SUPREME COURT OF WASHINGTON

Pierce County v. State, 150 Wash. 2d 422

78 P.3d 640 (2003) · No. No. 73607-3 · Decided October 30, 2003

SUMMARY

The Washington Supreme Court reviewed a challenge to Initiative 776, which capped motor vehicle license tab fees at $30 and repealed certain local vehicle taxes and fees. The court held that the initiative satisfied the constitutional single-subject and subject-in-title requirements and did not substantially impair King County's contractual obligations to bondholders. It reversed the superior court's grant of summary judgment and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Washington
WRITING FOR THE COURT	Owens, J.; Alexander, C.J.; Johnson, J.; Madsen, J.; Sanders, J.; Fairhurst, J.; Chambers, J.; Bridge, J.; Ireland, J.
JURISDICTION	Washington
DECIDED	October 30, 2003
DOCKET	No. 73607-3
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct review of the King County Superior Court's grant of summary judgment declaring Initiative Measure 776 unconstitutional.
STANDARD OF REVIEW	De novo review applies to summary judgment and to interpretation of an initiative. Summary judgment is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law. An initiative is presumptively constitutional, and the challenger bears the burden of proving unconstitutionality beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published Washington Supreme Court en banc opinion; precedential.
PARTIES	State of Washington, Washington Department of Licensing, Salish Village Home Owners Association, G. Dennis Vaughn v. Pierce County, Gloria Irene Thein, City of Tacoma, William La-Borde, King County, Karen Uffelman, Central Puget Sound Regional Transit Authority, The Sierra Club, 1000 Friends of Washington, King County Labor Council, Washington State Labor Council, City of Kenmore,

Transportation Choices Coalition, Amalgamated Transit Union Local 587, Aerospace Machinist Union

TOPICS

constitutional law · statutory interpretation · election law · home rule · municipal finance

PRACTICE AREAS

constitutional law · municipal law · election law · statutory interpretation · government finance

QUESTIONS PRESENTED

1. Whether Initiative 776 violated article II, section 19 of the Washington Constitution by embracing more than one subject.
2. Whether the initiative's ballot title adequately expressed its subject under article II, section 19.
3. Whether repeal of the local vehicle license fee and motor vehicle excise tax substantially impaired King County's contractual obligations to bondholders under article I, section 23.
4. Whether Initiative 776 violated constitutional principles of local home rule under article XI, sections 4 and 12.
5. Whether repeal of the motor vehicle excise tax exceeded the scope of the people's initiative power or violated Sound Transit's due process rights.
6. Whether Salish Village Home Owners Association was entitled to attorney fees.

HOLDINGS

1. Initiative 776 embraced a single subject because its operative provisions were rationally related to limiting state and local government charges imposed on motor vehicles. Nonbinding policy expressions did not constitute additional subjects under article II, section 19.
2. The ballot title adequately expressed Initiative 776's single subject and satisfied article II, section 19.
3. Initiative 776 did not substantially impair King County's contractual obligations to its bondholders and therefore did not violate article I, section 23.
4. Initiative 776 did not violate Washington constitutional principles of local home rule.
5. Initiative 776 did not exceed the scope of the people's initiative power because it repealed a general legislative law rather than controlling an administrative act of Sound Transit.
6. Sound Transit and its constituents had no vested property right in completion of the transit project that was deprived by Initiative 776, so the initiative did not violate due process.
7. Salish was not entitled to attorney fees under the common-fund principle.

KEY QUOTATIONS

> *"policy expressions in a bill or initiative measure do not contribute additional "subjects" within the meaning of article II, section 19."* (150 Wash. 2d at 434, 78 P.3d at 647)

> *“Because I-776's "rule of action" was $30 license tabs and because its policy statements were "no part of the law," I-776 did not embrace two unrelated laws or enactments.”* (150 Wash. 2d at 435, 78 P.3d at 648)

> *“Given "the financial framework which induced the bondholders originally to purchase the bonds," we cannot conclude that I-776 "substantially impair[ed]" King County's contractual relationship with its bondholders.”* (150 Wash. 2d at 440, 78 P.3d at 650)

FACTUAL BACKGROUND

Initiative Measure 776 was approved by Washington voters in November 2002. It imposed a $30 annual ceiling on certain motor-vehicle license-tab fees and repealed specified local vehicle excise taxes and fees, including a $15 King County vehicle license fee and a motor vehicle excise tax used by Sound Transit. King County had disclosed the initiative and its potential effects to bondholders before the vote, while also assuring them that other pledged revenues would be sufficient to pay debt service.

PROCEDURAL HISTORY

After voters approved Initiative 776, Pierce County and other local governments, residents, and transit-related parties sued for declaratory and injunctive relief. The King County Superior Court granted summary judgment for Pierce County, concluding that the initiative violated Washington Constitution article II, section 19's single-subject and subject-in-title requirements and article I, section 23's Contract Clause. The Washington Supreme Court accepted direct review, reversed, and remanded.

DISPOSITION

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reversed_and_remanded
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REMAND INSTRUCTIONS

Remand for proceedings not inconsistent with the opinion. Salish's request for attorney fees at trial and on appeal was denied.

CASES CITED

- Washington Federation of State Employees v. State, 127 Wash. 2d 544, 901 P.2d 1028 (1995)
- Amalgamated Transit Union Local 587 v. State, 142 Wash. 2d 183, 11 P.3d 762, 27 P.3d 608 (2000)
- Power, Inc. v. Huntley, 39 Wash. 2d 191, 235 P.2d 173 (1951)
- Kueckelhan v. Federal Old Line Insurance Co., 69 Wash. 2d 392, 418 P.2d 443 (1966)
- Fritz v. Gorton, 83 Wash. 2d 275, 517 P.2d 911 (1974)
- Citizens for Responsible Wildlife Management v. State, 149 Wash. 2d 622, 71 P.3d 644 (2003)
- State ex rel. Berry v. Superior Court for Thurston County, 92 Wash. 16, 159 P. 92 (1916)
- In re Estate of Thompson, 103 Wash. 2d 292, 692 P.2d 807 (1984)
- YMCA v. State, 62 Wash. 2d 504, 383 P.2d 497 (1963)
- Tyrpak v. Daniels, 124 Wash. 2d 146, 874 P.2d 1374 (1994)

- Municipality of Metropolitan Seattle v. O'Brien, 86 Wash. 2d 339, 544 P.2d 729 (1976)
- Ruano v. Spellman, 81 Wash. 2d 820, 505 P.2d 447 (1973)
- Moses Lake School District No. 161 v. Big Bend Community College, 81 Wash. 2d 551, 503 P.2d 86 (1972)
- Weiss v. Bruno, 83 Wash. 2d 911, 523 P.2d 915 (1974)
- Ertman v. City of Olympia, 95 Wash. 2d 105, 621 P.2d 724 (1980)
- State ex rel. Berry v. Superior Court for Thurston County, 92 Wash. 16, 159 P. 92 (1916)

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