
SENATE BILL 5760

State of Washington

66th Legislature

2019 Regular Session

By Senators Fortunato, Schoesler, Becker, and Padden; by request of Secretary of State

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

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

7 NEW SECTION. **Sec. 1.** The purpose of this act is to establish
8 procedures for the orderly formation of new counties or consolidation
9 of existing counties and to provide for an equitable apportionment of
10 the debts, liabilities, and assets of the parent county or counties
11 between the new county and the remaining portions or portion of each
12 parent county.

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
17 in real estate owned by the parent county; (b) tangible personal
18 property owned or leased by the parent county; and (c) intangible
19 personal property owned by the parent county including cash,
20 securities, commercial paper, notes, accounts receivable, and

1 contract rights. Assets are determined as of the first day of the
2 interim period.

3 (2) "Interim period" means the period during which a new county
4 government is established, the apportionment of debts, liabilities,
5 and assets is implemented, and the transfer of all records from the
6 parent county or counties to the new county is completed. The period
7 begins on January 1st after the end of the regular session at which
8 the new county is created by special legislation or the year in which
9 an election for the formation of a new county is approved, and the
10 period ends on December 31st of the same year.

11 (3) "New county" means the county that is created by striking
12 territory from a parent county or counties under Article XI, section
13 3 of the state Constitution.

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

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

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

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

34 (2) Within thirty days of receipt of this request from the
35 secretary of state, the director of the office of financial
36 management shall determine if the legal description is consistent and
37 the territory described is a single, contiguous area. If the legal
38 description is defective, the director shall notify the secretary of

1 state and the principal proponent of the nature and extent of the
2 defect.

3 (3) If the legal description is not defective, the director shall
4 also determine the population of the proposed new county and the
5 population of the remaining portion or portions of each parent
6 county, using the most current data available. The director shall
7 certify these populations to the secretary of state and the principal
8 proponent of the new county within thirty days of receipt of the
9 request from the secretary of state.

10 NEW SECTION. **Sec. 5.** Petitions for the formation of a new
11 county must be substantially in the following form:

12 WARNING

13 Every person who signs this petition with any other than his or
14 her true name, knowingly signs more than one petition for the same
15 new county, signs this petition when he or she is not a registered
16 voter, or makes any false statement on this petition may be punished
17 by fine or imprisonment or both.

18 PETITION FOR THE FORMATION OF COUNTY

19 To the Honorable, Secretary of State of the State of
20 Washington:

21 We the undersigned citizens and legal voters of the state of
22 Washington, respectfully direct that this petition for the formation
23 of county, a full, true, and correct copy of the legal
24 description of which is printed on the reverse side of this petition,
25 be transmitted to the legislature of the state of Washington, at its
26 next ensuing regular session. We respectfully petition the
27 legislature to create this new county as provided by law. Each of us
28 for himself or herself declares that: I have personally signed this
29 petition, I am a legal voter of the state of Washington, my residence
30 address is correctly stated, and I have not knowingly signed any
31 other petition for the formation of this county.

Petitioner's signature	Print name for positive identification	Residence address, street, and number, if any	City or town	County
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35 (Here follow 20 numbered lines divided into columns as below.)

36 1.					
37 2.					

1	3.					
2	etc.					

3 A complete legal description of the proposed county must be
4 printed on the reverse side of the petition sheet. A map of the
5 proposed new county may be printed on the front or back of the
6 petition.

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

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

23 NEW SECTION. **Sec. 8.** A petition proposing the creation of a new
24 county must be signed by at least fifty percent of the registered
25 voters residing in the combined portions of each parent county from
26 which territory is proposed to be stricken and included in the new
27 county.

28 NEW SECTION. **Sec. 9.** (1) Every person who signs a petition
29 requesting the creation of a new county with any other than his or
30 her true name is guilty of a class C felony punishable under chapter
31 9A.20 RCW.

32 (2) Every person who: (a) Knowingly signs more than one petition
33 for the same effort to create a new county; (b) signs a petition
34 requesting the creation of a new county knowing that he or she is not
35 a legal voter; or (c) makes a false statement as to his or her

1 residence on any petition requesting the creation of a new county, is
2 guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

3 NEW SECTION. **Sec. 10.** Within sixty days of receipt of the
4 petition under section 6 of this act, the secretary of state shall
5 examine the signatures on the petition and determine if the number of
6 valid signatures of registered voters on the petition exceeds the
7 number required by section 8 of this act. The secretary of state may
8 contract with the appropriate county auditor or county auditors to
9 conduct the examination of the signatures in that county or perform
10 any other functions necessary to making the determination of the
11 number of valid signatures on the petition. A variation between the
12 signature on the petition and that on the registration record due to
13 the substitution of initials or the use of common nicknames is
14 permitted so long as the surname and handwriting are clearly the
15 same.

16 NEW SECTION. **Sec. 11.** (1) The secretary of state shall certify
17 to the proponents and to the legislature whether the proposed new
18 county and the remaining parent county or counties, if any, will have
19 the minimum populations required by the state Constitution and
20 whether the petition has been signed by at least fifty percent of the
21 registered voters in the combined portions of each parent county that
22 is to be stricken to form the new county.

23 (2) The secretary of state shall also notify the presiding judge
24 of the division of the state court of appeals that contains the
25 greatest portion of the population of the new county that a petition
26 for the formation of a new county has been transmitted to the
27 legislature and shall transmit with the notice a copy of the legal
28 description of the proposed county.

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

34 (4) Any proponent or opponent of the new county, dissatisfied
35 with the determination of the secretary of state under this section,
36 may appeal that determination to the superior court of Thurston
37 county. The review by the superior court will proceed in the same
38 manner as for initiatives under RCW 29A.72.240.

1 NEW SECTION. **Sec. 12.** (1) When a division of the court of
2 appeals is notified under section 11 of this act that a new county
3 has been proposed that strikes part of the territory of a parent
4 county or counties, the presiding judge shall appoint a special
5 master to gather facts, conduct hearings, review evidence, and make
6 recommendations to the court regarding the division of assets and
7 liabilities between the new county and the parent county or counties
8 in accordance with sections 13 through 19 of this act. The principal
9 proponent of the new county and the legislative authority of any
10 parent county or counties from which territory is to be stricken are
11 proper parties to this proceeding and may recommend individuals to
12 serve as the special master.

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

18 NEW SECTION. **Sec. 13.** (1) The special master may employ
19 appraisers, accountants, actuaries, engineers, attorneys, or other
20 experts, and consult with state and local agencies, to assemble and
21 evaluate evidence and exercise all other powers otherwise granted to
22 the court that are necessary for the efficient and just resolution of
23 issues.

24 (2) The court of appeals may award payment of fees and costs to
25 any special master and any experts that the special master is
26 authorized to retain and may assess such fees and costs against the
27 parent county and the new county in such proportions as it deems
28 just.

29 NEW SECTION. **Sec. 14.** Whenever a new county is created out of
30 territory that was stricken from another county or counties, the new
31 county is liable for an equitable proportion of the debts and
32 liabilities of the parent county or counties and must receive an
33 equitable proportion of the assets of the parent county or counties.

34 NEW SECTION. **Sec. 15.** (1) In apportioning the debts and
35 liabilities under section 14 of this act, the court shall not charge
36 either county with any share of debts or liabilities then existing
37 incurred in the purchase of county property, or in the purchase or

1 construction of public buildings then in use or under construction,
2 or roads or bridges then in use or under construction, that are
3 located within the other county except where the repayment of the
4 debt or liability is being made or is to be made from bonds
5 originally authorized by a vote of the qualified electors in the
6 other county.

7 (2) The remaining debts and liabilities of the parent county must
8 be apportioned so that the new county is assigned an amount of these
9 debts and liabilities that is in the same proportion as the assessed
10 valuation of the new county, that was part of that parent county, is
11 to the total assessed valuation in the parent county before the
12 creation of the new county. The assessed valuations must be those
13 used for taxes imposed in the year before the election was held
14 authorizing the creation of the new county.

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

17 NEW SECTION. **Sec. 16.** (1) In apportioning the assets of the
18 parent county or counties, each parent county retains ownership of
19 real property it owns that remains in its boundaries after the
20 creation of the new county. At the effective date of the creation of
21 the new county, the new county acquires ownership of real property
22 that was owned by the parent county or counties that is located in
23 the new county. No valuation of or compensation for real property is
24 required.

25 (2) All equipment owned by each parent county that is used in the
26 construction or maintenance of roads or bridges must be apportioned
27 based on total appraised value of the equipment between the new
28 county and the parent county so that the new county receives a
29 portion of this equipment that is in the same proportion as the
30 number of miles of county roads in the new county, that were part of
31 that parent county, is to the total number of miles of county roads
32 in the parent county before the creation of the new county.

33 (3) All other assets of each parent county, the apportionment of
34 which is not otherwise provided for, must be apportioned between the
35 parent county and the new county based on total appraised value of
36 the assets so that the new county receives a portion of these assets
37 that is in the same proportion as the assessed valuation of the new
38 county, that was part of the parent county, is to the total assessed
39 valuation of the parent county before the creation of the new county.

1 The assessed valuations must be those used for taxes imposed in the
2 year of the election authorizing creation of the new county.

3 NEW SECTION. **Sec. 17.** (1) Within six months after receiving
4 notice under section 11(2) of this act, the court of appeals shall
5 enter an order apportioning all debts, liabilities, and assets of the
6 parent county or counties between the parent counties and new county
7 and providing for the method of transfer or payment, subject to the
8 creation of the new county under section 19 of this act. The order of
9 the court of appeals is final.

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

14 NEW SECTION. **Sec. 18.** Within six months of the receipt of a
15 notice under section 11 of this act, the director of the department
16 of revenue, in conjunction with the department of commerce and the
17 office of financial management, shall analyze and prepare a report on
18 the impact of the creation of the new county on the revenues and
19 expenditures of the parent county or counties.

20 NEW SECTION. **Sec. 19.** (1) If all the requirements of Article
21 XI, section 3 of the state Constitution for the creation of a new
22 county have been met, the legislature may, during the first regular
23 session after certification under section 11(1) of this act, enact
24 special legislation creating that county, subject to approval by a
25 majority of the voters in the proposed new county at the next general
26 election more than one hundred twenty days after the adjournment of
27 the session at which the special legislation is adopted.

28 (2) If the legislature does not enact special legislation
29 creating the county under subsection (1) of this section, the
30 question of the creation of that county must be referred to a vote of
31 the registered voters residing in the proposed new county at the next
32 general election more than one hundred twenty days after the
33 adjournment of the session.

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

- 1 (a) A legal description of the proposed new county;
- 2 (b) The initial annual salaries of the elected officers of the
3 new county;
- 4 (c) An initial county seat for the new county;
- 5 (d) Provision for the initial election of officers of the new
6 county if those are different from sections 21 through 23 of this
7 act;
- 8 (e) Provision for a superior court and district court for the new
9 county;
- 10 (f) Boundaries for three commissioner districts in the proposed
11 new county subject to the criteria in RCW 29A.76.010(4);
- 12 (g) Provision for any necessary financial resources for the new
13 county during the interim period and until the receipt of regular
14 taxes and other revenues; and
- 15 (h) Any other measures the legislature finds appropriate to the
16 efficient organization and operation of the new county government.
- 17 (2) All counties must consist of a single contiguous area of land
18 and water. If the legislature decides to modify the boundaries of the
19 proposed new county, it shall consider the economic stability, the
20 efficiency of administration, natural geographic barriers,
21 transportation corridors, and the boundaries of existing communities
22 and governmental units, as such factors affect the proposed new
23 county and the remaining parent county or counties. The legislature
24 may not make changes in the boundaries that would result in the
25 creation of a new county that does not satisfy the requirements of
26 Article XI, section 3 of the state Constitution.

27 NEW SECTION. **Sec. 21.** (1) If special legislation enacted under
28 section 19(1) of this act does not provide otherwise or if the
29 question of the formation of a new county is referred under section
30 19(2) of this act and if the new county includes part of the
31 territory from one or more parent counties, that question must be
32 submitted to the voters of the new county in substantially the
33 following form:

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

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

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

8 NEW SECTION. **Sec. 22.** (1) If special legislation enacted under
9 section 19(1) of this act does not provide otherwise or if the
10 question of the formation of a new county is referred under section
11 19(2) of this act, a primary must be held under RCW 29A.04.311 for
12 the nomination of candidates for the various county elected offices,
13 and elections for those offices must be held in conjunction with the
14 state general election in that year. Except as provided in this
15 section, nominations and elections must be held as provided by the
16 general election laws for partisan county offices.

17 (2) Declarations of candidacy for the initial terms of office for
18 the elected county offices in the new county must be filed with the
19 county auditor of the parent county if the new county is to be
20 created out of territory from only one county and with the secretary
21 of state if the new county is to be formed out of territory from more
22 than one parent county.

23 (3) Candidates for the office of county commissioner shall file
24 for one of three separate county commissioner positions. If county
25 commissioner districts were created by the special legislation, the
26 filing officer shall designate one position for each district, and
27 the voters in each district shall nominate the candidates for county
28 commissioner for that district.

29 (4) If any parent county does not provide a local voters'
30 pamphlet for the primary or the general election under chapter 29A.32
31 RCW, the secretary of state shall provide a pamphlet for the
32 jurisdiction of the proposed new county only.

33 (5) If the local voters' pamphlet is produced by the secretary of
34 state, the committees to draft statements for and against the
35 measures will be appointed as provided for state measures under RCW
36 29A.32.060. The local voters' pamphlet must include the legal
37 description and map of the proposed new county, a summary of the
38 allocation of assets, debts, and liabilities adopted by the court of
39 appeals, and the report by the department of revenue about the

1 revenue and expenditure impact of the formation of the new county on
2 the parent county or counties.

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

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

10 NEW SECTION. **Sec. 23.** If the legislature creates a new county
11 under section 19(1) of this act or if a majority of the registered
12 voters who reside within the boundaries of the proposed new county
13 voting on the question vote in favor of creation of a new county
14 under section 19 (1) or (2) of this act, the new county is
15 established, with an interim organization period commencing on
16 January 1st of the year after the session at which the special
17 legislation was enacted or the election at which the voters approved
18 the formation of the new county. The interim period expires on
19 December 31st of the year in which it started.

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

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

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

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

36 NEW SECTION. **Sec. 25.** If the new county is created, the new
37 county shall reimburse the parent county or counties for its share of

1 the primary and election costs under RCW 29A.04.410. If the new
2 county is not created, the parent county or counties shall pay the
3 cost of conducting the primary and the election to create a new
4 county and elect county officers. For the purposes of this section,
5 the proportionate share of the costs of producing and distributing
6 the local voters' pamphlet under section 22 of this act are included
7 in the cost of conducting the primary and election on the formation
8 of the new county.

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

12 (1) Unless the initial board of county commissioners provides
13 otherwise, a single road district must exist in the new county
14 composed of all the unincorporated area within the new county.
15 Territory that is stricken from a parent county to create a new
16 county must also be stricken from the road district or districts of
17 the parent county effective as of the final day of the interim
18 period.

19 (2) An area in a new county that was included in a county rural
20 library district must remain part of that county rural library
21 district. The trustees of such a library district must be appointed
22 by joint action of the members of the county legislative authorities
23 of the parent county or counties and the new county, with the vote on
24 each appointment distributed among the members of the county
25 legislative authorities so that the combined total vote of all the
26 members of a single county legislative authority is in direct
27 proportion to the percentage of population within the library
28 district residing in that county and each member of that county
29 legislative authority receiving an equal portion of that vote.

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

35 NEW SECTION. **Sec. 27.** The superior court and district court for
36 the new county shall obtain jurisdiction over all new matters filed
37 on or after the interim period expires, over which those courts
38 otherwise have jurisdiction under the state Constitution and state

1 law. The superior court and district court of the parent county or
2 counties shall retain jurisdiction of any matters pending before them
3 or on appeal from them on December 31st at the close of the interim
4 period unless all parties to the matter stipulate to a change of
5 venue to the 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
8 district court of a parent county pertaining to actions and
9 proceedings transferred to the superior or district court of the new
10 county must be certified and transferred to the county clerk or to
11 officers of the superior or district court of the new county.

12 NEW SECTION. **Sec. 28.** Within ten months of the beginning of the
13 interim period for a new county, all records, documents, and papers
14 in the offices of county auditor, county assessor, county treasurer,
15 and other county officers of a parent county, affecting the title or
16 possession of real property in the new county, assessed valuation of
17 property located in the new county, registration of voters residing
18 in the new county, or other appropriate matters, must be certified by
19 the appropriate parent county official and must be transferred to the
20 appropriate county officials and officers of the new county. If
21 original records, documents, or papers are not transferred, certified
22 copies must be provided. The appropriate county officials of the
23 parent county and the new county may agree to these transfers through
24 electronic, mechanical, or other methods that adequately ensure the
25 accuracy of the transferred information. The new county shall pay all
26 costs incurred with regard to the transfer of records, documents, and
27 papers.

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

30 (1) The initial board of county commissioners may adopt
31 ordinances and adopt resolutions necessary to implement the general
32 powers provided by this section. The initial board of county
33 commissioners may also adopt ordinances on any matter within the
34 authority of a noncharter county. The ordinances become effective on
35 the expiration of the interim period.

36 (2) The initial county officials, subject to state law governing
37 counties in general, may purchase or lease land, buildings,
38 equipment, and supplies; contract for services; and employ staff as

1 necessary to implement the powers provided by this section and to
2 assure the establishment of the necessary infrastructure and staffing
3 for the full operation of county government on the expiration of the
4 interim period.

5 (3) The initial county officials may enter interlocal agreements
6 with the parent county or counties to facilitate the establishment of
7 the new county government and for services to be rendered following
8 the interim period.

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

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

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

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

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

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

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

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

32 NEW SECTION. **Sec. 31.** All ordinances, rules, and regulations of
33 a parent county that are in effect at the beginning of the interim
34 period for a new county and that are adopted by the parent county
35 during the interim period of a new county have their full force and
36 effect within the portion of the parent county that is stricken to
37 form the new county until the end of the interim period, unless
38 repealed by the parent county before that date.

1 NEW SECTION. **Sec. 32.** During the interim period for a new
2 county, the parent county or counties remains responsible for
3 providing all county services previously provided by that parent
4 county in the portion of the parent county that is stricken to form a
5 new county at the current level of service, unless otherwise agreed
6 to between the parent county and the initial officers of the new
7 county.

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

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

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

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

32 NEW SECTION. **Sec. 35.** Each parent county shall continue
33 imposing sales and use taxes throughout its entire boundaries until
34 the end of the interim period. Before the end of the interim period,
35 each parent county will continue receiving federal and state moneys
36 allocated to it as if the new county did not exist. State moneys must

1 be allocated to the new county on whatever basis these moneys are
2 distributed commencing on the first day after the interim period.

3 NEW SECTION. **Sec. 36.** The rule of strict construction does not
4 apply to this chapter. The authority granted to the initial county
5 commissioners of a new county must be liberally interpreted to
6 provide for a transition to a new county during the interim period so
7 that, to the greatest extent possible, a new county will be able to
8 fully function as a complete county government at the date the new
9 county is officially created.

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

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

16 **Sec. 38.** RCW 36.32.020 and 2018 c 113 s 204 are each amended to
17 read as follows:

18 The board of county commissioners of each county shall divide
19 their county into three commissioner districts so that each district
20 shall comprise as nearly as possible one-third of the population of
21 the county(~~(: PROVIDED, That)~~). The territory comprised in any voting
22 precincts of such districts shall remain compact, and shall not be
23 divided by the lines of said 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
27 to population, except that if any single island is included in more
28 than one district, the districts on such island shall comprise, as
29 nearly as possible, equal populations.

30 The commissioners of any county may authorize a change to their
31 electoral system pursuant to RCW 29A.92.040. Except where necessary
32 to comply with a court order issued pursuant to RCW 29A.92.110, and
33 except in the case of an intervening census, the lines of the
34 districts shall not be changed more often than once in four years
35 except for the initial districts in a new county created under
36 section 19 of this act and only when a full board of commissioners is

1 present. The districts shall be designated as districts numbered one,
2 two, and three.

3 **Sec. 39.** RCW 84.09.030 and 2017 c 328 s 9 are each amended to
4 read as follows:

5 (1) (a) Except as provided in (b) (~~(c), and (d)~~) through (e) of
6 this subsection (1), for the purposes of property taxation and the
7 levy of property taxes, the boundaries of counties, cities, and all
8 other taxing districts shall be the established official boundaries
9 of such districts existing on the first day of August of the year in
10 which the property tax levy is made.

11 (b) The boundaries for a newly incorporated port district or
12 regional fire protection service authority shall be established on
13 the first day of October if the boundaries of the newly incorporated
14 port district or regional fire protection service authority are
15 coterminous with the boundaries of another taxing district or
16 districts, as they existed on the first day of August of that year.

17 (c) The boundaries of a school district that is required to
18 receive or annex territory due to the dissolution of a financially
19 insolvent school district under RCW 28A.315.225 must be the
20 established official boundaries of such districts existing on the
21 first day of September of the year in which the property tax levy is
22 made.

23 (d) The boundaries of a newly established fire protection
24 district authorized under RCW 52.02.160 are the established official
25 boundaries of the district as of the date that the voter-approved
26 proposition required under RCW 52.02.160 is certified.

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

32 (2) In any case where any instrument setting forth the official
33 boundaries of any newly established taxing district, or setting forth
34 any change in the boundaries, is required by law to be filed in the
35 office of the county auditor or other county official, the instrument
36 shall be filed in triplicate. The officer with whom the instrument is
37 filed shall transmit two copies of the instrument to the county
38 assessor.

1 (3) No property tax levy shall be made for any taxing district
2 whose boundaries are not established as of the dates provided in this
3 section.

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

6 (1) RCW 4.12.070 (Change to newly created county) and 2011 c 336
7 s 80, 1891 c 33 s 2, Code 1881 s 53, 1877 p 12 s 54, 1869 p 14 s 54,
8 & 1854 p 377 s 2;

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

11 (3) RCW 36.09.020 (Procedure to settle amount charged new county—
12 Basis of apportionment) and 2009 c 549 s 4004 & 1963 c 4 s 36.09.020;

13 (4) RCW 36.09.035 (Procedure to settle amount charged new county—
14 Disagreement between auditors—Determination by third person) and 1963
15 c 4 s 36.09.035;

16 (5) RCW 36.09.040 (Payment of indebtedness—Transfer of property)
17 and 2009 c 549 s 4005 & 1963 c 4 s 36.09.040; and

18 (6) RCW 36.09.050 (Collection of taxes levied—Apportionment) and
19 1963 c 4 s 36.09.050.

20 NEW SECTION. **Sec. 41.** Sections 2 through 36 of this act are
21 each added to chapter 36.09 RCW.

22 NEW SECTION. **Sec. 42.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

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