
SENATE BILL 6786

State of Washington 59th Legislature 2006 Regular Session

By Senators Jacobsen, Benson, Kastama, Esser, Haugen and Prentice

Read first time 01/23/2006. Referred to Committee on Transportation.

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

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) As of the effective date of this section the powers and duties
12 of the governing body of a city transportation authority shall be
13 transferred to the city council in which the city transportation
14 authority was created. The city council's exercise of the powers
15 enumerated in this chapter shall be limited to the purposes of
16 efficiently dissolving the city transportation authority.

17 (2) The transfer of the powers and duties of the governing body of
18 a city transportation authority to the city council shall not transfer

1 the debts, obligations, or liabilities of the city transportation
2 authority to the city.

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

5 This section shall apply to claims against the authority accruing
6 on or before the effective date of this section.

7 (1) Pursuant to this subsection (1) the authority shall notify
8 potential claimants of the authority's pending dissolution and the
9 limited opportunity to submit a notice of claim to the authority.

10 (a) Within sixty days of the effective date of this section, the
11 authority shall mail a written notice, to all persons known to the
12 authority to have claims that may become qualified obligations only
13 after filing a notice of claim under this act, to the most recent
14 address for each such person shown on the records of the authority and
15 to any other address specified in any written agreement related to that
16 person's claim.

17 (b) The authority shall also publish notice in the official
18 newspaper of the local city. Notice shall be published once a week for
19 three consecutive weeks, commencing within forty-five days after the
20 effective date of this section.

21 (c) The notice shall: (i) Describe the information that must be
22 included in the notice of claim; (ii) provide a mailing address to
23 which the notice of claim must be sent; (iii) state the deadline by
24 which the authority must receive the notice of claim; and (iv) state
25 that the claim will be barred if the notice of claim is not received by
26 the deadline.

27 (2) The deadline for submission of the notice of claim to the
28 authority shall be one hundred twenty days after the effective date of
29 this section. Only actual receipt of the notice of claim by the
30 authority shall constitute submission of the notice of claim.

31 (3) Within one hundred eighty days after the effective date of this
32 section, the authority shall mail a written notice of acceptance, in
33 whole or in part, or rejection, in whole or in part, to all persons who
34 submitted timely notices of claim to the authority. Each notice shall
35 state the date of its mailing. Failure by the authority to mail a
36 timely written notice regarding any particular claim or portion thereof

1 shall be deemed a rejection, which shall be mailed one hundred eighty
2 days after the effective date of this section.

3 (4) No person may commence any legal proceeding of any kind against
4 the authority to enforce any claim accruing on or before the effective
5 date of this section unless that person or his or her predecessor in
6 interest timely submitted a notice of claim containing the required
7 information with respect to such claim and such claim was rejected or
8 deemed rejected by the authority no more than sixty days prior to the
9 date such legal proceeding commenced. Failure by the authority to
10 provide timely or complete notice or notifications shall not affect the
11 limitation on legal proceedings imposed by this section.

12 (5) This section does not apply: (a) To any claim for payment of
13 principal of, or interest or premium on, a bond secured by the
14 authority's pledge of revenue from any tax or fee the authority was
15 authorized, prior to the effective date of this section, to levy; (b)
16 to the extent the claim was asserted prior to the effective date of
17 this section, through a legal proceeding before a tribunal with
18 jurisdiction; (c) for payment of a claim accepted by the authority
19 under subsection (3) of this section; or (d) for payment of a
20 dissolution expense.

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

23 (1) No person may commence any legal proceeding of any kind against
24 the authority to enforce any claim accruing after the effective date of
25 this section, including, but not limited to, a claim for payment of
26 either a claim accepted by the authority under section 2(3) of this act
27 or a dissolution expense, if that legal proceeding is not commenced
28 before the date the city council files the certificate of dissolution
29 with the secretary of state.

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

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

36 (1) No earlier than two years after the effective date of this

1 section, the city council shall file on behalf of the authority a
2 notice of intent to dissolve with the secretary of state. The notice
3 of intent to dissolve shall state that the authority has satisfied the
4 obligations and liabilities of the authority and ceased imposing and
5 collecting the taxes and fees authorized under RCW 35.95A.080.

6 (2) Upon the filing of the intent to dissolve and satisfying or
7 providing for any outstanding dissolution expenses, any funds remaining
8 in the treasury of the city transportation authority shall, after
9 payment of all costs and expenses, be paid to the treasurer of the city
10 in which the district was created and applied to public transportation
11 purposes. All other residual assets shall also be transferred to the
12 city by the appropriate instruments, together with an itemized
13 description thereof. The city may use the residual assets for any
14 other purpose, after transferring from its general fund to a city fund
15 dedicated to transportation purposes, an amount reasonably equivalent
16 to the fair market value of each asset being applied to a purpose other
17 than transportation.

18 (3) After the authority has transferred, or provided for the
19 transfer of remaining funds and residual assets to the city, the city
20 council shall file on behalf of the authority a written certificate of
21 dissolution with the secretary of state. Upon filing of the
22 certificate of dissolution, the authority's existence shall terminate
23 and no longer exist as an entity.

24 (4) The transfer of funds and residual assets to the city shall not
25 result in any liability of the city for any obligation or liability of
26 the authority.

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

29 (1) All local governmental entities, whether acting in a
30 governmental or proprietary capacity, shall be liable for damages
31 arising out of their tortious conduct, or the tortious conduct of their
32 past or present officers, employees, or volunteers while performing or
33 in good faith purporting to perform their official duties, to the same
34 extent as if they were a private person or corporation. Filing a claim
35 for damages within the time allowed by law shall be a condition
36 precedent to the commencement of any action claiming damages, except
37 for any action claiming damages against a city transportation authority

1 under chapter 35.95A RCW. The laws specifying the content for such
2 claims shall be liberally construed so that substantial compliance
3 therewith will be deemed satisfactory.

4 (2) Unless the context clearly requires otherwise, for the purposes
5 of this chapter, "local governmental entity" means a county, city,
6 town, special district, municipal corporation as defined in RCW
7 39.50.010, quasi-municipal corporation, or public hospital.

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

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

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

15 (2) The governing body of each local (~~government~~~~[governmental]~~)
16 governmental entity shall appoint an agent to receive any claim for
17 damages made under this chapter. The identity of the agent and the
18 address where he or she may be reached during the normal business hours
19 of the local governmental entity are public records and shall be
20 recorded with the auditor of the county in which the entity is located.
21 All claims for damages against a local governmental entity shall be
22 presented to the agent within the applicable period of limitations
23 within which an action must be commenced.

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

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

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

9 Whenever any of the following described actions are proposed in a
10 county in which a board has been established, the initiators of the
11 action shall file within one hundred eighty days a notice of intention
12 with the board: PROVIDED, That when the initiator is the legislative
13 body of a governmental unit, the notice of intention may be filed
14 immediately following the body's first acceptance or approval of the
15 action. The board may review any such proposed actions pertaining to:

16 (1) The: (a) Creation, incorporation, or change in the boundary,
17 other than a consolidation, of any city, town, or special purpose
18 district; (b) consolidation of special purpose districts, but not
19 including consolidation of cities and towns; or (c) dissolution or
20 disincorporation of any city, town, or special purpose district, except
21 that a board may not review the dissolution or disincorporation of a
22 special purpose district which was dissolved or disincorporated
23 pursuant to the provisions of chapters 35.95A and 36.96 RCW: PROVIDED,
24 That the change in the boundary of a city or town arising from the
25 annexation of contiguous city or town owned property held for a public
26 purpose shall be exempted from the requirements of this section; or

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

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

33 (4) The extension of permanent water or sewer service outside of
34 its existing service area by a city, town, or special purpose district.
35 The service area of a city, town, or special purpose district shall
36 include all of the area within its corporate boundaries plus, (a) for
37 extensions of water service, the area outside of the corporate

1 boundaries which it is designated to serve pursuant to a coordinated
2 water system plan approved in accordance with RCW 70.116.050; and (b)
3 for extensions of sewer service, the area outside of the corporate
4 boundaries which it is designated to serve pursuant to a comprehensive
5 sewerage plan approved in accordance with chapter 36.94 RCW and RCW
6 90.48.110.

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

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

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

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

15 **Sec. 9.** RCW 35.95A.050 and 2002 c 248 s 5 are each amended to read
16 as follows:

17 (1) Every authority has the following powers:

18 ~~((1) To acquire by purchase, condemnation, gift, or grant and to~~
19 ~~lease, construct, add to, improve, replace, repair, maintain, operate,~~
20 ~~and regulate the use of public monorail transportation facilities,~~
21 ~~including passenger terminal and parking facilities and properties, and~~
22 ~~other facilities and properties as may be necessary for passenger and~~
23 ~~vehicular access to and from public monorail transportation facilities,~~
24 ~~together with all lands, rights of way, and property within or outside~~
25 ~~the authority area, and together with equipment and accessories~~
26 ~~necessary or appropriate for these facilities, except that property,~~
27 ~~including but not limited to other types of public transportation~~
28 ~~facilities, that is owned by any city, county, county transportation~~
29 ~~authority, public transportation benefit area, metropolitan municipal~~
30 ~~corporation, or regional transit authority may be acquired or used by~~
31 ~~an authority only with the consent of the public entity owning the~~
32 ~~property. The entities are authorized to convey or lease property to~~
33 ~~an authority or to contract for their joint use on terms fixed by~~
34 ~~agreement between the entity and the authority;~~

35 ~~(2) To fix rates, tolls, fares, and charges for the use of~~
36 ~~facilities and to establish various routes and classes of service.~~

1 Rates, tolls, fares, or charges may be adjusted or eliminated for any
2 distinguishable class of users including, but not limited to, senior
3 citizens and handicapped persons;

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

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

22 (b) If the governing body of the city transportation authority
23 decides to proceed with the consideration of qualifications or
24 proposals for services from qualified vendors, the authority must
25 publish notice of its requirements and request submission of
26 qualifications statements or proposals. The notice must be published
27 in the official newspaper of the city creating the authority at least
28 once a week for two weeks, not less than sixty days before the final
29 date for the submission of qualifications statements or proposals. The
30 notice must state in summary form: (i) The general scope and nature of
31 the design, construction, operation, maintenance, or other services
32 being sought related to the development of the proposed monorail, tram,
33 or trolley public transportation system; (ii) the name and address of
34 a representative of the city transportation authority who can provide
35 further details; (iii) the final date for the submission of
36 qualifications statements or proposals; (iv) an estimated schedule for
37 the consideration of qualifications statements or proposals, the
38 selection of vendors, and the negotiation of a contract or contracts

1 for services; (v) the location of which a copy of any requests for
2 qualifications statements or requests for proposals will be made
3 available; and (vi) the criteria established by the governing body of
4 the authority to select a vendor or vendors, which may include, but is
5 not limited to, the vendor's prior experience, including design,
6 construction, operation, or maintenance of other similar public
7 transportation facilities, respondent's management capabilities,
8 proposed project schedule, availability and financial resources, costs
9 of the services to be provided, nature of facility design proposed by
10 the vendors, system reliability, performance standards required for the
11 facilities, compatibility with existing public transportation
12 facilities operated by the authority or any other public body or other
13 providers of similar services to the public, project performance
14 guarantees, penalties, and other enforcement provisions, environmental
15 protection measures to be used by the vendor, consistency with the
16 applicable regional transportation plans, and the proposed allocation
17 of project risks.

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

37 (d) Based on the criteria established by the governing body of the
38 authority, the representative will recommend to the governing body a

1 ~~vendor or vendors that are initially determined to be the best~~
2 ~~qualified to provide one or more of the design, construction, operation~~
3 ~~or maintenance, or other service related to the development of the~~
4 ~~proposed monorail public transportation system.~~

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

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

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

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

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

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

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

22 ~~(5) To acquire any existing public transportation facility by~~
23 ~~conveyance, sale, or lease. In any acquisition from a county, city, or~~
24 ~~other political subdivision of the state, the authority will receive~~
25 ~~credit from the county or city or other political subdivision for any~~
26 ~~federal assistance and state matching assistance used by the county or~~
27 ~~city or other political subdivision in acquiring any portion of the~~
28 ~~public transportation facility. Upon acquisition, the authority must~~
29 ~~assume and observe all existing labor contracts relating to the public~~
30 ~~transportation facility and, to the extent necessary for operation of~~
31 ~~the public transportation facility, all of the employees of the public~~
32 ~~transportation facility whose duties are necessary to efficiently~~
33 ~~operate the public transportation facility must be appointed to~~
34 ~~comparable positions to those which they held at the time of the~~
35 ~~transfer, and no employee or retired or pensioned employee of the~~
36 ~~public transportation facility will be placed in any worse position~~
37 ~~with respect to pension seniority, wages, sick leave, vacation, or~~
38 ~~other benefits than he or she enjoyed as an employee of the public~~

1 ~~transportation facility prior to the acquisition. Furthermore, the~~
2 ~~authority must engage in collective bargaining with the duly appointed~~
3 ~~representatives of any employee labor organization having existing~~
4 ~~contracts with the acquired facility and may enter into labor contracts~~
5 ~~with the employee labor organization;~~

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

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

27 ~~(8)) To exercise all other powers necessary and appropriate to~~
28 ~~carry out its responsibilities, including without limitation the power~~
29 ~~to sue and be sued, to own, ((construct, purchase,)) lease, add to, and~~
30 ~~maintain any real and personal property or property rights necessary~~
31 ~~for the conduct of the affairs of the authority, to enter into~~
32 ~~contracts, and to employ the persons as the authority deems~~
33 ~~appropriate. An authority may also sell, lease, convey, or otherwise~~
34 ~~dispose of any real or personal property no longer necessary for the~~
35 ~~conduct of the affairs of the authority.~~

36 (2) After the effective date of this section, an authority shall
37 exercise the powers described in subsection (1) of this section only to
38 the extent necessary to dissolve the authority.

1 **Sec. 10.** RCW 35.95A.080 and 2002 c 248 s 9 are each amended to
2 read as follows:

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

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

32 ~~(3) A "design public hearing" is a public hearing that:—(a) Is
33 held after the location is established but before the design is
34 adopted; (b) is held to afford an opportunity for participation by
35 those interested in the determination of major design features of the
36 public monorail transportation facility; and (c) provides a public
37 forum to afford a full opportunity for presenting views on the public~~

1 transportation system design, and the social, economic, and
2 environmental effects of that design and alternate designs, including
3 people mover technology.

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

13 ~~(5) Before any authority may impose any of the taxes authorized~~
14 ~~under this section, the authorization for imposition of the taxes must~~
15 ~~be approved by the qualified electors of the authority area.))~~ The
16 authority shall not levy or collect the special excise tax once the
17 debt and obligations, including judgements, of the authority have been
18 satisfied.

19 **Sec. 11.** RCW 35.95A.110 and 2002 c 248 s 12 are each amended to
20 read as follows:

21 All taxes and fees levied and collected by an authority must be
22 used solely for the purpose of dissolving the authority and paying all
23 or any part of ~~((the cost of acquiring, designing, constructing,~~
24 ~~equipping, maintaining, or operating public monorail transportation~~
25 ~~facilities or contracting for the services thereof, or to pay or secure~~
26 ~~the payment of all or part of))~~ the principal of or interest on any
27 general obligation bonds or revenue bonds issued for authority
28 purposes. ~~((Until expended, money accumulated in the funds and~~
29 ~~accounts of an authority may be invested in the manner authorized by~~
30 ~~the governing body of the authority, consistent with state law.))~~

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

1 NEW SECTION. **Sec. 12.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 35.95A.020 (Creation of authority--Vote of the people) and
4 2002 c 248 s 2;

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

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

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

11 (5) RCW 35.95A.090 (Vehicle license fees--Vote of the people) and
12 2002 c 248 s 10;

13 (6) RCW 35.95A.100 (Property tax levies) and 2002 c 248 s 11;

14 (7) RCW 35.95A.120 (Dissolution of authority) and 2003 c 147 s 14
15 & 2002 c 248 s 13; and

16 (8) RCW 35.95A.140 (Requirements for signage) and 2005 c 19 s 2.

17 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
18 each repealed:

19 (1) RCW 35.95A.010 (Definitions) and 2002 c 248 s 1;

20 (2) RCW 35.95A.050 (Powers) and 2006 c ... s 9 (section 9 of this
21 act) & 2002 c 248 s 5;

22 (3) RCW 35.95A.060 (Funds and accounts--Designation of treasurer)
23 and 2002 c 248 s 6;

24 (4) RCW 35.95A.080 (Special excise tax--Public hearings) and 2006
25 c ... s 10 (section 10 of this act) & 2002 c 248 s 9;

26 (5) RCW 35.95A.110 (Taxes and fees--Limitation on use) and 2006 c
27 ... s 11 (section 11 of this act) & 2002 c 248 s 12;

28 (6) RCW 35.95A.130 (Special excise tax--Collection) and 2002 c 248
29 s 14;

30 (7) Section 1 of this act;

31 (8) Section 2 of this act;

32 (9) Section 3 of this act; and

33 (10) Section 4 of this act.

34 NEW SECTION. **Sec. 14.** If any provision of this act or its
35 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 15.** Section 13 of this act takes effect July 1,
4 2008.

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