
HOUSE BILL 2921

State of Washington

56th Legislature

2000 Regular Session

By Representatives Dunn, Morris, Van Luven, Veloria and Santos

Read first time 01/24/2000. Referred to Committee on Economic Development, Housing & Trade.

1 AN ACT Relating to public facility infrastructure development by
2 Indian tribes; and amending RCW 82.14.370.

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

4 **Sec. 1.** RCW 82.14.370 and 1999 c 311 s 101 are each amended to
5 read as follows:

6 (1) The legislative authority of a rural county may impose a sales
7 and use tax in accordance with the terms of this chapter. The tax is
8 in addition to other taxes authorized by law and shall be collected
9 from those persons who are taxable by the state under chapters 82.08
10 and 82.12 RCW upon the occurrence of any taxable event within the
11 county. The rate of tax shall not exceed 0.08 percent of the selling
12 price in the case of a sales tax or value of the article used in the
13 case of a use tax, except that for rural counties with population
14 densities between sixty and one hundred persons per square mile, the
15 rate shall not exceed 0.04 percent before January 1, 2000.

16 ~~((+2))~~ The tax imposed under this subsection ~~((+1) of this~~
17 ~~section))~~ shall be deducted from the amount of tax otherwise required
18 to be collected or paid over to the department of revenue under chapter
19 82.08 or 82.12 RCW. The department of revenue shall perform the

1 collection of such taxes on behalf of the county at no cost to the
2 county.

3 ~~((+3))~~ (2) A sales and use tax enacted by an Indian tribe in
4 accordance with this section shall be credited against the state sales
5 and use tax under chapter 82.08 or 82.12 RCW. The tax shall be
6 collected from those persons who are taxable by the state under
7 chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event
8 within the reservation or on trust land. The rate of tax shall not
9 exceed 0.08 percent of the selling price in the case of a sales tax or
10 value of the article used in the case of a use tax.

11 (3) The tribal government must submit a copy of the enactment
12 authorizing the tax to the department of revenue as a condition of
13 receiving the credit under this section. The department of revenue
14 shall enter into an agreement with the tribe regarding the collection
15 and distribution of proceeds to the tribe. The agreement shall provide
16 that the proceeds of the tax be used in accordance with subsection
17 (4)(a) of this section and shall include a mechanism for oversight and
18 review, such as a review of audit documents or use of a third party to
19 certify accounts. The agreement shall also include a provision
20 regarding reimbursement for administration and collection expenses of
21 the department of revenue, which reimbursement shall not exceed the
22 percentage required of local governments under RCW 82.14.050.

23 (4)(a) Moneys collected under this section shall only be used for
24 the purpose of financing public facilities in rural counties or on
25 Indian trust land or Indian reservations. However, a tribe that as of
26 the effective date of this section does not have a comprehensive
27 planning process in place may use the proceeds of the tax to institute
28 such a process. Moneys collected under this section may not be used by
29 a tribe to construct or remodel a commercial building or structure.

30 (b) For those counties that plan under RCW 36.70A.040, the public
31 facility must be listed as an item in the officially adopted county
32 overall economic development plan, or the economic development section
33 of the county's comprehensive plan, or the comprehensive plan of a city
34 or town located within the county (~~for those counties planning under~~
35 RCW 36.70A.040)). For those counties that do not have an adopted
36 overall economic development plan and do not plan under the growth
37 management act, the public facility must be listed in the county's
38 capital facilities plan or the capital facilities plan of a city or
39 town located within the county. In implementing this section, the

1 county shall consult with cities, towns, and port districts located
2 within the county. (~~For the purposes of this section,~~)

3 (5) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Public facilities" means bridges, roads, domestic and
6 industrial water facilities, sanitary sewer facilities, earth
7 stabilization, storm sewer facilities, railroad, electricity, natural
8 gas, buildings, structures, telecommunications infrastructure,
9 transportation infrastructure, or commercial infrastructure, and port
10 facilities in the state of Washington.

11 (~~(4) No tax may be collected under this section before July 1,~~
12 ~~1998.)) (b) "Reservation" means all lands, notwithstanding the issuance
13 of any patent, within the exterior boundaries of areas set aside by the
14 United States for the use and occupancy of Indian tribes by treaty,
15 law, or executive order and which are areas recognized as "Indian
16 reservations" by the United States department of the interior.~~

17 (c) "Rural county" means a county with a population density of less
18 than one hundred persons per square mile as determined by the office of
19 financial management and published each year by the department for the
20 period July 1st to June 30th.

21 (d) "Tribe" or "Indian tribe" means a federally recognized Indian
22 tribe.

23 (e) "Tribal government" means the governing body of a federally
24 recognized Indian tribe.

25 (f) "Trust land" means land held in trust by the United States for
26 an individual Indian or Indian nation, tribe, band, or community.

27 (6) No tax may be collected under this section by a county more
28 than twenty-five years after the date that a tax is first imposed under
29 this section.

30 (~~(5) For purposes of this section, "rural county" means a county~~
31 ~~with a population density of less than one hundred persons per square~~
32 ~~mile as determined by the office of financial management and published~~
33 ~~each year by the department for the period July 1st to June 30th.))~~

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