

2 SHB 1643 - S COMM AMD
3 By Committee on Government Operations

4

5 Strike everything after the enacting clause and insert the
6 following:

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

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

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

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

26 (3) "Interim period" means the period during which a new county
27 government is established and the just apportionment of debts,
28 liabilities, and assets between a new county and a parent county is
29 completed. The period begins on January 1 following an election in
30 which the formation of a new county is approved and ends on the
31 following January 1.

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

35 (5) "Parent county or counties" means the existing county or

1 counties out of which territory is stricken to create a new county.

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

4 (7) "Proponents" means up to fifteen individuals who are registered
5 voters in the proposed new county who are involved in the process to
6 create a new county and who submit their names and addresses with the
7 petition requesting the creation of a new county to the secretary of
8 state.

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

14 (2) A petition may consist of multiple pages in identical form.
15 Each page shall include: (a) A request to create a new county and the
16 name of the proposed new county; (b) a map of the proposed new county;
17 (c) a statement, printed in bold type, that reads: "WARNING: Every
18 person who signs this petition with any other than his or her true
19 name, knowingly signs more than one of these petitions, signs this
20 petition when he or she is not an active registered voter, or makes any
21 false statement on this petition may be punished by fine or
22 imprisonment or both."; (d) a statement that a complete legal
23 description of the proposed new county will be provided to any eligible
24 signer upon request; and (e) lines and spaces that provide for each
25 signer's signature, printed name, full address of residence for voting
26 purposes, and the date of signing. The required map of the proposed
27 new county may be printed on the back of the petition or attached on a
28 separate page.

29 (3) A petition proposing the creation of a new county must be
30 signed by at least the percentage of registered voters required by
31 Article XI section 3 of the state Constitution residing in the portion
32 of each parent county that is proposed to be stricken and included in
33 the new county. Signatures must be dated within two years of the date
34 the petition is initially filed with the secretary of state.

35 (4) The secretary of state shall forward a copy of the petition to
36 the county auditor of each parent county for validation of the
37 signatures. With respect to each signature, the county auditor shall
38 validate that: (a) The signer is a registered voter; (b) the signer

1 resides in the portion of the parent county that is proposed to be
2 stricken; and (c) the signature was dated within two years of the date
3 the petition was initially filed with the secretary of state.

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

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

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

1 county auditor for validation in the same manner as the original
2 submission. Upon completion of the validation of the additional
3 signatures, the county auditor shall return the copy of the additional
4 signatures to the secretary of state with the certificate as required
5 by subsection (6) of this section.

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

14 (9) 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 the active
21 registered voters required by Article XI section 3 of the state
22 Constitution residing in the portion of each parent county that is to
23 be stricken to form the new county.

24 (10) 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.

29 (11) If the secretary of state certifies that the proposal to
30 create a new county does meet the minimum population requirements and
31 that the petition has the minimum number of valid signatures, the
32 secretary of state shall notify the proponents of the new county, the
33 county auditor of the parent county or counties, the speaker of the
34 house of representatives, and the president of the senate. The
35 secretary of state shall request legislation to authorize the
36 establishment of the proposed new county to be considered by the
37 legislature at the earliest opportunity.

38 NEW SECTION. **Sec. 4.** The requirements in section 3 of this act

1 that petition signatures be dated and that they be affixed on the
2 petition within two years of the submission of the petition to the
3 secretary of state shall not apply to any petitions filed pursuant to
4 this act with the secretary of state prior to January 1, 1997.

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

29 NEW SECTION. **Sec. 6.** Following the enactment of special
30 legislation authorizing the creation of a new county, the question of
31 creation of a new county shall be submitted to the voters residing
32 within the boundaries of the proposed new county as described in the
33 special legislation at the next general election that follows the
34 effective date of the special legislation by at least sixty days. The
35 question shall be presented on the ballot in substantially the
36 following form: FOR CREATION OF A NEW COUNTY . . . , AGAINST CREATION
37 OF A NEW COUNTY If a majority of those voting on the question

1 vote in favor of creation of a new county, the new county shall be
2 established, with an interim organizational period commencing on
3 January 1 of the year following the election. If a majority of those
4 voting on the question vote against creation of a new county, the new
5 county shall not be established, candidates for initial offices in the
6 proposed new county shall not be elected, and the question of creation
7 of a new county in any portion or all of the area proposed for a new
8 county may not be submitted to the voters prior to the general election
9 four years following.

10 NEW SECTION. **Sec. 7.** At the same general election at which the
11 question of creation of a new county is submitted to the voters,
12 initial county officials, as provided for in the special legislation
13 enacted pursuant to section 5 of this act, shall be elected. The
14 county auditor of the parent county, or the county auditors of the
15 parent counties if there is more than one, in consultation with each
16 other, shall provide for a special filing period for individuals who
17 are active registered voters residing within the boundaries of the
18 proposed new county to file declarations of candidacy for the initial
19 positions. The candidates' names shall appear on the ballot in
20 alphabetical order under the title of the position for which each has
21 filed. Candidates shall file for one of three numbered county
22 commissioner positions. All candidates shall run at large. The votes
23 for these candidates need not be counted until the votes on the
24 question of formation of a new county are counted. If a majority of
25 those voting on the question vote in favor of creation of the new
26 county, the votes for the initial county officers shall be counted and
27 the candidate receiving the largest number of votes for a particular
28 office or position shall be elected.

29 NEW SECTION. **Sec. 8.** The terms of office for all of the initial
30 county officials except for commissioner position No. 3 shall be until
31 the end of the next year in which the governor is elected. The term of
32 the initial commissioner position No. 3 shall be until the end of the
33 next year that is two years prior to the year in which the governor is
34 elected. Thereafter, the terms of all officers shall be four years.
35 The initial officers shall take office on January 1 of the year
36 following their election.

1 NEW SECTION. **Sec. 9.** The director of the department of community,
2 trade, and economic development shall designate the annual salaries for
3 the initial elected officers of the new county. The salaries may be
4 payable either monthly, twice monthly, or every two weeks in equal
5 installments as determined by the initial board of county
6 commissioners.

7 NEW SECTION. **Sec. 10.** (1) The initial county commissioners shall
8 designate an initial county seat for the new county. A permanent
9 county seat shall be selected by the voters of the new county at the
10 primary occurring during the interim period.

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

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

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

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

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

1 single county legislative authority is in direct proportion to the
2 percentage of population within the library district residing in that
3 county and each member of that county legislative authority receiving
4 an equal portion of that vote.

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

10 NEW SECTION. **Sec. 12.** The superior court and district court for
11 the new county shall obtain jurisdiction over all new matters over
12 which such court otherwise have jurisdiction pursuant to the state
13 Constitution and state law filed on or after January 1 following the
14 interim period. The superior court and district court of the parent
15 county or counties shall retain jurisdiction of any matters pending
16 before them or on appeal from them on December 31 at the close of the
17 interim period unless all parties to such matter stipulate to a change
18 of venue to the superior or district court of the new county.

19 NEW SECTION. **Sec. 13.** All pleadings, process, documents, and
20 files in the office of the county clerk and in the offices of officers
21 of the superior or district court of a parent county pertaining to
22 actions and proceedings transferred to the superior or district court
23 of the new county must be certified and transferred to the county clerk
24 or to officers of the superior or district court of the new county.

25 NEW SECTION. **Sec. 14.** Within one hundred eighty days of the
26 beginning of the interim period for a new county, all records,
27 documents, and papers in the offices of county auditor, county
28 assessor, county treasurer, and other county officers of a parent
29 county, affecting the title or possession of real property in the new
30 county, assessed valuation of property located in the new county,
31 registration of voters residing in the new county, or other appropriate
32 matters, must be transferred to the appropriate county officials and
33 officers of the new county. If original records, documents, or papers
34 are not transferred, certified copies shall be provided. The
35 appropriate county officials of the parent county and the new county
36 may agree to transfers utilizing electronic, photostatic, mechanical,

1 or other methods that adequately ensure the accuracy of the transferred
2 information.

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

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

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

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

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

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

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

28 (c) Submit ballot propositions to the voters of the new county
29 authorizing a single-year excess levy to be imposed, as provided by RCW
30 84.52.052;

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

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

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

1 excise taxes authorized in chapter 82.46 RCW.

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

6 NEW SECTION. **Sec. 17.** All ordinances, rules, and regulations of
7 a parent county that are in effect at the beginning of the interim
8 period for a new county and that are adopted by the parent county
9 during the interim period of a new county shall have their full force
10 and effect within the portion of the parent county that is stricken to
11 form the new county until the end of the interim period unless repealed
12 by the parent county prior to that date.

13 NEW SECTION. **Sec. 18.** During the interim period for a new county,
14 the parent county shall remain responsible for providing all county
15 services previously provided by that parent county in the portion of
16 the parent county that is stricken to form a new county unless
17 otherwise agreed to between the parent county and the initial officers
18 of the new county.

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

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

1 NEW SECTION. Sec. 20. During the interim period for a new county,
2 the initial board of county commissioners may borrow money from the
3 county sales and use tax equalization account up to one hundred
4 thousand dollars or five dollars per capita based on a population
5 estimate of the new county made by the office of financial management,
6 whichever is less.

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

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

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

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

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

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

29 (1) The auditor of the ~~((old))~~ parent county shall give the auditor
30 of the new county reasonable notice to meet ~~((him))~~ together on a
31 certain day at the county seat of the ~~((old))~~ parent county, or at some
32 other convenient place, to settle ~~((upon and fix the amount which the~~
33 ~~new county shall pay))~~ the apportionment of debts and liabilities, if
34 any, as provided in subsection (2) of this section and apportionment of
35 assets as provided by section 24 of this act.

36 (2) In ~~((doing so))~~ apportioning the debts and liabilities, they

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

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

22 This section may not be construed to effect the rights of
23 creditors.

24 NEW SECTION. Sec. 24. The parent county shall retain ownership of
25 real property it owns that remains in its boundaries after the creation
26 of the new county. At the effective date of the creation of the new
27 county, the new county shall acquire ownership of real property that
28 was owned by the parent county that is located in the new county.

29 All equipment owned by the parent county that is used in the
30 construction or maintenance of roads or bridges must be apportioned
31 between the new county and the parent county so that the new county
32 receives a portion of this equipment that is in the same proportion as
33 the number of miles of county roads in the new county, that were part
34 of that parent county, is to the total number of miles of county roads
35 in the parent county before the creation of the new county.

36 All other assets of the parent county, the apportionment of which
37 is not otherwise provided for, must be apportioned between the parent
38 county and new county so that the new county receives a portion of

1 these assets that is in the same proportion as the assessed valuation
2 of the new county, that was part of the parent county, is to the total
3 assessed valuation of the parent county before the creation of the new
4 county. The assessed valuations must be those used for taxes imposed
5 in the year of the election authorizing creation of the new county.

6 NEW SECTION. **Sec. 25.** (1) If the auditor for a parent county and
7 the auditor for a new county formed in whole or in part from territory
8 stricken from the parent county cannot agree to the apportionment of
9 debts, liabilities, and assets, pursuant to RCW 36.09.010, 36.09.020,
10 and section 24 of this act within ninety days of the notice to meet
11 issued pursuant to RCW 36.09.020(1), either auditor may petition the
12 division of the state court of appeals in which the greatest portion of
13 the population of the new county resides, to impose, by order, an
14 apportionment.

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

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

19 (b) Authorize the special master to employ appraisers, accountants,
20 actuaries, engineers, attorneys, or other experts to assemble and
21 evaluate evidence; and

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

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

28 (4) The court of appeals, subject to any limitations imposed by the
29 special legislation authorizing creation of the new county, shall enter
30 an order apportioning all debts, liabilities, and assets of the parent
31 county between the parent county and new county and providing for the
32 method and time of transfer or payment. The order of the court of
33 appeals shall be final.

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

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

3 The administration and procedures of the court shall be as provided
4 by rules of the supreme court. The court shall be vested with all
5 power and authority, not inconsistent with said rules, necessary to
6 carry into complete execution all of its judgments, decrees and
7 determinations in all matters within its jurisdiction, according to the
8 rules and principles of the common law and the Constitution and laws of
9 this state.

10 For the prompt and orderly administration of justice, the supreme
11 court may (1) transfer to the appropriate division of the court for
12 decision a case or appeal pending before the supreme court; or (2)
13 transfer to the supreme court for decision a case or appeal pending in
14 a division of the court.

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

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

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

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

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

27 (e) cases involving substantive issues on which there is a direct
28 conflict among prevailing decisions of panels of the court or between
29 decisions of the supreme court;

30 all of which shall be appealed directly to the supreme court:
31 PROVIDED, That whenever a majority of the court before which an appeal
32 is pending, but before a hearing thereon, is in doubt as to whether
33 such appeal is within the categories set forth in subsection (d) or (e)
34 of this section, the cause shall be certified to the supreme court for
35 such determination.

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

1 The court shall have appellate jurisdiction over review of final
2 decisions of administrative agencies certified by the superior court
3 pursuant to RCW 34.05.518.

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

6 Appeals from the court to the supreme court shall be only at the
7 discretion of the supreme court upon the filing of a petition for
8 review. No case, appeal or petition for a writ filed in the supreme
9 court or the court shall be dismissed for the reason that it was not
10 filed in the proper court, but it shall be transferred to the proper
11 court.

12 **Sec. 27.** RCW 36.09.050 and 1963 c 4 s 36.09.050 are each amended
13 to read as follows:

14 When a county is divided or the boundary is altered, all property
15 taxes levied by the county and road district or districts before the
16 division was made or boundaries changed, must be collected by the
17 officers of the parent county (~~((in which the territory was situated~~
18 ~~before the division or change))~~ or counties. (~~((And))~~) The auditor or
19 auditors of the county or counties so divided or having boundaries
20 changed, shall apportion the amount of the real property taxes so
21 collected after division or change of boundary to the ((old)) parent
22 county or counties and the new county or counties, ((in the ratio of
23 ~~the assessed value of such property situated in the territory of each~~
24 ~~county or counties respectively, and the old county that may have been~~
25 ~~divided or whose boundaries may have been changed,))~~ so that each new
26 county receives a portion of these tax receipts that is in the same
27 proportion as the assessed valuation of that county, that was part of
28 a parent county, is to the total assessed valuation of that parent
29 county before the creation of the new county multiplied by a fraction,
30 the numerator of which is the number of days remaining in the calendar
31 year and the denominator of which is the number of days in that
32 calendar year. The assessed valuations must be those that were used
33 for taxes imposed in the year of the election authorizing the creation
34 of the new county. The parent county shall retain all of the personal
35 property taxes on ((the said)) its tax rolls, as compensation for cost
36 of collection of the entire taxes((:—PROVIDED, That)). However, in
37 such accounting neither county shall be charged with any debt or
38 liability then existing incurred in the purchase of any county

1 property, or in the purchase or construction of any county buildings
2 then in use or under construction, which shall fall within and be
3 retained by the county(~~(: PROVIDED FURTHER, That)~~). Nothing in this
4 section shall ((not)) be construed to affect the rights of creditors((: AND PROVIDED FURTHER, That any such county property or buildings shall
5 be the property of and owned by the county wherein the same is
6 situated. In case the auditors of the interested counties are not able
7 to agree upon the proportion to be awarded to each county, the same
8 shall be determined by the judge of the superior court of the district
9 in which all of the interested counties are situated, if they be in one
10 district, and have one common judge, and if not, by the judges sitting
11 en banc of the superior courts of the counties involved. Said auditors
12 shall make said apportionment within sixty days after the creation of
13 any new county or the changing of boundaries of any old county, and if
14 they do not, within said time, agree upon said apportionment,
15 thereafter either or any county affected may petition the judge or
16 judges of any court given jurisdiction by this section, and upon ten
17 days' notice to any other county affected, the same may be brought on
18 for hearing and summarily disposed of by said judge or judges, after
19 allowing each side an opportunity to be heard))).

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

29 **Sec. 28.** RCW 84.09.030 and 1994 c 292 s 4 are each amended to read
30 as follows:

31 Except as follows, the boundaries of counties, cities and all other
32 taxing districts, for purposes of property taxation and the levy of
33 property taxes, shall be the established official boundaries of such
34 districts existing on the first day of March of the year in which the
35 property tax levy is made.

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

1 (1) Boundaries for a newly incorporated city shall be established
2 on the last day of March of the year in which the initial property tax
3 levy is made, and the boundaries of a road district, library district,
4 or fire protection district or districts, that include any portion of
5 the area that was incorporated within its boundaries shall be altered
6 as of this date to exclude this area, if the budget for the newly
7 incorporated city is filed pursuant to RCW 84.52.020 and the levy
8 request of the newly incorporated city is made pursuant to RCW
9 84.52.070. Whenever a proposed city incorporation is on the March
10 special election ballot, the county auditor shall submit the legal
11 description of the proposed city to the department of revenue on or
12 before the first day of March;

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

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

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

27 (5) 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 shall be established on the first day
31 following the interim period for the new county.

32 The boundaries of a taxing district shall be established on the
33 first day of June if territory has been added to, or removed from, the
34 taxing district after the first day of March of that year with
35 boundaries coterminous with the boundaries of another taxing district
36 as they existed on the first day of March of that year. However, the
37 boundaries of a road district, library district, or fire protection
38 district or districts, that include any portion of the area that was
39 annexed to a city or town within its boundaries shall be altered as of

1 this date to exclude this area. In any case where any instrument
2 setting forth the official boundaries of any newly established taxing
3 district, or setting forth any change in such boundaries, is required
4 by law to be filed in the office of the county auditor or other county
5 official, said instrument shall be filed in triplicate. The officer
6 with whom such instrument is filed shall transmit two copies to the
7 county assessor.

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

11 NEW SECTION. **Sec. 29.** (1) Every person who signs a petition
12 requesting the creation of a new county with any other than his or her
13 true name is guilty of a class C felony punishable under RCW 9A.20.021.

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

20 NEW SECTION. **Sec. 30.** If necessary, the code reviser shall
21 recodify RCW 36.09.010, 36.09.020, and 36.09.050 to conform with the
22 reorganization of chapter 36.09 RCW as provided in this act and provide
23 for a logical order of sections.

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

26 (1) RCW 4.12.070 and 1891 c 33 s 2, Code 1881 s 53, 1877 p 12 s 54,
27 1869 p 14 s 54, & 1854 p 377 s 2;

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

29 (3) RCW 36.09.040 and 1963 c 4 s 36.09.040.

30 NEW SECTION. **Sec. 32.** Sections 2, 3, 5 through 20, 24, 25, and 29
31 of this act are each added to chapter 36.09 RCW.

32 NEW SECTION. **Sec. 33.** If any provision of this act or its
33 application to any person or circumstance is held invalid, the
34 remainder of the act or the application of the provision to other

1 persons or circumstances is not affected."

2 **SHB 1643** - S COMM AMD

3 By Committee on Government Operations

4

5 On page 1, line 1 of the title, after "counties;" strike the
6 remainder of the title and insert "amending RCW 36.09.010, 36.09.020,
7 2.06.030, 36.09.050, and 84.09.030; adding new sections to chapter
8 36.09 RCW; adding a new section to chapter 47.01 RCW; creating new
9 sections; recodifying RCW 36.09.010, 36.09.020, and 36.09.050;
10 repealing RCW 4.12.070, 36.09.035, and 36.09.040; and prescribing
11 penalties."

--- END ---