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**SUBSTITUTE SENATE BILL 6216**

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**State of Washington                      63rd Legislature                      2014 Regular Session**

**By Senate Transportation (originally sponsored by Senators Eide and King)**

READ FIRST TIME 01/30/14.

1            AN ACT Relating to county ferries; and adding a new chapter to  
2 Title 36 RCW.

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

4            NEW SECTION.    **Sec. 1.** Any county with a population of one million  
5 or more in which a county ferry district has been established pursuant  
6 to RCW 36.54.110 through 36.54.190 with boundaries coterminous with the  
7 boundaries of the county may by ordinance or resolution of the county  
8 legislative authority assume the rights, powers, functions, and  
9 obligations of the county ferry district in accordance with this  
10 chapter.

11           NEW SECTION.    **Sec. 2.** The assumption of the rights, powers,  
12 functions, and obligations of a county ferry district may be initiated  
13 by the adoption of an ordinance or a resolution by the county  
14 legislative authority indicating its intention to conduct a hearing  
15 concerning the assumption of such rights, powers, functions, and  
16 obligations. If the county legislative authority adopts such an  
17 ordinance or a resolution of intention, the ordinance or resolution  
18 must set a time and place at which the county legislative authority

1 will consider the proposed assumption of the rights, powers, functions,  
2 and obligations of the county ferry district, and must state that all  
3 persons interested may appear and be heard. The ordinance or  
4 resolution of intention must be published at least two times during the  
5 two weeks preceding the scheduled hearing in newspapers of daily  
6 general circulation printed or published in the county in which the  
7 county ferry district is to be located.

8 NEW SECTION. **Sec. 3.** At the time scheduled for the hearing in the  
9 ordinance or resolution of intention, the county legislative authority  
10 must consider the assumption of the rights, powers, functions, and  
11 obligations of the county ferry district and hear those appearing and  
12 all protests and objections to it. The county legislative authority  
13 may continue the hearing from time to time, not exceeding sixty days in  
14 all.

15 NEW SECTION. **Sec. 4.** (1) If, after receiving testimony, the  
16 county legislative authority determines that the public interest or  
17 welfare would be satisfied by the county assuming the rights, powers,  
18 immunities, functions, and obligations of the county ferry district,  
19 the county legislative authority may declare that to be its intent and  
20 assume such rights, powers, immunities, functions, and obligations by  
21 ordinance or resolution, providing that the county is vested with every  
22 right, power, immunity, function, and obligation currently granted to  
23 or possessed by the county ferry district pursuant to RCW 36.54.110  
24 through 36.54.190. However, in exercising such rights, powers,  
25 immunities, functions, and obligations, all actions must be taken in  
26 the name of the county and title to all property or property rights  
27 vest in the county.

28 (2) Upon assumption of the rights, powers, immunities, functions,  
29 and obligations of the county ferry district by the county: The  
30 governing body established pursuant to RCW 36.54.110(5) must be  
31 abolished; RCW 36.54.110(5) does not apply to the county; and the  
32 county legislative authority is vested with all rights, powers,  
33 immunities, functions, and obligations otherwise vested by law in the  
34 governing board of the county ferry district. However, in any county  
35 with a home rule charter, such rights, powers, functions, and

1 obligations vest in accordance with the executive and legislative  
2 responsibilities defined in such charter.

3 NEW SECTION. **Sec. 5.** Employees and personnel of the county ferry  
4 district do not automatically become employees of the county.

5 NEW SECTION. **Sec. 6.** No transfer of any function made pursuant to  
6 this chapter may be construed to impair or alter any existing rights  
7 acquired under RCW 36.54.110 through 36.54.190 or any other provision  
8 of law relating to county ferry districts, nor as impairing or altering  
9 any actions, activities, or proceedings validated thereunder, nor as  
10 impairing or altering any civil or criminal proceedings instituted  
11 thereunder, nor any rule, regulation, or order promulgated thereunder,  
12 nor any administrative action taken thereunder; and neither the  
13 assumption of control of any county ferry district function by a  
14 county, nor any transfer of rights, powers, functions, and obligations  
15 as provided in this chapter, may impair or alter the validity of any  
16 act performed by such county ferry district or division thereof or any  
17 officer thereof prior to the assumption of such rights, powers,  
18 functions, and obligations by any county as authorized by this chapter.  
19 Furthermore, an ad valorem property tax levy upon real and personal  
20 property authorized under RCW 36.54.130 and levied by a county as  
21 authorized under this chapter must be treated as a levy by a county  
22 ferry district for all purposes including, but not limited to,  
23 limitations on levies contained in RCW 84.52.043.

24 NEW SECTION. **Sec. 7.** (1) All rules and regulations, and all  
25 pending business before the board of any county ferry district  
26 transferred pursuant to this chapter must be continued and acted upon  
27 by the county.

28 (2) All existing contracts and obligations of the transferred  
29 county ferry district remain in full force and effect, and must be  
30 performed by the county. A transfer authorized in this chapter does  
31 not affect the validity of any official act performed by any official  
32 or employee prior to the transfer authorized pursuant to this chapter.

33 NEW SECTION. **Sec. 8.** (1) When the rights, powers, functions, and

1 obligations of a county ferry district are transferred pursuant to this  
2 chapter, all real and personal property owned by the county ferry  
3 district becomes that of the county.

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

8 (3) All cabinets, furniture, office equipment, motor vehicles, and  
9 other tangible property employed in carrying out the rights, powers,  
10 functions, and obligations transferred under this chapter and available  
11 to the county ferry district must be made available to the county.

12 (4) All funds, credits, or other assets held in connection with  
13 powers, duties, and functions transferred under this chapter must be  
14 assigned to the county.

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

21 NEW SECTION. **Sec. 9.** (1) The county must assume and agree to  
22 provide for the payment of all of the indebtedness of the county ferry  
23 district, including the payment and retirement of outstanding general  
24 obligation and revenue bonds issued by the county ferry district.  
25 Until the indebtedness of a county ferry district assumed by a county  
26 under this chapter has been discharged, all property within the  
27 boundaries of the county ferry district and the owners and occupants of  
28 that property continue to be liable for taxes, special assessments, and  
29 other charges legally pledged to pay the indebtedness of the county  
30 ferry district. The county must assume the obligation of causing the  
31 payment of such indebtedness, collecting such taxes, assessments, and  
32 charges, and observing and performing the other contractual obligations  
33 of the county ferry district. The legislative authority of the county  
34 must act in the same manner as the governing body of the county ferry  
35 district for the purpose of certifying the amount of any property tax  
36 to be levied and collected therein, and may cause service and other  
37 charges and assessments to be collected from such property or owners or

1 occupants thereof, enforce such collection, and perform all acts  
2 necessary to ensure performance of the contractual obligations of the  
3 county ferry district in the same manner and by the same means as if  
4 the property of the county ferry district had not been acquired by the  
5 county.

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

26 NEW SECTION. **Sec. 10.** If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the act or the application of the provision to other  
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 11.** Sections 1 through 10 of this act  
31 constitute a new chapter in Title 36 RCW.

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