
SUBSTITUTE SENATE BILL 6786

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Benson, Kastama, Esser, Haugen and Prentice)

READ FIRST TIME 02/07/06.

1 AN ACT Relating to city transportation authority dissolution;
2 amending RCW 4.96.010, 4.96.020, 36.93.090, 43.21C.227, 53.48.010,
3 35.95A.050, 35.95A.080, and 35.95A.110; adding new sections to chapter
4 35.95A RCW; repealing RCW 35.95A.020, 35.95A.030, 35.95A.040,
5 35.95A.070, 35.95A.090, 35.95A.100, 35.95A.120, 35.95A.140, 35.95A.010,
6 35.95A.050, 35.95A.060, 35.95A.080, 35.95A.110, and 35.95A.130;
7 providing an effective date; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 35.95A RCW
10 to read as follows:

11 (1) An authority's governing board shall be comprised of five
12 members.

13 (2) The board shall act by vote of a majority of the members
14 voting, as long as a quorum of three members is present, either in
15 person or by electronic means.

16 (3) If, on the day before the effective date of this section, a
17 preexisting governing body includes one or more members serving a term
18 of office on the preexisting governing body to which they were elected

1 by a vote of electors residing within the authority area, those elected
2 persons who do not decline to serve shall then serve on the governing
3 board.

4 (4) The remaining positions on the board not filled under
5 subsection (3) of this section may be filled on an interim basis by a
6 member of the preexisting governing body, who must be chosen by a
7 majority vote of the members of the preexisting governing body who are
8 present when a quorum exists and the vote is taken.

9 (5) Each position on the governing board not filled under
10 subsection (3) of this section shall be filled through appointment by
11 the mayor of the city in which the authority was created. Immediately
12 upon the effective date of each appointment, the person serving under
13 subsection (4) of this section on an interim basis in the position
14 which is filled shall cease to be a member of the board. The mayor
15 shall make the appointments within thirty days of the effective date of
16 this act.

17 (6) Except for interim members selected under subsection (4) of
18 this section, members of the governing board shall serve an indefinite
19 term and may resign at any time by giving written notice to the board
20 and the mayor of the city in which the district was created.

21 (7) Any member of the governing board may be removed by a vote of
22 at least three of the board members if such member: (a) Becomes
23 incapable of performing his or her duties as a governing board member;
24 (b) willfully fails to perform his or her duties as a governing board
25 member; or (c) is convicted of a felony or crime of moral turpitude.

26 (8) Any vacancy on the governing board shall be filled through
27 appointment by the mayor of the city in which the authority was
28 created.

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.95A RCW
30 to read as follows:

31 This section applies to claims against an existing authority
32 accruing on or before the effective date of this section.

33 (1) An authority shall notify potential claimants of the
34 authority's pending dissolution and the limited opportunity to submit
35 a notice of claim to the authority.

36 (a) Within sixty days of the effective date of this section, an
37 authority shall mail a written notice, to all persons known to the

1 authority to have claims that may become qualified obligations only
2 after filing a notice of claim under this act, to the most recent
3 address for each such person shown on the records of the authority and
4 to any other address specified in any written agreement related to that
5 person's claim.

6 (b) An authority shall also publish notice in the official
7 newspaper of the city in which the authority was created. Notice shall
8 be published once a week for three consecutive weeks, commencing within
9 forty-five days after the effective date of this section.

10 (c) The notice must: (i) Describe the information that must be
11 included in the notice of claim; (ii) provide a mailing address to
12 which the notice of claim must be sent; (iii) state the deadline by
13 which the authority must receive the notice of claim; and (iv) state
14 that the claim will be barred if the notice of claim is not received by
15 the deadline.

16 (2) The deadline for submission of the notice of claim to an
17 authority is one hundred twenty days after the effective date of this
18 section. Only actual receipt of the notice of claim by an authority
19 constitutes submission of the notice of claim.

20 (3) Within one hundred eighty days after the effective date of this
21 section, an authority shall mail a written notice of acceptance, in
22 whole or in part, or rejection, in whole or in part, to all persons who
23 submitted timely notices of claim to the authority. Each notice must
24 state the date of its mailing. Failure by an authority to mail a
25 timely written notice regarding any particular claim or portion thereof
26 is deemed a rejection, which must be mailed one hundred eighty days
27 after the effective date of this section.

28 (4) No person may commence any legal proceeding of any kind against
29 an authority to enforce any claim accruing on or before the effective
30 date of this section unless that person or his or her predecessor in
31 interest timely submitted a notice of claim containing the required
32 information with respect to such claim and such claim was rejected or
33 deemed rejected by an authority no more than sixty days prior to the
34 date such legal proceeding commenced. Failure by an authority to
35 provide timely or complete notice or notifications shall not affect the
36 limitation on legal proceedings imposed by this section.

37 (5) This section does not apply: (a) To any claim for payment of
38 principal of, or interest or premium on, a bond secured by an

1 authority's pledge of revenue from any tax or fee an authority was
2 authorized, prior to the effective date of this section, to levy; (b)
3 to the extent the claim was asserted prior to the effective date of
4 this section, through a legal proceeding before a tribunal with
5 jurisdiction; (c) for payment of a claim accepted by the authority
6 under subsection (3) of this section; or (d) for payment of a
7 dissolution expense.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.95A RCW
9 to read as follows:

10 (1) No person may commence any legal proceeding of any kind against
11 an authority to enforce any claim accruing after the effective date of
12 this section, including, but not limited to, a claim for payment of
13 either a claim accepted by an authority under section 2(3) of this act
14 or a dissolution expense, if that legal proceeding is not commenced
15 before the date the governing board files the certificate of
16 dissolution with the secretary of state.

17 (2) This limitation does not apply to any claim for payment of
18 principal of, or interest or premium on, a bond secured by an
19 authority's pledge of revenue from any tax or fee an authority was
20 authorized, prior to the effective date of this section, to levy.

21 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.95A RCW
22 to read as follows:

23 (1) No sooner than two years after the effective date of this
24 section, the board shall file on behalf of the authority a notice of
25 intent to dissolve with the secretary of state. The notice of intent
26 to dissolve shall state that the authority has satisfied the
27 obligations and liabilities of the authority and ceased imposing and
28 collecting the taxes and fees authorized under RCW 35.95A.080.

29 (2) Upon the filing of the intent to dissolve and satisfying or
30 providing for any outstanding dissolution expenses, any funds remaining
31 in the treasury of a city transportation authority shall, after payment
32 of all costs and expenses, be paid to the treasurer of the city in
33 which the authority was created and applied to public transportation
34 purposes. All other residual assets shall also be transferred to the
35 city by the appropriate instruments, together with an itemized
36 description thereof. The city may use the residual assets for any

1 other purpose, after transferring from its general fund to a city fund
2 dedicated to transportation purposes, an amount reasonably equivalent
3 to the fair market value of each asset being applied to a purpose other
4 than transportation.

5 (3) After an authority has transferred, or provided for the
6 transfer of remaining funds and residual assets to the city, the
7 governing board shall file on behalf of the authority a written
8 certificate of dissolution with the secretary of state. Upon filing of
9 the certificate of dissolution, an authority's existence shall
10 terminate and no longer exist as an entity.

11 (4) The transfer of funds and residual assets to the city in which
12 an authority was created shall not result in any liability of the city
13 for any obligation or liability of an authority.

14 **Sec. 5.** RCW 4.96.010 and 2001 c 119 s 1 are each amended to read
15 as follows:

16 (1) All local governmental entities, whether acting in a
17 governmental or proprietary capacity, shall be liable for damages
18 arising out of their tortious conduct, or the tortious conduct of their
19 past or present officers, employees, or volunteers while performing or
20 in good faith purporting to perform their official duties, to the same
21 extent as if they were a private person or corporation. Filing a claim
22 for damages within the time allowed by law shall be a condition
23 precedent to the commencement of any action claiming damages, except
24 for any action claiming damages against a city transportation authority
25 under chapter 35.95A RCW. The laws specifying the content for such
26 claims shall be liberally construed so that substantial compliance
27 therewith will be deemed satisfactory.

28 (2) Unless the context clearly requires otherwise, for the purposes
29 of this chapter, "local governmental entity" means a county, city,
30 town, special district, municipal corporation as defined in RCW
31 39.50.010, quasi-municipal corporation, or public hospital.

32 (3) For the purposes of this chapter, "volunteer" is defined
33 according to RCW 51.12.035.

34 **Sec. 6.** RCW 4.96.020 and 2001 c 119 s 2 are each amended to read
35 as follows:

1 (1) The provisions of this section apply to claims for damages
2 against all local governmental entities, except city transportation
3 authorities under chapter 35.95A RCW.

4 (2) The governing body of each local (~~government~~~~[governmental]~~)
5 governmental entity shall appoint an agent to receive any claim for
6 damages made under this chapter. The identity of the agent and the
7 address where he or she may be reached during the normal business hours
8 of the local governmental entity are public records and shall be
9 recorded with the auditor of the county in which the entity is located.
10 All claims for damages against a local governmental entity shall be
11 presented to the agent within the applicable period of limitations
12 within which an action must be commenced.

13 (3) All claims for damages arising out of tortious conduct must
14 locate and describe the conduct and circumstances which brought about
15 the injury or damage, describe the injury or damage, state the time and
16 place the injury or damage occurred, state the names of all persons
17 involved, if known, and shall contain the amount of damages claimed,
18 together with a statement of the actual residence of the claimant at
19 the time of presenting and filing the claim and for a period of six
20 months immediately prior to the time the claim arose. If the claimant
21 is incapacitated from verifying, presenting, and filing the claim in
22 the time prescribed or if the claimant is a minor, or is a nonresident
23 of the state absent therefrom during the time within which the claim is
24 required to be filed, the claim may be verified, presented, and filed
25 on behalf of the claimant by any relative, attorney, or agent
26 representing the claimant.

27 (4) No action shall be commenced against any local governmental
28 entity for damages arising out of tortious conduct until sixty days
29 have elapsed after the claim has first been presented to and filed with
30 the governing body thereof. The applicable period of limitations
31 within which an action must be commenced shall be tolled during the
32 sixty-day period.

33 **Sec. 7.** RCW 36.93.090 and 1996 c 230 s 1608 are each amended to
34 read as follows:

35 Whenever any of the following described actions are proposed in a
36 county in which a board has been established, the initiators of the
37 action shall file within one hundred eighty days a notice of intention

1 with the board: PROVIDED, That when the initiator is the legislative
2 body of a governmental unit, the notice of intention may be filed
3 immediately following the body's first acceptance or approval of the
4 action. The board may review any such proposed actions pertaining to:

5 (1) The: (a) Creation, incorporation, or change in the boundary,
6 other than a consolidation, of any city, town, or special purpose
7 district; (b) consolidation of special purpose districts, but not
8 including consolidation of cities and towns; or (c) dissolution or
9 disincorporation of any city, town, or special purpose district, except
10 that a board may not review the dissolution or disincorporation of a
11 special purpose district which was dissolved or disincorporated
12 pursuant to the provisions of chapters 35.95A and 36.96 RCW: PROVIDED,
13 That the change in the boundary of a city or town arising from the
14 annexation of contiguous city or town owned property held for a public
15 purpose shall be exempted from the requirements of this section; or

16 (2) The assumption by any city or town of all or part of the
17 assets, facilities, or indebtedness of a special purpose district which
18 lies partially within such city or town; or

19 (3) The establishment of or change in the boundaries of a mutual
20 water and sewer system or separate sewer system by a water-sewer
21 district pursuant to RCW 57.08.065 (~~(or chapter 57.40 RCW)~~); or

22 (4) The extension of permanent water or sewer service outside of
23 its existing service area by a city, town, or special purpose district.
24 The service area of a city, town, or special purpose district shall
25 include all of the area within its corporate boundaries plus, (a) for
26 extensions of water service, the area outside of the corporate
27 boundaries which it is designated to serve pursuant to a coordinated
28 water system plan approved in accordance with RCW 70.116.050; and (b)
29 for extensions of sewer service, the area outside of the corporate
30 boundaries which it is designated to serve pursuant to a comprehensive
31 sewerage plan approved in accordance with chapter 36.94 RCW and RCW
32 90.48.110.

33 **Sec. 8.** RCW 43.21C.227 and 2002 c 93 s 2 are each amended to read
34 as follows:

35 (1) The disincorporation of a city or town is exempt from
36 compliance with this chapter.

1 (2) The reduction of city or town limits is exempt from compliance
2 with this chapter.

3 (3) The dissolution of a city transportation authority under
4 chapter 35.95A RCW is exempt from compliance with this chapter.

5 **Sec. 9.** RCW 53.48.010 and 1999 c 153 s 63 are each amended to read
6 as follows:

7 The following words and terms shall, whenever used in this chapter,
8 have the meaning set forth in this section:

9 (1) The term "district" as used herein, shall include all municipal
10 and quasi-municipal corporations having a governing body, other than
11 cities, towns, counties, and townships, such as port districts, school
12 districts, water-sewer districts, fire protection districts, and all
13 other special districts of similar organization, but shall not include
14 local improvement districts, diking, drainage and irrigation districts,
15 special districts as defined in RCW 85.38.010, nor public utility
16 districts. The term "district" as used herein does not include a city
17 transportation authority under chapter 35.95A RCW.

18 (2) The words "board of commissioners," as used herein, shall mean
19 the governing authority of any district as defined in subdivision (1)
20 of this section.

21 **Sec. 10.** RCW 35.95A.050 and 2002 c 248 s 5 are each amended to
22 read as follows:

23 (1) Every authority has the following powers:

24 ~~((1) To acquire by purchase, condemnation, gift, or grant and to~~
25 ~~lease, construct, add to, improve, replace, repair, maintain, operate,~~
26 ~~and regulate the use of public monorail transportation facilities,~~
27 ~~including passenger terminal and parking facilities and properties, and~~
28 ~~other facilities and properties as may be necessary for passenger and~~
29 ~~vehicular access to and from public monorail transportation facilities,~~
30 ~~together with all lands, rights of way, and property within or outside~~
31 ~~the authority area, and together with equipment and accessories~~
32 ~~necessary or appropriate for these facilities, except that property,~~
33 ~~including but not limited to other types of public transportation~~
34 ~~facilities, that is owned by any city, county, county transportation~~
35 ~~authority, public transportation benefit area, metropolitan municipal~~
36 ~~corporation, or regional transit authority may be acquired or used by~~

1 ~~an authority only with the consent of the public entity owning the~~
2 ~~property. The entities are authorized to convey or lease property to~~
3 ~~an authority or to contract for their joint use on terms fixed by~~
4 ~~agreement between the entity and the authority;~~

5 ~~(2) To fix rates, tolls, fares, and charges for the use of~~
6 ~~facilities and to establish various routes and classes of service.~~
7 ~~Rates, tolls, fares, or charges may be adjusted or eliminated for any~~
8 ~~distinguishable class of users including, but not limited to, senior~~
9 ~~citizens and handicapped persons;~~

10 ~~(3) To contract with the United States or any of its agencies, any~~
11 ~~state or any of its agencies, any metropolitan municipal corporation,~~
12 ~~and other country, city, other political subdivision or governmental~~
13 ~~instrumentality, or governmental agency, or any private person, firm,~~
14 ~~or corporation for the purpose of receiving any gifts or grants or~~
15 ~~securing loans or advances for preliminary planning and feasibility~~
16 ~~studies, or for the design, construction, operation, or maintenance of~~
17 ~~public monorail transportation facilities as follows:~~

18 ~~(a) Notwithstanding the provisions of any law to the contrary, and~~
19 ~~in addition to any other authority provided by law, the governing body~~
20 ~~of a city transportation authority may contract with one or more~~
21 ~~vendors for the design, construction, operation, or maintenance, or~~
22 ~~other service related to the development of a monorail public~~
23 ~~transportation system including, but not limited to, monorail trains,~~
24 ~~operating systems and control equipment, guideways, and pylons,~~
25 ~~together with the necessary passenger stations, terminals, parking~~
26 ~~facilities, and other related facilities necessary and appropriate for~~
27 ~~passenger and vehicular access to and from the monorail train.~~

28 ~~(b) If the governing body of the city transportation authority~~
29 ~~decides to proceed with the consideration of qualifications or~~
30 ~~proposals for services from qualified vendors, the authority must~~
31 ~~publish notice of its requirements and request submission of~~
32 ~~qualifications statements or proposals. The notice must be published~~
33 ~~in the official newspaper of the city creating the authority at least~~
34 ~~once a week for two weeks, not less than sixty days before the final~~
35 ~~date for the submission of qualifications statements or proposals. The~~
36 ~~notice must state in summary form: (i) The general scope and nature of~~
37 ~~the design, construction, operation, maintenance, or other services~~
38 ~~being sought related to the development of the proposed monorail, tram,~~

1 or trolley public transportation system; (ii) the name and address of
2 a representative of the city transportation authority who can provide
3 further details; (iii) the final date for the submission of
4 qualifications statements or proposals; (iv) an estimated schedule for
5 the consideration of qualifications statements or proposals, the
6 selection of vendors, and the negotiation of a contract or contracts
7 for services; (v) the location of which a copy of any requests for
8 qualifications statements or requests for proposals will be made
9 available; and (vi) the criteria established by the governing body of
10 the authority to select a vendor or vendors, which may include, but is
11 not limited to, the vendor's prior experience, including design,
12 construction, operation, or maintenance of other similar public
13 transportation facilities, respondent's management capabilities,
14 proposed project schedule, availability and financial resources, costs
15 of the services to be provided, nature of facility design proposed by
16 the vendors, system reliability, performance standards required for the
17 facilities, compatibility with existing public transportation
18 facilities operated by the authority or any other public body or other
19 providers of similar services to the public, project performance
20 guarantees, penalties, and other enforcement provisions, environmental
21 protection measures to be used by the vendor, consistency with the
22 applicable regional transportation plans, and the proposed allocation
23 of project risks.

24 (c) If the governing body of the city transportation authority
25 decides to proceed with the consideration of qualifications statements
26 or proposals submitted by vendors, it may designate a representative to
27 evaluate the vendors who submitted qualifications statements or
28 proposals and conduct discussions regarding qualifications or proposals
29 with one or more vendors. The governing body or its representative may
30 request submission of qualifications statements and may later request
31 more detailed proposals from one or more vendors who have submitted
32 qualifications statements, or may request detailed proposals without
33 having first received and evaluated qualifications statements. The
34 governing body or its representative will evaluate the qualifications
35 or proposals, as applicable. If two or more vendors submit
36 qualifications or proposals that meet the criteria established by the
37 governing body of the authority, discussions and interviews must be
38 held with at least two vendors. Any revisions to a request for

1 ~~qualifications or request for proposals must be made available to all~~
2 ~~vendors then under consideration by the governing body of the authority~~
3 ~~and must be made available to any other person who has requested~~
4 ~~receipt of that information.~~

5 ~~(d) Based on the criteria established by the governing body of the~~
6 ~~authority, the representative will recommend to the governing body a~~
7 ~~vendor or vendors that are initially determined to be the best~~
8 ~~qualified to provide one or more of the design, construction, operation~~
9 ~~or maintenance, or other service related to the development of the~~
10 ~~proposed monorail public transportation system.~~

11 ~~(e) The governing body of the authority or its representative may~~
12 ~~attempt to negotiate a contract with the vendor or vendors selected for~~
13 ~~one or more of the design, construction, operation or maintenance, or~~
14 ~~other service related to the development of the proposed monorail~~
15 ~~public transportation system on terms that the governing body of the~~
16 ~~authority determines to be fair and reasonable and in the best interest~~
17 ~~of the authority. If the governing body, or its representative, is~~
18 ~~unable to negotiate a contract with any one or more of the vendors~~
19 ~~first selected on terms that it determines to be fair and reasonable~~
20 ~~and in the best interest of the authority, negotiations with any one or~~
21 ~~more of the vendors must be terminated or suspended and another~~
22 ~~qualified vendor or vendors may be selected in accordance with the~~
23 ~~procedures set forth in this section. If the governing body decides to~~
24 ~~continue the process of selection, negotiations will continue with a~~
25 ~~qualified vendor or vendors in accordance with this section at the sole~~
26 ~~discretion of the governing body of the authority until an agreement is~~
27 ~~reached with one or more qualified vendors, or the process is~~
28 ~~terminated by the governing body. The process may be repeated until an~~
29 ~~agreement is reached.~~

30 ~~(f) Prior to entering into a contract with a vendor, the governing~~
31 ~~body of the authority must make written findings, after holding a~~
32 ~~public hearing on the proposal, that it is in the public interest to~~
33 ~~enter into the contract, that the contract is financially sound, and~~
34 ~~that it is advantageous for the governing body of the authority to use~~
35 ~~this method for awarding contracts for one or more of the design,~~
36 ~~construction, or operation or maintenance of the proposed monorail~~
37 ~~public transportation system as compared to all other methods of~~
38 ~~awarding such contracts.~~

1 ~~(g) Each contract must include a project performance bond or bonds~~
2 ~~or other security by the vendor.~~

3 ~~(h) The provisions of chapters 39.12 and 39.19 RCW apply to a~~
4 ~~contract entered into under this section as if the public~~
5 ~~transportation systems and facilities were owned by a public body.~~

6 ~~(i) The vendor selection process permitted by this section is~~
7 ~~supplemental to and is not construed as a repeal of or limitation on~~
8 ~~any other authority granted by law.~~

9 ~~(j) Contracts for the construction of facilities, other than~~
10 ~~contracts for facilities to be provided by the selected vendor, with an~~
11 ~~estimated cost greater than two hundred thousand dollars must be~~
12 ~~awarded after a competitive bid process consistent with chapter 39.04~~
13 ~~RCW or awarded through an alternative public works contracting~~
14 ~~procedure consistent with chapter 39.10 RCW:~~

15 ~~(4) To contract with the United States or any of its agencies, any~~
16 ~~state or any of its agencies, any metropolitan municipal corporation,~~
17 ~~any other county, city, other political subdivision or governmental~~
18 ~~instrumentality, any governmental agency, or any private person, firm,~~
19 ~~or corporation for the use by either contracting party of all or any~~
20 ~~part of the facilities, structures, lands, interests in lands, air~~
21 ~~rights over lands, and rights of way of all kinds which are owned,~~
22 ~~leased, or held by the other party and for the purpose of planning,~~
23 ~~designing, constructing, operating any public transportation facility,~~
24 ~~or performing any service related to transportation which the authority~~
25 ~~is authorized to operate or perform, on terms as may be agreed upon by~~
26 ~~the contracting parties:~~

27 ~~(5) To acquire any existing public transportation facility by~~
28 ~~conveyance, sale, or lease. In any acquisition from a county, city, or~~
29 ~~other political subdivision of the state, the authority will receive~~
30 ~~credit from the county or city or other political subdivision for any~~
31 ~~federal assistance and state matching assistance used by the county or~~
32 ~~city or other political subdivision in acquiring any portion of the~~
33 ~~public transportation facility. Upon acquisition, the authority must~~
34 ~~assume and observe all existing labor contracts relating to the public~~
35 ~~transportation facility and, to the extent necessary for operation of~~
36 ~~the public transportation facility, all of the employees of the public~~
37 ~~transportation facility whose duties are necessary to efficiently~~
38 ~~operate the public transportation facility must be appointed to~~

1 comparable positions to those which they held at the time of the
2 transfer, and no employee or retired or pensioned employee of the
3 public transportation facility will be placed in any worse position
4 with respect to pension seniority, wages, sick leave, vacation, or
5 other benefits than he or she enjoyed as an employee of the public
6 transportation facility prior to the acquisition. Furthermore, the
7 authority must engage in collective bargaining with the duly appointed
8 representatives of any employee labor organization having existing
9 contracts with the acquired facility and may enter into labor contracts
10 with the employee labor organization;

11 (6) To contract for, participate in, and support research,
12 demonstration, testing, and development of public monorail
13 transportation facilities, equipment, and use incentives, and have all
14 powers necessary to comply with any criteria, standards, and
15 regulations which may be adopted under state and federal law, and to
16 take all actions necessary to meet the requirements of those laws. The
17 authority has, in addition to these powers, the authority to prepare,
18 adopt, and carry out a comprehensive public monorail plan and to make
19 other plans and studies and to perform programs as the authority deems
20 necessary to implement and comply with those laws;

21 (7) To establish local improvement districts within the authority
22 area to finance public monorail transportation facilities, to levy
23 special assessments on property specially benefited by those
24 facilities, and to issue local improvement bonds to be repaid by the
25 collection of local improvement assessments. The method of
26 establishment, levying, collection, enforcement, and all other matters
27 relating to the local improvement districts, assessments, collection,
28 and bonds are as provided in the statutes governing local improvement
29 districts of cities and towns. The duties devolving upon the city
30 treasurer in those statutes are imposed on the treasurer of the
31 authority;

32 (8)) To exercise all other powers necessary and appropriate to
33 carry out its responsibilities, including without limitation the power
34 to sue and be sued, to own, ((construct, purchase,)) lease, add to, and
35 maintain any real and personal property or property rights necessary
36 for the conduct of the affairs of the authority, to enter into
37 contracts, and to employ the persons as the authority deems

1 appropriate. An authority may also sell, lease, convey, or otherwise
2 dispose of any real or personal property no longer necessary for the
3 conduct of the affairs of the authority.

4 (2) Upon the effective date of this section, an authority shall
5 exercise the powers described in subsection (1) of this section only to
6 the extent necessary to dissolve the authority.

7 **Sec. 11.** RCW 35.95A.080 and 2002 c 248 s 9 are each amended to
8 read as follows:

9 ~~((1)) Every authority has the power to levy and collect a special~~
10 ~~excise tax not exceeding ((two and one-half)) 1.4 percent on the value~~
11 ~~of every motor vehicle owned by a resident of the authority area for~~
12 ~~the privilege of using a motor vehicle. ((Before utilization of any~~
13 ~~excise tax money collected under this section for acquisition of right~~
14 ~~of way or construction of a public monorail transportation facility on~~
15 ~~a separate right of way, the authority must adopt rules affording the~~
16 ~~public an opportunity for corridor public hearings and design public~~
17 ~~hearings, which provide in detail the procedures necessary for public~~
18 ~~participation in the following instances:— (a) Prior to adoption of~~
19 ~~location and design plans having a substantial social, economic, or~~
20 ~~environmental effect upon the locality upon which they are to be~~
21 ~~constructed; or (b) on the public transportation facilities operating~~
22 ~~on a separate right of way whenever a substantial change is proposed~~
23 ~~relating to location or design in the adopted plan. In adopting rules~~
24 ~~the authority must adhere to the provisions of the administrative~~
25 ~~procedure act.~~

26 ~~(2) A "corridor public hearing" is a public hearing that:— (a) Is~~
27 ~~held before the authority is committed to a specific route proposal for~~
28 ~~the public transportation facility, and before a route location is~~
29 ~~established; (b) is held to afford an opportunity for participation by~~
30 ~~those interested in the determination of the need for, and the location~~
31 ~~of, the public transportation facility; and (c) provides a public forum~~
32 ~~that affords a full opportunity for presenting views on the public~~
33 ~~transportation facility route location, and the social, economic, and~~
34 ~~environmental effects on that location and alternate locations.~~
35 ~~However, the hearing is not deemed to be necessary before adoption of~~
36 ~~a transportation plan as provided in section 7 of this act or a vote of~~
37 ~~the qualified electors under subsection (5) of this section.~~

1 ~~(3) A "design public hearing" is a public hearing that: (a) Is~~
2 ~~held after the location is established but before the design is~~
3 ~~adopted; (b) is held to afford an opportunity for participation by~~
4 ~~those interested in the determination of major design features of the~~
5 ~~public monorail transportation facility; and (c) provides a public~~
6 ~~forum to afford a full opportunity for presenting views on the public~~
7 ~~transportation system design, and the social, economic, and~~
8 ~~environmental effects of that design and alternate designs, including~~
9 ~~people mover technology.~~

10 ~~(4) An authority imposing a tax under subsection (1) of this~~
11 ~~section may also impose a sales and use tax, in addition to any tax~~
12 ~~authorized by RCW 82.14.030, upon retail car rentals within the city~~
13 ~~that are taxable by the state under chapters 82.08 and 82.12 RCW. The~~
14 ~~rate of tax must not exceed 1.944 percent of the base of the tax. The~~
15 ~~base of the tax will be the selling price in the case of a sales tax or~~
16 ~~the rental value of the vehicle used in the case of a use tax. The~~
17 ~~revenue collected under this subsection will be distributed in the same~~
18 ~~manner as sales and use taxes under chapter 82.14 RCW.~~

19 ~~(5) Before any authority may impose any of the taxes authorized~~
20 ~~under this section, the authorization for imposition of the taxes must~~
21 ~~be approved by the qualified electors of the authority area.)) An~~
22 ~~authority shall not decrease the tax rate levied as of January 1, 2006.~~
23 ~~An authority shall not levy or collect the special excise tax under~~
24 ~~this section once the debt and obligations, including judgments, of the~~
25 ~~authority have been satisfied and the notice of intent to dissolve has~~
26 ~~been filed with the secretary of state.~~

27 **Sec. 12.** RCW 35.95A.110 and 2002 c 248 s 12 are each amended to
28 read as follows:

29 All taxes and fees levied and collected by an authority must be
30 used solely for the purpose of dissolving the authority and paying all
31 or any part of ~~((the cost of acquiring, designing, constructing,~~
32 ~~equipping, maintaining, or operating public monorail transportation~~
33 ~~facilities or contracting for the services thereof, or to pay or secure~~
34 ~~the payment of all or part of)) the principal of or interest on any~~
35 general obligation bonds or revenue bonds issued for authority
36 purposes. ~~((Until expended, money accumulated in the funds and~~

1 ~~accounts of an authority may be invested in the manner authorized by~~
2 ~~the governing body of the authority, consistent with state law.))~~

3 If any of the revenue from any tax or fee authorized to be levied
4 by an authority has been pledged by the authority to secure the payment
5 of any bonds as herein authorized, then as long as that pledge is in
6 effect the legislature will not withdraw from the authority the
7 authorization to levy and collect the tax or fee.

8 NEW SECTION. **Sec. 13.** A new section is added to chapter 35.95A
9 RCW to read as follows:

10 When liquidating an interest in real property that an authority
11 originally acquired by condemnation or by a deed in lieu of
12 condemnation, the authority shall, to the extent reasonably possible,
13 offer the person or persons from whom the authority acquired that
14 interest a reasonable opportunity to reacquire that interest on terms
15 substantially similar to the terms on which the authority acquired that
16 interest. An authority has sole discretion to determine whether making
17 the offer is reasonably possible, whether the terms of the offer are
18 substantially similar to the terms on which the authority acquired the
19 interest, whether the opportunity to accept the offer is reasonable,
20 and whether the opportunity to accept the offer has been timely
21 exercised. No alleged failure by an authority to make an offer as
22 required by this section shall:

- 23 (1) Give rise to a claim for injunctive relief or damages; or
24 (2) Affect the validity of any conveyance by the authority of an
25 interest in real property.

26 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 35.95A.020 (Creation of authority--Vote of the people) and
29 2002 c 248 s 2;

30 (2) RCW 35.95A.030 (Creation by ordinance--Proposal by petition)
31 and 2002 c 248 s 3;

32 (3) RCW 35.95A.040 (Authority subject to standard requirements of
33 governmental entity) and 2002 c 248 s 4;

34 (4) RCW 35.95A.070 (Excess levies--General obligation bonds--
35 Revenue bonds) and 2002 c 248 s 8;

- 1 (5) RCW 35.95A.090 (Vehicle license fees--Vote of the people) and
2 2002 c 248 s 10;
3 (6) RCW 35.95A.100 (Property tax levies) and 2002 c 248 s 11;
4 (7) RCW 35.95A.120 (Dissolution of authority) and 2003 c 147 s 14
5 & 2002 c 248 s 13; and
6 (8) RCW 35.95A.140 (Requirements for signage) and 2005 c 19 s 2.

7 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
8 each repealed:

- 9 (1) RCW 35.95A.010 (Definitions) and 2002 c 248 s 1;
10 (2) RCW 35.95A.050 (Powers) and 2006 c ... s 10 (section 10 of this
11 act) & 2002 c 248 s 5;
12 (3) RCW 35.95A.060 (Funds and accounts--Designation of treasurer)
13 and 2002 c 248 s 6;
14 (4) RCW 35.95A.080 (Special excise tax--Public hearings) and 2006
15 c ... s 11 (section 11 of this act) & 2002 c 248 s 9;
16 (5) RCW 35.95A.110 (Taxes and fees--Limitation on use) and 2006 c
17 ... s 12 (section 12 of this act) & 2002 c 248 s 12;
18 (6) RCW 35.95A.130 (Special excise tax--Collection) and 2002 c 248
19 s 14;
20 (7) Section 1 of this act;
21 (8) Section 2 of this act;
22 (9) Section 3 of this act;
23 (10) Section 4 of this act; and
24 (11) Section 13 of this act.

25 NEW SECTION. **Sec. 16.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 17.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately, except for section 15 of this act which takes effect July
33 1, 2008.

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