

2SSB 5433 - H AMD 748

By Representative Hunter

NOT CONSIDERED 04/26/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 82.14.450 and 2007 c 380 s 1 are each amended to read
4 as follows:

5 (1) A county legislative authority may submit an authorizing
6 proposition to the county voters at a primary or general election and,
7 if the proposition is approved by a majority of persons voting, impose
8 a sales and use tax in accordance with the terms of this chapter. The
9 title of each ballot measure must clearly state the purposes for which
10 the proposed sales and use tax will be used. Funds raised under this
11 tax shall not supplant existing funds used for these purposes, except
12 as follows: Up to one hundred percent may be used to supplant existing
13 funding in calendar year 2010; up to eighty percent may be used to
14 supplant existing funding in calendar year 2011; up to sixty percent
15 may be used to supplant existing funding in calendar year 2012; up to
16 forty percent may be used to supplant existing funding in calendar year
17 2013; and up to twenty percent may be used to supplant existing funding
18 in calendar year 2014. For purposes of this subsection, existing funds
19 means the actual operating expenditures for the calendar year in which
20 the ballot measure is approved by voters. Actual operating
21 expenditures excludes lost federal funds, lost or expired state grants
22 or loans, extraordinary events not likely to reoccur, changes in
23 contract provisions beyond the control of the county or city receiving
24 the services, and major nonrecurring capital expenditures. The rate of
25 tax under this section (~~shall~~) may not exceed three-tenths of one
26 percent of the selling price in the case of a sales tax, or value of
27 the article used, in the case of a use tax.

28 (2) The tax authorized in this section is in addition to any other
29 taxes authorized by law and (~~shall~~) must be collected from those

1 persons who are taxable by the state under chapters 82.08 and 82.12 RCW
2 upon the occurrence of any taxable event within the county.

3 (3) The retail sale or use of motor vehicles, and the lease of
4 motor vehicles for up to the first thirty-six months of the lease, are
5 exempt from tax imposed under this section.

6 (4) One-third of all money received under this section (~~shall~~)
7 must be used solely for criminal justice purposes, fire protection
8 purposes, or both. For the purposes of this subsection, "criminal
9 justice purposes" (~~means additional police protection, mitigation of~~
10 ~~congested court systems, or relief of overcrowded jails or other local~~
11 ~~correctional facilities~~) has the same meaning as provided in RCW
12 82.14.340.

13 (5) Money received under this section (~~shall~~) must be shared
14 between the county and the cities as follows: Sixty percent (~~shall~~)
15 must be retained by the county and forty percent (~~shall~~) must be
16 distributed on a per capita basis to cities in the county.

17 **Sec. 2.** RCW 82.14.460 and 2008 c 157 s 2 are each amended to read
18 as follows:

19 (1) A county legislative authority may authorize, fix, and impose
20 a sales and use tax in accordance with the terms of this chapter.

21 (2) The tax authorized in this section shall be in addition to any
22 other taxes authorized by law and shall be collected from those persons
23 who are taxable by the state under chapters 82.08 and 82.12 RCW upon
24 the occurrence of any taxable event within the county. The rate of tax
25 shall equal one-tenth of one percent of the selling price in the case
26 of a sales tax, or value of the article used, in the case of a use tax.

27 (3) Moneys collected under this section shall be used solely for
28 the purpose of providing for the operation or delivery of (~~new or~~
29 ~~expanded~~) chemical dependency or mental health treatment programs and
30 services and for the operation or delivery of (~~new or expanded~~)
31 therapeutic court programs and services. For the purposes of this
32 section, "programs and services" includes, but is not limited to,
33 treatment services, case management, and housing that are a component
34 of a coordinated chemical dependency or mental health treatment program
35 or service.

36 (4) All moneys collected under this section must be used solely for
37 the purpose of providing new or expanded programs and services as

1 provided in this section, except a portion of moneys collected under
2 this section ((shall not)) may be used to supplant existing funding for
3 these purposes((, provided that)) in any county as follows: Up to
4 fifty percent may be used to supplant existing funding in calendar year
5 2010; up to forty percent may be used to supplant existing funding in
6 calendar year 2011; up to thirty percent may be used to supplant
7 existing funding in calendar year 2012; up to twenty percent may be
8 used to supplant existing funding in calendar year 2013; and up to ten
9 percent may be used to supplant existing funding in calendar year 2014.

10 (5) Nothing in this section ((shall)) may be interpreted to
11 prohibit the use of moneys collected under this section for the
12 replacement of lapsed federal funding previously provided for the
13 operation or delivery of services and programs as provided in this
14 section.

15 **Sec. 3.** RCW 84.55.050 and 2008 c 319 s 1 are each amended to read
16 as follows:

17 (1) Subject to any otherwise applicable statutory dollar rate
18 limitations, regular property taxes may be levied by or for a taxing
19 district in an amount exceeding the limitations provided for in this
20 chapter if such levy is authorized by a proposition approved by a
21 majority of the voters of the taxing district voting on the proposition
22 at a general election held within the district or at a special election
23 within the taxing district called by the district for the purpose of
24 submitting such proposition to the voters. Any election held pursuant
25 to this section shall be held not more than twelve months prior to the
26 date on which the proposed levy is to be made, except as provided in
27 subsection (2) of this section. The ballot of the proposition shall
28 state the dollar rate proposed and shall clearly state the conditions,
29 if any, which are applicable under subsection (4) of this section.

30 (2)(a) Subject to statutory dollar limitations, a proposition
31 placed before the voters under this section may authorize annual
32 increases in levies for multiple consecutive years, up to six
33 consecutive years, during which period each year's authorized maximum
34 legal levy shall be used as the base upon which an increased levy limit
35 for the succeeding year is computed, but the ballot proposition must
36 state the dollar rate proposed only for the first year of the
37 consecutive years and must state the limit factor, or a specified index

1 to be used for determining a limit factor, such as the consumer price
2 index, which need not be the same for all years, by which the regular
3 tax levy for the district may be increased in each of the subsequent
4 consecutive years. Elections for this purpose must be held at a
5 primary or general election. The title of each ballot measure must
6 state the limited purposes for which the proposed annual increases
7 during the specified period of up to six consecutive years shall be
8 used(~~(, and funds raised under the levy shall not supplant existing~~
9 ~~funds used for these purposes)~~).

10 (b)(i) Except as otherwise provided in this subsection (2)(b),
11 funds raised by a levy under this subsection may not supplant existing
12 funds used for the limited purpose specified in the ballot title. For
13 purposes of this subsection, existing funds means the actual operating
14 expenditures for the calendar year in which the ballot measure is
15 approved by voters. Actual operating expenditures excludes lost
16 federal funds, lost or expired state grants or loans, extraordinary
17 events not likely to reoccur, changes in contract provisions beyond the
18 control of the taxing district receiving the services, and major
19 nonrecurring capital expenditures.

20 (ii) The supplanting limitations in (b)(i) of this subsection do
21 not apply to levies approved by the voters in calendar years 2009,
22 2010, and 2011, in any county with a population of one million five
23 hundred thousand or more. This subsection (2)(b)(ii) only applies to
24 levies approved by the voters after the effective date of this act.

25 (iii) The supplanting limitations in (b)(i) of this subsection do
26 not apply to levies approved by the voters in calendar year 2009 and
27 thereafter in any county with a population less than one million five
28 hundred thousand. This subsection (2)(b)(iii) only applies to levies
29 approved by the voters after the effective date of this act.

30 (3) After a levy authorized pursuant to this section is made, the
31 dollar amount of such levy may not be used for the purpose of computing
32 the limitations for subsequent levies provided for in this chapter,
33 unless the ballot proposition expressly states that the levy made under
34 this section will be used for this purpose.

35 (4) If expressly stated, a proposition placed before the voters
36 under subsection (1) or (2) of this section may:

37 (a) Use the dollar amount of a levy under subsection (1) of this

1 section, or the dollar amount of the final levy under subsection (2) of
2 this section, for the purpose of computing the limitations for
3 subsequent levies provided for in this chapter;

4 (b) Limit the period for which the increased levy is to be made
5 under (a) of this subsection;

6 (c) Limit the purpose for which the increased levy is to be made
7 under (a) of this subsection, but if the limited purpose includes
8 making redemption payments on bonds, the period for which the increased
9 levies are made shall not exceed nine years;

10 (d) Set the levy or levies at a rate less than the maximum rate
11 allowed for the district; or

12 (e) Include any combination of the conditions in this subsection.

13 (5) Except as otherwise expressly stated in an approved ballot
14 measure under this section, subsequent levies shall be computed as if:

15 (a) The proposition under this section had not been approved; and

16 (b) The taxing district had made levies at the maximum rates which
17 would otherwise have been allowed under this chapter during the years
18 levies were made under the proposition.

19 **Sec. 4.** RCW 36.54.130 and 2007 c 223 s 6 are each amended to read
20 as follows:

21 (1) To carry out the purposes for which ferry districts are
22 created, the governing body of a ferry district may levy each year an
23 ad valorem tax on all taxable property located in the district not to
24 exceed seventy-five cents per thousand dollars of assessed value,
25 except a ferry district in a county with a population of one million
26 five hundred thousand or more may not levy at a rate that exceeds seven
27 and one-half cents per thousand dollars of assessed value. The levy
28 must be sufficient for the provision of ferry services as shown to be
29 required by the budget prepared by the governing body of the ferry
30 district.

31 (2) A tax imposed under this section may be used only for:

32 (a) Providing ferry services, including the purchase, lease, or
33 rental of ferry vessels and dock facilities;

34 (b) The operation, maintenance, and improvement of ferry vessels
35 and dock facilities;

36 (c) Providing shuttle services between the ferry terminal and

1 passenger parking facilities, and other landside improvements directly
2 related to the provision of passenger-only ferry service; and
3 (d) Related personnel costs.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 84.52 RCW
5 to read as follows:

6 (1) A county with a population of one million five hundred thousand
7 or more may impose an additional regular property tax levy in an amount
8 not to exceed seven and one-half cents per thousand dollars of the
9 assessed value of property in the county in accordance with the terms
10 of this section.

11 (2) Any tax imposed under this section shall be used as follows:

12 (a) The first one cent for expanding transit capacity along state
13 route number 520 by adding core and other supporting bus routes;

14 (b) The remainder for transit-related expenditures.

15 (3) The limitations in RCW 84.52.043 do not apply to the tax
16 authorized in this section.

17 (4) The limitation in RCW 84.55.010 does not apply to the first tax
18 levy imposed under this section.

19 **Sec. 6.** RCW 84.52.043 and 2005 c 122 s 3 are each amended to read
20 as follows:

21 Within and subject to the limitations imposed by RCW 84.52.050 as
22 amended, the regular ad valorem tax levies upon real and personal
23 property by the taxing districts hereafter named shall be as follows:

24 (1) Levies of the senior taxing districts shall be as follows: (a)
25 The levy by the state shall not exceed three dollars and sixty cents
26 per thousand dollars of assessed value adjusted to the state equalized
27 value in accordance with the indicated ratio fixed by the state
28 department of revenue to be used exclusively for the support of the
29 common schools; (b) the levy by any county shall not exceed one dollar
30 and eighty cents per thousand dollars of assessed value; (c) the levy
31 by any road district shall not exceed two dollars and twenty-five cents
32 per thousand dollars of assessed value; and (d) the levy by any city or
33 town shall not exceed three dollars and thirty-seven and one-half cents
34 per thousand dollars of assessed value. However any county is hereby
35 authorized to increase its levy from one dollar and eighty cents to a
36 rate not to exceed two dollars and forty-seven and one-half cents per

1 thousand dollars of assessed value for general county purposes if the
2 total levies for both the county and any road district within the
3 county do not exceed four dollars and five cents per thousand dollars
4 of assessed value, and no other taxing district has its levy reduced as
5 a result of the increased county levy.

6 (2) The aggregate levies of junior taxing districts and senior
7 taxing districts, other than the state, shall not exceed five dollars
8 and ninety cents per thousand dollars of assessed valuation. The term
9 "junior taxing districts" includes all taxing districts other than the
10 state, counties, road districts, cities, towns, port districts, and
11 public utility districts. The limitations provided in this subsection
12 shall not apply to: (a) Levies at the rates provided by existing law
13 by or for any port or public utility district; (b) excess property tax
14 levies authorized in Article VII, section 2 of the state Constitution;
15 (c) levies for acquiring conservation futures as authorized under RCW
16 84.34.230; (d) levies for emergency medical care or emergency medical
17 services imposed under RCW 84.52.069; (e) levies to finance affordable
18 housing for very low-income housing imposed under RCW 84.52.105; (f)
19 the portions of levies by metropolitan park districts that are
20 protected under RCW 84.52.120; (g) levies imposed by ferry districts
21 under RCW 36.54.130; (h) levies for criminal justice purposes under RCW
22 84.52.135; ~~((and))~~ (i) the portions of levies by fire protection
23 districts that are protected under RCW 84.52.125; and (j) levies by
24 counties for transit-related purposes under section 5 of this act.

25 **Sec. 7.** RCW 84.52.010 and 2007 c 54 s 26 are each amended to read
26 as follows:

27 Except as is permitted under RCW 84.55.050, all taxes shall be
28 levied or voted in specific amounts.

29 The rate percent of all taxes for state and county purposes, and
30 purposes of taxing districts coextensive with the county, shall be
31 determined, calculated and fixed by the county assessors of the
32 respective counties, within the limitations provided by law, upon the
33 assessed valuation of the property of the county, as shown by the
34 completed tax rolls of the county, and the rate percent of all taxes
35 levied for purposes of taxing districts within any county shall be
36 determined, calculated and fixed by the county assessors of the

1 respective counties, within the limitations provided by law, upon the
2 assessed valuation of the property of the taxing districts
3 respectively.

4 When a county assessor finds that the aggregate rate of tax levy on
5 any property, that is subject to the limitations set forth in RCW
6 84.52.043 or 84.52.050, exceeds the limitations provided in either of
7 these sections, the assessor shall recompute and establish a
8 consolidated levy in the following manner:

9 (1) The full certified rates of tax levy for state, county, county
10 road district, and city or town purposes shall be extended on the tax
11 rolls in amounts not exceeding the limitations established by law;
12 however any state levy shall take precedence over all other levies and
13 shall not be reduced for any purpose other than that required by RCW
14 84.55.010. If, as a result of the levies imposed under RCW 36.54.130,
15 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a
16 metropolitan park district that was protected under RCW 84.52.120,
17 84.52.125, (~~and~~) 84.52.135, and section 5 of this act, the combined
18 rate of regular property tax levies that are subject to the one percent
19 limitation exceeds one percent of the true and fair value of any
20 property, then these levies shall be reduced as follows:

21 (a) The levy imposed by a county under section 5 of this act shall
22 be reduced until the combined rate no longer exceeds one percent of the
23 true and fair value of any property or shall be eliminated;

24 (b) If the combined rate of regular property tax levies that are
25 subject to the one percent limitation still exceeds one percent of the
26 true and fair value of any property, the portion of the levy by a fire
27 protection district that is protected under RCW 84.52.125 shall be
28 reduced until the combined rate no longer exceeds one percent of the
29 true and fair value of any property or shall be eliminated;

30 (~~(b)~~) (c) If the combined rate of regular property tax levies
31 that are subject to the one percent limitation still exceeds one
32 percent of the true and fair value of any property, the levy imposed by
33 a county under RCW 84.52.135 must be reduced until the combined rate no
34 longer exceeds one percent of the true and fair value of any property
35 or must be eliminated;

36 (~~(c)~~) (d) If the combined rate of regular property tax levies
37 that are subject to the one percent limitation still exceeds one
38 percent of the true and fair value of any property, the levy imposed by

1 a ferry district under RCW 36.54.130 must be reduced until the combined
2 rate no longer exceeds one percent of the true and fair value of any
3 property or must be eliminated;

4 ~~((d))~~ (e) If the combined rate of regular property tax levies
5 that are subject to the one percent limitation still exceeds one
6 percent of the true and fair value of any property, the portion of the
7 levy by a metropolitan park district that is protected under RCW
8 84.52.120 shall be reduced until the combined rate no longer exceeds
9 one percent of the true and fair value of any property or shall be
10 eliminated;

11 ~~((e))~~ (f) If the combined rate of regular property tax levies
12 that are subject to the one percent limitation still exceeds one
13 percent of the true and fair value of any property, then the levies
14 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
15 imposed under RCW 84.52.069 that is in excess of thirty cents per
16 thousand dollars of assessed value, shall be reduced on a pro rata
17 basis until the combined rate no longer exceeds one percent of the true
18 and fair value of any property or shall be eliminated; and

19 ~~((f))~~ (g) If the combined rate of regular property tax levies
20 that are subject to the one percent limitation still exceeds one
21 percent of the true and fair value of any property, then the thirty
22 cents per thousand dollars of assessed value of tax levy imposed under
23 RCW 84.52.069 shall be reduced until the combined rate no longer
24 exceeds one percent of the true and fair value of any property or
25 eliminated.

26 (2) The certified rates of tax levy subject to these limitations by
27 all junior taxing districts imposing taxes on such property shall be
28 reduced or eliminated as follows to bring the consolidated levy of
29 taxes on such property within the provisions of these limitations:

30 (a) First, the certified property tax levy rates of those junior
31 taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100,
32 and 67.38.130 shall be reduced on a pro rata basis or eliminated;

33 (b) Second, if the consolidated tax levy rate still exceeds these
34 limitations, the certified property tax levy rates of flood control
35 zone districts shall be reduced on a pro rata basis or eliminated;

36 (c) Third, if the consolidated tax levy rate still exceeds these
37 limitations, the certified property tax levy rates of all other junior
38 taxing districts, other than fire protection districts, regional fire

1 protection service authorities, library districts, the first fifty cent
2 per thousand dollars of assessed valuation levies for metropolitan park
3 districts, and the first fifty cent per thousand dollars of assessed
4 valuation levies for public hospital districts, shall be reduced on a
5 pro rata basis or eliminated;

6 (d) Fourth, if the consolidated tax levy rate still exceeds these
7 limitations, the first fifty cent per thousand dollars of assessed
8 valuation levies for metropolitan park districts created on or after
9 January 1, 2002, shall be reduced on a pro rata basis or eliminated;

10 (e) Fifth, if the consolidated tax levy rate still exceeds these
11 limitations, the certified property tax levy rates authorized to fire
12 protection districts under RCW 52.16.140 and 52.16.160 and regional
13 fire protection service authorities under RCW 52.26.140(1) (b) and (c)
14 shall be reduced on a pro rata basis or eliminated; and

15 (f) Sixth, if the consolidated tax levy rate still exceeds these
16 limitations, the certified property tax levy rates authorized for fire
17 protection districts under RCW 52.16.130, regional fire protection
18 service authorities under RCW 52.26.140(1)(a), library districts,
19 metropolitan park districts created before January 1, 2002, under their
20 first fifty cent per thousand dollars of assessed valuation levy, and
21 public hospital districts under their first fifty cent per thousand
22 dollars of assessed valuation levy, shall be reduced on a pro rata
23 basis or eliminated.

24 NEW SECTION. **Sec. 8.** A new section is added to chapter 82.80 RCW
25 to read as follows:

26 (1) Subject to voter approval, a public transportation entity may
27 fix and impose an annual congestion reduction tax, not to exceed twenty
28 dollars per vehicle registered within the boundaries of the public
29 transportation entity, for each vehicle subject to license tab fees
30 under RCW 46.16.0621 and for each vehicle subject to gross weight fees
31 under RCW 46.16.070 with an unladen weight of six thousand pounds or
32 less. For purposes of this section, a "public transportation entity"
33 includes public transportation benefit areas under chapter 36.57A RCW,
34 metropolitan municipal corporations providing public transportation
35 services under chapter 36.56 or 35.58 RCW, city-owned transit systems
36 under chapter 35.58 RCW, county public transportation authorities under

1 chapter 36.57 RCW, unincorporated transportation benefit areas under
2 chapter 36.57 RCW, and regional transit authorities under chapter
3 81.112 RCW.

4 (2) The department of licensing must administer and collect the tax
5 for the relevant public transportation entity identified in subsection
6 (1) of this section. The department of licensing must deduct a
7 percentage amount, as provided by contract, not to exceed one percent
8 of the taxes collected, for administration and collection expenses
9 incurred by it. The department of licensing must remit remaining
10 proceeds to the custody of the state treasurer. The state treasurer
11 must distribute the proceeds to the public transportation entity on a
12 monthly basis.

13 (3) No tax under this section may be collected until six months
14 after it has been approved by a majority of the voters within the
15 public transportation entity's boundaries.

16 (4) The congestion reduction tax under this section applies only
17 when renewing a vehicle registration, and is effective upon the
18 registration renewal date as provided by the department of licensing.

19 (5) The following vehicles are exempt from the tax under this
20 section:

21 (a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and
22 46.04.181;

23 (b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

24 (c) Vehicles registered under chapter 46.87 RCW and the
25 international registration plan; and

26 (d) Snowmobiles as defined in RCW 46.10.010.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 36.57A RCW
28 to read as follows:

29 In addition to other general and specific powers granted to a
30 public transportation benefit area authority, the legislative authority
31 of a public transportation benefit area may submit an authorizing
32 proposition to the voters and if approved may impose an annual
33 congestion reduction tax in accordance with section 8 of this act. The
34 proposition must include a specific description of the public
35 transportation services or improvements that will be funded by the
36 congestion reduction tax.

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 35.58 RCW
2 to read as follows:

3 In addition to other general and specific powers granted to
4 metropolitan municipal corporations and city-owned transit systems, the
5 legislative authorities of metropolitan municipal corporations and
6 city-owned transit systems may submit an authorizing proposition to the
7 voters within their respective boundaries and if approved may impose an
8 annual congestion reduction tax in accordance with section 8 of this
9 act. The proposition must include a specific description of the public
10 transportation services or improvements that will be funded by the
11 congestion reduction tax.

12 NEW SECTION. **Sec. 11.** A new section is added to chapter 36.57 RCW
13 to read as follows:

14 In addition to other general and specific powers granted to county
15 public transportation authorities and unincorporated transportation
16 benefit areas, the legislative authorities of a county public
17 transportation authority and an unincorporated transportation benefit
18 area may submit an authorizing proposition to the voters within their
19 respective boundaries and if approved may impose an annual congestion
20 reduction tax in accordance with section 8 of this act. The
21 proposition must include a specific description of the public
22 transportation services or improvements that will be funded by the
23 congestion reduction tax.

24 NEW SECTION. **Sec. 12.** A new section is added to chapter 81.104
25 RCW to read as follows:

26 In addition to other general and specific powers granted to
27 regional transit authorities under this chapter and chapter 81.112 RCW,
28 regional transit authorities may submit an authorizing proposition to
29 the voters and if approved may impose an annual congestion reduction
30 tax in accordance with section 8 of this act. The proposition must
31 include a specific description of the public transportation services or
32 improvements that will be funded by the congestion reduction tax.

33 NEW SECTION. **Sec. 13.** Sections 1 and 2 of this act expire January
34 1, 2015."

1 Correct the title.

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