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SENATE BILL 6800

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators Hobbs, Oemig, and Haugen

Read first time 01/24/08. Referred to Committee on Transportation.

1            AN ACT Relating to the disposition of publicly owned railroad  
2 infrastructure; amending RCW 36.60.040, 36.60.050, 46.68.090,  
3 46.68.110, 46.68.120, 53.08.050, 53.36.020, 53.36.030, 53.36.070, and  
4 53.36.100; adding a new chapter to Title 81 RCW; and prescribing  
5 penalties.

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

7            NEW SECTION. **Sec. 1.** As used in this chapter, "railroad  
8 infrastructure" includes any trackage, railroad appurtenance, passenger  
9 boarding platform or station, switching yard, siding, grade crossing  
10 device, or signalization device.

11            NEW SECTION. **Sec. 2.** (1) A local government, port district, rail  
12 district, or other special purpose district may not remove or  
13 disassemble railroad infrastructure that it owns, operates, or controls  
14 within the state of Washington, except: (a) To comply with statutory  
15 obligations; (b) to immediately realign or improve the railroad  
16 infrastructure; or (c) as authorized by express, prior approval of the  
17 legislature.

1 (2) A local government, port district, rail district, or other  
2 special purpose district may not sell, lease, assign, or otherwise  
3 dispose of the whole or any part of railroad infrastructure that it  
4 owns, operates, or controls within the state of Washington, unless the  
5 sale, lease, assignment, or disposal is: (a) To a local government,  
6 port district, rail district, or other special purpose district, and  
7 subject to the restrictions of this section; (b) pursuant to an  
8 interlocal agreement among local governments, port districts, rail  
9 districts, or other special purpose districts regarding the sustained  
10 use of the railroad infrastructure; or (c) authorized by express, prior  
11 approval of the legislature.

12 (3) Subsections (1) and (2) of this section apply to railroad  
13 infrastructure: (a) That is not subject to the jurisdiction of the  
14 federal surface transportation board or its successor entity; (b) for  
15 which the jurisdiction of the federal surface transportation board, or  
16 its successor entity, has terminated; or (c) where regulation of the  
17 railroad infrastructure by the state of Washington does not interfere  
18 with interstate rail operations.

19 NEW SECTION. **Sec. 3.** (1) The department of transportation shall  
20 notify the state treasurer, the office of financial management, and the  
21 transportation committees of the house of representatives and senate,  
22 if railroad infrastructure is removed, disassembled, sold, leased,  
23 assigned, or disposed of in violation of section 2 of this act.

24 (2) The office of financial management shall report to the  
25 transportation committees of the house of representatives and senate  
26 the sources and amounts, if any, of state revenue or funding provided  
27 to any entity that violates section 2 of this act.

28 (3) If an entity that violates section 2 of this act is a local  
29 government, upon notice from the department of transportation under  
30 subsection (1) of this section, the state treasurer shall adjust  
31 distributions to the local government under RCW 46.68.090, 46.68.110,  
32 and 46.68.120 consistent with section 4(2) of this act.

33 NEW SECTION. **Sec. 4.** (1) Except as provided in subsection (3) of  
34 this section:

35 (a) A port district that violates section 2 of this act may not  
36 impose new levies or special assessments under RCW 53.08.050,

1 53.36.020, 53.36.070, or 53.36.100, or issue new bonds or special  
2 assessments under RCW 53.08.050 or 53.36.030, for ten years after the  
3 violation occurs.

4 (b) A rail district that violates section 2 of this act may not  
5 impose new levies under RCW 36.60.040, or issue new bonds under RCW  
6 36.60.050, for ten years after the violation occurs.

7 (2) A local government that violates section 2 of this act shall  
8 not receive any distribution under RCW 46.68.090, 46.68.110, or  
9 46.68.120, for ten years after the violation occurs. Any distribution  
10 not received by a local government under this section shall be  
11 distributed to the transportation 2003 account (nickel account).

12 (3) Any levy imposed by a port district or rail district under RCW  
13 53.08.050, 53.36.020, 53.36.030, 53.36.070, 53.36.100, 36.60.040, or  
14 36.60.050 prior to a violation of section 2 of this act may continue to  
15 be imposed only for as long as the port district or rail district is  
16 contractually obligated to impose the levy and no longer.

17 **Sec. 5.** RCW 36.60.040 and 1983 c 303 s 11 are each amended to read  
18 as follows:

19 A county rail district is not authorized to impose a regular ad  
20 valorem property tax levy but may, subject to section 4 of this act:

21 (1) Levy an ad valorem property tax, in excess of the one percent  
22 limitation, upon the property within the district for a one-year period  
23 to be used for operating or capital purposes whenever authorized by the  
24 voters of the district pursuant to RCW 84.52.052 and Article VII,  
25 section 2(a) of the state Constitution.

26 (2) Provide for the retirement of voter approved general obligation  
27 bonds, issued for capital purposes only, by levying bond retirement ad  
28 valorem property tax levies, in excess of the one percent limitation,  
29 whenever authorized by the voters of the district pursuant to Article  
30 VII, section 2(b) of the state Constitution and RCW 84.52.056.

31 **Sec. 6.** RCW 36.60.050 and 1983 c 303 s 12 are each amended to read  
32 as follows:

33 (1) To carry out the purpose of this chapter, a county rail  
34 district may issue general obligation bonds, not to exceed an amount,  
35 together with any outstanding nonvoter approved general obligation  
36 indebtedness, equal to three-eighths of one percent of the value of

1 taxable property within the district, as the term "value of taxable  
2 property" is defined in RCW 39.36.015. A county rail district may  
3 additionally issue general obligation bonds for capital purposes only,  
4 together with any outstanding general obligation indebtedness, not to  
5 exceed an amount equal to one and one-fourth percent of the value of  
6 the taxable property within the district, as the term "value of taxable  
7 property" is defined in RCW 39.36.015, as prescribed in Article VIII,  
8 section 6 of the state Constitution, and to provide for the retirement  
9 thereof by excess property tax levies as provided in RCW 36.60.040(2).  
10 The county rail district may submit a single proposition to the voters  
11 which, if approved, authorizes both the issuance of the bonds and the  
12 bond retirement property tax levies.

13 (2) General obligation bonds with a maturity in excess of forty  
14 years shall not be issued. The governing body of the county rail  
15 district shall by resolution determine for each general obligation bond  
16 issue the amount, date or dates, terms, conditions, denominations,  
17 interest rate or rates, which may be fixed or variable, maturity or  
18 maturities, redemption rights, registration privileges, manner of  
19 execution, price, manner of sale, and covenants. The bonds may be in  
20 any form, including bearer bonds or registered bonds. Facsimile  
21 signatures may be used on the bonds and any coupons. Refunding general  
22 obligation bonds may be issued in the same manner as general obligation  
23 bonds are issued.

24 (3) Whenever general obligation bonds are issued to fund specific  
25 projects or enterprises that generate revenues, charges, user fees, or  
26 special assessments, the county rail district which issues the bonds  
27 may specifically pledge all or a portion of the revenues, charges, user  
28 fees, or special assessments to refund the general obligation bonds.

29 (4) The authority to issue bonds under this section is subject to  
30 section 4 of this act.

31 **Sec. 7.** RCW 46.68.090 and 2005 c 314 s 103 are each amended to  
32 read as follows:

33 (1) All moneys that have accrued or may accrue to the motor vehicle  
34 fund from the motor vehicle fuel tax and special fuel tax shall be  
35 first expended for purposes enumerated in (a) and (b) of this  
36 subsection. The remaining net tax amount shall be distributed monthly

1 by the state treasurer in accordance with subsections (2) through  
2 (~~(7)~~) (9) of this section.

3 (a) For payment of refunds of motor vehicle fuel tax and special  
4 fuel tax that has been paid and is refundable as provided by law;

5 (b) For payment of amounts to be expended pursuant to  
6 appropriations for the administrative expenses of the offices of state  
7 treasurer, state auditor, and the department of licensing of the state  
8 of Washington in the administration of the motor vehicle fuel tax and  
9 the special fuel tax, which sums shall be distributed monthly.

10 (2) All of the remaining net tax amount collected under RCW  
11 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a)  
12 through (j) of this section.

13 (a) For distribution to the motor vehicle fund an amount equal to  
14 44.387 percent to be expended for highway purposes of the state as  
15 defined in RCW 46.68.130;

16 (b) For distribution to the special category C account, hereby  
17 created in the motor vehicle fund, an amount equal to 3.2609 percent to  
18 be expended for special category C projects. Special category C  
19 projects are category C projects that, due to high cost only, will  
20 require bond financing to complete construction.

21 The following criteria, listed in order of priority, shall be used  
22 in determining which special category C projects have the highest  
23 priority:

- 24 (i) Accident experience;
- 25 (ii) Fatal accident experience;
- 26 (iii) Capacity to move people and goods safely and at reasonable  
27 speeds without undue congestion; and
- 28 (iv) Continuity of development of the highway transportation  
29 network.

30 Moneys deposited in the special category C account in the motor  
31 vehicle fund may be used for payment of debt service on bonds the  
32 proceeds of which are used to finance special category C projects under  
33 this subsection (2)(b);

34 (c) For distribution to the Puget Sound ferry operations account in  
35 the motor vehicle fund an amount equal to 2.3283 percent;

36 (d) For distribution to the Puget Sound capital construction  
37 account in the motor vehicle fund an amount equal to 2.3726 percent;

1 (e) For distribution to the urban arterial trust account in the  
2 motor vehicle fund an amount equal to 7.5597 percent;

3 (f) For distribution to the transportation improvement account in  
4 the motor vehicle fund an amount equal to 5.6739 percent and expended  
5 in accordance with RCW 47.26.086;

6 (g) For distribution to the cities and towns from the motor vehicle  
7 fund an amount equal to 10.6961 percent in accordance with RCW  
8 46.68.110;

9 (h) For distribution to the counties from the motor vehicle fund an  
10 amount equal to 19.2287 percent: (i) Out of which there shall be  
11 distributed from time to time, as directed by the department of  
12 transportation, those sums as may be necessary to carry out the  
13 provisions of RCW 47.56.725; and (ii) less any amounts appropriated to  
14 the county road administration board to implement the provisions of RCW  
15 47.56.725(4), with the balance of such county share to be distributed  
16 monthly as the same accrues for distribution in accordance with RCW  
17 46.68.120;

18 (i) For distribution to the county arterial preservation account,  
19 hereby created in the motor vehicle fund an amount equal to 1.9565  
20 percent. These funds shall be distributed by the county road  
21 administration board to counties in proportions corresponding to the  
22 number of paved arterial lane miles in the unincorporated area of each  
23 county and shall be used for improvements to sustain the structural,  
24 safety, and operational integrity of county arterials. The county road  
25 administration board shall adopt reasonable rules and develop policies  
26 to implement this program and to assure that a pavement management  
27 system is used;

28 (j) For distribution to the rural arterial trust account in the  
29 motor vehicle fund an amount equal to 2.5363 percent and expended in  
30 accordance with RCW 36.79.020.

31 (3) The remaining net tax amount collected under RCW 82.36.025(2)  
32 and 82.38.030(2) shall be distributed to the transportation 2003  
33 account (nickel account).

34 (4) The remaining net tax amount collected under RCW 82.36.025(3)  
35 and 82.38.030(3) shall be distributed as follows:

36 (a) 8.3333 percent shall be distributed to the incorporated cities  
37 and towns of the state in accordance with RCW 46.68.110;

1 (b) 8.3333 percent shall be distributed to counties of the state in  
2 accordance with RCW 46.68.120; and

3 (c) The remainder shall be distributed to the transportation  
4 partnership account created in RCW 46.68.290.

5 (5) The remaining net tax amount collected under RCW 82.36.025(4)  
6 and 82.38.030(4) shall be distributed as follows:

7 (a) 8.3333 percent shall be distributed to the incorporated cities  
8 and towns of the state in accordance with RCW 46.68.110;

9 (b) 8.3333 percent shall be distributed to counties of the state in  
10 accordance with RCW 46.68.120; and

11 (c) The remainder shall be distributed to the transportation  
12 partnership account created in RCW 46.68.290.

13 (6) The remaining net tax amount collected under RCW 82.36.025 (5)  
14 and (6) and 82.38.030 (5) and (6) shall be distributed to the  
15 transportation partnership account created in RCW 46.68.290.

16 (7) Nothing in this section or in RCW 46.68.130 may be construed so  
17 as to violate any terms or conditions contained in any highway  
18 construction bond issues now or hereafter authorized by statute and  
19 whose payment is by such statute pledged to be paid from any excise  
20 taxes on motor vehicle fuel and special fuels.

21 (8) Any distribution to a local government under this section is  
22 subject to section 4 of this act.

23 (9) The distributions under this section are not rights or  
24 entitlements.

25 **Sec. 8.** RCW 46.68.110 and 2007 c 148 s 1 are each amended to read  
26 as follows:

27 Funds credited to the incorporated cities and towns of the state as  
28 set forth in RCW 46.68.090 shall be subject to deduction and  
29 distribution as follows:

30 (1) One and one-half percent of such sums distributed under RCW  
31 46.68.090 shall be deducted monthly as such sums are credited and set  
32 aside for the use of the department of transportation for the  
33 supervision of work and expenditures of such incorporated cities and  
34 towns on the city and town streets thereof, including the supervision  
35 and administration of federal-aid programs for which the department of  
36 transportation has responsibility: PROVIDED, That any moneys so

1 retained and not expended shall be credited in the succeeding biennium  
2 to the incorporated cities and towns in proportion to deductions herein  
3 made;

4 (2) Thirty-three one-hundredths of one percent of such funds  
5 distributed under RCW 46.68.090 shall be deducted monthly, as such  
6 funds accrue, and set aside for the use of the department of  
7 transportation for the purpose of funding the cities' share of the  
8 costs of highway jurisdiction studies and other studies. Any funds so  
9 retained and not expended shall be credited in the succeeding biennium  
10 to the cities in proportion to the deductions made;

11 (3) One percent of such funds distributed under RCW 46.68.090 shall  
12 be deducted monthly, as such funds accrue, to be deposited in the small  
13 city pavement and sidewalk account, to implement the city hardship  
14 assistance program, as provided in RCW 47.26.164. However, any moneys  
15 so retained and not required to carry out the program under this  
16 subsection as of July 1st of each odd-numbered year thereafter, shall  
17 be retained in the account and used for maintenance, repair, and  
18 resurfacing of city and town streets for cities and towns with a  
19 population of less than five thousand;

20 (4) Any distribution to a local government under this section is  
21 subject to section 4 of this act.

22 **Sec. 9.** RCW 46.68.120 and 1991 sp.s. c 15 s 47 are each amended to  
23 read as follows:

24 Funds to be paid to the counties of the state shall be subject to  
25 deduction and distribution as follows:

26 (1) One and one-half percent of such funds shall be deducted  
27 monthly as such funds accrue and set aside for the use of the  
28 department of transportation and the county road administration board  
29 for the supervision of work and expenditures of such counties on the  
30 county roads thereof, including the supervision and administration of  
31 federal-aid programs for which the department of transportation has  
32 responsibility: PROVIDED, That any funds so retained and not expended  
33 shall be credited in the succeeding biennium to the counties in  
34 proportion to deductions herein made;

35 (2) All sums required to be repaid to counties composed entirely of  
36 islands shall be deducted;



1 (3) Thirty-three one-hundredths of one percent of such funds shall  
2 be deducted monthly, as such funds accrue, and set aside for the use of  
3 the department of transportation for the purpose of funding the  
4 counties' share of the costs of highway jurisdiction studies and other  
5 studies. Any funds so retained and not expended shall be credited in  
6 the succeeding biennium to the counties in proportion to the deductions  
7 made;

8 (4) The balance of such funds remaining to the credit of counties  
9 after such deductions shall be paid to the several counties monthly, as  
10 such funds accrue, in accordance with RCW 46.68.122 and 46.68.124;

11 (5) Any distribution to a local government under this section is  
12 subject to section 4 of this act.

13 **Sec. 10.** RCW 53.08.050 and 1983 c 167 s 132 are each amended to  
14 read as follows:

15 (1) A district may establish local improvement districts within the  
16 district, and levy special assessments, in annual installments  
17 extending over a period not exceeding ten years on all property  
18 specially benefited by the local improvement, on the basis of special  
19 benefits, to pay in whole or in part the damages or costs of the local  
20 improvement, and issue local improvement bonds to be paid from local  
21 improvement assessments. The levy and collection of such assessments  
22 and issuance of such bonds shall be as provided for the levy and  
23 collection of local improvement assessments and the issuance of local  
24 improvement bonds by cities and towns, insofar as consistent with this  
25 title: PROVIDED, That the duties of the treasurers of such cities and  
26 towns in connection therewith shall be performed by the county  
27 treasurer. Such bonds may be in any form, including bearer bonds or  
28 registered bonds as provided in RCW 39.46.030.

29 (2) Notwithstanding subsection (1) of this section, such bonds may  
30 be issued and sold in accordance with chapter 39.46 RCW.

31 (3) The authority to impose levies or issue bonds under this  
32 section is subject to section 4 of this act.

33 **Sec. 11.** RCW 53.36.020 and 1973 1st ex.s. c 195 s 56 are each  
34 amended to read as follows:

35 Subject to section 4 of this act, a district may raise revenue by  
36 levy of an annual tax not to exceed forty-five cents per thousand

1 dollars of assessed value against the assessed valuation of the taxable  
2 property in such port district for general port purposes, including the  
3 establishment of a capital improvement fund for future capital  
4 improvements, except that any levy for the payment of the principal and  
5 interest of the general bonded indebtedness of the port district shall  
6 be in excess of any levy made by the port district under the forty-five  
7 cents per thousand dollars of assessed value limitation. The levy  
8 shall be made and taxes collected in the manner provided for the levy  
9 and collection of taxes in school districts of the first class.

10 **Sec. 12.** RCW 53.36.030 and 1996 c 66 s 1 are each amended to read  
11 as follows:

12 (1)(a) Except as provided in (b) of this subsection, a port  
13 district may at any time contract indebtedness or borrow money for  
14 district purposes and may issue general obligation bonds therefor not  
15 exceeding an amount, together with any existing indebtedness of the  
16 district not authorized by the voters, of one-fourth of one percent of  
17 the value of the taxable property in the district.

18 (b) Port districts having less than eight hundred million dollars  
19 in value of taxable property during 1991 may at any time contract  
20 indebtedness or borrow money for port district purposes and may issue  
21 general obligation bonds therefor not exceeding an amount, combined  
22 with existing indebtedness of the district not authorized by the  
23 voters, of three-eighths of one percent of the value of the taxable  
24 property in the district. Prior to contracting for any indebtedness  
25 authorized by this subsection (1)(b), the port district must have a  
26 comprehensive plan for harbor improvements or industrial development  
27 and a long-term financial plan approved by the department of community,  
28 trade, and economic development. The department of community, trade,  
29 and economic development is immune from any liability for its part in  
30 reviewing or approving port district's improvement or development  
31 plans, or financial plans. Any indebtedness authorized by this  
32 subsection (1)(b) may be used only to acquire or construct a facility,  
33 and, prior to contracting for such indebtedness, the port district must  
34 have a lease contract for a minimum of five years for the facility to  
35 be acquired or constructed by the debt.

36 (2) With the assent of three-fifths of the voters voting thereon at  
37 a general or special port election called for that purpose, a port

1 district may contract indebtedness or borrow money for district  
2 purposes and may issue general obligation bonds therefor provided the  
3 total indebtedness of the district at any such time shall not exceed  
4 three-fourths of one percent of the value of the taxable property in  
5 the district.

6 (3) In addition to the indebtedness authorized under subsections  
7 (1) and (2) of this section, port districts having less than two  
8 hundred million dollars in value of taxable property and operating a  
9 municipal airport may at any time contract indebtedness or borrow money  
10 for airport capital improvement purposes and may issue general  
11 obligation bonds therefor not exceeding an additional one-eighth of one  
12 percent of the value of the taxable property in the district without  
13 authorization by the voters; and, with the assent of three-fifths of  
14 the voters voting thereon at a general or special port election called  
15 for that purpose, may contract indebtedness or borrow money for airport  
16 capital improvement purposes and may issue general obligation bonds  
17 therefor for an additional three-eighths of one percent provided the  
18 total indebtedness of the district for all port purposes at any such  
19 time shall not exceed one and one-fourth percent of the value of the  
20 taxable property in the district.

21 (4) Any port district may issue general district bonds evidencing  
22 any indebtedness, payable at any time not exceeding fifty years from  
23 the date of the bonds. Any contract for indebtedness or borrowed money  
24 authorized by RCW 53.36.030(1)(b) shall not exceed twenty-five years.  
25 The bonds shall be issued and sold in accordance with chapter 39.46  
26 RCW.

27 (5) Elections required under this section shall be held as provided  
28 in RCW 39.36.050.

29 (6) For the purpose of this section, "indebtedness of the district"  
30 shall not include any debt of a county-wide district with a population  
31 less than twenty-five hundred people when the debt is secured by a  
32 mortgage on property leased to the federal government; and the term  
33 "value of the taxable property" shall have the meaning set forth in RCW  
34 39.36.015.

35 (7) This section does not apply to a loan made under a loan  
36 agreement under chapter 39.69 RCW, and a computation of indebtedness  
37 under this chapter must exclude the amount of a loan under such a loan  
38 agreement.

1       (8) The authority to issue bonds under this section is subject to  
2 section 4 of this act.

3       **Sec. 13.** RCW 53.36.070 and 1983 c 3 s 162 are each amended to read  
4 as follows:

5       Subject to section 4 of this act, any port district organized under  
6 the laws of this state shall, in addition to the powers otherwise  
7 provided by law, have the power to raise revenue by the levy and  
8 collection of an annual tax on all taxable property within such port  
9 district of not to exceed forty-five cents per thousand dollars of  
10 assessed value against the assessed valuation of the taxable property  
11 in such port district, for dredging, canal construction, or land  
12 leveling or filling purposes, the proceeds of any such levy to be used  
13 exclusively for such dredging, canal construction, or land leveling and  
14 filling purposes(~~(:—PROVIDED, That ne)~~). Such levy for dredging,  
15 canal construction, or land leveling or filling purposes under the  
16 provisions of RCW 53.36.070 and 53.36.080 shall not be made unless and  
17 until the question of authorizing the making of such additional levy  
18 shall have been submitted to a vote of the electors of the district in  
19 the manner provided by law for the submission of the question of making  
20 additional levies in school districts of the first class at an election  
21 held under the provisions of RCW (~~(29.13.020)~~) 29A.04.330 and shall  
22 have been authorized by a majority of the electors voting thereon.

23       **Sec. 14.** RCW 53.36.100 and 1994 c 278 s 1 are each amended to read  
24 as follows:

25       (1) A port district having adopted a comprehensive scheme of harbor  
26 improvements and industrial developments may thereafter raise revenue,  
27 for six years only, and a second six years if the procedures are  
28 followed under subsection (2) of this section, in addition to all other  
29 revenues now authorized by law, by an annual levy not to exceed forty-  
30 five cents per thousand dollars of assessed value against the assessed  
31 valuation of the taxable property in such port district. In addition,  
32 if voters approve a ballot proposition authorizing additional levies by  
33 a simple majority vote, a port district located in a county bordering  
34 on the Pacific Ocean having adopted a comprehensive scheme of harbor  
35 improvements and industrial developments may impose these levies for a  
36 third six-year period. Said levies shall be used exclusively for the

1 exercise of the powers granted to port districts under chapter 53.25  
2 RCW except as provided in RCW 53.36.110. The levy of such taxes is  
3 herein authorized notwithstanding the provisions of RCW 84.52.050 and  
4 84.52.043. The revenues derived from levies made under RCW 53.36.100  
5 and 53.36.110 not expended in the year in which the levies are made may  
6 be paid into a fund for future use in carrying out the powers granted  
7 under chapter 53.25 RCW, which fund may be accumulated and carried over  
8 from year to year, with the right to continue to levy the taxes  
9 provided for in RCW 53.36.100 and 53.36.110 for the purposes herein  
10 authorized.

11 (2) If a port district intends to levy a tax under this section for  
12 one or more years after the first six years these levies were imposed,  
13 the port commission shall publish notice of this intention, in one or  
14 more newspapers of general circulation within the district, by June 1  
15 of the year in which the first levy of the seventh through twelfth year  
16 period is to be made. If within ninety days of the date of publication  
17 a petition is filed with the county auditor containing the signatures  
18 of eight percent of the number of voters registered and voting in the  
19 port district for the office of the governor at the last preceding  
20 gubernatorial election, the county auditor shall canvass the signatures  
21 in the same manner as prescribed in RCW (~~(29.79.200)~~) 29A.72.230 and  
22 certify their sufficiency to the port commission within two weeks. The  
23 proposition to make these levies in the seventh through twelfth year  
24 period shall be submitted to the voters of the port district at a  
25 special election, called for this purpose, no later than the date on  
26 which a primary election would be held under RCW (~~(29.13.070)~~)  
27 29A.04.311. The levies may be made in the seventh through twelfth year  
28 period only if approved by a majority of the voters of the port  
29 district voting on the proposition.

30 (3) The authority to impose levies under this section is subject to  
31 section 4 of this act.

32 NEW SECTION. Sec. 15. Sections 1 through 4 of this act constitute  
33 a new chapter in Title 81 RCW.

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