
HOUSE BILL 2120

State of Washington

55th Legislature

1997 Regular Session

By Representative Koster

Read first time 02/21/97. Referred to Committee on Government Reform & Land Use.

1 AN ACT Relating to the creation of Pioneer county, subject to the
2 requirements of the state Constitution and statutes in respect to the
3 establishment of new counties; amending RCW 2.08.063 and 3.34.010;
4 adding a new section to chapter 36.04 RCW; creating new sections;
5 providing an effective date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** The legislature finds that the population of
8 the proposed Pioneer county, and the areas remaining in Whatcom county
9 after the creation of Pioneer county, meet the population requirements
10 in Article XI, section 3 of the state Constitution, and that petitions
11 exist proposing the creation of Pioneer county with sufficient valid
12 signatures under the requirements of Article XI, section 3 of the state
13 Constitution, to allow the legislature to create Pioneer county.

14 **PART I - LEGAL DESCRIPTIONS**

15 NEW SECTION. **Sec. 101.** A new section is added to chapter 36.04
16 RCW to read as follows:

1 Pioneer county shall consist of the territory bounded as follows,
2 to wit: Beginning at the 49th parallel and the east side of R.2 E.
3 W.M. thence south along east side of R.2 E. W.M. to the south side of
4 Township 39N, to the west side of R.1 W. W.M. thence north along the
5 west side of R.1 W. W.M. to the 49th parallel R.1 W. W.M. thence east
6 along the 49th parallel to a true point of beginning.

7 **PART II - TRANSITION PERIOD AND OFFICIAL DATE OF CREATION**

8 NEW SECTION. **Sec. 201.** The official date of creating Pioneer
9 county shall be January 1, 1999. As provided in section 205 of this
10 act, an interim transition period shall exist commencing on the date
11 the interim elected officials of Pioneer county assume office and
12 continuing until the official date of creating Pioneer county.

13 The following shall occur during this interim period: (1) County
14 facilities and services will continue to be provided by Whatcom county
15 in those portions of Whatcom county that will be stricken and become
16 part of Pioneer county; (2) property and activities in the portion of
17 Whatcom county that will become part of Pioneer county shall remain
18 subject to the governmental jurisdiction and taxing authority of
19 Whatcom county; (3) interim elected officials for Pioneer county shall
20 assume partial jurisdiction to provide for a smooth transition of the
21 area into Pioneer county; and (4) the voters of Pioneer county shall be
22 the resident voters of Whatcom county who reside in what will become
23 Pioneer county, and these Pioneer county voters shall elect the elected
24 officials for Pioneer county who assume office at the end of the
25 interim period and shall vote on any ballot propositions submitted to
26 them by the interim board of county commissioners of Pioneer county.

27 To avoid double voting powers, the voters of Whatcom county during
28 this interim period shall only be the voters of Whatcom county residing
29 in what will remain of Whatcom county on the official date of creating
30 Pioneer county and voters of Pioneer county shall not participate in
31 any county election matters relating to Whatcom county. During the
32 period from the effective date of this section until the official date
33 of creating Pioneer county, any ballot proposition authorizing debt or
34 excess levies for Whatcom county shall only encumber the property in
35 Whatcom county as the boundaries exist on the official date of creating
36 Pioneer county.

1 During the interim period, Whatcom county shall receive federal,
2 state, and other moneys allocated to that county as if Pioneer county
3 were not created. Pioneer county shall be eligible to receive federal,
4 state, and other moneys after the official date of creating the county.

5 NEW SECTION. **Sec. 202.** Interim elected officials of Pioneer
6 county shall be elected in 1997 for each of the elected positions of a
7 county with the population of Pioneer county as specified under RCW
8 36.16.030. If necessary, a primary shall be held on the date of the
9 primary in 1997 to nominate candidates for any of the interim county
10 elective offices, and the interim county elective officials shall be
11 elected at the 1997 general election. The interim county elected
12 officials shall assume office immediately after their election and
13 qualification and shall hold office until their successors are elected,
14 qualified, and assume office.

15 On or before July 1, 1997, the governor shall divide Pioneer county
16 into three county commissioner districts, each comprising approximately
17 the same population. These county commissioner districts shall be used
18 as provided in RCW 36.32.040 for residency purposes and in a primary to
19 nominate candidates for the county commissioner position from each
20 district. The commissioner districts shall remain in effect unless
21 altered by the interim board of county commissioners or a subsequent
22 board of county commissioners.

23 NEW SECTION. **Sec. 203.** A primary and general election shall be
24 held at the normal times in 1998 to nominate and elect the successors
25 of the interim county elected officials, who shall take office on the
26 official date of creating Pioneer county. This primary and general
27 election shall be conducted by the interim Pioneer county auditor, with
28 the assistance of Whatcom county election officials. The two county
29 commissioners who are elected receiving the two greatest numbers of
30 votes shall be elected to four-year terms of office, and the other
31 county commissioner who is elected shall be elected to a two-year term
32 of office. All the other county elected officials shall be elected to
33 four-year terms of office.

34 NEW SECTION. **Sec. 204.** All ordinances, rules, and regulations of
35 Whatcom county that were in effect in the portion of Pioneer county
36 that will be stricken from Whatcom county shall remain in effect until

1 the effective date of an amendment or repeal of these ordinances,
2 rules, or regulations by the board of county commissioners of Pioneer
3 county.

4 NEW SECTION. **Sec. 205.** An interim period shall exist commencing
5 on the date the interim Pioneer county elected officials assume office
6 and continuing until the official date of creating Pioneer county.

7 During this interim period, the interim county elected officials
8 are authorized to provide for the transition of the area into Pioneer
9 county, including the authority to adopt ordinances that become
10 effective on or after the official date of creating Pioneer county and
11 to enter into contracts and agreements facilitating the transition into
12 a new county and ensuring a continuation of governmental services
13 during the interim period and after the official date of creating
14 Pioneer county.

15 The first meeting of the interim board of county commissioners of
16 Pioneer county shall be held within one week of the certification of
17 the results of their elections at a time, date, and place in Pioneer
18 county designated by the Whatcom county executive. The Whatcom county
19 executive shall cause notice of this first meeting to be published and
20 provide for facilities and staffing for this first meeting. The person
21 elected as an interim county commissioner of Pioneer county receiving
22 the greatest number of votes shall act as the temporary chair of that
23 first meeting until the interim board of county commissioners elects
24 its chair, which shall be its first order of business.

25 Proposed county ordinances that are considered by the interim board
26 of commissioners shall be published to the same extent as proposed
27 county ordinances are required to be published after a county is
28 created. However, any ordinances adopted by the interim board of
29 commissioners at its initial meeting shall be published after they are
30 adopted.

31 During the interim period, the interim board of commissioners and
32 other interim county elected officials may acquire needed facilities,
33 supplies, equipment, insurance, and staff during this interim period as
34 if Pioneer county were in existence.

35 During the interim period, the interim board of county
36 commissioners may adopt rules establishing policies and procedures
37 under the state environmental policy act, chapter 43.21C RCW, and may
38 use these rules and procedures in making determinations under the state

1 environmental policy act, chapter 43.21C RCW. During this interim
2 period, Pioneer county and the interim county elected officials shall
3 be subject to the following as though the county were officially
4 created: RCW 36.16.050 relating to the filing of bonds; RCW 4.24.470
5 relating to immunity; chapter 42.17 RCW relating to open government;
6 chapter 40.14 RCW relating to the preservation and disposition of
7 public records; chapters 42.20 and 42.23 RCW relating to ethics and
8 conflicts of interest; chapters 42.30 and 42.32 RCW relating to open
9 public meetings and minutes; RCW 36.72.075 relating to the designation
10 of an official newspaper, except that the interim board of county
11 commissioners may designate its official county newspaper at any
12 meeting during the interim period; RCW 36.16.138 relating to liability
13 insurance; RCW 36.32.240 through 36.32.270, chapter 36.77 RCW, and
14 statutes referenced therein, relating to public contracts and bidding;
15 and chapter 39.34 RCW relating to interlocal cooperation.

16 During the interim period, Pioneer county is subject to
17 indebtedness limitations provided for a county in chapter 39.36 RCW,
18 and Pioneer county may issue tax anticipation or revenue anticipation
19 notes or warrants and other short-term obligations and funds may be
20 borrowed on the security of these instruments during the interim
21 period, as provided in chapter 39.50 RCW. Funds also may be borrowed
22 from federal, state, and other governmental agencies in the same manner
23 as if Pioneer county were officially created.

24 During the interim period, the interim board of county
25 commissioners may submit ballot propositions to the voters of Pioneer
26 county authorizing single year excess property tax levies as provided
27 in RCW 84.52.052, as well as voter-approved general indebtedness and
28 multiple year excess levies to retire the general indebtedness as
29 provided in RCW 84.52.056 and 39.36.050, with the property taxes to be
30 collected in 1999 and thereafter.

31 During the interim period, the interim board of county
32 commissioners shall impose property taxes for Pioneer county and all
33 taxing districts with boundaries in Pioneer county in 1998 for
34 collection in 1999. For purposes of RCW 84.09.030 establishing the
35 boundaries of taxing districts to impose property taxes in 1998 for
36 collection in 1999, the boundaries of Pioneer county shall be as
37 established in this act, the boundaries of Whatcom county shall be
38 established to remove the portion of that county that is stricken to
39 create Pioneer county, the boundaries of the road district in Whatcom

1 county shall include all territory in the Whatcom county road district
2 after any territory in Pioneer county is stricken, and a single road
3 district shall exist in Pioneer county that includes all unincorporated
4 territory in Pioneer county.

5 During the interim period, the interim board of county
6 commissioners may adopt ordinances imposing excise taxes that counties
7 are authorized to impose, to be collected after the official date of
8 creation, including, but not limited to, sales and use taxes authorized
9 in chapter 82.14 RCW and excise taxes on the sale of real estate
10 authorized in chapter 82.46 RCW. If the ordinances imposing the excise
11 taxes are adopted in a timely manner, these excise taxes shall begin to
12 be collected by or for Pioneer county on the official date of creating
13 Pioneer county. RCW 82.14.036 shall apply during the interim period.

14 NEW SECTION. **Sec. 206.** (1) During the interim period, meetings of
15 the interim board of county commissioners may be held at any location
16 within Pioneer county selected by the interim board of county
17 commissioners. The county voters shall make the selection of the
18 permanent county seat at the general election in 1998.

19 (2) A city, town, or other commonly named area within Pioneer
20 county may be nominated as the permanent county seat in a petition
21 submitted to and validated by the interim Pioneer county auditor, with
22 the assistance of the Whatcom county auditor or election officials,
23 that has been signed by voters residing in Pioneer county equal in
24 number to at least one percent of the votes cast in Pioneer county in
25 the 1997 general election. The petition shall be filed with the
26 interim Pioneer county auditor during the filing period for candidates
27 for the election of the Pioneer county officials for the 1998 election.

28 (3) The ballot proposition to select the county seat must list the
29 names of the nominated cities, towns, or commonly named areas
30 alphabetically. Each voter may select a single nominee. The nominee
31 receiving the greatest number of votes shall be the permanent county
32 seat of Pioneer county effective on the official date of creating
33 Pioneer county until removed under general law.

34 NEW SECTION. **Sec. 207.** The department of community, trade, and
35 economic development shall establish an initial annual salary for each
36 elected official position in Pioneer county. The annual salary for
37 each county elected official position in Pioneer county shall be the

1 average annual salary for the same position in noncharter counties of
2 approximately the same population. The decision of the department of
3 community, trade, and economic development establishing these annual
4 salaries shall be final. The salary shall be paid during the interim
5 period and thereafter until altered by the board of county
6 commissioners of Pioneer county.

7 NEW SECTION. **Sec. 208.** Whatcom county shall assist Pioneer county
8 during this interim period and after the interim period for a
9 reasonable period until Pioneer county is able to handle its affairs,
10 including, but not limited to, providing services, work, staff,
11 materials, supplies, equipment, and other property, and loaning money
12 to Pioneer county.

13 Pioneer county shall pay Whatcom county for the value of assistance
14 it provides to Pioneer county after the interim period, which could be
15 in the form of crediting the value of this assistance against any
16 amount that Whatcom county may be required to provide Pioneer county
17 under sections 301 through 303 of this act.

18 Whatcom county shall continue financing maintenance and
19 construction of county facilities, and providing county services, in
20 Pioneer county during this interim period as if Pioneer county were not
21 authorized to be created. During the interim period, each officer of
22 Whatcom county shall retain authority over the portions in Whatcom
23 county of what will become Pioneer county as if Pioneer county were not
24 authorized to be created.

25 NEW SECTION. **Sec. 209.** Budgets for the interim period and the
26 initial budget for Pioneer county effective for the first calendar year
27 after the interim period shall be adopted as provided in this section.

28 The interim board of county commissioners shall adopt an interim
29 budget or budgets for the interim period in consultation with the
30 office of the state auditor. The initial interim budget may authorize
31 the expenditure of moneys in a general sense without specific detail.

32 In addition, the interim board of county commissioners shall adopt
33 a budget for calendar year 1999 and may impose property taxes in 1998
34 to be collected in 1999. A public hearing shall be held on the
35 proposed budget for this budget prior to its adoption. A budget
36 message shall be prepared for the proposed budget that contains an
37 explanation of the budget document, an outline of the recommended

1 financial policies and programs of the county for the ensuing fiscal
2 year, and a statement of the relation of the recommended appropriation
3 to such policies and programs. Immediately following the release of
4 the preliminary budget, the interim board of county commissioners shall
5 cause a notice of the public hearing on the budget to be published once
6 each week for two consecutive weeks prior to the public hearing, which
7 shall be held at least twenty days before the official date of
8 creation. Any taxpayer may appear and be heard for or against any part
9 of the budget. The interim board of county commissioners may make such
10 adjustments and changes as it deems necessary and may adopt the final
11 budget at the conclusion of the public hearing or at any time
12 thereafter before the official date of creation.

13 NEW SECTION. **Sec. 210.** During the interim period, the interim
14 board of county commissioners may borrow money from the state treasurer
15 in amounts and on terms deemed prudent and reasonable by the state
16 treasurer. The state treasurer may withhold moneys from the funds
17 otherwise payable to the new county to assure repayment.

18 NEW SECTION. **Sec. 211.** Counties, cities, towns, and other local
19 government agencies and state agencies may make loans of staff and
20 equipment, and technical and financial assistance to Pioneer county
21 during the interim period to facilitate its transition. Such loans and
22 assistance may be with or without compensation.

23 NEW SECTION. **Sec. 212.** The department of community, trade, and
24 economic development shall identify federal, state, and local agencies
25 that should receive notification that Pioneer county is about to be
26 created and shall assist Pioneer county during its interim period in
27 providing such notification to the identified agencies.

28 NEW SECTION. **Sec. 213.** The interim county officers of Pioneer
29 county during the interim period are subject to all state laws limiting
30 the authority of or imposing obligations on such offices as if the new
31 county were fully established.

32 **PART III - DEBTS AND LIABILITIES, PROPERTY, AND ASSETS**

1 NEW SECTION. **Sec. 301.** Pioneer county shall be liable for a just
2 proportion of the debts and liabilities of Whatcom county, and entitled
3 to its just proportion of the property and assets of Whatcom county.

4 The division and distribution of these debts and liabilities,
5 property, and assets shall be determined as provided in sections 302
6 and 303 of this act, and the provisions of chapter 36.09 RCW shall not
7 apply to the just distribution of these debts and liabilities,
8 property, and assets.

9 NEW SECTION. **Sec. 302.** A negotiation party shall be appointed to
10 distribute the debts and liabilities, property, and assets of Whatcom
11 county between Whatcom county and Pioneer county.

12 Each negotiation party shall consist of six persons, three
13 appointed by the executive of Whatcom county and the other three
14 appointed by the interim board of county commissioners of Pioneer
15 county.

16 The first meeting of the negotiation party shall be at a convenient
17 time, date, and place designated by the Whatcom county executive, which
18 must be from thirty to sixty days after the date members of the interim
19 board of county commissioners of Pioneer county assume office. If an
20 impasse is reached in the negotiations of the negotiating party, either
21 Whatcom county or Pioneer county may petition the department of
22 community, trade, and economic development to engage in, and the
23 department of community, trade, and economic development is authorized
24 to provide, arbitration to determine the just division and distribution
25 of the debts and liabilities, property, and assets. The results of the
26 arbitration are binding on Whatcom county and Pioneer county.

27 NEW SECTION. **Sec. 303.** (1) The division and distribution of debts
28 and liabilities, property, and assets of Whatcom county between Pioneer
29 county and Whatcom county shall conform with the requirements and
30 policies contained in this section.

31 (2) The physical location of real property, including roads and
32 bridges, shall determine ownership of the real property. Real property
33 of Whatcom county that is located within Pioneer county shall become
34 the property of Pioneer county upon creation. All real property,
35 including roads and bridges, of Whatcom county that is located within
36 what will remain of Whatcom county shall remain the property of Whatcom
37 county.

1 Any radio communication facilities located in Pioneer county or
2 Whatcom county deemed necessary by the respective counties for the
3 health, safety, and welfare shall be subject to a long-term lease
4 negotiated by the respective negotiating parties during the interim
5 period.

6 (3) Pioneer county shall be liable to Whatcom county for any debts
7 and liabilities of Whatcom county associated with real property,
8 including roads and bridges, located in Pioneer county of which it
9 obtains ownership. Any debts or liabilities associated with real
10 property, including roads and bridges, located within Whatcom county
11 after the creation of Pioneer county of which Whatcom county retains
12 ownership shall be the liability of Whatcom county.

13 (4) All equipment owned by Whatcom county that is used in
14 administration, construction, or maintenance of roads or bridges must
15 be apportioned between Pioneer county and Whatcom county, so that
16 Pioneer county receives a portion of this equipment that is in the same
17 proportion that the number of miles of county roads in Pioneer county,
18 that were part of Whatcom county, is to the total number of miles of
19 county roads in Whatcom county before the creation of Pioneer county.

20 (5) All other assets of Whatcom county including personal property,
21 leasehold interest, intangible property, such as cash, securities, and
22 receivables including back taxes, surplus moneys, and any other
23 monetary instruments, shall be apportioned in an equitable manner which
24 provides for a just apportionment between Whatcom county and Pioneer
25 county.

26 All remaining debts and liabilities of Whatcom county shall be
27 apportioned in an equitable manner which provides for a just
28 apportionment between Whatcom county and Pioneer county.

29 (6) In apportioning the assets, debts, and liabilities between
30 Whatcom county and Pioneer county, the remaining assets, debts, and
31 liabilities of Whatcom county must be apportioned so that Pioneer
32 county is assigned an amount of these assets, debts, and liabilities
33 that is in the same proportion as the assessed valuation of Pioneer
34 county, that was part of Whatcom county, is to the total assessed
35 valuation in Whatcom county before creation of Pioneer county. The
36 assessed valuations must be those used for taxes imposed in the year
37 1997 for collection in 1998.

38 This section may not be construed to affect the rights of
39 creditors.

1 (7) The final figure determined under subsection (6) of this
2 section shall be adjusted by crediting Whatcom county with any costs it
3 incurred or will incur related to the creation of Pioneer county, which
4 are subject to repayment by Pioneer county, any election costs it
5 incurred or will incur related to Pioneer county, and the amount of any
6 money it lent to Pioneer county. Any resulting obligation of Whatcom
7 county to Pioneer county may be satisfied by agreements for Whatcom
8 county to provide services, maintenance, and construction in Pioneer
9 county after the interim period or future payments to Pioneer county.
10 Any resulting obligation of Pioneer county to Whatcom county may be
11 satisfied by future payments to Whatcom county.

12 (8) The distribution of debts and liabilities shall not be
13 construed to affect the rights of creditors.

14 **PART IV - COURTS**

15 **Sec. 401.** RCW 2.08.063 and 1992 c 189 s 3 are each amended to read
16 as follows:

17 There shall be in the county of Lincoln one judge of the superior
18 court; in the county of Skagit, three judges of the superior court; in
19 the county of Walla Walla, two judges of the superior court; in the
20 county of Whitman, one judge of the superior court; in the county of
21 Yakima six judges of the superior court; in the county of Adams, one
22 judge of the superior court; in the ((county)) counties of Whatcom and
23 Pioneer jointly, three judges of the superior court.

24 **Sec. 402.** RCW 3.34.010 and 1995 c 168 s 1 are each amended to read
25 as follows:

26 The number of district judges to be elected in each county shall
27 be: Adams, two; Asotin, one; Benton, three; Chelan, two; Clallam, two;
28 Clark, five; Columbia, one; Cowlitz, two; Douglas, one; Ferry, one;
29 Franklin, one; Pioneer, one; Garfield, one; Grant, two; Grays Harbor,
30 two; Island, one; Jefferson, one; King, twenty-six; Kitsap, three;
31 Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one;
32 Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven; San
33 Juan, one; Skagit, two; Skamania, one; Whatcom, seven; Spokane, nine;
34 Stevens, one; Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom,
35 two; Whitman, one; Yakima, four. This number may be increased only as
36 provided in RCW 3.34.020.

1 Any original document relating to real property or matters in
2 Pioneer county that Whatcom county deems expendable and will be
3 destroyed shall be transferred to Pioneer county.

4 The records, documents, and papers, or certified copies, shall be
5 transferred when Pioneer county has facilities and staffing that are
6 adequate to provide sufficient security for the transferred items and
7 allow reasonable access to these items.

8 NEW SECTION. **Sec. 502.** Except as provided in this section, the
9 creation of Pioneer county shall not affect the boundaries of a city,
10 town, or special district of any kind.

11 Effective on the official date of creating Pioneer county, the road
12 district in Whatcom county shall have any territory removed that is
13 included in Pioneer county.

14 NEW SECTION. **Sec. 503.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 504.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and takes effect
21 immediately, except section 101 of this act takes effect January 1,
22 1999.

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