
HOUSE BILL 2182

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Fitzgibbon, Hargrove, Clibborn, Sullivan, Seaquist, Carlyle, Springer, and Cody

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1 AN ACT Relating to ferry districts in counties with a population of
2 one million or more; and adding a new chapter to Title 36 RCW.

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

4 PART I

5 COUNTY FERRY DISTRICT FUNCTIONS AND TAXING AUTHORITY

6 NEW SECTION. Sec. 101. Any county with a population of one
7 million or more in which a county ferry district has been established
8 pursuant to RCW 36.54.110 through 36.54.190 with boundaries coterminous
9 with the boundaries of the county may by ordinance or resolution, as
10 the case may be, of the county legislative authority assume the rights,
11 powers, functions, and obligations of such county ferry district in
12 accordance with the provisions of this chapter.

13 NEW SECTION. Sec. 102. The assumption of the rights, powers,
14 functions, and obligations of a county ferry district may be initiated
15 by the adoption of an ordinance or a resolution, as the case may be, by
16 the county legislative authority indicating its intention to conduct a
17 hearing concerning assumption of such rights, powers, functions, and

1 obligations. In the event the county legislative authority adopts such
2 an ordinance or a resolution of intention, such ordinance or resolution
3 must set a time and place at which it will consider the proposed
4 assumption of the rights, powers, functions, and obligations of the
5 county ferry district, and must state that all persons interested may
6 appear and be heard. Such ordinance or resolution of intention must
7 be published for at least two times during the two weeks next preceding
8 the scheduled hearing in newspapers of daily general circulation
9 printed or published in the county in which the county ferry district
10 is to be located.

11 NEW SECTION. **Sec. 103.** At the time scheduled for the hearing in
12 the ordinance or resolution of intention, the county legislative
13 authority must consider the assumption of the rights, powers,
14 functions, and obligations of the county ferry district, and hear those
15 appearing and all protests and objections to it. The county
16 legislative authority may continue the hearing from time to time, not
17 exceeding sixty days in all.

18 NEW SECTION. **Sec. 104.** (1) If, after receiving testimony, the
19 county legislative authority determines that the public interest or
20 welfare would be satisfied by the county assuming the rights, powers,
21 immunities, functions, and obligations of the county ferry district,
22 the county legislative authority may declare that to be its intent and
23 assume such rights, powers, immunities, functions, and obligations by
24 ordinance or resolution, as the case may be, providing thereby that the
25 county is vested with every right, power, immunity, function, and
26 obligation currently granted to or possessed by the county ferry
27 district pursuant to RCW 36.54.110 through 36.54.190 (including RCW
28 36.54.130 relating to county ferry district authority to levy and use
29 an annual ad valorem property tax) and other provisions of state law
30 applicable to county ferry districts established under RCW 36.54.110
31 through 36.54.190. However, in exercising such rights, powers,
32 immunities, functions, and obligations, all actions must be taken in
33 the name of the county and title to all property or property rights
34 vest in the county.

35 (2) Upon assumption of the rights, powers, immunities, functions,
36 and obligations of the county ferry district by the county, the

1 governing body established pursuant to the provisions of RCW
2 36.54.110(5) must be abolished; such provision must be inapplicable to
3 the county; and the county legislative authority is thereafter vested
4 with all rights, powers, immunities, functions, and obligations
5 otherwise vested by law in the governing board of the county ferry
6 district. However, in any county with a home rule charter such rights,
7 powers, functions, and obligations vest in accordance with the
8 executive and legislative responsibilities defined in such charter.

9 NEW SECTION. **Sec. 105.** Employees and personnel of the county
10 ferry district do not automatically become employees of the county.

11 NEW SECTION. **Sec. 106.** No transfer of any function made pursuant
12 to this chapter may be construed to impair or alter any existing rights
13 acquired under the provisions of RCW 36.54.110 through 36.54.190 or any
14 other provision of law relating to county ferry districts, nor as
15 impairing or altering any actions, activities, or proceedings validated
16 thereunder, nor as impairing or altering any civil or criminal
17 proceedings instituted thereunder, nor any rule, regulation, or order
18 promulgated thereunder, nor any administrative action taken thereunder;
19 and neither the assumption of control of any county ferry district
20 function by a county, nor any transfer of rights, powers, functions,
21 and obligations as provided in this chapter, may impair or alter the
22 validity of any act performed by such county ferry district or division
23 thereof or any officer thereof prior to the assumption of such rights,
24 powers, functions, and obligations by any county as authorized by this
25 chapter. Furthermore, an ad valorem property tax levy upon real and
26 personal property authorized by RCW 36.54.130 and levied by a county as
27 authorized by this chapter must be treated as a levy by a county ferry
28 district for all purposes including, but not limited to, limitations on
29 levies contained in RCW 84.52.043.

30 NEW SECTION. **Sec. 107.** (1) All rules and regulations, and all
31 pending business before the board of any county ferry district
32 transferred pursuant to the provisions of this chapter must be
33 continued and acted upon by the county.

34 (2) All existing contracts and obligations of the transferred
35 county ferry district remain in full force and effect, and must be

1 performed by the county. No transfer authorized in this chapter
2 affects the validity of any official act performed by any official or
3 employee prior to the transfer authorized pursuant to this chapter.

4 NEW SECTION. **Sec. 108.** (1) When the rights, powers, functions,
5 and obligations of a county ferry district are transferred pursuant to
6 this chapter, all real and personal property owned by the county ferry
7 district becomes that of the county.

8 (2) All reports, documents, surveys, books, records, files, papers,
9 or other writings relating to the administration of the powers, duties,
10 and functions transferred pursuant to this chapter and available to the
11 county ferry district must be made available to the county.

12 (3) All cabinets, furniture, office equipment, motor vehicles, and
13 other tangible property employed in carrying out the rights, powers,
14 functions, and obligations transferred by this chapter and available to
15 the county ferry district must be made available to the county.

16 (4) All funds, credits, or other assets held in connection with
17 powers, duties, and functions transferred under this section must be
18 assigned to the county.

19 (5) Any appropriations or federal grant made to the county ferry
20 district for the purpose of carrying out the rights, powers,
21 functions, and obligations authorized to be assumed by a county
22 pursuant to this chapter, on the effective date of such transfer, must
23 be credited to the county for the purpose of carrying out such
24 transferred rights, powers, functions, and obligations.

25 NEW SECTION. **Sec. 109.** (1) The county must assume and agree to
26 provide for the payment of all of the indebtedness of the county ferry
27 district including the payment and retirement of outstanding general
28 obligation and revenue bonds issued by the county ferry district.
29 Until the indebtedness of a county ferry district assumed by a county
30 under this chapter has been discharged, all property within the
31 boundaries of the county ferry district and the owners and occupants of
32 that property continue to be liable for taxes, special assessments, and
33 other charges legally pledged to pay the indebtedness of the county
34 ferry district. The county must assume the obligation of causing the
35 payment of such indebtedness, collecting such taxes, assessments, and
36 charges, and observing and performing the other contractual obligations

1 of the county ferry district. The legislative authority of the county
2 must act in the same manner as the governing body of the county ferry
3 district for the purpose of certifying the amount of any property tax
4 to be levied and collected therein, and may cause service and other
5 charges and assessments to be collected from such property or owners or
6 occupants thereof, enforce such collection, and perform all acts
7 necessary to ensure performance of the contractual obligations of the
8 county ferry district in the same manner and by the same means as if
9 the property of the county ferry district had not been acquired by the
10 county.

11 (2) When a county assumes the obligation of paying indebtedness of
12 a county ferry district and if property taxes or assessments have been
13 levied and service and other charges have accrued for such purpose but
14 have not been collected by the county ferry district prior to such
15 assumption, the same when collected must belong and be paid to the
16 county and be used by such county so far as necessary for payment of
17 the indebtedness of the county ferry district existing and unpaid on
18 the date such county assumed that indebtedness. Any funds received by
19 the county which have been collected for the purpose of paying any
20 bonded or other indebtedness of the county ferry district must be used
21 for the purpose for which they were collected and for no other purpose
22 until such indebtedness has been paid and retired or adequate provision
23 has been made for such payment and retirement. Any funds remaining
24 after the payment and retirement of such indebtedness must be used
25 solely for carrying out the rights, powers, functions, and obligations
26 of the county ferry district assumed by the county. No transfer of
27 property as provided in this chapter derogates from the claims or
28 rights of the creditors of the county ferry district or impair the
29 ability of the county ferry district to respond to its debts and
30 obligations.

31 **PART II**
32 **MISCELLANEOUS PROVISIONS**

33 NEW SECTION. **Sec. 201.** Sections 101 through 109 of this act
34 constitute a new chapter in Title 36 RCW.

1 NEW SECTION. **Sec. 202.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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