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SENATE BILL 6016

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State of Washington

56th Legislature

1999 Regular Session

By Senators Gardner, Kline and Patterson

Read first time 02/22/1999. Referred to Committee on State & Local Government.

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 deliberative and thoughtful procedures by which a new county may be  
10 formed, to ensure that any vote by the general public on the creation  
11 of a new county is one in which the choices are clearly defined, and to  
12 provide for a just apportionment of the debts, liabilities, and assets  
13 of the parent county or counties between a new county and the remaining  
14 parent county or counties.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply  
16 throughout this chapter unless the context clearly requires otherwise.

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

1 owned or leased by the parent county; and (c) intangible personal  
2 property owned by the parent county including cash, securities,  
3 commercial paper, notes, accounts receivable, and contract rights.  
4 Assets shall be determined as of the first day of the interim period.

5 (2) "Interim period" means the period for the transition to a new  
6 county, beginning on the date of certification of an election in which  
7 the creation of a new county is approved by the voters, and ending on  
8 December 31st of the year following the year in which such election is  
9 certified.

10 (3) "New county" means the county that is created by striking  
11 territory from the parent county or counties as provided pursuant to  
12 Article XI, section 3 of the state Constitution.

13 (4) "Parent county or counties" means the existing county or  
14 counties out of which territory is stricken to create a new county  
15 under Article XI, section 3 of the state Constitution.

16 (5) "Planning commission period" means the period beginning on the  
17 date of certification of an election in which planning commissioners  
18 for a new county are elected by the voters and ending on the date of  
19 certification of an election in which the creation of a new county is  
20 approved by the voters.

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

26 NEW SECTION. **Sec. 3.** The proponents of a proposed new county  
27 shall, before the circulation of a petition in support of the formation  
28 of that new county, file with the secretary of state a statement  
29 designating the name of the proposed county and containing the legal  
30 description of the proposed county, together with an affidavit from  
31 each proponent that he or she is a registered voter within the  
32 territory of the proposed new county. If there are two or more  
33 proponents, one of them must be designated as the principal proponent  
34 for the purpose of receiving notices and communications required by  
35 law.

36 NEW SECTION. **Sec. 4.** The statement required by section 3 of this  
37 act must be filed with the secretary of state within twelve months

1 prior to the next regular session of the legislature at which the  
2 petitions are to be submitted for approval.

3 NEW SECTION. **Sec. 5.** (1) Upon receipt of the legal description  
4 and affidavit of sponsorship for a proposed new county, the secretary  
5 of state shall forward a copy of the legal description to the office of  
6 financial management.

7 (2) Within thirty days of receipt of this statement from the  
8 secretary of state, the director of the office of financial management  
9 shall determine if the legal description is consistent and the  
10 territory described is a single, contiguous area. If the legal  
11 description is defective, the director shall notify the secretary of  
12 state and the proponents of the nature and extent of the defect.

13 (3) If the legal description is not defective, the director shall  
14 also determine the population of the proposed new county and the  
15 population of the remaining portion or portions of each parent county,  
16 using the most current data available. The director shall certify  
17 these populations to the secretary of state and the proponents of the  
18 new county within thirty days of receipt of the statement from the  
19 secretary of state.

20 NEW SECTION. **Sec. 6.** Petitions for the formation of a new county  
21 shall be made to the legislature and shall be substantially in the  
22 following form:

23 WARNING

24 Every person who signs this petition with any other than his or her  
25 true name, knowingly signs more than one of these petitions, signs this  
26 petition when he or she is not a legal voter, or makes any false  
27 statement on this petition may be punished by fine or imprisonment or  
28 both.

29 PETITION FOR THE FORMATION OF ..... COUNTY

30 To the Honorable . . . . ., Secretary of State of the State of  
31 Washington:

32 We, the undersigned citizens and legal voters of the State of  
33 Washington, respectfully direct that this petition for the formation of  
34 . . . . . county, a full, true, and correct copy of the legal  
35 description of which is printed on the reverse side of this petition,



1 The county auditor or auditors shall review the signatures  
2 contained on the petitions and, within fifteen days, shall certify to  
3 the secretary of state both: (1) The number of registered voters  
4 residing within the territory, in that parent county, that is proposed  
5 to be included in the new county; and (2) the number of valid  
6 signatures of registered voters residing within the territory in that  
7 parent county that is proposed to be included in the new county who  
8 have signed the petitions.

9 NEW SECTION. **Sec. 8.** (1) Unless the secretary of state finds  
10 sufficient cause to refuse to certify the petitions, the secretary  
11 shall certify the sufficiency of the petitions and shall file the  
12 petitions with the legislature within thirty days of the date upon  
13 which the petitions were filed by the proponents.

14 (2) For the purposes of this section, "sufficient cause" means  
15 reason to believe: (a) That the petitions are not in the form required  
16 by section 6 of this act; or (b) that the number of valid signatures on  
17 the petitions, as certified by the county auditor or auditors pursuant  
18 to section 7(2) of this act, does not exceed one-half the number of  
19 registered voters in the proposed new county.

20 NEW SECTION. **Sec. 9.** Petitions filed with the legislature for the  
21 formation of a new county shall be considered by the legislature at the  
22 next ensuing regular session. However, petitions received by the  
23 legislature not more than ten days prior to the beginning of a regular  
24 session shall not be considered.

25 NEW SECTION. **Sec. 10.** The legislature, upon review of petitions  
26 for a proposed new county, shall either approve or disapprove the  
27 proposal prior to the end of the regular legislative session. Failure  
28 of the legislature to act constitutes disapproval of the petition.

29 NEW SECTION. **Sec. 11.** (1) If the proposal is approved by the  
30 legislature under section 10 of this act, a special election shall be  
31 held at the next general election within the boundaries of the proposed  
32 new county for the purpose of electing members of a planning  
33 commission.

34 (2) An individual wishing to declare himself or herself eligible to  
35 appear on the special election ballot for the office of planning

1 commissioner shall complete and file a declaration and affidavit of  
2 candidacy in the same manner prescribed by chapter 29.15 RCW for all  
3 other candidates. The office of planning commissioner for a proposed  
4 new county shall be a nonpartisan office.

5 (3) Candidates for planning commissioner shall be subject to the  
6 same laws, including campaign contribution limits and reporting  
7 requirements, to which county elected officials are subject under  
8 chapter 42.17 RCW.

9 NEW SECTION. **Sec. 12.** If the parent county or counties adopts an  
10 ordinance under RCW 29.81A.010 to produce a voters' pamphlet, all  
11 candidates for planning commissioner must be granted the same rights  
12 regarding appearing in the voters' pamphlet as any candidate for county  
13 elected office would be granted. The portion of the costs of the  
14 voters' pamphlet that is associated with the race for planning  
15 commissioner shall be borne by the parent county or counties. However,  
16 if the proposal for the creation of a new county that will appear on  
17 the ballot pursuant to section 17 of this act is approved by the  
18 voters, these costs shall be reimbursed by the new county under section  
19 44 of this act.

20 NEW SECTION. **Sec. 13.** The general election ballot shall include  
21 the question: "For whom do you vote to serve on the planning  
22 commission for the proposed ..... county?" The question shall be  
23 followed by a complete list of all candidates who filed a declaration  
24 and affidavit of candidacy under section 11(2) of this act. The names  
25 of the candidates shall appear on the ballot in the same manner as  
26 those of other candidates for elected nonpartisan offices.

27 The five candidates who receive the most number of votes for the  
28 office of planning commissioner shall each be declared duly elected and  
29 shall assume the powers vested in that office upon certification of the  
30 election by the secretary of state.

31 NEW SECTION. **Sec. 14.** The planning commission shall consist of  
32 five qualified electors, three of whom shall be considered a quorum to  
33 do business. The commissioners shall meet on the second Tuesday  
34 following the certification of the election to select a chairperson  
35 from among the commissioners, to adopt by majority vote any rules that

1 are necessary in order to conduct business, and to accomplish the goals  
2 detailed in section 16 of this act.

3 NEW SECTION. **Sec. 15.** The director of the department of  
4 community, trade, and economic development shall designate the annual  
5 salaries for the planning commissioners of the new county, which shall  
6 exceed one-fourth but shall be less than one-half of the salaries paid  
7 to elected county offices in existing counties of similar population.  
8 The salaries may be payable either monthly, twice monthly, or every two  
9 weeks, in equal installments as determined by the planning commission.

10 NEW SECTION. **Sec. 16.** The planning commission shall prepare a  
11 general outline of the county government that would govern the new  
12 county were it to subsequently be approved by the voters. The  
13 commission shall provide a report no later than September 1 of the year  
14 following the election of planning commissioners. The report shall  
15 include, but not be limited to, the commission's recommendations  
16 regarding:

17 (1) District boundaries and terms of office for county elected  
18 officials;

19 (2) Rates of taxation;

20 (3) Division of financial and service responsibilities, as well as  
21 taxation authority, between the county and its parent county or  
22 counties, cities and towns, and special purpose districts;

23 (4) The need for county agencies including, but not limited to,  
24 departments related to the health and safety of the public;

25 (5) Assessments of the agencies identified pursuant to subsection  
26 (4) of this section, including, but not limited to, projected revenues  
27 and expenditures of the agencies, siting of capital facilities, and the  
28 expected number of full-time employees;

29 (6) Siting of major county facilities, including the legislative  
30 and judicial branches of county government;

31 (7) Overall budget projections for the first five years of the  
32 county's existence, including projections of county revenues and  
33 expenditures;

34 (8) Procedures pertaining to annexations and incorporations within  
35 the county;

36 (9) Assessments of growth management, environmental, and zoning  
37 rules and regulations; and

1 (10) Maintenance or creation of county-supported higher education  
2 institutions.

3 NEW SECTION. **Sec. 17.** (1) In the first general election following  
4 the beginning of a planning commission period, the question of creation  
5 of a new county shall be submitted to all voters residing within the  
6 boundaries of the parent county or counties. The question shall be  
7 presented on the ballot in substantially the following form: "Shall  
8 the new county of ..... be created?" "Yes" or "no."

9 (2) If there is only one parent county, and at least three-fifths  
10 of those voting on the question vote in favor of creation of a new  
11 county, the new county shall be established with an interim period  
12 commencing on the date that the election is certified.

13 (3) If there is more than one parent county, and at least three-  
14 fifths of those voting on the question in each county vote in favor of  
15 creation of a new county, the new county shall be established with an  
16 interim period commencing on the date that the election is certified.

17 (4) If the requirements in neither subsection (2) of this section  
18 nor subsection (3) of this section are satisfied, the new county shall  
19 not be established, and the question of creation of a new county in any  
20 portion or all of the area proposed for a new county may not be  
21 submitted to the voters prior to the general election four years later.

22 NEW SECTION. **Sec. 18.** When an election that is favorable to the  
23 creation of a new county is certified, the members of the planning  
24 commission shall become, in title and in responsibility, members of the  
25 initial board of county officials of that new county. Those five  
26 members of the initial board shall serve in that capacity until regular  
27 county commissioners are elected and sworn into office.

28 NEW SECTION. **Sec. 19.** The director of the department of  
29 community, trade, and economic development shall designate the annual  
30 salaries for the initial county officials of the new county, which  
31 shall be within ten percent of the salaries paid for the elected  
32 legislative county officials in existing counties of similar  
33 population. The salaries may be payable either monthly, twice monthly,  
34 or every two weeks, in equal installments as determined by the initial  
35 board of county officials.



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

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

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

16        (3) The initial county officials may enter interlocal agreements  
17    with the parent county or counties to facilitate the establishment of  
18    the new county government and to provide for services to be rendered  
19    following the interim period.

20        (4) The initial board of county officials may:

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

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

26        (c) Submit ballot propositions to the voters of the new county  
27    authorizing a single-year excess levy to be imposed, as provided by RCW  
28    84.52.052;

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

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

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

1        NEW SECTION.    **Sec. 21.**    The initial county officials of a new  
2 county during the interim period are subject to all state laws limiting  
3 the authority of or imposing obligations on such offices as if the new  
4 county were fully established.

5        NEW SECTION.    **Sec. 22.**    All ordinances, rules, and regulations of  
6 a parent county that are in effect at the beginning of the interim  
7 period for a new county and that are adopted by the parent county  
8 during the interim period of a new county shall have their full force  
9 and effect within the portion of the parent county that is stricken to  
10 form the new county until the end of the interim period unless repealed  
11 by the parent county prior to that date.

12       NEW SECTION.    **Sec. 23.**    During the interim period for a new county,  
13 the parent county shall remain responsible for providing all county  
14 services previously provided by that parent county in the portion of  
15 the parent county that is stricken to form a new county unless  
16 otherwise agreed to between the parent county and the initial  
17 commissioners of the new county.

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

22       (2) The initial board of county officials shall adopt a budget for  
23 the interim period and make any subsequent amendments in consultation  
24 with the state auditor and the department of community, trade, and  
25 economic development. The department of community, trade, and economic  
26 development shall provide to the initial officers of the new county, at  
27 the earliest date feasible following the election authorizing formation  
28 of the new county, a report detailing the potential revenues and  
29 expenses of the new county. The interim period budget may initially  
30 authorize expenditure of moneys by general category without specific  
31 detail. The budget may be amended periodically during the interim  
32 period to reflect actual revenues or expenditure requirements as they  
33 become known.

34       NEW SECTION.    **Sec. 25.**    During the interim period for a new county,  
35 the initial board of county officials may borrow money from the state

1 treasurer in amounts and on terms deemed prudent and reasonable by the  
2 state treasurer.

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

7 NEW SECTION. **Sec. 26.** (1) The initial board of county officials  
8 of a new county shall, within thirty days of taking office, establish  
9 three commissioner districts in the proposed new county subject to the  
10 criteria in RCW 29.70.100(4). After the interim period, commissioner  
11 district boundaries may be altered as provided in RCW 36.32.020.

12 (2) At the next general election following the beginning of an  
13 interim period for a new county, county commissioners shall be elected  
14 from the county commissioner districts created in subsection (1) of  
15 this section.

16 NEW SECTION. **Sec. 27.** The county commissioners of a new county  
17 elected pursuant to section 26(2) of this act shall be sworn into  
18 office on the first business day following the end of the interim  
19 period. Members of the initial board of county officials shall, on  
20 that day, be relieved of all titles, duties, responsibilities, and  
21 authorities granted them under this act and shall cease to receive any  
22 compensation related to service on the initial board and provided  
23 pursuant to section 19 of this act.

24 NEW SECTION. **Sec. 28.** A new section is added to chapter 47.01 RCW  
25 to read as follows:

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

30 **Sec. 29.** RCW 36.09.010 and 1963 c 4 s 36.09.010 are each amended  
31 to read as follows:

32 Whenever a new county shall be or shall have been ((organized))  
33 created out of the territory which was ((included within the limits of  
34 any other)) stricken from another county or counties, the new county  
35 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. 30.** 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 31 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. 31.**    The assets of the parent county shall be  
2 apporportioned 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;

8        (2) All equipment owned by the parent county that is used in the  
9 construction or maintenance of roads or bridges must be apporportioned  
10 based on total appraised value of the equipment between the new county  
11 and the parent county so that the new county receives a portion of this  
12 equipment that is in the same proportion as the number of miles of  
13 county roads in the new county, that were part of that parent county,  
14 is to the total number of miles of county roads in the parent county  
15 before the creation of the new county; and

16        (3) All other assets of the parent county, the apporportionment of  
17 which is not otherwise provided for, must be apporportioned between the  
18 parent county and new county based on total appraised value of the  
19 assets so that the new county receives a portion of these assets that  
20 is in the same proportion as the assessed valuation of the new county,  
21 that was part of the parent county, is to the total assessed valuation  
22 of the parent county before the creation of the new county. The  
23 assessed valuations must be those used for taxes imposed in the year of  
24 the election authorizing creation of the new county.

25        NEW SECTION.    **Sec. 32.**    Except as provided in this section, the  
26 creation of a new county may not affect the boundaries of a city, town,  
27 or special district of any kind.

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

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

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

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

12 NEW SECTION. **Sec. 33.** (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 31 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. 34.** 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 33 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. 35. Each parent county shall continue imposing  
20 sales and use taxes throughout its entire boundaries until the end of  
21 the interim period. Before the end of the interim period, each parent  
22 county will continue receiving federal and state moneys allocated to it  
23 as if the new county did not exist. State moneys must be allocated to  
24 the new county on whatever basis these moneys are distributed  
25 commencing on the first day after the interim period.

26 NEW SECTION. Sec. 36. The rule of strict construction does not  
27 apply to this chapter. The authority granted to the initial board of  
28 county officials of a new county shall be liberally interpreted to  
29 provide for a transition to a new county during the interim period so  
30 that, to the greatest extent possible, a new county will be able to  
31 fully function as a complete county government at the date the new  
32 county is officially created.

33 NEW SECTION. Sec. 37. The superior court and district court for  
34 the new county shall obtain jurisdiction over all new matters filed on  
35 or after the interim period expires, over which those courts otherwise  
36 have jurisdiction under the state Constitution and state law. The



1 superior court and district court of the parent county or counties  
2 shall retain jurisdiction of any matters pending before them or on  
3 appeal from them on December 31st at the close of the interim period  
4 unless all parties to the matter stipulate to a change of venue to the  
5 superior or district court of the new county.

6 All pleadings, process, documents, and files in the office of the  
7 county clerk and in the offices of officers of the superior or district  
8 court of a parent county pertaining to actions and proceedings  
9 transferred to the superior or district court of the new county must be  
10 certified and transferred to the county clerk or to officers of the  
11 superior or district court of the new county.

12 NEW SECTION. **Sec. 38.** Following an election favorable to a new  
13 county, and within one hundred eighty days of the beginning of the  
14 interim period, all records, documents, and papers in the offices of  
15 the county auditor, county assessor, county treasurer, and other county  
16 officers of a parent county, affecting the title or possession of real  
17 property in the new county, assessed valuation of property located in  
18 the new county, registration of voters residing in the new county, or  
19 other appropriate matters, must be certified by the appropriate parent  
20 county official and must be transferred to the appropriate county  
21 officials and officers of the new county. If original records,  
22 documents, or papers are not transferred, certified copies must be  
23 provided. The appropriate county officials of the parent county and  
24 the new county may agree to these transfers through electronic,  
25 mechanical, or other methods that adequately ensure the accuracy of the  
26 transferred information. The new county shall pay all costs incurred  
27 with regard to the transfer of records, documents, and papers.

28 NEW SECTION. **Sec. 39.** During the interim period for a new county,  
29 the initial board of county officials may borrow money from the state  
30 treasurer in amounts and on terms deemed prudent and reasonable by the  
31 state treasurer.

32 Any loan obtained under this section must be repaid within three  
33 years of the initial disbursement. The state treasurer may withhold  
34 moneys from the funds otherwise payable to the new county to assure  
35 repayment.

1        NEW SECTION.    **Sec. 40.**    Beginning on January 1st following the  
2 interim period for a new county, the department of transportation shall  
3 adjust the allocations of transportation moneys made to counties to  
4 include the new county on the same bases as apply to previously  
5 existing counties.

6        **Sec. 41.**    RCW 36.32.020 and 1982 c 226 s 4 are each amended to read  
7 as follows:

8        The board of county commissioners of each county shall divide their  
9 county into three commissioner districts so that each district shall  
10 comprise as nearly as possible one-third of the population of the  
11 county: PROVIDED, That the territory comprised in any voting precincts  
12 of such districts shall remain compact, and shall not be divided by the  
13 lines of said districts.

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

20        The lines of the districts shall not be changed (~~oftener~~) more  
21 often than once in four years except as authorized by section 26 of  
22 this act and only when a full board of commissioners is present. The  
23 districts shall be designated as districts numbered one, two and three.

24        **Sec. 42.**    RCW 84.09.030 and 1996 c 230 s 1613 are each amended to  
25 read as follows:

26        Except as follows, the boundaries of counties, cities and all other  
27 taxing districts, for purposes of property taxation and the levy of  
28 property taxes, shall be the established official boundaries of such  
29 districts existing on the first day of March of the year in which the  
30 property tax levy is made.

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

34        (1) Boundaries for a newly incorporated city shall be established  
35 on the last day of March of the year in which the initial property tax  
36 levy is made, and the boundaries of a road district, library district,  
37 or fire protection district or districts, that include any portion of

1 the area that was incorporated within its boundaries shall be altered  
2 as of this date to exclude this area, if the budget for the newly  
3 incorporated city is filed pursuant to RCW 84.52.020 and the levy  
4 request of the newly incorporated city is made pursuant to RCW  
5 84.52.070. Whenever a proposed city incorporation is on the March  
6 special election ballot, the county auditor shall submit the legal  
7 description of the proposed city to the department of revenue on or  
8 before the first day of March;

9 (2) Boundaries for a newly incorporated port district shall be  
10 established on the first day of October if the boundaries of the newly  
11 incorporated port district are coterminous with the boundaries of  
12 another taxing district, as they existed on the first day of March of  
13 that year;

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

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

23 (5) Boundaries of a new county, the counties from which territory  
24 is stricken to create the new county, any road districts in the  
25 counties from which the territory is stricken, and road districts in  
26 the newly created county shall be established on the first day of  
27 January following a favorable election for the creation of a new  
28 county.

29 The boundaries of a taxing district shall be established on the  
30 first day of June if territory has been added to, or removed from, the  
31 taxing district after the first day of March of that year with  
32 boundaries coterminous with the boundaries of another taxing district  
33 as they existed on the first day of March of that year. However, the  
34 boundaries of a road district, library district, or fire protection  
35 district or districts, that include any portion of the area that was  
36 annexed to a city or town within its boundaries shall be altered as of  
37 this date to exclude this area. In any case where any instrument  
38 setting forth the official boundaries of any newly established taxing  
39 district, or setting forth any change in such boundaries, is required

1 by law to be filed in the office of the county auditor or other county  
2 official, said instrument shall be filed in triplicate. The officer  
3 with whom such instrument is filed shall transmit two copies to the  
4 county assessor.

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

8 NEW SECTION. **Sec. 43.** The costs associated with the creation of  
9 a new county, including the costs of elections that are authorized by  
10 this act as well as the expenses incurred by the planning commission  
11 pursuant to its responsibilities, shall be paid by the parent county or  
12 counties. If the new county is approved by the voters, all costs borne  
13 by the parent county or counties as a result of implementing the  
14 procedures for the creation of a new county shall be reimbursed by the  
15 new county within one year of its creation.

16 NEW SECTION. **Sec. 44.** (1) Every person who signs a petition  
17 requesting the creation of a new county with any name other than his or  
18 her true name is guilty of a class C felony punishable under RCW  
19 9A.20.021.

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

26 NEW SECTION. **Sec. 45.** If necessary, the code reviser shall  
27 recodify RCW 36.09.010 and 36.09.020 to conform with the reorganization  
28 of chapter 36.09 RCW as provided in this act and provide for a logical  
29 order of sections.

30 NEW SECTION. **Sec. 46.** The following acts or parts of acts are  
31 each repealed:

32 (1) RCW 4.12.070 (Change to newly created county) and 1891 c 33 s  
33 2, Code 1881 s 53, 1877 p 12 s 54, 1869 p 14 s 54, & 1854 p 377 s 2;

1 (2) RCW 36.09.035 (Procedure to settle amount charged new county--  
2 Disagreement between auditors--Determination by third person) and 1963  
3 c 4 s 36.09.035;

4 (3) RCW 36.09.040 (Payment of indebtedness--Transfer of property)  
5 and 1963 c 4 s 36.09.040; and

6 (4) RCW 36.09.050 (Collection of taxes levied--Apportionment) and  
7 1963 c 4 s 36.09.050.

8 NEW SECTION. **Sec. 47.** Sections 2 through 27, 31 through 33, 35  
9 through 40, 43, and 44 of this act are each added to chapter 36.09 RCW.

10 NEW SECTION. **Sec. 48.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

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