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**SUBSTITUTE SENATE BILL 6464**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Horn and Kohl-Welles)

READ FIRST TIME 02/12/2002.

1 AN ACT Relating to city transportation authority; amending RCW  
2 84.52.010 and 84.52.052; and adding a new chapter to Title 36 RCW.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Authority" means a city transportation authority created  
7 pursuant to this act.

8 (2) "Authority area" means the territory within a city as  
9 designated in the ordinance creating the authority.

10 (3) "Bonds" means bonds, notes, or other evidences of indebtedness.

11 (4) "Public transportation function" means the transportation of  
12 passengers and their incidental baggage, as authorized in this act,  
13 together with the necessary passenger stations, terminals, parking  
14 facilities, related facilities or other properties, and facilities  
15 necessary and appropriate for passenger and vehicular access to and  
16 from people-moving systems.

17 NEW SECTION. **Sec. 2.** (1) A city transportation authority to  
18 perform a public transportation function may be created in every city

1 with a population greater than three hundred thousand to perform a  
2 public transportation function. The authority shall embrace all the  
3 territory in the authority area. A city transportation authority is a  
4 municipal corporation, an independent taxing "authority" within the  
5 meaning of Article 7, section 1 of the state Constitution, and a  
6 "taxing district" within the meaning of Article 7, section 2 of the  
7 state Constitution.

8 (2) Any city transportation authority and proposed taxes  
9 established pursuant to this chapter, either by ordinance or petition  
10 as provided in this chapter, must be approved by a majority vote of the  
11 electors residing within the proposed authority area voting at a  
12 regular or special election.

13 NEW SECTION. **Sec. 3.** (1) A city that undertakes to propose  
14 creation of an authority must propose the authority by ordinance of the  
15 city legislative body. The ordinance must:

16 (a) Propose the authority area and the size and method of selection  
17 of the governing body of the authority, which governing body may be  
18 appointed or elected, provided that officers or employees of any single  
19 city government body may not compose a majority of the members of the  
20 authority's governing body;

21 (b) Propose whether all or a specified portion of the public  
22 transportation function will be exercised by the authority;

23 (c) Propose an initial array of taxes to be voted upon by the  
24 electors within the proposed authority area; and

25 (d) Provide for an interim governing body of the authority which  
26 will govern the authority upon voter approval of formation of the  
27 authority, until a permanent governing body is selected, but in no  
28 event longer than fourteen months.

29 (2) An authority may also be proposed to be created by a petition  
30 setting forth the matters described in subsection (1) of this section,  
31 and signed by one percent of the qualified electors of the proposed  
32 authority area.

33 (3) Upon approval by the qualified electors of the formation of the  
34 city transportation authority and any proposed taxes, either by  
35 ordinance or by petition as provided in this chapter, the governing  
36 body of an authority, or interim governing body, as applicable, will  
37 adopt bylaws determining, among other things, the authority's officers

1 and the method of their selection, and other matters the governing body  
2 deems appropriate.

3 NEW SECTION. **Sec. 4.** The authority is subject to all standard  
4 requirements of a governmental entity pursuant to RCW 35.21.759.

5 NEW SECTION. **Sec. 5.** Every authority has the following powers:

6 (1) To acquire by purchase, condemnation, gift, or grant and to  
7 lease, construct, add to, improve, replace, repair, maintain, operate,  
8 and regulate the use of certain public transportation facilities,  
9 including monorails, trams and trolleys, and including passenger  
10 terminal and parking facilities and properties, and other facilities  
11 and properties as may be necessary for passenger and vehicular access  
12 to and from public transportation facilities, together with all lands,  
13 rights of way, and property within or outside the authority area, and  
14 together with equipment and accessories necessary or appropriate for  
15 these facilities, except that property, including but not limited to  
16 public transportation facilities, that is owned by any city, county,  
17 county transportation authority, public transportation benefit area, or  
18 metropolitan municipal corporation may be acquired or used by an  
19 authority only with the consent of the public entity owning the  
20 property. The entities are authorized to convey or lease property to  
21 an authority or to contract for their joint use on terms fixed by  
22 agreement between the entity and the authority;

23 (2) To fix rates, tolls, fares, and charges for the use of  
24 facilities and to establish various routes and classes of service.  
25 Rates, tolls, fares, or charges may be adjusted or eliminated for any  
26 distinguishable class of users including, but not limited to, senior  
27 citizens and handicapped persons;

28 (3) To contract with the United States or any of its agencies, any  
29 state or any of its agencies, any metropolitan municipal corporation,  
30 and other country, city, other political subdivision or governmental  
31 instrumentality, or governmental agency, or any private person, firm,  
32 or corporation for the purpose of receiving any gifts or grants or  
33 securing loans or advances for preliminary planning and feasibility  
34 studies, or for the design, construction, operation, or maintenance of  
35 public transportation facilities as follows:

36 (a) Notwithstanding the provisions of any law to the contrary, and  
37 in addition to any other authority provided by law, the governing body

1 of a city transportation authority may contract with one or more  
2 vendors for the design, construction, operation, or maintenance, or  
3 other service related to the development of a monorail, tram, or  
4 trolley public transportation system including, but not limited to,  
5 monorail trains, operating systems and control equipment, guideways,  
6 and pylons, together with the necessary passenger stations, terminals,  
7 parking facilities, and other related facilities necessary and  
8 appropriate for passenger and vehicular access to and from people-  
9 moving systems.

10 (b) If the governing body of the city transportation authority  
11 decides to proceed with the consideration of qualifications or  
12 proposals for services from qualified vendors, the authority must  
13 publish notice of its requirements and request submission of  
14 qualifications statements or proposals. The notice must be published  
15 in the official newspaper of the city creating the authority at least  
16 once a week for two weeks, not less than sixty days before the final  
17 date for the submission of qualifications statements or proposals. The  
18 notice must state in summary form: (i) The general scope and nature of  
19 the design, construction, operation, maintenance, or other services  
20 being sought related to the development of the proposed monorail, tram,  
21 or trolley public transportation system; (ii) the name and address of  
22 a representative of the city transportation authority who can provide  
23 further details; (iii) the final date for the submission of  
24 qualifications statements or proposals; (iv) an estimated schedule for  
25 the consideration of qualifications statements or proposals, the  
26 selection of vendors, and the negotiation of a contract or contracts  
27 for services; (v) the location of which a copy of any requests for  
28 qualifications statements or requests for proposals will be made  
29 available; and (vi) the criteria established by the governing body of  
30 the authority to select a vendor or vendors, which may include, but is  
31 not limited to, the vendor's prior experience, including design,  
32 construction, operation, or maintenance of other similar public  
33 transportation facilities, respondent's management capabilities,  
34 proposed project schedule, availability and financial resources, costs  
35 of the services to be provided, nature of facility design proposed by  
36 the vendors, system reliability, performance standards required for the  
37 facilities, compatibility with existing public transportation  
38 facilities operated by the authority or any other public body or other  
39 providers of similar services to the public, project performance

1 guarantees, penalties, and other enforcement provisions, environmental  
2 protection measures to be used by the vendor, consistency with the  
3 applicable regional transportation plans, and the proposed allocation  
4 of project risks.

5 (c) If the governing body of the city transportation authority  
6 decides to proceed with the consideration of qualifications statements  
7 or proposals submitted by vendors, it may designate a representative to  
8 evaluate the vendors who submitted qualifications statements or  
9 proposals and conduct discussions regarding qualifications or proposals  
10 with one or more vendors. The governing body or its representative may  
11 request submission of qualifications statements and may later request  
12 more detailed proposals from one or more vendors who have submitted  
13 qualifications statements, or may request detailed proposals without  
14 having first received and evaluated qualifications statements. The  
15 governing body or its representative will evaluate the qualifications  
16 or proposals, as applicable. If two or more vendors submit  
17 qualifications or proposals that meet the criteria established by the  
18 governing body of the authority, discussions and interviews must be  
19 held with at least two vendors. Any revisions to a request for  
20 qualifications or request for proposals must be made available to all  
21 vendors then under consideration by the governing body of the authority  
22 and must be made available to any other person who has requested  
23 receipt of that information.

24 (d) Based on the criteria established by the governing body of the  
25 authority, the representative will recommend to the governing body a  
26 vendor or vendors that are initially determined to be the best  
27 qualified to provide one or more of the design, construction, operation  
28 or maintenance, or other service related to the development of the  
29 proposed monorail, tram, or trolley public transportation system.

30 (e) The governing body of the authority or its representative may  
31 attempt to negotiate a contract with the vendor or vendors selected for  
32 one or more of the design, construction, operation or maintenance, or  
33 other service related to the development of the proposed monorail,  
34 tram, or trolley public transportation system on terms that the  
35 governing body of the authority determines to be fair and reasonable  
36 and in the best interest of the authority. If the governing body, or  
37 its representative, is unable to negotiate a contract with any one or  
38 more of the vendors first selected on terms that it determines to be  
39 fair and reasonable and in the best interest of the authority,

1 negotiations with any one or more of the vendors must be terminated or  
2 suspended and another qualified vendor or vendors may be selected in  
3 accordance with the procedures set forth in this section. If the  
4 governing body decides to continue the process of selection,  
5 negotiations will continue with a qualified vendor or vendors in  
6 accordance with this section at the sole discretion of the governing  
7 body of the authority until an agreement is reached with one or more  
8 qualified vendors, or the process is terminated by the governing body.  
9 The process may be repeated until an agreement is reached for the  
10 development of the proposed monorail, tram, or trolley public  
11 transportation system.

12 (f) Prior to entering into a contract with a vendor, the governing  
13 body of the authority must make written findings, after holding a  
14 public hearing on the proposal, that it is in the public interest to  
15 enter into the contract, that the contract is financially sound, and  
16 that it is advantageous for the governing body of the authority to use  
17 this method for awarding contracts for one or more of the design,  
18 construction, or operation or maintenance of the proposed monorail,  
19 tram, or trolley public transportation system as compared to all other  
20 methods of awarding such contracts.

21 (g) Each contract must include a project performance bond or bonds  
22 or other security by the vendor.

23 (h) The provisions of chapters 39.12 and 39.19 RCW apply to a  
24 contract entered into under this section as if the public  
25 transportation systems and facilities were owned by a public body.

26 (i) The vendor selection process permitted by this section is  
27 supplemental to and is not construed as a repeal of or limitation on  
28 any other authority granted by law.

29 (j) Contracts for the construction of facilities, other than  
30 contracts for facilities to be provided by the selected vendor, with an  
31 estimated cost greater than two hundred thousand dollars must be  
32 awarded after a competitive bid process consistent with chapter 39.04  
33 RCW or awarded through an alternative public works contracting  
34 procedure consistent with chapter 39.10 RCW;

35 (4) To contract with the United States or any of its agencies, any  
36 state or any of its agencies, any metropolitan municipal corporation,  
37 any other county, city, other political subdivision or governmental  
38 instrumentality, any governmental agency, or any private person, firm,  
39 or corporation for the use by either contracting party of all or any

1 part of the facilities, structures, lands, interests in lands, air  
2 rights over lands, and rights of way of all kinds which are owned,  
3 leased, or held by the other party and for the purpose of planning,  
4 designing, constructing, operating any public transportation facility,  
5 or performing any service related to transportation which the authority  
6 is authorized to operate or perform, on terms as may be agreed upon by  
7 the contracting parties;

8 (5) To acquire any existing public transportation facility by  
9 conveyance, sale, or lease. In any acquisition from a county, city, or  
10 other political subdivision of the state, the authority will receive  
11 credit from the county or city or other political subdivision for any  
12 federal assistance and state matching assistance used by the county or  
13 city or other political subdivision in acquiring any portion of the  
14 public transportation facility. Upon acquisition, the authority must  
15 assume and observe all existing labor contracts relating to the public  
16 transportation facility and, to the extent necessary for operation of  
17 the public transportation facility, all of the employees of the public  
18 transportation facility whose duties are necessary to efficiently  
19 operate the public transportation facility must be appointed to  
20 comparable positions to those which they held at the time of the  
21 transfer, and no employee or retired or pensioned employee of the  
22 public transportation facility will be placed in any worse position  
23 with respect to pension seniority, wages, sick leave, vacation, or  
24 other benefits than he or she enjoyed as an employee of the public  
25 transportation facility prior to the acquisition. Furthermore, the  
26 authority must engage in collective bargaining with the duly appointed  
27 representatives of any employee labor organization having existing  
28 contracts with the acquired facility and may enter into labor contracts  
29 with the employee labor organization;

30 (6) To contract for, participate in, and support research,  
31 demonstration, testing, and development of public transportation  
32 facilities, equipment, and use incentives, and have all powers  
33 necessary to comply with any criteria, standards, and regulations which  
34 may be adopted under state and federal law, and to take all actions  
35 necessary to meet the requirements of those laws. The authority has,  
36 in addition to these powers, the authority to prepare, adopt, and carry  
37 out a comprehensive transit plan and to make other plans and studies  
38 and to perform programs as the authority deems necessary to implement  
39 and comply with those laws;

1 (7) To establish local improvement districts within the authority  
2 area to finance public transportation facilities, to levy special  
3 assessments on property specially benefited by those facilities, and to  
4 issue local improvement bonds to be repaid by the collection of local  
5 improvement assessments. The method of establishment, levying,  
6 collection, enforcement, and all other matters relating to the local  
7 improvement districts, assessments, collection, and bonds are as  
8 provided in the statutes governing local improvement districts of  
9 cities and towns. The duties devolving upon the city treasurer in  
10 those statutes are imposed on the treasurer of the authority;

11 (8) To exercise all other powers necessary and appropriate to carry  
12 out its responsibilities, including without limitation the power to sue  
13 and be sued, to own, construct, purchase, lease, add to, and maintain  
14 any real and personal property or property rights necessary for the  
15 conduct of the affairs of the authority, to enter into contracts, and  
16 to employ the persons as the authority deems appropriate. An authority  
17 may also sell, lease, convey, or otherwise dispose of any real or  
18 personal property no longer necessary for the conduct of the affairs of  
19 the authority.

20 NEW SECTION. **Sec. 6.** Each authority will establish necessary and  
21 appropriate funds and accounts consistent with the uniform system of  
22 accounts developed pursuant to RCW 43.09.210. The authority may  
23 designate a treasurer or may contract with any city with territory  
24 within the authority area for treasury and other financial functions.  
25 The city must be reimbursed for the expenses of treasury services.  
26 However, no city whose treasurer serves as treasurer of an authority is  
27 liable for the obligations of the authority.

28 NEW SECTION. **Sec. 7.** The authority must adopt a public  
29 transportation plan for public transportation facilities to be provided  
30 by the authority and the facilities must be provided substantially in  
31 accordance with that plan. The plan, and any adopted plan amendments,  
32 will be submitted for approval to the legislative authority of the  
33 city. Prior to adoption of the plan, the authority will provide a  
34 minimum of sixty days during which sufficient public hearings will be  
35 held to provide interested persons an opportunity to participate in  
36 development of the plan. The plan or any amendment is not effective  
37 until approval is granted or until ninety days has elapsed since the



1 plan or amendment has been submitted for approval and the city has  
2 neither approved nor disapproved the plan or amendment within those  
3 ninety days.

4 NEW SECTION. **Sec. 8.** Every authority has the power to:

5 (1) Levy excess levies upon the property included within the  
6 authority area, in the manner prescribed by Article VII, section 2 of  
7 the state Constitution and by RCW 84.52.052 for operating funds,  
8 capital outlay funds, and cumulative reserve funds;

9 (2) Issue general obligation bonds, not to exceed an amount,  
10 together with any outstanding nonvoter-approved general obligation  
11 indebtedness equal to one and one-half percent of the value of the  
12 taxable property within the authority area, as the term "value of the  
13 taxable property" is defined in RCW 39.36.015. An authority may  
14 additionally issue general obligation bonds, together with outstanding  
15 voter-approved and nonvoter-approved general obligation indebtedness,  
16 equal to two and one-half percent of the value of the taxable property  
17 within the authority area, as the term "value of the taxable property"  
18 is defined in RCW 39.36.015, when the bonds are approved by three-  
19 fifths of the qualified electors of the authority at a general or  
20 special election called for that purpose and may provide for the  
21 retirement thereof by levies in excess of dollar rate limitations in  
22 accordance with the provisions of RCW 84.52.056. These elections will  
23 be held as provided in RCW 39.36.050;

24 (3) Issue revenue bonds payable from any revenues other than taxes  
25 levied by the authority, and to pledge those revenues for the repayment  
26 of the bonds. Proceeds of revenue bonds may be expended for the costs  
27 of public transportation facilities, for financing costs, and for  
28 capitalized interest during construction plus six months thereafter.  
29 The bonds and warrants will be issued and sold in accordance with  
30 chapter 39.46 RCW.

31 No bonds issued by an authority are obligations of any city,  
32 county, or the state of Washington or any political subdivision thereof  
33 other than the authority, and the bonds will so state, unless the  
34 legislative authority of any city or county or the legislature  
35 expressly authorizes particular bonds to be either guaranteed by or  
36 obligations of its respective city or county or of the state.

1        NEW SECTION.    **Sec. 9.**    (1) Every authority has the power to levy  
2 and collect a special excise tax not exceeding two and one-half percent  
3 on the value of every motor vehicle owned by a resident of the  
4 authority area for the privilege of using a motor vehicle. Before  
5 utilization of any excise tax money collected under this section for  
6 acquisition of right of way or construction of a public transportation  
7 facility on a separate right of way, the authority must adopt rules  
8 affording the public an opportunity for corridor public hearings and  
9 design public hearings, which provide in detail the procedures  
10 necessary for public participation in the following instances: (a)  
11 Prior to adoption of location and design plans having a substantial  
12 social, economic, or environmental effect upon the locality upon which  
13 they are to be constructed; or (b) on the public transportation  
14 facilities operating on a separate right of way whenever a substantial  
15 change is proposed relating to location or design in the adopted plan.  
16 In adopting rules the authority must adhere to the provisions of the  
17 administrative procedure act.

18        (2) A "corridor public hearing" is a public hearing that: (a) Is  
19 held before the authority is committed to a specific route proposal for  
20 the public transportation facility, and before a route location is  
21 established; (b) is held to afford an opportunity for participation by  
22 those interested in the determination of the need for, and the location  
23 of, the public transportation facility; and (c) provides a public forum  
24 that affords a full opportunity for presenting views on the public  
25 transportation facility route location, and the social, economic, and  
26 environmental effects on that location and alternate locations.  
27 However, the hearing is not deemed to be necessary before adoption of  
28 a transportation plan as provided in section 7 of this act or a vote of  
29 the qualified electors under subsection (5) of this section.

30        (3) A "design public hearing" is a public hearing that: (a) Is  
31 held after the location is established but before the design is  
32 adopted; (b) is held to afford an opportunity for participation by  
33 those interested in the determination of major design features of the  
34 public transportation facility; and (c) provides a public forum to  
35 afford a full opportunity for presenting views on the public  
36 transportation system design, and the social, economic, and  
37 environmental effects of that design and alternate designs, including  
38 people-mover technology.

1 (4) An authority imposing a tax under subsection (1) of this  
2 section may also impose a sales and use tax, in addition to any tax  
3 authorized by RCW 82.14.030, upon retail car rentals within the city  
4 that are taxable by the state under chapters 82.08 and 82.12 RCW. The  
5 rate of tax must not exceed 1.944 percent of the base of the tax. The  
6 base of the tax will be the selling price in the case of a sales tax or  
7 the rental value of the vehicle used in the case of a use tax. The  
8 revenue collected under this subsection will be distributed in the same  
9 manner as sales and use taxes under chapter 82.14 RCW.

10 (5) Before any authority may impose any of the taxes authorized  
11 under this section, the authorization for imposition of the taxes must  
12 be approved by the qualified electors of the authority area.

13 NEW SECTION. **Sec. 10.** (1) Every authority has the power to fix  
14 and impose a fee, not to exceed one hundred dollars per vehicle, for  
15 each vehicle that is subject to relicensing tab fees under RCW  
16 46.16.0621 and for each vehicle that is subject to RCW 46.16.070 with  
17 an unladen weight of six thousand pounds or less, and that is  
18 determined by the department of licensing to be registered within the  
19 boundaries of the authority area. The department of licensing must  
20 provide an exemption from the fee for any vehicle the owner of which  
21 demonstrates is not operated within the authority area.

22 (2) The department of licensing will administer and collect the  
23 fee. The department will deduct a percentage amount, as provided by  
24 contract, not to exceed two percent of the taxes collected, for  
25 administration and collection expenses incurred by it. The remaining  
26 proceeds will be remitted to the custody of the state treasurer for  
27 monthly distribution to the authority.

28 (3) The authority imposing this fee will delay the effective date  
29 at least six months from the date the fee is approved by the qualified  
30 voters of the authority area to allow the department of licensing to  
31 implement administration and collection of the fee.

32 (4) Before any authority may impose any of the fees authorized  
33 under this section, the authorization for imposition of the fees must  
34 be approved by a majority of the qualified electors of the authority  
35 area voting.

36 NEW SECTION. **Sec. 11.** (1) Every authority has the power to impose  
37 annual regular property tax levies in an amount equal to one dollar and

1 fifty cents or less per thousand dollars of assessed value of property  
2 in the authority area when specifically authorized to do so by a  
3 majority of the voters voting on a proposition submitted at a special  
4 election or at the regular election of the authority. A proposition  
5 authorizing the tax levies will not be submitted by an authority more  
6 than twice in any twelve-month period. Ballot propositions must  
7 conform with RCW 29.30.111. The number of years during which the  
8 regular levy will be imposed may be limited as specified in the ballot  
9 proposition or may be unlimited in duration. In the event an authority  
10 is levying property taxes, which in combination with property taxes  
11 levied by other taxing districts subject to the limitations provided in  
12 RCW 84.52.043 and 84.52.050, exceed these limitations, the authority's  
13 property tax levy shall be reduced or eliminated consistent with RCW  
14 84.52.010.

15 (2) The limitation in RCW 84.55.010 does not apply to the first  
16 levy imposed under this section following the approval of the levies by  
17 the voters under subsection (1) of this section.

18 NEW SECTION. **Sec. 12.** All taxes and fees levied and collected by  
19 an authority must be used solely for the purpose of paying all or any  
20 part of the cost of acquiring, designing, constructing, equipping,  
21 maintaining, or operating the facilities of an authority or contracting  
22 for the services thereof, or to pay or secure the payment of all or  
23 part of the principal of or interest on any general obligation bonds or  
24 revenue bonds issued for authority purposes. Until expended, money  
25 accumulated in the funds and accounts of an authority may be invested  
26 in the manner authorized by the governing body of the authority,  
27 consistent with state law.

28 If any of the revenue from any tax or fee authorized to be levied  
29 by an authority has been pledged by the authority to secure the payment  
30 of any bonds as herein authorized, then as long as that pledge is in  
31 effect the legislature will not withdraw from the authority the  
32 authorization to levy and collect the tax or fee.

33 NEW SECTION. **Sec. 13.** The special excise tax imposed under  
34 section 9(1) of this act will be collected at the same time and in the  
35 same manner as relicensing tab fees under RCW 46.16.0621 and section 10  
36 of this act. Every year on January 1st, April 1st, July 1st, and  
37 October 1st the department of licensing shall remit special excise

1 taxes collected on behalf of an authority, back to the authority, at no  
2 cost to the authority. Valuation of motor vehicles for purposes of the  
3 special excise tax imposed under section 9(1) of this act must be  
4 consistent with chapter 82.44 RCW.

5 **Sec. 14.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each  
6 amended to read as follows:

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

9 The rate percent of all taxes for state and county purposes, and  
10 purposes of taxing districts coextensive with the county, shall be  
11 determined, calculated and fixed by the county assessors of the  
12 respective counties, within the limitations provided by law, upon the  
13 assessed valuation of the property of the county, as shown by the  
14 completed tax rolls of the county, and the rate percent of all taxes  
15 levied for purposes of taxing districts within any county shall be  
16 determined, calculated and fixed by the county assessors of the  
17 respective counties, within the limitations provided by law, upon the  
18 assessed valuation of the property of the taxing districts  
19 respectively.

20 When a county assessor finds that the aggregate rate of tax levy on  
21 any property, that is subject to the limitations set forth in RCW  
22 84.52.043 or 84.52.050, exceeds the limitations provided in either of  
23 these sections, the assessor shall recompute and establish a  
24 consolidated levy in the following manner:

25 (1) The full certified rates of tax levy for state, county, county  
26 road district, and city or town purposes shall be extended on the tax  
27 rolls in amounts not exceeding the limitations established by law;  
28 however any state levy shall take precedence over all other levies and  
29 shall not be reduced for any purpose other than that required by RCW  
30 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,  
31 84.34.230, the portion of the levy by a metropolitan park district that  
32 was protected under RCW 84.52.120, and 84.52.105, the combined rate of  
33 regular property tax levies that are subject to the one percent  
34 limitation exceeds one percent of the true and fair value of any  
35 property, then these levies shall be reduced as follows: (a) The  
36 portion of the levy by a metropolitan park district that is protected  
37 under RCW 84.52.120 shall be reduced until the combined rate no longer  
38 exceeds one percent of the true and fair value of any property or shall

1 be eliminated; (b) if the combined rate of regular property tax levies  
2 that are subject to the one percent limitation still exceeds one  
3 percent of the true and fair value of any property, then the levies  
4 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy  
5 imposed under RCW 84.52.069 that is in excess of thirty cents per  
6 thousand dollars of assessed value, shall be reduced on a pro rata  
7 basis until the combined rate no longer exceeds one percent of the true  
8 and fair value of any property or shall be eliminated; and (c) if the  
9 combined rate of regular property tax levies that are subject to the  
10 one percent limitation still exceeds one percent of the true and fair  
11 value of any property, then the thirty cents per thousand dollars of  
12 assessed value of tax levy imposed under RCW 84.52.069 shall be reduced  
13 until the combined rate no longer exceeds one percent of the true and  
14 fair value of any property or eliminated.

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

19 (a) First, the certified property tax levy rates of those junior  
20 taxing districts authorized under RCW 36.68.525, 36.69.145, section 11  
21 of this act, and 67.38.130 shall be reduced on a pro rata basis or  
22 eliminated;

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

26 (c) Third, if the consolidated tax levy rate still exceeds these  
27 limitations, the certified property tax levy rates of all other junior  
28 taxing districts, other than fire protection districts, library  
29 districts, the first fifty cent per thousand dollars of assessed  
30 valuation levies for metropolitan park districts, and the first fifty  
31 cent per thousand dollars of assessed valuation levies for public  
32 hospital districts, shall be reduced on a pro rata basis or eliminated;

33 (d) Fourth, if the consolidated tax levy rate still exceeds these  
34 limitations, the certified property tax levy rates authorized to fire  
35 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced  
36 on a pro rata basis or eliminated; and

37 (e) Fifth, if the consolidated tax levy rate still exceeds these  
38 limitations, the certified property tax levy rates authorized for fire  
39 protection districts under RCW 52.16.130, library districts,

1 metropolitan park districts under their first fifty cent per thousand  
2 dollars of assessed valuation levy, and public hospital districts under  
3 their first fifty cent per thousand dollars of assessed valuation levy,  
4 shall be reduced on a pro rata basis or eliminated.

5 In determining whether the aggregate rate of tax levy on any  
6 property, that is subject to the limitations set forth in RCW  
7 84.52.050, exceeds the limitations provided in that section, the  
8 assessor shall use the hypothetical state levy, as apportioned to the  
9 county under RCW 84.48.080, that was computed under RCW 84.48.080  
10 without regard to the reduction under RCW 84.55.012.

11 **Sec. 15.** RCW 84.52.052 and 1996 c 230 s 1615 are each amended to  
12 read as follows:

13 The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW  
14 84.52.043 shall not prevent the levy of additional taxes by any taxing  
15 district except school districts in which a larger levy is necessary in  
16 order to prevent the impairment of the obligation of contracts. As  
17 used in this section, the term "taxing district" means any county,  
18 metropolitan park district, park and recreation service area, park and  
19 recreation district, water-sewer district, solid waste disposal  
20 district, public facilities district, flood control zone district,  
21 county rail district, service district, public hospital district, road  
22 district, rural county library district, island library district, rural  
23 partial-county library district, intercounty rural library district,  
24 fire protection district, cemetery district, city, town, transportation  
25 benefit district, emergency medical service district with a population  
26 density of less than one thousand per square mile, ~~((or))~~ cultural  
27 arts, stadium, and convention district, or city transportation  
28 authority.

29 Any such taxing district may levy taxes at a rate in excess of the  
30 rate specified in RCW 84.52.050 through 84.52.056 and 84.52.043, or  
31 84.55.010 through 84.55.050, when authorized so to do by the voters of  
32 such taxing district in the manner set forth in Article VII, section  
33 2(a) of the Constitution of this state at a special or general election  
34 to be held in the year in which the levy is made.

35 A special election may be called and the time therefor fixed by the  
36 county legislative authority, or council, board of commissioners, or  
37 other governing body of any such taxing district, by giving notice  
38 thereof by publication in the manner provided by law for giving notices

1 of general elections, at which special election the proposition  
2 authorizing such excess levy shall be submitted in such form as to  
3 enable the voters favoring the proposition to vote "yes" and those  
4 opposed thereto to vote "no."

5 NEW SECTION. **Sec. 16.** Sections 1 through 13 of this act  
6 constitute a new chapter in Title 36 RCW.

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