
HOUSE BILL 1962

State of Washington 58th Legislature 2003 Regular Session

By Representatives Murray, Jarrett and Hudgins

Read first time 02/18/2003. Referred to Committee on Transportation.

1 AN ACT Relating to city transportation authorities for monorail
2 transportation; amending RCW 35.95A.030 and 35.95A.120; adding a new
3 section to chapter 35.95A RCW; prescribing penalties; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 35.95A.030 and 2002 c 248 s 3 are each amended to read
7 as follows:

8 (1) A city that undertakes to propose creation of an authority must
9 propose the authority by ordinance of the city legislative body. The
10 ordinance must:

11 (a) Propose the authority area and the size and method of selection
12 of the governing body of the authority, which governing body may be
13 appointed or elected, provided that officers or employees of any single
14 city government body may not compose a majority of the members of the
15 authority's governing body;

16 (b) Propose whether all or a specified portion of the public
17 monorail transportation function will be exercised by the authority;

18 (c) Propose an initial array of taxes to be voted upon by the
19 electors within the proposed authority area; and

1 (d) Provide for an interim governing body of the authority which
2 will govern the authority upon voter approval of formation of the
3 authority, until a permanent governing body is selected(~~(, but in no~~
4 ~~event longer than fourteen months))~~ to take office on the first Monday
5 of January 2004. The permanent governing authority consists of nine
6 nonpartisan members, with seven members appointed by the mayor of the
7 city, confirmed by the legislative authority of the city and two
8 members elected at large at the November 2003 general election. Board
9 members serve four-year terms ending on the first Monday in January.
10 For initial appointments by the mayor, terms of three members end in
11 2006, and terms of four members end in 2008. For the elected positions
12 on the board, the initial term of office for one position ends in 2006,
13 and the other position ends in 2008. A member appointed by the mayor
14 may be removed from the board at the request of the mayor and with the
15 approval of two-thirds of the city council.

16 (2) An authority may also be proposed to be created by a petition
17 setting forth the matters described in subsection (1) of this section,
18 and signed by one percent of the qualified electors of the proposed
19 authority area.

20 (3) Upon approval by the qualified electors of the formation of the
21 city transportation authority and any proposed taxes, either by
22 ordinance or by petition as provided in this chapter, the governing
23 body of an authority, or interim governing body, as applicable, will
24 adopt bylaws determining, among other things, the authority's officers
25 and the method of their selection, and other matters the governing body
26 deems appropriate.

27 **Sec. 2.** RCW 35.95A.120 and 2002 c 248 s 13 are each amended to
28 read as follows:

29 The city transportation authority may be dissolved by a vote of the
30 people residing within the boundaries of the authority if the authority
31 is faced with significant financial problems. However, the authority
32 may covenant with holders of its bonds that it may not be dissolved and
33 shall continue to exist solely for the purpose of continuing to levy
34 and collect any taxes or assessments levied by it and pledged to the
35 repayment of debt and to take other actions, including the appointment
36 of a trustee, as necessary to allow it to repay any remaining debt.
37 Any referendum petition to dissolve the city transportation authority

1 must be filed with the city council and contain provisions for
2 dissolution of the authority. Within seven days, the city prosecutor
3 must review the validity of the petition and submit its report to the
4 petitioner and city council. If the petitioner's claims are deemed
5 valid by the city prosecutor, within ten days of the petitioner's
6 filing, the city council will confer with the petitioner concerning the
7 form and style of the petition, issue an identification number for the
8 petition, and write a ballot title for the measure. The ballot title
9 must be posed as a question and an affirmative vote on the measure
10 results in authority retention and a negative vote on the measure
11 results in the authority's dissolution. The petitioner will be
12 notified of the identification number and ballot title within this ten-
13 day period.

14 After this notification, the petitioner has (~~ninety~~) one hundred
15 eighty days in which to secure on petition forms, the signatures of not
16 less than (~~fifteen~~) ten percent of the registered voters in the
17 authority area who voted in the last mayoral election and to file the
18 signed petitions with the filing officer. Each petition form must
19 contain the ballot title and the full text of the measure to be
20 referred. The filing officer will verify the sufficiency of the
21 signatures on the petitions. If sufficient valid signatures are
22 properly submitted, the filing officer shall submit the initiative to
23 the authority area voters at a general or special election held on one
24 of the dates provided in RCW 29.13.010 as determined by the city
25 council, which election will not take place later than one hundred
26 twenty days after the signed petition has been filed with the filing
27 officer.

28 NEW SECTION. Sec. 3. A new section is added to chapter 35.95A RCW
29 to read as follows:

30 (1) It is a violation of this chapter for a resident of the
31 authority area to register a motor vehicle owned by the resident
32 outside the authority area where the registration is for the purpose of
33 evading the collection of the special excise tax levied by the
34 authority for the privilege of using a motor vehicle under RCW
35 35.95A.080(1). When a violation of this chapter occurs, the resident
36 of the authority area is subject to a civil penalty equal to three
37 times the amount of the evaded special excise tax. For purposes of

1 this subsection, each and every time a registration is made with the
2 intent to evade the special excise tax constitutes a separate and
3 distinct violation.

4 (2) A city transportation authority may impose civil penalties in
5 accordance with this chapter and the procedural requirements providing
6 for notice, hearing, and review contained in chapter 34.05 RCW. An
7 authority shall adopt a formal policy to implement the required
8 procedures.

9 (3) The penalty provided for in this section must be imposed by
10 written notice to the person against whom the civil penalty is assessed
11 and must describe the violation. The imposed penalty is due twenty-
12 eight days after the mailing of the written notice unless an
13 application for an adjudicative hearing is filed as provided for in
14 chapter 34.05 RCW and an authority's implementing policy.

15 (4) In addition to other remedies provided by law, a city
16 transportation authority may seek enforcement of a final order imposing
17 the civil penalty by filing a petition for civil enforcement in
18 accordance with RCW 34.05.578.

19 (5) Civil penalties collected must be placed into the general fund
20 of a city transportation authority and used for any lawful purpose of
21 the authority.

22 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

--- END ---