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**SUBSTITUTE SENATE BILL 6205**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by Senators Haugen, Winsley, Quigley and Long)

Read first time 02/02/96.

1 AN ACT Relating to new counties; amending RCW 36.09.01 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 new  
4 sections; recodifying RCW 36.09.010 and 36.09.020; repealing RCW  
5 4.12.070, 36.09.035, 36.09.040, and 36.09.050; and prescribing  
6 penalties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 due to the substitution of initials or the use of common nicknames is  
2 permitted so long as the surname and handwriting are clearly the same.

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

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

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

1 submission. Upon completion of the validation of the additional  
2 signatures, the county auditor shall return the copy of the additional  
3 signatures to the secretary of state with the certificate as required  
4 by subsection (7) of this section.

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

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

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

33 (12) If the secretary of state certifies that the proposal to  
34 create a new county does meet the minimum population requirements and  
35 that the petition has the minimum number of valid signatures, the  
36 secretary of state shall notify the proponents of the new county, the  
37 county auditor of the parent county or counties, the speaker of the  
38 house of representatives, and the president of the senate. The  
39 secretary of state shall request legislation to authorize the

1 establishment of the proposed new county to be considered by the  
2 legislature at the earliest opportunity.

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

27 NEW SECTION. **Sec. 5.** The legislature shall request the department  
28 of community, trade, and economic development to prepare and file with  
29 the legislature a report detailing the potential revenues and expenses  
30 of a proposed new county and the remnant parent county or counties  
31 whenever the secretary of state certifies a petition pursuant to  
32 Article XI, section 3 of the state Constitution, to the legislature  
33 proposing the creation of a new county. The potential revenues of the  
34 proposed new county must include both tax revenue of the proposed new  
35 county itself and distributions of state and federal moneys to the new  
36 county.

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

26        NEW SECTION.     **Sec. 7.**     (1) If voters of a proposed new county  
27 approve the ballot proposition authorizing the new county to be  
28 created, separate elections shall be held in the new county to nominate  
29 and elect the initial county elected officials for the new county that  
30 are specified under the special legislation.

31        Declarations of candidacy shall be made with the county auditor of  
32 the parent county or the principal county auditor if the new county was  
33 created out of territory from more than one parent county, who shall  
34 cause election notices to be published. The county auditor of the  
35 parent county shall conduct the elections. Where the new county was  
36 created out of territory from more than one parent county, the county  
37 auditors of the parent counties shall conduct these elections in the  
38 territory that was taken out of their counties to create the new county

1 and shall certify the election results to the principal county auditor.  
2 The principal county auditor shall certify the final election results  
3 and declare candidates who are nominated at the primary and the initial  
4 elected officials of the new county who are elected.

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

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

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

28 NEW SECTION. **Sec. 8.** The cost of conducting the election to  
29 create a new county shall be paid by the parent county or counties if  
30 the new county is not created. If the new county is created, the new  
31 county shall reimburse the parent county or counties for all election  
32 costs including the election to create the new county, and the special  
33 primary and special election to elect the new county officers.

34 NEW SECTION. **Sec. 9.** The terms of office for all of the initial  
35 county officials except for commissioner position No. 3 shall be from  
36 the date of their election until the end of the next year in which the  
37 governor is elected. The term of office for the initial commissioner



1 for position No. 3 shall be from the date of his or her election until  
2 the end of the next year that is two years prior to the year in which  
3 the governor is elected. Thereafter, the terms of all officers shall  
4 be four years.

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

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

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

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

27 NEW SECTION. **Sec. 12.** Except as provided in this section, the  
28 creation of a new county may not affect the boundaries of a city, town,  
29 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 shall have its boundaries reduced to eliminate any territory  
16 located in the new county.

17 NEW SECTION. **Sec. 13.** The superior court and district court for  
18 the new county shall obtain jurisdiction over all new matters over  
19 which such courts otherwise have jurisdiction pursuant to the state  
20 Constitution and state law filed on or after January 1 following the  
21 interim period. The superior court and district court of the parent  
22 county or counties shall retain jurisdiction of any matters pending  
23 before them or on appeal from them on December 31 at the close of the  
24 interim period unless all parties to such matter stipulate to a change  
25 of venue to the 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. 14.** Within one hundred eighty days of the  
33 beginning of the interim period for a new county, all records,  
34 documents, and papers in the offices of county auditor, county  
35 assessor, county treasurer, and other county officers of a parent  
36 county, affecting the title or possession of real property in the new  
37 county, assessed valuation of property located in the new county,

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

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

13 (1) The initial board of county commissioners may adopt ordinances  
14 and adopt resolutions necessary to implement the general powers  
15 provided by this section. The initial board of county commissioners  
16 may also adopt ordinances on any matter within the authority of a  
17 nonhome-rule county, which shall become effective on January 1  
18 following the interim period.

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

26 (3) The initial county officials may enter interlocal agreements  
27 with the parent county to facilitate the establishment of the new  
28 county government and for services to be rendered following the interim  
29 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  
37 authorizing a single-year excess levy to be imposed, as provided by RCW  
38 84.52.052;

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

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

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

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

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

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

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

31 (2) The initial board of county commissioners shall adopt a budget  
32 for the interim period and make any subsequent amendments in  
33 consultation with the state auditor and the department of community,  
34 trade, and economic development. The department of community, trade,  
35 and economic development shall provide to the initial officers of the

1 new county, at the earliest date feasible following the election  
2 authorizing formation of the new county, a report detailing the  
3 potential revenues and expenses of the new county. The interim period  
4 budget may initially authorize expenditure of moneys by general  
5 category without specific detail. The budget may be amended  
6 periodically during the interim period to reflect actual revenues or  
7 expenditure requirements as they become known.

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

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

16 NEW SECTION. Sec. 21. A new section is added to chapter 47.01 RCW  
17 to read as follows:

18 Beginning on January 1 following the interim period for a new  
19 county, the department of transportation shall adjust the allocations  
20 of transportation moneys made to counties to include the new county on  
21 the same bases as apply to previously existing counties.

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

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

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

34 (1) The auditor of the ~~((old))~~ parent county shall give the auditor  
35 of the new county reasonable notice to meet ~~((him))~~ together on a

1 certain day at the county seat of the (~~old~~) parent county, or at some  
2 other convenient place, to settle (~~upon and fix the amount which the~~  
3 ~~new county shall pay~~) the apportionment of debts and liabilities, if  
4 any, as provided in subsection (2) of this section and apportionment of  
5 assets as provided by section 24 of this act.

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

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

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

30 NEW SECTION. Sec. 24. The assets of the parent county shall be  
31 apportioned as follows:

32 (1) The parent county shall retain ownership of real property it  
33 owns that remains in its boundaries after the creation of the new  
34 county. At the effective date of the creation of the new county, the  
35 new county shall acquire ownership of real property that was owned by  
36 the parent county that is located in the new county;

37 (2) All equipment owned by the parent county that is used in the  
38 construction or maintenance of roads or bridges must be apportioned

1 based on total appraised value of the equipment between the new county  
2 and the parent county so that the new county receives a portion of this  
3 equipment that is in the same proportion as the number of miles of  
4 county roads in the new county, that were part of that parent county,  
5 is to the total number of miles of county roads in the parent county  
6 before the creation of the new county; and

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

16 NEW SECTION. **Sec. 25.** (1) If the auditor for a parent county and  
17 the auditor for a new county formed in whole or in part from territory  
18 stricken from the parent county cannot agree to the apportionment of  
19 debts, liabilities, and assets, pursuant to RCW 36.09.010, 36.09.020,  
20 and section 24 of this act within sixty days of the notice to meet  
21 issued pursuant to RCW 36.09.020, either auditor may petition the  
22 division of the state court of appeals in which the greatest portion of  
23 the population of the new county resides, to impose, by order, an  
24 apportionment.

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

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

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

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

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

1 (4) The court of appeals, subject to any limitations imposed by the  
2 special legislation authorizing creation of the new county, shall enter  
3 an order apportioning all debts, liabilities, and assets of the parent  
4 county between the parent county and new county and providing for the  
5 method and time of transfer or payment. The order of the court of  
6 appeals shall be final.

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

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

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

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

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

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

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

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

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



1 (e) cases involving substantive issues on which there is a direct  
2 conflict among prevailing decisions of panels of the court or between  
3 decisions of the supreme court;  
4 all of which shall be appealed directly to the supreme court:  
5 PROVIDED, That whenever a majority of the court before which an appeal  
6 is pending, but before a hearing thereon, is in doubt as to whether  
7 such appeal is within the categories set forth in subsection (d) or (e)  
8 of this section, the cause shall be certified to the supreme court for  
9 such determination.

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

14 The court shall have appellate jurisdiction over review of final  
15 decisions of administrative agencies certified by the superior court  
16 pursuant to RCW 34.05.518.

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

19 Appeals from the court to the supreme court shall be only at the  
20 discretion of the supreme court upon the filing of a petition for  
21 review. No case, appeal or petition for a writ filed in the supreme  
22 court or the court shall be dismissed for the reason that it was not  
23 filed in the proper court, but it shall be transferred to the proper  
24 court.

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

33 NEW SECTION. Sec. 28. The rule of strict construction does not  
34 apply to this chapter. The authority granted to the initial county  
35 commissioners of a new county shall be liberally interpreted to provide  
36 for a transition to a new county during the interim period so that, to  
37 the greatest extent possible, a new county will be able to fully

1 function as a complete county government at the date the new county is  
2 officially created.

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

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

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

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

21 **Sec. 30.** RCW 84.09.030 and 1994 c 292 s 4 are each amended to read  
22 as follows:

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

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

31 (1) Boundaries for a newly incorporated city shall be established  
32 on the last day of March of the year in which the initial property tax  
33 levy is made, and the boundaries of a road district, library district,  
34 or fire protection district or districts, that include any portion of  
35 the area that was incorporated within its boundaries shall be altered  
36 as of this date to exclude this area, if the budget for the newly  
37 incorporated city is filed pursuant to RCW 84.52.020 and the levy

1 request of the newly incorporated city is made pursuant to RCW  
2 84.52.070. Whenever a proposed city incorporation is on the March  
3 special election ballot, the county auditor shall submit the legal  
4 description of the proposed city to the department of revenue on or  
5 before the first day of March;

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

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

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

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

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

1 with whom such instrument is filed shall transmit two copies to the  
2 county assessor.

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

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

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

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

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

21 (1) RCW 4.12.070 and 1891 c 33 s 2, Code 1881 s 53, 1877 p 12 s 54,  
22 1869 p 14 s 54, & 1854 p 377 s 2;

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

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

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

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

28 NEW SECTION. **Sec. 35.** If any provision of this act or its  
29 application to any person or circumstance is held invalid, the  
30 remainder of the act or the application of the provision to other  
31 persons or circumstances is not affected.

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