

2 **SSB 5967** - S Amd 000564
3 By Senator Rinehart

4 Adopted 4/1/93

5 On page 25, after line 9, strike all of section 120 and insert the
6 following:

7 "**Sec. 120.** RCW 82.14.030 and 1989 c 384 s 6 are each amended to
8 read as follows:

9 (1) The governing body of any county or city while not required by
10 legislative mandate to do so, may, by resolution or ordinance for the
11 purposes authorized by this chapter, fix and impose a sales and use tax
12 in accordance with the terms of this chapter. Such tax shall be
13 collected from those persons who are taxable by the state pursuant to
14 chapters 82.08 and 82.12 RCW, upon the occurrence of any taxable event
15 within the county or city as the case may be(~~(:—PROVIDED, That)~~).
16 Except as provided in RCW 82.14.230, this sales and use tax shall not
17 apply to natural or manufactured gas. This sales and use tax shall not
18 apply to the sales of retail services as defined in RCW 82.04.050(3)(c)
19 through (3)(t), (5)(c), and (5)(d). The rate of such tax imposed by a
20 county shall be five-tenths of one percent of the selling price (in the
21 case of a sales tax) or value of the article used (in the case of a use
22 tax). The rate of such tax imposed by a city shall not exceed five-
23 tenths of one percent of the selling price (in the case of a sales tax)
24 or value of the article used (in the case of a use tax)(~~(:—PROVIDED,~~
25 ~~HOWEVER, That)~~). In the event a county shall impose a sales and use
26 tax under this subsection, the rate of such tax imposed under this
27 subsection by any city therein shall not exceed four hundred and
28 twenty-five one-thousandths of one percent.

29 (2) Subject to the enactment into law of the 1982 amendment to RCW
30 82.02.020 by section 5, chapter 49, Laws of 1982 1st ex. sess., in
31 addition to the tax authorized in subsection (1) of this section, the
32 governing body of any county or city may by resolution or ordinance
33 impose an additional sales and use tax in accordance with the terms of
34 this chapter. Such additional tax shall be collected upon the same
35 taxable events upon which the tax imposed under subsection (1) of this
36 section is levied. The rate of such additional tax imposed by a county
37 shall be up to five-tenths of one percent of the selling price (in the

1 case of a sales tax) or value of the article used (in the case of a use
2 tax). The rate of such additional tax imposed by a city shall be up to
3 five-tenths of one percent of the selling price (in the case of a sales
4 tax) or value of the article used (in the case of a use tax)(~~+~~
5 ~~PROVIDED HOWEVER, That~~)). In the event a county shall impose a sales
6 and use tax under this subsection at a rate equal to or greater than
7 the rate imposed under this subsection by a city within the county, the
8 county shall receive fifteen percent of the city tax(~~+~~—PROVIDED
9 FURTHER, That)). In the event that the county shall impose a sales and
10 use tax under this subsection at a rate which is less than the rate
11 imposed under this subsection by a city within the county, the county
12 shall receive that amount of revenues from the city tax equal to
13 fifteen percent of the rate of tax imposed by the county under this
14 subsection. The authority to impose a tax under this subsection is
15 intended in part to compensate local government for any losses from the
16 phase-out of the property tax on business inventories.

17 **"Sec. 121.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to
18 read as follows:

19 (1) The legislative body of any city pursuant to RCW 35.92.060, of
20 any county which has created an unincorporated transportation benefit
21 area pursuant to RCW 36.57.100 and 36.57.110, of any public
22 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,
23 of any county transportation authority established pursuant to chapter
24 36.57 RCW, and of any metropolitan municipal corporation within a
25 county with a population of one million or more pursuant to chapter
26 35.58 RCW, may, by resolution or ordinance for the sole purpose of
27 providing funds for the operation, maintenance, or capital needs of
28 public transportation systems and in lieu of the excise taxes
29 authorized by RCW 35.95.040, submit an authorizing proposition to the
30 voters or include such authorization in a proposition to perform the
31 function of public transportation and if approved by a majority of
32 persons voting thereon, fix and impose a sales and use tax in
33 accordance with the terms of this chapter: PROVIDED, That no such
34 legislative body shall impose such a sales and use tax without
35 submitting such an authorizing proposition to the voters and obtaining
36 the approval of a majority of persons voting thereon: PROVIDED
37 FURTHER, That where such a proposition is submitted by a county on
38 behalf of an unincorporated transportation benefit area, it shall be

1 voted upon by the voters residing within the boundaries of such
2 unincorporated transportation benefit area and, if approved, the sales
3 and use tax shall be imposed only within such area. Notwithstanding
4 any provisions of this section to the contrary, any county in which a
5 county public transportation plan has been adopted pursuant to RCW
6 36.57.070 and the voters of such county have authorized the imposition
7 of a sales and use tax pursuant to the provisions of section 10,
8 chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be
9 authorized to fix and impose a sales and use tax as provided in this
10 section at not to exceed the rate so authorized without additional
11 approval of the voters of such county as otherwise required by this
12 section.

13 The tax authorized pursuant to this section shall be in addition to
14 the tax authorized by RCW 82.14.030 and shall be collected from those
15 persons who are taxable by the state pursuant to chapters 82.08 and
16 82.12 RCW upon the occurrence of any taxable event within such city,
17 public transportation benefit area, county, or metropolitan municipal
18 corporation as the case may be, except that no tax on retail services,
19 as the term is defined in RCW 82.04.050(3)(c) through (3)(t), (5)(c),
20 and (5)(d), may be imposed under this section. The rate of such tax
21 shall be one-tenth, two-tenths, three-tenths, four-tenths, five-tenths,
22 or six-tenths of one percent of the selling price (in the case of a
23 sales tax) or value of the article used (in the case of a use tax).
24 The rate of such tax shall not exceed the rate authorized by the voters
25 unless such increase shall be similarly approved.

26 (2)(a) In the event a metropolitan municipal corporation shall
27 impose a sales and use tax pursuant to this chapter no city, county
28 which has created an unincorporated transportation benefit area, public
29 transportation benefit area authority, or county transportation
30 authority wholly within such metropolitan municipal corporation shall
31 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,
32 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city
33 or county from imposing sales and use taxes pursuant to any other
34 authorization.

35 (b) In the event a county transportation authority shall impose a
36 sales and use tax pursuant to this section, no city, county which has
37 created an unincorporated transportation benefit area, public
38 transportation benefit area, or metropolitan municipal corporation,
39 located within the territory of the authority, shall be empowered to

1 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or
2 82.14.045.

3 (c) In the event a public transportation benefit area shall impose
4 a sales and use tax pursuant to this section, no city, county which has
5 created an unincorporated transportation benefit area, or metropolitan
6 municipal corporation, located wholly or partly within the territory of
7 the public transportation benefit area, shall be empowered to levy or
8 collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

9 (3) Any local sales and use tax revenue collected pursuant to this
10 section by any city or by any county for transportation purposes
11 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally
12 generated tax revenues for the purposes of apportionment and
13 distribution, in the manner prescribed by chapter 82.44 RCW, of the
14 proceeds of the motor vehicle excise tax authorized pursuant to RCW
15 35.58.273.

16 "Sec. 122. RCW 82.14.048 and 1991 c 207 s 1 are each amended to
17 read as follows:

18 The governing board of a public facilities district under chapter
19 36.100 RCW may submit an authorizing proposition to the voters of the
20 district, and if the proposition is approved by a majority of persons
21 voting, fix and impose a sales and use tax in accordance with the terms
22 of this chapter.

23 The tax authorized in this section shall be in addition to any
24 other taxes authorized by law and shall be collected from those persons
25 who are taxable by the state under chapters 82.08 and 82.12 RCW upon
26 the occurrence of any taxable event within the public facilities
27 district. This sales and use tax shall not apply to the sales of
28 retail services as defined in RCW 82.04.050(3)(c) through (3)(t),
29 (5)(c), and (5)(d). The rate of tax shall equal one-tenth of one
30 percent of the selling price in the case of a sales tax, or value of
31 the article used, in the case of a use tax.

32 Moneys received from any tax imposed under this section shall be
33 used for the purpose of providing funds for the costs associated with
34 the financing, design, acquisition, construction, equipping, operating,
35 maintaining, and reequipping of sports or entertainment facilities and
36 contiguous parking.

1 **"Sec. 123.** RCW 82.14.340 and 1991 c 311 s 5 and 1991 c 301 s 16
2 are each amended and reenacted to read as follows:

3 The legislative authority of any county with a population of two
4 hundred thousand or more, any county located east of the crest of the
5 Cascade mountains with a population of one hundred fifty thousand or
6 more, and any other county with a population of one hundred fifty
7 thousand or more that has had its population increase by at least
8 twenty-four percent during the preceding nine years, as certified by
9 the office of financial management for the first day of April of each
10 year, may and, if requested by resolution of the governing bodies of
11 cities in the county with an aggregate population equal to or greater
12 than fifty percent of the total population of the county, as last
13 determined by the office of financial management, shall submit an
14 authorizing proposition to the voters of the county and if approved by
15 a majority of persons voting, fix and impose a sales and use tax in
16 accordance with the terms of this chapter.

17 The tax authorized in this section shall be in addition to any
18 other taxes authorized by law and shall be collected from those persons
19 who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW
20 upon the occurrence of any taxable event within such county. This
21 sales and use tax shall not apply to the sales of retail services as
22 defined in RCW 82.04.050(3)(c) through (3)(t), (5)(c), and (5)(d). The
23 rate of tax shall equal one-tenth of one percent of the selling price
24 (in the case of a sales tax) or value of the article used (in the case
25 of a use tax).

26 When distributing moneys collected under this section, the state
27 treasurer shall distribute ten percent of the moneys to the county in
28 which the tax was collected. The remainder of the moneys collected
29 under this section shall be distributed to the county and the cities
30 within the county ratably based on population as last determined by the
31 office of financial management. In making the distribution based on
32 population, the county shall receive that proportion that the
33 unincorporated population of the county bears to the total population
34 of the county and each city shall receive that proportion that the city
35 incorporated population bears to the total county population.

36 Moneys received from any tax imposed under this section shall be
37 expended exclusively for criminal justice purposes and shall not be
38 used to replace or supplant existing funding. Criminal justice
39 purposes are defined as activities that substantially assist the

1 criminal justice system, which may include circumstances where
2 ancillary benefit to the civil justice system occurs. Existing funding
3 for purposes of this subsection is defined as calendar year 1989 actual
4 operating expenditures for criminal justice purposes. Calendar year
5 1989 actual operating expenditures for criminal justice purposes
6 exclude the following: Expenditures for extraordinary events not
7 likely to reoccur, changes in contract provisions for criminal justice
8 services, beyond the control of the local jurisdiction receiving the
9 services, and major nonrecurring capital expenditures. Moneys received
10 by the county and the cities within the county from any tax imposed
11 under this section may be expended for domestic violence community
12 advocates, as defined in RCW 70.123.020, if, prior to July 28, 1991,
13 and prior to approval of the voters, the legislative authority of the
14 county, which submitted an authorizing proposition to the voters of the
15 county, adopted by ordinance a financial plan that included expenditure
16 of a portion of the moneys received for domestic violence community
17 advocates.

18 This section expires January 1, 1994.

19 **"Sec. 124.** RCW 81.104.170 and 1992 c 101 s 28 are each amended to
20 read as follows:

21 Cities that operate transit systems, county transportation
22 authorities, metropolitan municipal corporations, public transportation
23 benefit areas, and regional transit authorities may submit an
24 authorizing proposition to the voters and if approved by a majority of
25 persons voting, fix and impose a sales and use tax in accordance with
26 the terms of this chapter, solely for the purpose of providing high
27 capacity transportation service.

28 The tax authorized pursuant to this section shall be in addition to
29 the tax authorized by RCW 82.14.030 and shall be collected from those
30 persons who are taxable by the state pursuant to chapters 82.08 and
31 82.12 RCW upon the occurrence of any taxable event within the taxing
32 district. This sales and use tax shall not apply to the sales of
33 retail services as defined in RCW 82.04.050(3)(c) through (3)(t),
34 (5)(c), and (5)(d). The maximum rate of such tax shall be approved by
35 the voters and shall not exceed one percent of the selling price (in
36 the case of a sales tax) or value of the article used (in the case of
37 a use tax). The maximum rate of such tax that may be imposed shall not
38 exceed nine-tenths of one percent in any county that imposes a tax

1 under RCW 82.14.340, or within a regional transit authority if any
2 county within the authority imposes a tax under RCW 82.14.340."

3 **SSB 5967** - S Amd

4 By Senator Rinehart

5 Adopted 4/1/93

6 On page 1, line 4 of the title, strike "82.14.020," and insert
7 "82.14.030, 82.14.045, 82.14.048, 82.14.340, 81.104.170"

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