

SSB 5984 - H AMD 1190

By Representative Ormsby

SCOPE AND OBJECT 02/29/2012

1 On page 5, after line 24, insert the following:

2 "Sec. 7. RCW 82.14.390 and 2011 1st sp.s. c 50 s 973 are each  
3 amended to read as follows:

4 (1) Except as provided in subsection (7) of this section, the  
5 governing body of a public facilities district (a) created before July  
6 31, 2002, under chapter 35.57 or 36.100 RCW that (~~commences~~)  
7 commenced construction of a new regional center, or improvement or  
8 rehabilitation of an existing new regional center, before January 1,  
9 2004; (b) created before July 1, 2006, under chapter 35.57 RCW in a  
10 county or counties in which there are no other public facilities  
11 districts on June 7, 2006, and in which the total population in the  
12 public facilities district is greater than ninety thousand that  
13 (~~commences~~) commenced construction of a new regional center before  
14 February 1, 2007; (c) created under the authority of RCW  
15 35.57.010(1)(d); or (d) created before September 1, 2007, under chapter  
16 35.57 or 36.100 RCW, in a county or counties in which there are no  
17 other public facilities districts on July 22, 2007, and in which the  
18 total population in the public facilities district is greater than  
19 seventy thousand, that (~~commences~~) commenced construction of a new  
20 regional center before January 1, 2009, or before January 1, 2011, in  
21 the case of a new regional center in a county designated by the  
22 president as a disaster area in December 2007, may impose a sales and  
23 use tax in accordance with the terms of this chapter. The tax is in  
24 addition to other taxes authorized by law and must be collected from  
25 those persons who are taxable by the state under chapters 82.08 and  
26 82.12 RCW upon the occurrence of any taxable event within the public  
27 facilities district. The rate of tax may not exceed 0.033 percent of  
28 the selling price in the case of a sales tax or value of the article  
29 used in the case of a use tax.

1 (2)(a) The governing body of a public facilities district imposing  
2 a sales and use tax under the authority of this section may increase  
3 the rate of tax up to 0.037 percent if, within three fiscal years of  
4 July 1, 2008, the department determines that, as a result of RCW  
5 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020,  
6 a public facilities district's sales and use tax collections for fiscal  
7 years after July 1, 2008, have been reduced by a net loss of at least  
8 0.50 percent from the fiscal year before July 1, 2008. The fiscal year  
9 in which this section becomes effective is the first fiscal year after  
10 July 1, 2008.

11 (b) The department must determine sales and use tax collection net  
12 losses under this section as provided in RCW 82.14.500 (2) and (3).  
13 The department must provide written notice of its determinations to  
14 public facilities districts. Determinations by the department of a  
15 public facilities district's sales and use tax collection net losses as  
16 a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to  
17 RCW 82.14.020 are final and not appealable.

18 (c) A public facilities district may increase its rate of tax after  
19 it has received written notice from the department as provided in (b)  
20 of this subsection. The increase in the rate of tax must be made in  
21 0.001 percent increments and must be the least amount necessary to  
22 mitigate the net loss in sales and use tax collections as a result of  
23 RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW  
24 82.14.020. The increase in the rate of tax is subject to RCW  
25 82.14.055.

26 (3) The tax imposed under subsection (1) of this section must be  
27 deducted from the amount of tax otherwise required to be collected or  
28 paid over to the department of revenue under chapter 82.08 or 82.12  
29 RCW. The department of revenue must perform the collection of such  
30 taxes on behalf of the county at no cost to the public facilities  
31 district. During the 2011-2013 fiscal biennium, distributions by the  
32 state to a public facilities district based on the additional rate  
33 authorized in subsection (2) of this section must be reduced by 3.4  
34 percent.

35 (4) No tax may be collected under this section before August 1,  
36 2000. The tax imposed in this section expires when the bonds issued  
37 for the construction, improvement, rehabilitation, or expansion of the

1 regional center and related parking facilities are retired, but not  
2 more than (~~twenty-five~~) forty years after the tax is first collected.

3 (5) Moneys collected under this section may only be used for the  
4 purposes set forth in RCW 35.57.020 and must be matched with an amount  
5 from other public or private sources equal to thirty-three percent of  
6 the amount collected under this section; however, amounts generated  
7 from nonvoter approved taxes authorized under chapter 35.57 RCW or  
8 nonvoter approved taxes authorized under chapter 36.100 RCW do not  
9 constitute a public or private source. For the purpose of this  
10 section, public or private sources includes, but is not limited to cash  
11 or in-kind contributions used in all phases of the development or  
12 improvement of the regional center, land that is donated and used for  
13 the siting of the regional center, cash or in-kind contributions from  
14 public or private foundations, or amounts attributed to private sector  
15 partners as part of a public and private partnership agreement  
16 negotiated by the public facilities district.

17 (6) The combined total tax levied under this section may not be  
18 greater than 0.037 percent. If both a public facilities district  
19 created under chapter 35.57 RCW and a public facilities district  
20 created under chapter 36.100 RCW impose a tax under this section, the  
21 tax imposed by a public facilities district created under chapter 35.57  
22 RCW must be credited against the tax imposed by a public facilities  
23 district created under chapter 36.100 RCW.

24 (7) A public facilities district created under chapter 36.100 RCW  
25 is not eligible to impose the tax under this section if the legislative  
26 authority of the county where the public facilities district is located  
27 has imposed a sales and use tax under RCW 82.14.0485 or 82.14.0494."

28 Renumber the remaining sections consecutively, correct any internal  
29 references accordingly, and correct the title.

EFFECT: Adds the PFD sales and use tax credit statute to the bill  
to extend the duration of the tax credit from 25 to 40 years and to  
allow the revenue to be used for expansion, improvement, or  
rehabilitation of the facility.

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