
HOUSE BILL 3296

State of Washington 59th Legislature 2006 Regular Session

By Representatives Nixon and Roach

Read first time 02/02/2006. Referred to Committee on Local Government.

1 AN ACT Relating to establishment of procedures for creation of new
2 counties or consolidation of existing counties; amending RCW 36.32.020
3 and 84.09.030; adding a new section to chapter 47.01 RCW; adding a new
4 chapter to Title 36 RCW; creating a new section; repealing RCW
5 4.12.070, 36.09.010, 36.09.020, 36.09.035, 36.09.040, and 36.09.050;
6 and prescribing 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 orderly formation of new counties or consolidation
10 of existing counties and to provide for an equitable apportionment of
11 the debts, liabilities, and assets of the parent county or counties
12 between the new county and the remaining portions or portion of each
13 parent county.

14 (1) Article XI, section 3 of the state Constitution authorizes the
15 formation of new counties and establishes certain conditions for and
16 restrictions on those formations. The constitutional provision
17 requires the legislature to adopt "a general law applicable to the
18 whole state." In over one hundred years, the legislature has failed to

1 provide a general statutory framework for the formation of new counties
2 that applies to the whole state.

3 (2) The purpose of this act is to establish procedures for the
4 orderly formation of new counties, either by the division of an
5 existing county or counties or through the consolidation of existing
6 counties, that is consistent with the recent state supreme court
7 decision in *Cedar County Committee v. Munro* (134 Wn.2d 377) and to
8 provide for an equitable apportionment of the debts, liabilities, and
9 assets of the parent county or counties between the new county and the
10 remaining portion or portions of each parent county.

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

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

19 (2) "Interim period" means the period during which a new county
20 government is established, the apportionment of debts, liabilities, and
21 assets is implemented, and the transfer of all records from the parent
22 county or counties to the new county is completed. The period begins
23 on January 1st after the end of the regular session at which the new
24 county is created by special legislation or the year in which an
25 election for the formation of a new county is approved, and the period
26 ends on December 31st of the same year.

27 (3) "New county" means the county that is created by striking
28 territory from a parent county or counties under Article XI, section 3
29 of the state Constitution.

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

33 (5) "Proponents" means up to five individuals who are registered
34 voters in the proposed new county who initiate the petition process to
35 create a new county under section 3 of this act.

1 county, signs this petition when he or she is not a registered voter,
2 or makes any false statement on this petition may be punished by fine
3 or imprisonment or both.

4 PETITION FOR THE FORMATION OF COUNTY

5 To the Honorable, Secretary of State of the State
6 of Washington:

7 We the undersigned citizens and legal voters of the state of
8 Washington, respectfully direct that this petition for the formation of
9 county, a full, true, and correct copy of the legal
10 description of which is printed on the reverse side of this petition,
11 be transmitted to the legislature of the state of Washington, at its
12 next ensuing regular session. We respectfully petition the legislature
13 to create this new county as provided by law. Each of us for himself
14 or herself declares that: I have personally signed this petition, I am
15 a legal voter of the state of Washington, my residence address is
16 correctly stated, and I have not knowingly signed any other petition
17 for the formation of this county.

18	Petitioner's	Print name	Residence address,	City	County
19	signature	for positive	street, and number,	or	
20		identification	if any	Town	

- 21 1
- 22 2
- 23 3
- 24 4
- 25 5
- 26 6
- 27 7
- 28 8
- 29 9
- 30 10
- 31 11
- 32 12
- 33 13
- 34 14
- 35 15

1 16
2 17
3 18
4 19
5 20

6 A complete legal description of the proposed county must be printed
7 on the reverse side of the petition sheet. A proposed county seat may
8 be included on the front or the back of the petition. A map of the
9 proposed new county may be printed on the front or the back of the
10 petition.

11 NEW SECTION. **Sec. 6.** Petitions for the formation of a new county,
12 signed by the requisite number of registered voters in the proposed
13 county, may be submitted to the secretary of state at any time up to
14 three years after the certification of the legal description and
15 populations under section 4 of this act. The standards for acceptance
16 or rejection of signature petitions for the formation of a new county
17 are the same as for acts under RCW 29A.72.170, and any appeal of a
18 refusal by the secretary of state to file signature petitions will
19 proceed in the same manner as provided for acts under RCW 29A.72.180
20 and 29A.72.190.

21 NEW SECTION. **Sec. 7.** A petition for the creation of a new county
22 circulated before the effective date of this act, filed under section
23 6 of this act with the secretary of state within two years of the
24 effective date of this act, and differing in form from the information
25 required by section 5 of this act is acceptable as to the requirements
26 for form.

27 NEW SECTION. **Sec. 8.** A petition proposing the creation of a new
28 county must be signed by at least fifty percent of the registered
29 voters residing in the combined portions of each parent county from
30 which territory is proposed to be stricken and included in the new
31 county at the time the petition is filed under this section.

32 NEW SECTION. **Sec. 9.** (1) Every person who signs a petition

1 requesting the creation of a new county with any other than his or her
2 true name is guilty of a class C felony punishable under chapter 9A.20
3 RCW.

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

10 NEW SECTION. **Sec. 10.** Within sixty days of the receipt of the
11 petition under section 6 of this act, the secretary of state shall
12 examine the signatures on the petition, compare them to the records in
13 the statewide data base of registered voters provided under chapter
14 29A.08 RCW and any additional information provided by the parent county
15 or counties that is necessary to determine whether a registered voter
16 is within the boundaries of the proposed new county, and determine if
17 the number of valid signatures of registered voters on the petition
18 exceeds the number required under section 8 of this act. A variation
19 between the signature on the petition and that on the registration
20 record due to the substitution of initials or the use of common
21 nicknames is permitted so long as the surname and handwriting are
22 clearly the same.

23 NEW SECTION. **Sec. 11.** (1) The secretary of state shall certify to
24 the proponents and to the legislature whether the proposed new county
25 and the remaining parent county or counties will have the minimum
26 populations required by the state Constitution and whether the petition
27 has been signed by at least fifty percent of the registered voters in
28 the combined portions of each parent county that is to be stricken to
29 form the new county.

30 (2) The secretary of state shall also notify the presiding judge of
31 the division of the state court of appeals that contains the greatest
32 portion of the population of the new county that a petition for the
33 formation of a new county has been transmitted to the legislature and
34 shall transmit with the notice a copy of the legal description of the
35 proposed county.

1 (3) The secretary of state shall also notify the director of the
2 department of revenue that a petition for the formation of a new county
3 has been transmitted to the legislature and shall transmit with the
4 notice a copy of the legal description of the proposed county.

5 (4) Any proponent or opponent of the new county, dissatisfied with
6 the determination of the secretary of state under this section, may
7 appeal that determination to the superior court of Thurston county.
8 The review by the superior court will proceed in the same manner as for
9 acts under RCW 29A.72.240.

10 NEW SECTION. **Sec. 12.** (1) When the presiding judge of the
11 applicable division of the state court of appeals is notified of the
12 petition transmission under section 11(2) of this act, the presiding
13 judge shall appoint a special master to gather facts, conduct hearings,
14 review evidence, and make recommendations to the court regarding the
15 division of assets and liabilities between the new county and the
16 parent county or counties in accordance with sections 13 through 18 of
17 this act, including any critical factors that would affect the
18 projected long-term revenues of the proposed new county compared to
19 counties of similar population and physical area. The principal
20 proponent of the new county and the legislative authority of any parent
21 county or counties from which territory is to be stricken are proper
22 parties to this proceeding and may recommend individuals to serve as
23 the special master.

24 (2) If the petition for a new county proposes the consolidation of
25 two or more existing counties where there is no remaining territory in
26 any parent county or counties, the presiding judge may enter an order
27 under section 17(1) of this act without appointing a special master.

28 NEW SECTION. **Sec. 13.** (1) The special master may employ
29 appraisers, accountants, actuaries, engineers, attorneys, or other
30 experts, and consult with state and local agencies including boundary
31 review boards established under chapter 36.93 RCW, to assemble and
32 evaluate evidence and exercise all other powers granted to the court
33 that are necessary for the efficient and just resolution of any issues.

34 (2) The court of appeals may award payment of reasonable fees and
35 costs to any special master and any experts that the special master is

1 authorized to retain and may assess such fees and costs against the
2 parent county and the new county in such proportions as it deems just.

3 NEW SECTION. **Sec. 14.** Whenever a new county is created out of
4 territory that was stricken from another county or counties, the new
5 county is liable for an equitable proportion of the debts and
6 liabilities of the parent county or counties and must receive an
7 equitable proportion of the assets of the parent county or counties.

8 NEW SECTION. **Sec. 15.** (1) In apportioning the debts and
9 liabilities under section 14 of this act, the court shall not charge
10 either county with any share of debts or liabilities then existing
11 incurred in the purchase of county property, or in the purchase or
12 construction of public buildings then in use or under construction, or
13 roads or bridges then in use or under construction, that are located
14 within the other county except where the repayment of the debt or
15 liability is being made or is to be made from bonds originally
16 authorized by a vote of the qualified electors in the other county.

17 (2) The remaining debts and liabilities of the parent county must
18 be apportioned so that the new county is assigned an amount of these
19 debts and liabilities that is in the same proportion as the assessed
20 valuation of the new county, that was part of that parent county, is to
21 the total assessed valuation in the parent county before the creation
22 of the new county. The assessed valuations must be those used for
23 taxes imposed in the year before the election was held authorizing the
24 creation of the new county. The debts and liabilities mentioned in
25 this section may not include new tax obligations created by the parent
26 county government after the submission of petitions for creation of the
27 new county to the secretary of state.

28 (3) This section may not be construed to affect the rights of
29 creditors.

30 NEW SECTION. **Sec. 16.** (1) In apportioning the assets of the
31 parent county or counties, each parent county retains ownership of real
32 property it owns that remains in its boundaries after the creation of
33 the new county. At the effective date of the creation of the new
34 county, the new county acquires ownership of real property that was

1 owned by the parent county or counties that is located in the new
2 county. No valuation of or compensation for real property is required.

3 (2) All equipment owned by each parent county that is used in the
4 construction or maintenance of roads or bridges must be apportioned
5 based on total appraised value of the equipment between the new county
6 and the parent county so that the new county receives a portion of this
7 equipment that is in the same proportion as the number of miles of
8 county roads in the new county, that were part of that parent county,
9 is to the total number of miles of county roads in the parent county
10 before the creation of the new county.

11 (3) All other assets of each parent county, the apportionment of
12 which is not otherwise provided for, must be apportioned between the
13 parent county and the new county based on total appraised value of the
14 assets so that the new county receives a portion of these assets that
15 is in the same proportion as the assessed valuation of the new county,
16 that was part of the parent county, is to the total assessed valuation
17 of the parent county before the creation of the new county. The
18 assessed valuations must be those used for taxes imposed in the year of
19 the election authorizing creation of the new county.

20 NEW SECTION. **Sec. 17.** (1) Within six months after receiving
21 notice under section 11(2) of this act, the court of appeals shall
22 enter an order apportioning all debts, liabilities, and assets of the
23 parent county or counties between the parent counties and new county
24 and providing for the method of transfer or payment, subject to the
25 creation of the new county under section 19 of this act. The order of
26 the court of appeals is final.

27 (2) RCW 2.06.040 applies to a proceeding under this section, except
28 that a decision rendered under this section does not have precedential
29 value and need not be published as an opinion of the court.

30 NEW SECTION. **Sec. 18.** Within six months of the receipt of a
31 notice under section 11 of this act, the director of the department of
32 revenue, in conjunction with the department of community, trade, and
33 economic development and the office of financial management, shall
34 analyze and prepare a report on the impact of the creation of the new
35 county on the revenues and expenditures of the parent county or
36 counties.

1 NEW SECTION. **Sec. 19.** (1) If all the requirements of Article XI,
2 section 3 of the state Constitution for the creation of a new county
3 have been met, the legislature may, during the first regular session
4 after certification under section 11(1) of this act, enact special
5 legislation creating that county.

6 (2) If the legislature does not enact special legislation creating
7 the county under subsection (1) of this section, the question of the
8 creation of that county must be referred to a vote of the registered
9 voters residing in the proposed new county at the next general election
10 more than one hundred twenty days after the adjournment of the session
11 at which the special legislation could have been enacted.

12 NEW SECTION. **Sec. 20.** (1) If the legislature provides for the
13 creation of a new county under section 19 of this act by special
14 legislation, that special legislation must include:

15 (a) A legal description of the proposed new county;

16 (b) The initial annual salaries of the elected officers of the new
17 county;

18 (c) An initial county seat for the new county, if not specified in
19 the county petition;

20 (d) Provision for the initial election of officers of the new
21 county if those are different from sections 21 through 23 of this act;

22 (e) Provision for a superior court and district court for the new
23 county;

24 (f) Boundaries for three commissioner districts in the proposed new
25 county subject to the criteria in RCW 29A.76.010; and

26 (g) Provision for any necessary financial resources for the new
27 county during the interim period and until the receipt of regular taxes
28 and other revenues. Such measures may be revised by the new county
29 commission once in operation.

30 (2) All counties must consist of a single contiguous area of land
31 and water. If the legislature determines that the boundaries of the
32 proposed new county have become defective since the collection of
33 petitions, it may modify the proposed boundaries only so far to resolve
34 these issues. It shall consider the boundaries of existing and new
35 communities and governmental units, but may not make substantive
36 changes of greater than ten percent of the total area of the new

1 county. The legislature may not make changes in the boundaries that
2 would result in the creation of a new county that does not satisfy the
3 requirements of Article XI, section 3 of the state Constitution.

4 NEW SECTION. **Sec. 21.** (1) If special legislation enacted under
5 section 19(1) of this act does not provide otherwise or if the question
6 of the formation of a new county is referred under section 19(2) of
7 this act and if the new county includes part of the territory from one
8 or more parent counties that question must be submitted to the voters
9 of the new county in substantially the following form:

10 "Shall the new county of (insert name of new county) be created and
11 the assets and liabilities of (insert the name of the parent county or
12 counties) be divided with this new county as provided in (cite the
13 order of the court of appeals)? - yes or no?"

14 (2) If the new county consolidates all of the territory of two or
15 more parent counties, the question must be submitted to the voters of
16 the new county in substantially the following form:

17 "Shall the new county of (insert name of new county) be created and
18 shall it assume all of the assets and liabilities of (insert the name
19 of the parent counties) as provided in (cite the order of the court of
20 appeals)? - yes or no?"

21 NEW SECTION. **Sec. 22.** (1) If special legislation enacted under
22 section 19(1) of this act does not provide otherwise or if the question
23 of the formation of a new county is referred under section 19(2) of
24 this act, a primary must be held under RCW 29A.04.311 for the
25 nomination of candidates for the various county elected offices, and
26 elections for those offices must be held in conjunction with the state
27 general election in that year. Except as provided in this section,
28 nominations and elections must be held as provided by the general
29 election laws for partisan county offices.

30 (2) Declarations of candidacy for the initial terms of office for
31 the elected county offices in the new county must be filed with the
32 county auditor of the parent county if the new county is to be created
33 out of territory from only one county and with the secretary of state
34 if the new county is to be formed out of territory from more than one
35 parent county.

1 (3) Candidates for the office of county commissioner shall file for
2 one of three separate county commissioner positions. If county
3 commissioner districts were created by the special legislation, the
4 filing officer shall designate one position for each district, and the
5 voters in each district shall nominate the candidates for county
6 commissioner for that district.

7 (4) If any parent county does not provide a local voters' pamphlet
8 for the primary or the general election under RCW 29A.32.210 through
9 29A.32.280, the secretary of state shall provide a pamphlet for the
10 jurisdiction of the proposed new county only.

11 (5) If the local voters' pamphlet is produced by the secretary of
12 state, the committees to draft statements for and against the measures
13 will be appointed as provided for state measures under RCW 29A.32.060.
14 The local voters' pamphlet must include the legal description and map
15 of the proposed new county, a summary of the allocation of assets,
16 debts, and liabilities adopted by the court of appeals, and the report
17 by the department of revenue about the revenue and expenditure impact
18 of the formation of the new county on the parent county or counties.

19 (6) The county auditor or auditors shall conduct and canvass the
20 election and certify the results to the secretary of state, who shall
21 canvass and certify the results of the primary and the election.

22 (7) The newly elected county officials shall assume office
23 immediately upon the certification of the election with limited powers
24 during the interim period as provided in this chapter and full powers
25 after the expiration of the interim period.

26 NEW SECTION. **Sec. 23.** If the legislature creates a new county
27 under section 19(1) of this act or if a majority of the registered
28 voters who reside within the boundaries of the proposed new county
29 voting on the question vote in favor of creation of a new county under
30 section 19(2) of this act, the new county is established, with an
31 interim organization period commencing on January 1st of the year after
32 the session at which the special legislation was enacted or the
33 election at which the voters approved the formation of the new county.
34 The interim period expires on December 31st of the year in which it
35 started.

1 NEW SECTION. **Sec. 24.** (1) Except as provided in subsection (2) of
2 this section, the terms of office for all of the initial county
3 officials are from the date of the certification of their election
4 until their successors are elected and qualified at the next general
5 election that is two years before the year in which the governor is
6 elected.

7 (2) The commissioner or commissioners who receive the greatest
8 number of votes for their respective positions at the general election
9 provided for under section 22 of this act will receive the longer
10 unexpired term or terms.

11 (3) No regular or unexpired term elections may be held during the
12 interim period. Vacancies in elected county offices will be filled by
13 appointment.

14 (4) After the expiration of the first set of unexpired terms, the
15 terms of all officers will be four years and until their successors are
16 elected and qualified.

17 NEW SECTION. **Sec. 25.** If the new county is created, the new
18 county shall reimburse the parent county or counties for its share of
19 the primary and election costs under RCW 29A.04.410. If the new county
20 is not created, the parent county or counties shall pay the cost of
21 conducting the primary and the election to create a new county and
22 elect county officers. For the purposes of this section, the
23 proportionate share of the costs of producing and distributing the
24 local voters' pamphlet under section 22 of this act are included in the
25 cost of conducting the primary and election on the formation of the new
26 county.

27 NEW SECTION. **Sec. 26.** Except as provided in this section, the
28 boundaries of any new county are independent from and do not affect the
29 boundaries of any city, town, or special district of any kind.

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

1 (2) An area in a new county that was included in a county rural
2 library district must remain part of that county rural library
3 district. The trustees of such a library district must be appointed by
4 joint action of the members of the county legislative authorities of
5 the parent county or counties and the new county, with the vote on each
6 appointment distributed among the members of the county legislative
7 authorities so that the combined total vote of all the members of a
8 single county legislative authority is in direct proportion to the
9 percentage of population within the library district residing in that
10 county and each member of that county legislative authority receiving
11 an equal portion of that vote.

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

17 NEW SECTION. **Sec. 27.** The superior court and district court for
18 the new county shall obtain jurisdiction over all new matters filed on
19 or after the interim period expires, over which those courts otherwise
20 have jurisdiction under the state Constitution and state law. The
21 superior court and district court of the parent county or counties
22 shall retain jurisdiction of any matters pending before them or on
23 appeal from them on December 31st at the close of the interim period
24 unless all parties to the matter stipulate to a change of venue to the
25 superior or district court of the new county.

26 All pleadings, process, documents, and files in the office of the
27 county clerk and in the offices of officers of the superior or district
28 court of a parent county pertaining to actions and proceedings
29 transferred to the superior or district court of the new county must be
30 certified and transferred to the county clerk or to officers of the
31 superior or district court of the new county.

32 NEW SECTION. **Sec. 28.** Within ten months of the beginning of the
33 interim period for a new county, all records, documents, and papers in
34 the offices of county auditor, county assessor, county treasurer, and
35 other county officers of a parent county, affecting the title or
36 possession of real property in the new county, assessed valuation of

1 property located in the new county, registration of voters residing in
2 the new county, or other appropriate matters, must be certified by the
3 appropriate parent county official and must be transferred to the
4 appropriate county officials and officers of the new county. If
5 original records, documents, or papers are not transferred, certified
6 copies must be provided. The appropriate county officials of the
7 parent county and the new county may agree to these transfers through
8 electronic, mechanical, or other methods that adequately ensure the
9 accuracy of the transferred information. The new county shall pay all
10 reasonable costs incurred with regard to the transfer of records,
11 documents, and papers.

12 NEW SECTION. **Sec. 29.** During the interim period for a new county,
13 the initial county officials have the following powers:

14 (1) The initial board of county commissioners may adopt ordinances
15 and adopt resolutions necessary to implement the general powers
16 provided by this section. The initial board of county commissioners
17 may also adopt ordinances on any matter within the authority of a
18 noncharter county. The ordinances become effective on the expiration
19 of the interim period.

20 (2) The initial county officials, subject to state law governing
21 counties in general, may purchase or lease land, buildings, equipment,
22 and supplies; contract for services; and employ staff as necessary to
23 implement the powers provided by this section and to assure the
24 establishment of the necessary infrastructure and staffing for the full
25 operation of county government on the expiration of the interim period.

26 (3) The initial county officials may enter interlocal agreements
27 with the parent county or counties to facilitate the establishment of
28 the new county government and for services to be rendered following the
29 interim period.

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

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

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

36 (c) Submit ballot propositions to the voters of the new county

1 authorizing a single-year excess levy to be imposed, as provided by RCW
2 84.52.052;

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

6 (e) Impose property taxes as authorized for counties, to be
7 collected after the interim period; and

8 (f) Impose excise taxes as authorized for counties effective on
9 January 1st after the interim period, including, but not limited to,
10 sales and use taxes authorized in chapter 82.14 RCW and real estate
11 excise taxes authorized in chapter 82.46 RCW.

12 NEW SECTION. **Sec. 30.** The initial county officers of a new county
13 during the interim period are subject to all state laws limiting the
14 authority of or imposing obligations on such offices as if the new
15 county were fully established.

16 NEW SECTION. **Sec. 31.** All ordinances, rules, and regulations of
17 a parent county that are in effect at the beginning of the interim
18 period for a new county and that are adopted by the parent county
19 during the interim period of a new county have their full force and
20 effect within the portion of the parent county that is stricken to form
21 the new county until the end of the interim period, unless repealed by
22 the parent county before that date.

23 NEW SECTION. **Sec. 32.** During the interim period for a new county,
24 the parent county or counties remain responsible for providing all
25 county services previously provided by that parent county in the
26 portion of the parent county that is stricken to form a new county at
27 the current level of service, unless otherwise agreed to between the
28 parent county and the initial officers of the new county.

29 NEW SECTION. **Sec. 33.** (1) The budget for the interim period for
30 a new county must be adopted as provided in this section. The budget
31 for the first budget cycle of the new county after the interim period
32 must be adopted as provided in chapter 36.40 RCW.

33 (2) The initial board of county commissioners shall adopt a budget
34 for the interim period and make any subsequent amendments in

1 consultation with the state auditor and the department of revenue. The
2 department of revenue shall provide to the initial officers of the new
3 county, at the earliest date feasible after the election authorizing
4 formation of the new county, a report detailing the potential revenues
5 and expenses of the new county. The interim period budget may
6 initially authorize expenditure of moneys by general category without
7 specific detail. The budget may be amended periodically during the
8 interim period to reflect actual revenues or expenditure requirements
9 as they become known.

10 NEW SECTION. **Sec. 34.** During the interim period for a new county,
11 the initial board of county commissioners may borrow money from the
12 state treasurer in amounts and on terms deemed prudent and reasonable
13 by the state treasurer.

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

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

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

32 NEW SECTION. **Sec. 37.** A new section is added to chapter 47.01 RCW
33 to read as follows:

34 Beginning on January 1st following the interim period for a new

1 county, the department of transportation shall adjust the allocations
2 of transportation moneys made to counties to include the new county on
3 the same bases as apply to previously existing counties.

4 **Sec. 38.** RCW 36.32.020 and 1982 c 226 s 4 are each amended to read
5 as follows:

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

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

18 The lines of the districts shall not be changed (~~oftener~~) more
19 often than once in four years except for the initial districts in a new
20 county created under section 19 of this act and only when a full board
21 of commissioners is present. The districts shall be designated as
22 districts numbered one, two and three.

23 **Sec. 39.** RCW 84.09.030 and 2004 c 129 s 19 are each amended to
24 read as follows:

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

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

33 (1) Boundaries for a newly incorporated city shall be established
34 on the last day of March of the year in which the initial property tax
35 levy is made, and the boundaries of a road district, library district,
36 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 or regional
10 fire protection service authority shall be established on the first day
11 of October if the boundaries of the newly incorporated port district or
12 regional fire protection service authority are coterminous with the
13 boundaries of another taxing district or districts, as they existed on
14 the first day of March of that year;

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

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

24 (5) Boundaries of a new county, the counties from which territory
25 is stricken to create the new county, any road districts in the
26 counties from which the territory is stricken, and road districts in
27 the newly created county will be established on the first day of
28 January of the interim period after the formation of that new 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

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

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

9 NEW SECTION. **Sec. 40.** The following acts or parts of acts are
10 each repealed:

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

13 (2) RCW 36.09.010 (Debts and property to be apportioned) and 1963
14 c 4 s 36.09.010;

15 (3) RCW 36.09.020 (Procedure to settle amount charged new county--
16 Basis of apportionment) and 1963 c 4 s 36.09.020;

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

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

22 (6) RCW 36.09.050 (Collection of taxes levied--Apportionment) and
23 1963 c 4 s 36.09.050.

24 NEW SECTION. **Sec. 41.** Sections 2 through 36 of this act
25 constitute a new chapter in Title 36 RCW.

26 NEW SECTION. **Sec. 42.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

--- END ---