<u>2SHB 2006</u> - H AMD **960** By Representative Senn

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## ADOPTED AS AMENDED 02/14/2018

- 1 Strike everything after the enacting clause and insert the 2 following:
- 3 "Sec. 1. RCW 82.14.460 and 2015 c 291 s 5 are each amended to 4 read as follows:
  - (1)(a) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.
  - (b) If a county with a population over eight hundred thousand has not imposed the tax authorized under this subsection by January 1, 2011, any city with a population over thirty thousand located in that county may authorize, fix, and impose the sales and use tax in accordance with the terms of this chapter. The county must provide a credit against its tax for the full amount of tax imposed under this subsection (1)(b) by any city located in that county if the county imposes the tax after January 1, 2011.
  - (2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county for a county's tax and within a city for a city's tax. The rate of tax equals one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.
- (3) Moneys collected under this section must be used solely for 23 24 the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for 25 26 the operation or delivery of therapeutic court programs and services. For the purposes of this section, "programs and services" includes, 27 28 is limited to, treatment services, case but not management, transportation, and housing that are a component of a coordinated 29 chemical dependency or mental health treatment program or service. 30 31 Every county that authorizes the tax provided in this section shall, 32 and every other county may, establish and operate a therapeutic court

component for dependency proceedings designed to be effective for the court's size, location, and resources.

- ((4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except as follows:
- (a) For a county with a population larger than twenty-five thousand or a city with a population over thirty thousand, which initially imposed the tax authorized under this section prior to January 1, 2012, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to fifty percent may be used to supplant existing funding in calendar years 2011-2012; up to forty percent may be used to supplant existing funding in calendar year 2013; up to thirty percent may be used to supplant existing funding in calendar year 2014; up to twenty percent may be used to supplant existing funding in calendar year 2015; and up to ten percent may be used to supplant existing funding in calendar year 2016;
  - (b) For a county with a population larger than twenty-five thousand or a city with a population over thirty thousand, which initially imposes the tax authorized under this section after December 31, 2011, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to fifty percent may be used to supplant existing funding for up to the first three calendar years following adoption; and up to twenty-five percent may be used to supplant existing funding for the fourth and fifth years after adoption;
  - (c) For a county with a population of less than twenty-five thousand, a portion of moneys collected under this section may be used to supplant existing funding for these purposes as follows: Up to eighty percent may be used to supplant existing funding in calendar years 2011-2012; up to sixty percent may be used to supplant existing funding in calendar year 2013; up to forty percent may be used to supplant existing funding in calendar year 2014; up to twenty percent may be used to supplant existing funding in calendar year 2015; and up to ten percent may be used to supplant existing funding in calendar year 2016; and
- 37 (d) Notwithstanding (a) through (c) of this subsection, moneys 38 collected under this section may be used to support the cost of the 39 judicial officer and support staff of a therapeutic court.

- 1 (5) Nothing in this section may be interpreted to prohibit the 2 use of moneys collected under this section for the replacement of 3 lapsed federal funding previously provided for the operation or 4 delivery of services and programs as provided in this section.))
- 5 **Sec. 2.** RCW 84.52.135 and 2004 c 80 s 1 are each amended to read 6 as follows:

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- (1) A county ((with a population of ninety thousand or less)) may impose additional regular property tax levies in an amount equal to fifty cents or less per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.
- 11 (2) The tax proposition may be submitted at a general or special 12 election.
  - (3) The tax may be imposed each year for six consecutive years when specifically authorized by the registered voters voting on the proposition, subject to the following:
  - (a) If the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in the taxing district at the last general election, the number of persons voting "yes" on the proposition ((shall)) must constitute at least three-fifths of a number equal to forty percent of the total number of voters voting in the taxing district at the last general election.
  - (b) If the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in the taxing district at the last preceding general election, the number of persons voting "yes" on the proposition ((shall)) must be at least three-fifths of the registered voters voting on the proposition.
- 28 (4) Ballot propositions ((shall)) <u>must</u> conform with RCW 29 29A.36.210.
- 30 (5) Any tax imposed under this section ((shall)) <u>must</u> be used 31 exclusively for criminal justice purposes <u>as defined in RCW</u> 32 82.14.310.
- 33 (6) The limitations in RCW 84.52.043 do not apply to the tax 34 authorized in this section.
- 35 (7) The limitation in RCW 84.55.010 does not apply to the first 36 tax levy imposed pursuant to this section following the approval of 37 the levy by the voters pursuant to subsection (3) of this section.

1 **Sec. 3.** RCW 84.55.050 and 2017 c 296 s 2 are each amended to 2 read as follows:

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- (1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section ((shall)) must be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition ((shall)) must state the dollar rate proposed and ((shall)) must clearly state the conditions, if any, which are applicable under subsection (4) of this section.
- $(2)((\frac{a}{a}))$  Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy ((shall)) <u>must</u> be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years ((shall)) will be used.
- 33 (((b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant 34 35 existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the 36 actual operating expenditures for the calendar year in which the 37 ballot measure is approved by voters. Actual operating expenditures 38 39 excludes lost federal funds, lost or expired state grants or loans, 40 extraordinary events not likely to reoccur, changes in contract

provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

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- (ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after July 26, 2009.
- (iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after July 26, 2009.))
- (3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.
- (4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:
- (a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;
- (b) Limit the period for which the increased levy is to be made 24 25 under (a) of this subsection;
  - (c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds;
- (i) For the county in which the state capitol is located, the period for which the increased levies are made may not exceed twenty-31 five years; and
  - (ii) For districts other than a district under (c)(i) of this subsection, the period for which the increased levies are made may not exceed nine years;
- (d) Set the levy or levies at a rate less than the maximum rate 35 36 allowed for the district; or
  - (e) Include any combination of the conditions in this subsection.
- (5) Except as otherwise expressly stated in an approved ballot 38 measure under this section, subsequent levies ((shall)) must be 39 40 computed as if:

- 1 (a) The proposition under this section had not been approved; and
- 2 (b) The taxing district had made levies at the maximum rates 3 which would otherwise have been allowed under this chapter during the 4 years levies were made under the proposition.
- **Sec. 4.** RCW 71.20.110 and 2013 c 123 s 1 are each amended to 6 read as follows:

- (1) In order to provide additional funds for the coordination and provision of community services for persons with developmental disabilities or mental health services, the county governing authority of each county in the state must ((budget and)) levy annually a tax in a sum equal to the amount which would be raised by ((a levy of)) two and one-half cents per thousand dollars of assessed value against the taxable property in the county((, or as such amount is modified pursuant to subsection (2) or (3) of this section,)) to be used for such purposes. ((However,)) The levy required in this section must be imposed by the legislative authority of the county as a separate levy, independent of the regular property tax levy authorized in RCW 84.52.043(1)(b).
- (2) All or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community services for persons with developmental disabilities and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state must grant these moneys and the additional funds received as matching funds to service-providing community agencies or community boards in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.24 and 71.28 RCW and by chapter 71A.14 RCW, all as now or hereafter amended.
- (((2) The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.
- (3)(a) The amount of a levy allocated to the purposes specified in this section may be modified from the amount required by subsection (1) of this section as follows:
- 37 (i) If the certified levy is reduced from the preceding year's
  38 certified levy, the amount of the levy allocated to the purposes
  39 specified in this section may be reduced by no more than the same
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percentage as the certified levy is reduced from the preceding year's
certified levy;

(ii) If the certified levy is increased from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section must be increased from the amount of the levy so allocated in the previous year by at least the same percentage as the certified levy is increased from the preceding year's certified levy. However, the amount of the levy allocated to the purposes specified in this section does not have to be increased under this subsection (3)(a)(ii) for the portion of a certified levy increase resulting from a voter-approved increase under RCW 84.55.050 that is dedicated to a specific purpose; or

(iii) If the certified levy is unchanged from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section must be equal to or greater than the amount of the levy so allocated in the preceding year.

- (b) For purposes of this subsection, "certified levy" means the property tax levy for general county purposes certified to the county assessor as required by RCW 84.52.070, excluding any amounts certified under chapters 84.69 and 84.68 RCW.
- (4) Subsections (2) and (3) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy.))
- Sec. 5. RCW 73.08.080 and 2013 c 123 s 2 are each amended to read as follows:
- (1)(a) The legislative authority in each county must levy((, in addition to the taxes now levied by law,)) a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a veterans' assistance fund. The levy must be imposed by the legislative authority of the county as a separate levy, independent of the regular property tax levy authorized in RCW 84.52.043(1)(b).
- 38 <u>(b)</u> Expenditures from the veterans' assistance fund, and interest 39 earned on balances from the fund, may be used only for:

 $((\frac{a}{a}))$  (i) The veterans' assistance programs authorized by RCW 2 73.08.010;

- $((\frac{b}{b}))$  (ii) The burial or cremation of a deceased indigent veteran or deceased family member of an indigent veteran as authorized by RCW 73.08.070; and
- (((c))) (iii) The direct and indirect costs incurred in the administration of the fund as authorized by subsection (2) of this section.
  - (2) If the funds on deposit in the veterans' assistance fund, less outstanding warrants, on the first Tuesday in September exceed the lesser of the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county ((or the expected yield of a levy determined as set forth in subsection (5) of this section)), the county legislative authority may levy a lesser amount than would otherwise be required under subsection (1) ((or (5))) of this section.
  - (3) The direct and indirect costs incurred in the administration of the veterans' assistance fund must be computed by the county auditor, or the chief financial officer in a county operating under a charter, not less than annually. Following the computation of these direct and indirect costs, an amount equal to these costs may then be transferred from the veterans' assistance fund to the county current expense fund.
  - ((4) The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.
  - (5)(a) The amount of a levy allocated to the purposes specified in this section may be modified from the amount required by subsection (1) of this section as follows:
  - (i) If the certified levy is reduced from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may be reduced by no more than the same percentage as the certified levy is reduced from the preceding year's certified levy;
- (ii) If the certified levy is increased from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may not be less than the base allocation increased by the same percentage as the certified levy is increased from the preceding year's certified levy. However, the amount of the levy allocated to the purposes specified in this section does not Code Rev/JA:eab

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- have to be increased under this subsection (5)(a)(ii) for the portion of a certified levy increase resulting from a voter-approved increase under RCW 84.55.050 that is dedicated to a specific purpose; or
- 4 (iii) If the certified levy is unchanged from the preceding
  5 year's certified levy, the amount of the levy allocated to the
  6 purposes specified in this section must be equal to or greater than
  7 the base allocation.
- 8 (b) For purposes of this subsection, the following definitions
  9 apply:
- 10 (i) "Base allocation" means the most recent allocation that was
  11 not reduced under subsection (2) of this section.
- (ii) "Certified levy" means the property tax levy for general county purposes certified to the county assessor as required by RCW 84.52.070, excluding any amounts certified under chapters 84.69 and 84.68 RCW.
- (6) Subsections (2), (4), and (5) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy.))
- 20 **Sec. 6.** RCW 84.52.010 and 2017 c 196 s 10 are each amended to 21 read as follows:
- 22 (1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

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- (2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.
- 35 (3) When a county assessor finds that the aggregate rate of tax 36 levy on any property, that is subject to the limitations set forth in 37 RCW 84.52.043 or 84.52.050, exceeds the limitations provided in 38 either of these sections, the assessor must recompute and establish a 39 consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, and the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

- (i) The portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;
- (ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;
- (iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;
- (iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;
- 38 (v) If the combined rate of regular property tax levies that are 39 subject to the one percent limitation still exceeds one percent of 40 the true and fair value of any property, the levy imposed by a ferry Code Rev/JA:eab 10 H-4707.1/18

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

- (vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;
- (vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and
- (viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.
- (b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property and the tax levies under RCW 71.20.110 and 73.08.080 must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:
- 29 (i) First, the certified property tax levies authorized under RCW 30 71.20.110 and 73.08.080 must be reduced on a pro rata basis or eliminated;
- 32 <u>(ii) Second,</u> the certified property tax levy authorized under RCW 33 84.52.821 must be reduced on a pro rata basis or eliminated;
- ((\(\frac{\(\(\)\)}{\(\)\)}\) Second,)) (iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;
- 39 ((<del>(iii) Third,</del>)) <u>(iv) Fourth,</u> if the consolidated tax levy rate 40 still exceeds these limitations, the certified property tax levy Code Rev/JA:eab 11 H-4707.1/18

- rates of flood control zone districts other than the portion of a 1 2 levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated; 3
- ((<del>(iv) Fourth,</del>)) <u>(v) Fifth,</u> if the consolidated tax levy rate 4 still exceeds these limitations, the certified property tax levy 5 6 rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, 7 library districts, the first fifty cent per thousand dollars of 8 assessed valuation levies for metropolitan park districts, and the 9 first fifty cent per thousand dollars of assessed valuation levies 10 11 for public hospital districts, must be reduced on a pro rata basis or 12 eliminated;
- ((<del>(v) Fifth,</del>)) <u>(vi) Sixth,</u> if the consolidated tax levy rate 13 still exceeds these limitations, the first fifty cent per thousand 14 dollars of assessed valuation levies for metropolitan park districts 15 created on or after January 1, 2002, must be reduced on a pro rata 17 basis or eliminated;
- ((<del>(vi) Sixth,</del>)) (vii) Seventh, if the consolidated tax levy rate 18 still exceeds these limitations, the certified property tax levy 19 rates authorized to fire protection districts under RCW 52.16.140 and 20 21 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or 22 eliminated; and 23
  - ((<del>vii)</del> Seventh,)) (viii) Eighth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, must be reduced on a pro rata basis or eliminated."
- 34 Correct the title.

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 $\underline{\text{EFFECT:}}$  Establishes the Veterans' Assistance Levy and the County Mental Health Levy as separate property tax levies, outside of the county general levy.

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