation of a
36 new county together with a complete legal description of the proposed
37 new county and the names and addresses of the proponents shall be filed

1 with the secretary of state who shall stamp each page with the date it
2 is filed.

3 (2) A petition may consist of multiple pages in identical form.
4 Each page shall include: (a) A request to create a new county and the
5 name of the proposed new county; (b) a map of the proposed new county;
6 (c) a statement, printed in bold type, that reads: "WARNING: Every
7 person who signs this petition with any other than his or her true
8 name, knowingly signs more than one of these petitions, signs this
9 petition when he or she is not a registered voter, or makes any false
10 statement on this petition may be punished by fine or imprisonment or
11 both."; and (d) lines and spaces that provide for each signer's
12 signature, printed name, full address of residence for voting purposes,
13 and the date of signing. The required map of the proposed new county
14 may be printed on the front or back of the petition or attached on a
15 separate page.

16 (3) The requirements in this section that petition signatures be
17 dated and that they be affixed on the petition within two years of the
18 submission of the petition to the secretary of state shall not apply to
19 any petitions filed pursuant to this act with the secretary of state
20 prior to January 1, 1997. A new county petition circulated prior to
21 the effective date of this act and filed pursuant to this act with the
22 secretary of state prior to January 1, 1997, and differing in form from
23 the information required by this act shall be deemed acceptable as to
24 form requirements.

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

31 (5) Within ten days of receipt of the petition, the secretary of
32 state shall forward a copy of the petition to the county auditor of
33 each parent county for validation of the signatures. With respect to
34 each signature, the county auditor shall validate that: (a) The signer
35 is a registered voter; (b) the signer resides in the portion of the
36 parent county that is proposed to be stricken; and (c) the signature
37 was dated within two years of the date the petition was initially filed
38 with the secretary of state. The parent county auditor shall have
39 forty-five days from receipt of the petition to complete the validation

1 of signatures. For any petitioner, a variation between the signature
2 of the petitioner on the petition and that in the registration files
3 due to the substitution of initials or the use of common nicknames is
4 permitted so long as the surname and handwriting are clearly the same.

5 (6) Upon receiving the copy of the petition for validation, the
6 county auditor shall appoint a citizens' oversight committee to monitor
7 the validation process. At least a majority of the persons appointed
8 to the citizens' oversight committee shall be registered voters living
9 in the proposed new county who have signed the petition to create the
10 new county.

11 (7) If the petition reviewed by the county auditor contains the
12 valid signatures of at least the percentage of registered voters
13 required by Article XI, section 3 of the state Constitution of the
14 parent county who reside in the portion of the parent county that is
15 proposed to be stricken from that county, the county auditor shall
16 return the copy of the petition to the secretary of state together with
17 a certificate stating: (a) The total number of registered voters
18 residing within the territory of the parent county that is proposed to
19 be stricken as of the date the petition was filed with the secretary of
20 state; and (b) the number of signatures on the petition identified by
21 precinct that are determined to be the valid signatures of registered
22 voters residing within the portion of the parent county that is
23 proposed to be stricken who signed the petition within two years of its
24 filing with the secretary of state.

25 (8) If the petition reviewed by the county auditor does not contain
26 valid signatures of at least the percentage of registered voters
27 required by Article XI, section 3 of the state Constitution of the
28 parent county residing in the territory proposed to be stricken from
29 that county who signed the petition within two years of its filing with
30 the secretary of state, the county auditor shall notify both the
31 proponents of the new county and the secretary of state of the number
32 of additional valid signatures required to equal the required
33 percentage of active registered voters residing in the territory
34 proposed to be stricken from that county. The proponents shall have
35 ninety days from the date of notification to obtain the necessary
36 additional signatures. The additional signatures must be submitted on
37 the required petition form to the secretary of state no later than the
38 first business day following the ninetieth day following the county
39 auditor's notification under this subsection. The secretary of state

1 shall forward a copy of the additional signatures to the appropriate
2 county auditor for validation in the same manner as the original
3 submission. Upon completion of the validation of the additional
4 signatures, the county auditor shall return the copy of the additional
5 signatures to the secretary of state with the certificate as required
6 by subsection (7) of this section.

7 (9) Upon receipt of the initial petition and legal description of
8 the proposed new county, the secretary of state shall forward a copy of
9 the legal description of the proposed new county to the director of the
10 office of financial management for a population determination. The
11 director of the office of financial management, using the most current
12 data available, shall certify to the secretary of state within thirty
13 days from receipt of the request from the secretary of state, the
14 population of the proposed new county and the population of the
15 remaining portion of each parent county.

16 (10) Upon receipt of the certificates from the county auditors of
17 the parent county or counties and from the director of the office of
18 financial management, the secretary of state shall certify whether the
19 proposed new county and the remaining parent county or counties will
20 have the minimum populations required by the state Constitution and
21 whether the petition has been signed within two years of its filing
22 with the secretary of state by at least the percentage of registered
23 voters required by Article XI, section 3 of the state Constitution
24 residing in the portion of each parent county that is to be stricken to
25 form the new county.

26 (11) If, based upon the certification by the secretary of state,
27 the request to create a new county does not meet the minimum population
28 requirements or is not supported by the minimum number of valid
29 signatures, the secretary of state shall notify the proponents of the
30 new county and the county auditors of each parent county and no
31 subsequent petition requesting the formation of a new county that
32 includes any of the territory of the proposed new county described in
33 the failed petition may be filed with the secretary of state for a
34 period of four years from the date the failed petition was filed.

35 (12) If the secretary of state certifies that the proposal to
36 create a new county does meet the minimum population requirements and
37 that the petition has the minimum number of valid signatures, the
38 secretary of state shall notify the proponents of the new county, the
39 county auditor of the parent county or counties, the speaker of the

1 house of representatives, and the president of the senate. The
2 secretary of state shall request legislation to authorize the
3 establishment of the proposed new county to be considered by the
4 legislature at the earliest opportunity.

5 NEW SECTION. **Sec. 4.** The legislature may enact special
6 legislation authorizing the creation of a new county by striking
7 territory from an existing county or counties subject to approval by
8 the voters residing in the proposed new county. The special
9 legislation shall include: (1) A legal description of the proposed new
10 county; (2) any special requirements regarding the procedures used or
11 standards applied to make a just apportionment of debts, liabilities,
12 and assets between the new county and each parent county; (3)
13 directions to the county auditor of the parent county or counties
14 regarding the conduct of an election on the creation of the new county;
15 (4) provision for necessary financial resources for the new county
16 required through the interim period and until receipt of regular taxes
17 and other revenues; (5) based upon the population of the proposed new
18 county and consistent with general law, the initial officials to be
19 elected to govern the new county; (6) provision for superior court and
20 district court for the new county; (7) provision for equitable
21 adjustments, including compensation for damages, resulting from the
22 disruption or impairment of any interlocal agreements or other
23 contracts caused by the formation of a new county; and (8) such other
24 measures as the legislature finds appropriate to facilitate the
25 efficient organization of the new county government. If the
26 legislature decides to modify the boundaries of the proposed new
27 county, it shall consider the economic stability, the efficiency of
28 administration, natural geographic barriers, transportation corridors,
29 and the boundaries of existing communities and governmental units, as
30 such factors affect the proposed new county and the remaining parent
31 county or counties. All counties must consist of a single contiguous
32 area of land and water.

33 NEW SECTION. **Sec. 5.** The legislature shall request the department
34 of community, trade, and economic development to prepare and file with
35 the legislature a report detailing the potential revenues and expenses
36 of a proposed new county and the remnant parent county or counties
37 whenever the secretary of state certifies a petition pursuant to

1 Article XI, section 3 of the state Constitution, to the legislature
2 proposing the creation of a new county. The potential revenues of the
3 proposed new county must include both tax revenue of the proposed new
4 county itself and distributions of state and federal moneys to the new
5 county.

6 NEW SECTION. **Sec. 6.** Following the enactment of special
7 legislation authorizing the creation of a new county, the question of
8 creation of a new county shall be submitted to the voters in the parent
9 county or counties at the next general election that follows the
10 effective date of the special legislation by at least sixty days. The
11 question shall be presented on the ballot in substantially the
12 following form: Shall the new county of (insert name of new county) be
13 created? - yes or no? If a majority of those who reside within the
14 boundaries of the proposed new county and a majority of those who
15 reside in the remnant portion of each parent county voting on the
16 question vote in favor of creation of a new county, the new county
17 shall be established, with an interim organization period commencing on
18 January 1 of the year following the election. If a majority of those
19 voters residing within the boundaries of the proposed new county or a
20 majority of the voters residing within the boundaries of the remnant
21 portion of any parent county, voting on the question, vote against
22 creation of a new county, the new county shall not be established, and
23 the question of creation of a new county in any portion or all of the
24 area proposed for a new county may not be submitted to the voters prior
25 to the general election four years following. Thirty days prior to the
26 election to create a county, the county legislative authority for the
27 parent county from which the largest population is removed to form the
28 new county shall establish three commissioner districts in the proposed
29 new county subject to the criteria in RCW 29.70.100(4). The initial
30 commissioners of the new county may alter these boundaries, subject to
31 the same criteria, during the interim period by unanimous vote. After
32 the interim period, commissioner district boundaries may be altered as
33 provided in RCW 36.32.020.

34 NEW SECTION. **Sec. 7.** (1) If voters of the parent county or
35 counties approve the ballot proposition authorizing the new county to
36 be created by the separate majorities required under section 6 of this
37 act, separate elections shall be held in the new county to nominate and

1 elect the initial county elected officials for the new county that are
2 specified under the special legislation.

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

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

17 (2) A three-day special filing period shall be opened for persons
18 to file declarations of their candidacies for these positions. The
19 filing period shall be the first three business days following the date
20 of certification of the election to form a new county. A primary shall
21 be held to nominate candidates for the new county elected positions at
22 the February special election date specified in RCW 29.13.010 in the
23 year following the year of the general election where the ballot
24 proposition was approved authorizing the new county to be created.
25 Each candidate for the office of county commissioner shall file for one
26 of three separate county commissioner positions and county commissioner
27 districts shall be used to nominate candidates for the initial offices
28 of county commissioner. The candidates' names shall appear on the
29 ballot in alphabetical order under the title of the position for which
30 each has filed.

31 An election shall be held to elect the initial county elected
32 officials at the April election date specified in RCW 29.13.010 in the
33 same year as the special primary. The newly elected county officials
34 shall assume office immediately upon the certification of the election
35 with limited powers during the interim period as provided in this
36 chapter and full powers commencing when the new county is officially
37 created on the January 1st of the following year.

1 NEW SECTION. **Sec. 8.** The cost of conducting the election to
2 create a new county shall be paid by the parent county or counties if
3 the new county is not created. If the new county is created, the new
4 county shall reimburse the parent county or counties for all election
5 costs including the election to create the new county, and the special
6 primary and special election to elect the new county officers.

7 NEW SECTION. **Sec. 9.** The terms of office for all of the initial
8 county officials except for commissioner position No. 3 shall be from
9 the date of their election until the end of the next year in which the
10 governor is elected. The term of office for the initial commissioner
11 for position No. 3 shall be from the date of his or her election until
12 the end of the next year that is two years prior to the year in which
13 the governor is elected. Thereafter, the terms of all officers shall
14 be four years.

15 NEW SECTION. **Sec. 10.** The director of the department of
16 community, trade, and economic development shall designate the annual
17 salaries for the initial elected officers of the new county which shall
18 be within ten percent of the salaries paid for the same offices in
19 existing counties of similar population. The salaries may be payable
20 either monthly, twice monthly, or every two weeks in equal installments
21 as determined by the initial board of county commissioners.

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

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

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

1 NEW SECTION. **Sec. 12.** Except as provided in this section, the
2 creation of a new county may not affect the boundaries of a city, town,
3 or special district of any kind.

4 (1) Unless the initial board of county commissioners provides
5 otherwise, a single road district must exist in the new county composed
6 of all the unincorporated area within the new county. Territory that
7 is stricken from a parent county to create a new county must also be
8 stricken from the road district or districts of the parent county
9 effective as of the final day of the interim period.

10 (2) An area in a new county that was included in a county rural
11 library district must remain part of that county rural library
12 district. The trustees of such a library district must be appointed by
13 joint action of the members of the county legislative authorities of
14 the parent county or counties and the new county, with the vote on each
15 appointment distributed among the members of the county legislative
16 authorities so that the combined total vote of all the members of a
17 single county legislative authority is in direct proportion to the
18 percentage of population within the library district residing in that
19 county and each member of that county legislative authority receiving
20 an equal portion of that vote.

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

26 NEW SECTION. **Sec. 13.** The superior court and district court for
27 the new county shall obtain jurisdiction over all new matters over
28 which such courts otherwise have jurisdiction pursuant to the state
29 Constitution and state law filed on or after January 1 following the
30 interim period. The superior court and district court of the parent
31 county or counties shall retain jurisdiction of any matters pending
32 before them or on appeal from them on December 31 at the close of the
33 interim period unless all parties to such matter stipulate to a change
34 of venue to the superior or district court of the new county.

35 All pleadings, process, documents, and files in the office of the
36 county clerk and in the offices of officers of the superior or district
37 court of a parent county pertaining to actions and proceedings
38 transferred to the superior or district court of the new county must be

1 certified and transferred to the county clerk or to officers of the
2 superior or district court of the new county.

3 NEW SECTION. **Sec. 14.** Within one hundred eighty days of the
4 beginning of the interim period for a new county, all records,
5 documents, and papers in the offices of county auditor, county
6 assessor, county treasurer, and other county officers of a parent
7 county, affecting the title or possession of real property in the new
8 county, assessed valuation of property located in the new county,
9 registration of voters residing in the new county, or other appropriate
10 matters, must be certified by the appropriate parent county official
11 and must be transferred to the appropriate county officials and
12 officers of the new county. If original records, documents, or papers
13 are not transferred, certified copies shall be provided. The
14 appropriate county officials of the parent county and the new county
15 may agree to transfers utilizing electronic, photostatic, mechanical,
16 or other methods that adequately ensure the accuracy of the transferred
17 information. All costs incurred with regard to the transfer of
18 records, documents, and papers shall be paid by the new county.

19 NEW SECTION. **Sec. 15.** During the interim period for a new county,
20 the initial county officials have the following powers:

21 (1) The initial board of county commissioners may adopt ordinances
22 and adopt resolutions necessary to implement the general powers
23 provided by this section. The initial board of county commissioners
24 may also adopt ordinances on any matter within the authority of a
25 nonhome-rule county, which shall become effective on January 1
26 following the interim period.

27 (2) The initial county officials, subject to state law governing
28 counties in general, may purchase or lease land, buildings, equipment,
29 and supplies; contract for services; and employ staff as necessary to
30 implement the powers provided by this section and to assure the
31 establishment of the necessary infrastructure and staffing for the full
32 operation of county government on January 1 following the interim
33 period.

34 (3) The initial county officials may enter interlocal agreements
35 with the parent county to facilitate the establishment of the new
36 county government and for services to be rendered following the interim
37 period.

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

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

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

7 (c) Submit ballot propositions to the voters of the new county
8 authorizing a single-year excess levy to be imposed, as provided by RCW
9 84.52.052;

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

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

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

19 NEW SECTION. **Sec. 16.** The initial county officers of a new county
20 during the interim period are subject to all state laws limiting the
21 authority of or imposing obligations on such offices as if the new
22 county were fully established.

23 NEW SECTION. **Sec. 17.** All ordinances, rules, and regulations of
24 a parent county that are in effect at the beginning of the interim
25 period for a new county and that are adopted by the parent county
26 during the interim period of a new county shall have their full force
27 and effect within the portion of the parent county that is stricken to
28 form the new county until the end of the interim period unless repealed
29 by the parent county prior to that date.

30 NEW SECTION. **Sec. 18.** During the interim period for a new county,
31 the parent county shall remain responsible for providing all county
32 services previously provided by that parent county in the portion of
33 the parent county that is stricken to form a new county unless
34 otherwise agreed to between the parent county and the initial officers
35 of the new county.

1 NEW SECTION. **Sec. 19.** (1) The budget for the interim period for
2 a new county shall be adopted as provided in this section. The budget
3 for the first budget cycle of the new county following the interim
4 period shall be adopted as provided in chapter 36.40 RCW.

5 (2) The initial board of county commissioners shall adopt a budget
6 for the interim period and make any subsequent amendments in
7 consultation with the state auditor and the department of community,
8 trade, and economic development. The department of community, trade,
9 and economic development shall provide to the initial officers of the
10 new county, at the earliest date feasible following the election
11 authorizing formation of the new county, a report detailing the
12 potential revenues and expenses of the new county. The interim period
13 budget may initially authorize expenditure of moneys by general
14 category without specific detail. The budget may be amended
15 periodically during the interim period to reflect actual revenues or
16 expenditure requirements as they become known.

17 NEW SECTION. **Sec. 20.** During the interim period for a new county,
18 the initial board of county commissioners may borrow money from the
19 state treasurer in amounts and on terms deemed prudent and reasonable
20 by the state treasurer.

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

25 NEW SECTION. **Sec. 21.** A new section is added to chapter 47.01 RCW
26 to read as follows:

27 Beginning on January 1 following the interim period for a new
28 county, the department of transportation shall adjust the allocations
29 of transportation moneys made to counties to include the new county on
30 the same bases as apply to previously existing counties.

31 **Sec. 22.** RCW 36.09.010 and 1963 c 4 s 36.09.010 are each amended
32 to read as follows:

33 Whenever a new county shall be or shall have been (~~organized~~)
34 created out of the territory which was (~~included within the limits of~~
35 ~~any other~~) stricken from another county or counties, the new county
36 shall be liable for a (~~reasonable~~) just proportion of the debts and

1 liabilities of the parent county ((from which it was taken, and
2 entitled to its proportion of the property of the county)) or counties
3 and shall receive a just proportion of the assets of the parent county
4 or counties.

5 **Sec. 23.** RCW 36.09.020 and 1963 c 4 s 36.09.020 are each amended
6 to read as follows:

7 (1) The auditor of the ((old)) parent county shall give the auditor
8 of the new county reasonable notice to meet ((him)) together on a
9 certain day at the county seat of the ((old)) parent county, or at some
10 other convenient place, to settle ((upon and fix the amount which the
11 new county shall pay)) the apportionment of debts and liabilities, if
12 any, as provided in subsection (2) of this section and apportionment of
13 assets as provided by section 24 of this act.

14 (2) In ((doing so)) apportioning the debts and liabilities, they
15 shall not charge either county with any share of debts ((arising from
16 the erection of)) or liabilities then existing incurred in the purchase
17 of any county property, or in the purchase or construction of any
18 public buildings then in use or under construction, or ((out of the
19 construction of)) any roads or bridges ((which shall be and remain,
20 after the division, within the limits of the other county, and of the
21 other debts they shall apportion to each county such a share of the
22 indebtedness as may be just and equitable, taking into consideration
23 the population of such portion of territory so forming a part of the
24 said counties while so united, and also the relative advantages,
25 derived from the old county organization)) then in use or under
26 construction, that are located within the other county.

27 Except as may be provided otherwise in the special legislation
28 authorizing the creation of the new county, the remaining debts and
29 liabilities of the parent county must be apportioned so that the new
30 county is assigned an amount of these debts and liabilities that is in
31 the same proportion as the assessed valuation of the new county, that
32 was part of that parent county, is to the total assessed valuation in
33 the parent county before the creation of the new county. The assessed
34 valuations must be those used for taxes imposed in the year before the
35 election was held authorizing the creation of the new county.

36 This section may not be construed to affect the rights of
37 creditors.

1 NEW SECTION. **Sec. 24.** Unless voluntarily agreed otherwise, the
2 assets of the parent county shall be apportioned as follows:

3 (1) The parent county shall retain ownership of real property it
4 owns that remains in its boundaries after the creation of the new
5 county. At the effective date of the creation of the new county, the
6 new county shall acquire ownership of real property that was owned by
7 the parent county that is located in the new county. No valuation of
8 or compensation for real property shall be required;

9 (2) All equipment owned by the parent county that is used in the
10 construction or maintenance of roads or bridges must be apportioned
11 based on total appraised value of the equipment between the new county
12 and the parent county so that the new county receives a portion of this
13 equipment that is in the same proportion as the number of miles of
14 county roads in the new county, that were part of that parent county,
15 is to the total number of miles of county roads in the parent county
16 before the creation of the new county. All other machinery, equipment,
17 furnishings, and fixtures of the parent county shall be retained by the
18 parent county if it is either located within the boundaries of the
19 remnant parent county or is required for the continued operation of the
20 existing responsibilities of the remnant parent county and is not
21 surplus; and

22 (3) All other assets of the parent county, the apportionment of
23 which is not otherwise provided for, must be apportioned between the
24 parent county and new county based on total appraised value of the
25 assets so that the new county receives a portion of these assets that
26 is in the same proportion as the assessed valuation of the new county,
27 that was part of the parent county, is to the total assessed valuation
28 of the parent county before the creation of the new county. The
29 assessed valuations must be those used for taxes imposed in the year of
30 the election authorizing creation of the new county.

31 NEW SECTION. **Sec. 25.** (1) If the auditor for a parent county and
32 the auditor for a new county formed in whole or in part from territory
33 stricken from the parent county cannot agree to the apportionment of
34 debts, liabilities, and assets, pursuant to RCW 36.09.010, 36.09.020,
35 and section 24 of this act within sixty days of the notice to meet
36 issued pursuant to RCW 36.09.020, either auditor may petition the
37 division of the state court of appeals in which the greatest portion of

1 the population of the new county resides, to impose, by order, an
2 apportionment.

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

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

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

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

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

16 (4) The court of appeals, subject to any limitations imposed by the
17 special legislation authorizing creation of the new county, shall enter
18 an order apportioning all debts, liabilities, and assets of the parent
19 county between the parent county and new county and providing for the
20 method and time of transfer or payment. The order of the court of
21 appeals shall be final.

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

26 **Sec. 26.** RCW 2.06.030 and 1980 c 76 s 3 are each amended to read
27 as follows:

28 The administration and procedures of the court shall be as provided
29 by rules of the supreme court. The court shall be vested with all
30 power and authority, not inconsistent with said rules, necessary to
31 carry into complete execution all of its judgments, decrees and
32 determinations in all matters within its jurisdiction, according to the
33 rules and principles of the common law and the Constitution and laws of
34 this state.

35 For the prompt and orderly administration of justice, the supreme
36 court may (1) transfer to the appropriate division of the court for
37 decision a case or appeal pending before the supreme court; or (2)

1 transfer to the supreme court for decision a case or appeal pending in
2 a division of the court.

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

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

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

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

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

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

18 all of which shall be appealed directly to the supreme court:
19 PROVIDED, That whenever a majority of the court before which an appeal
20 is pending, but before a hearing thereon, is in doubt as to whether
21 such appeal is within the categories set forth in subsection (d) or (e)
22 of this section, the cause shall be certified to the supreme court for
23 such determination.

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

28 The court shall have appellate jurisdiction over review of final
29 decisions of administrative agencies certified by the superior court
30 pursuant to RCW 34.05.518.

31 The court shall have original jurisdiction over petitions filed
32 pursuant to section 25 of this act.

33 Appeals from the court to the supreme court shall be only at the
34 discretion of the supreme court upon the filing of a petition for
35 review. No case, appeal or petition for a writ filed in the supreme
36 court or the court shall be dismissed for the reason that it was not
37 filed in the proper court, but it shall be transferred to the proper
38 court.

1 NEW SECTION. **Sec. 27.** Each parent county shall continue imposing
2 sales and use taxes throughout its entire boundaries until the end of
3 the interim period as defined in section 2 of this act. Before the end
4 of the interim period, each parent county shall continue receiving
5 federal and state moneys allocated to it as if the new county did not
6 exist. State moneys must be allocated to the new county on whatever
7 basis these moneys are distributed commencing on the first day
8 following the interim period.

9 NEW SECTION. **Sec. 28.** The rule of strict construction does not
10 apply to this chapter. The authority granted to the initial county
11 commissioners of a new county shall be liberally interpreted to provide
12 for a transition to a new county during the interim period so that, to
13 the greatest extent possible, a new county will be able to fully
14 function as a complete county government at the date the new county is
15 officially created.

16 **Sec. 29.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to read
17 as follows:

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

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

30 The lines of the districts shall not be changed oftener than once
31 in four years except as authorized by section 6 of this act and only
32 when a full board of commissioners is present. The districts shall be
33 designated as districts numbered one, two, and three.

34 **Sec. 30.** RCW 84.09.030 and 1996 c 230 s 1613 are each amended to
35 read as follows:

1 Except as follows, the boundaries of counties, cities and all other
2 taxing districts, for purposes of property taxation and the levy of
3 property taxes, shall be the established official boundaries of such
4 districts existing on the first day of March of the year in which the
5 property tax levy is made.

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

9 (1) Boundaries for a newly incorporated city shall be established
10 on the last day of March of the year in which the initial property tax
11 levy is made, and the boundaries of a road district, library district,
12 or fire protection district or districts, that include any portion of
13 the area that was incorporated within its boundaries shall be altered
14 as of this date to exclude this area, if the budget for the newly
15 incorporated city is filed pursuant to RCW 84.52.020 and the levy
16 request of the newly incorporated city is made pursuant to RCW
17 84.52.070. Whenever a proposed city incorporation is on the March
18 special election ballot, the county auditor shall submit the legal
19 description of the proposed city to the department of revenue on or
20 before the first day of March;

21 (2) Boundaries for a newly incorporated port district shall be
22 established on the first day of October if the boundaries of the newly
23 incorporated port district are coterminous with the boundaries of
24 another taxing district, as they existed on the first day of March of
25 that year;

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

31 (4) Boundaries for a newly incorporated water-sewer district shall
32 be established on the fifteenth of June of the year in which the
33 proposition under RCW 57.04.050 authorizing a water district excess
34 levy is approved; and

35 (5) Boundaries of a new county, the counties from which territory
36 is stricken to create the new county, any road districts in the
37 counties from which the territory is stricken, and road districts in
38 the newly created county shall be established on the first day of

1 January following a favorable election for the creation of a new
2 county.

3 The boundaries of a taxing district shall be established on the
4 first day of June if territory has been added to, or removed from, the
5 taxing district after the first day of March of that year with
6 boundaries coterminous with the boundaries of another taxing district
7 as they existed on the first day of March of that year. However, the
8 boundaries of a road district, library district, or fire protection
9 district or districts, that include any portion of the area that was
10 annexed to a city or town within its boundaries shall be altered as of
11 this date to exclude this area. In any case where any instrument
12 setting forth the official boundaries of any newly established taxing
13 district, or setting forth any change in such boundaries, is required
14 by law to be filed in the office of the county auditor or other county
15 official, said instrument shall be filed in triplicate. The officer
16 with whom such instrument is filed shall transmit two copies to the
17 county assessor.

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

21 NEW SECTION. **Sec. 31.** (1) Every person who signs a petition
22 requesting the creation of a new county with any other than his or her
23 true name is guilty of a class C felony punishable under RCW 9A.20.021.

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

30 NEW SECTION. **Sec. 32.** If necessary, the code reviser shall
31 recodify RCW 36.09.010 and 36.09.020 to conform with the reorganization
32 of chapter 36.09 RCW as provided in this act and provide for a logical
33 order of sections.

34 NEW SECTION. **Sec. 33.** The following acts or parts of acts are
35 each repealed:

- 1 (1) RCW 4.12.070 and 1891 c 33 s 2, Code 1881 s 53, 1877 p 12 s 54,
2 1869 p 14 s 54, & 1854 p 377 s 2;
3 (2) RCW 36.09.035 and 1963 c 4 s 36.09.035;
4 (3) RCW 36.09.040 and 1963 c 4 s 36.09.040; and
5 (4) RCW 36.09.050 and 1963 c 4 s 36.09.050.

6 NEW SECTION. **Sec. 34.** Sections 2 through 20, 24, 25, 27, 28, and
7 31 of this act are each added to chapter 36.09 RCW.

8 NEW SECTION. **Sec. 35.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

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