
SENATE BILL 5022

State of Washington 60th Legislature 2007 Regular Session

By Senators Jacobsen, Kline and Kohl-Welles

Read first time 01/08/2007. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing county taxes for the construction,
2 design, repair, or improvement of viaducts and bridges; amending RCW
3 36.100.040, 36.38.010, and 36.38.040; adding new sections to chapter
4 82.14 RCW; and providing contingent expiration dates.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.14 RCW
7 to read as follows:

8 (1) The legislative authority of a county with a population of one
9 million or more may impose a sales and use tax in accordance with the
10 terms of this chapter. The tax is in addition to other taxes
11 authorized by law and shall be collected from those persons who are
12 taxable by the state under chapters 82.08 and 82.12 RCW upon the
13 occurrence of any taxable event within the county. The rate of tax
14 shall not exceed 0.017 percent of the selling price in the case of a
15 sales tax or value of the article used in the case of a use tax.

16 (2) The legislative authority of a county with a population of one
17 million or more may impose a sales and use tax in accordance with the
18 terms of this chapter. The tax is in addition to other taxes
19 authorized by law and shall be collected from those persons who are

1 taxable by the state under chapters 82.08 and 82.12 RCW upon the
2 occurrence of any taxable event within the county. The rate of tax
3 shall not exceed 0.016 percent of the selling price in the case of a
4 sales tax or value of the article used in the case of a use tax.

5 (3) The tax imposed under subsections (1) and (2) of this section
6 shall be deducted from the amount of tax otherwise required to be
7 collected or paid over to the department of revenue under chapter 82.08
8 or 82.12 RCW. The department of revenue shall perform the collection
9 of such taxes on behalf of the county at no cost to the county.

10 (4) Money collected under this section shall only be used for the
11 purpose of paying the principal and interest payments on bonds issued
12 for the construction, design, repair, or improvement of a single
13 viaduct that will cost more than one billion dollars or for the design,
14 repair, or improvement of a Lake Washington bridge or bridges.

15 (5)(a) No tax shall be collected under subsection (1) of this
16 section until the sales and use tax in RCW 82.14.0485 expires.

17 (b) No tax shall be collected under subsection (2) of this section
18 until RCW 82.14.0494 expires.

19 (6) This section expires when the bonds issued for the
20 construction, design, repair, or improvement of a single viaduct that
21 will cost more than one billion dollars or for the construction,
22 design, repair, or improvement of either Lake Washington bridge
23 described in RCW 47.56.282 are retired.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.14 RCW
25 to read as follows:

26 (1) The legislative authority of a county with a population of one
27 million or more may impose a special sales and use tax upon the retail
28 sale or use within the county by restaurants, taverns, and bars of food
29 and beverages that are taxable by the state under chapters 82.08 and
30 82.12 RCW. The rate of the tax shall not exceed five-tenths of one
31 percent of the selling price in the case of a sales tax, or value of
32 the article used in the case of a use tax. The tax imposed under this
33 subsection is in addition to any other taxes authorized by law and must
34 not be credited against any other tax imposed upon the same taxable
35 event. As used in this section, "restaurant" does not include grocery
36 stores, mini-markets, or convenience stores.

1 (2) The legislative authority of a county with a population of one
2 million or more may impose a special sales and use tax upon retail car
3 rentals within the county that are taxable by the state under chapters
4 82.08 and 82.12 RCW. The rate of the tax shall not exceed two percent
5 of the selling price in the case of a sales tax, or rental value of the
6 vehicle in the case of a use tax. The tax imposed under this
7 subsection is in addition to any other taxes authorized by law and
8 shall not be credited against any other tax imposed upon the same
9 taxable event.

10 (3) The revenue from the taxes imposed under this section must be
11 used for the purpose of principal and interest payments on bonds,
12 issued for the construction, design, repair, or improvement of a single
13 viaduct that will cost more than one billion dollars or for the
14 construction, design, repair, or improvement of a Lake Washington
15 bridge or bridges.

16 (4) No tax shall be collected under this section until the special
17 stadium sales and use tax in RCW 82.14.360 expires.

18 (5) This section expires when the bonds issued for the
19 construction, design, repair, or improvement of a single viaduct that
20 will cost more than one billion dollars or for the construction,
21 design, repair, or improvement of either Lake Washington bridge
22 described in RCW 47.56.282 are retired.

23 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.14 RCW
24 to read as follows:

25 (1) The legislative authority of a county with a population of one
26 million or more may impose an excise tax on the sale of or charge made
27 for the furnishing of lodging that is subject to tax under chapter
28 82.08 RCW, except that no such tax may be levied on any premises having
29 fewer than forty lodging units.

30 (2) The rate of the tax shall not exceed two percent and the
31 proceeds of the tax shall only be used for the construction, design,
32 repair, or improvement of a single viaduct that will cost more than one
33 billion dollars or for the construction, design, repair, or improvement
34 of the Lake Washington bridge described in RCW 47.56.282. This excise
35 tax shall not be imposed until: (a) The county has approved a proposal
36 to construct, design, repair, or improve one or both of these projects;

1 and (b) a public facilities district within the county is no longer
2 imposing the lodging tax in RCW 36.100.040.

3 (3) A county shall not impose the tax authorized in this section
4 if, after the tax authorized in this section was imposed, the effective
5 combined rate of state and local excise taxes, including sales and use
6 taxes and excise taxes on lodging, imposed on the sale of or charge
7 made for furnishing of lodging in any jurisdiction in the county
8 exceeds eleven and one-half percent.

9 **Sec. 4.** RCW 36.100.040 and 2002 c 178 s 5 are each amended to read
10 as follows:

11 (1) A public facilities district may impose an excise tax on the
12 sale of or charge made for the furnishing of lodging that is subject to
13 tax under chapter 82.08 RCW, except that no such tax may be levied on
14 any premises having fewer than forty lodging units. However, if a
15 public facilities district has not imposed such an excise tax prior to
16 December 31, 1995, the public facilities district may only impose the
17 excise tax if a ballot proposition authorizing the imposition of the
18 tax has been approved by a simple majority vote of voters of the public
19 facilities district voting on the proposition.

20 (2) The rate of the tax shall not exceed two percent and the
21 proceeds of the tax shall only be used for the acquisition, design,
22 construction, remodeling, maintenance, equipping, reequipping,
23 repairing, and operation of its public facilities. This excise tax
24 (~~shall~~) must not be imposed until the district has approved the
25 proposal to acquire, design, and construct the public facilities.

26 (3) A public facilities district may not impose the tax authorized
27 in this section if, after the tax authorized in this section was
28 imposed, the effective combined rate of state and local excise taxes,
29 including sales and use taxes and excise taxes on lodging, imposed on
30 the sale of or charge made for furnishing of lodging in any
31 jurisdiction in the public facilities district exceeds eleven and one-
32 half percent.

33 (4) A public facilities district within a county with a population
34 of one million or more must not impose a tax under this section if the
35 tax in RCW 82.14.0485 has expired.

1 **Sec. 5.** RCW 36.38.010 and 1999 c 165 s 20 are each amended to read
2 as follows:

3 (1) Any county may by ordinance enacted by its county legislative
4 authority, levy and fix a tax of not more than one cent on twenty cents
5 or fraction thereof to be paid for county purposes by persons who pay
6 an admission charge to any place, including a tax on persons who are
7 admitted free of charge or at reduced rates to any place for which
8 other persons pay a charge or a regular higher charge for the same or
9 similar privileges or accommodations; and require that one who receives
10 any admission charge to any place shall collect and remit the tax to
11 the county treasurer of the county: PROVIDED, No county shall impose
12 such tax on persons paying an admission to any activity of any
13 elementary or secondary school or any public facility of a public
14 facility district under chapter 35.57 or 36.100 RCW for which a tax is
15 imposed under RCW 35.57.100 or 36.100.210.

16 (2) As used in this chapter, the term "admission charge" includes
17 a charge made for season tickets or subscriptions, a cover charge, or
18 a charge made for use of seats and tables, reserved or otherwise, and
19 other similar accommodations; a charge made for food and refreshments
20 in any place where any free entertainment, recreation, or amusement is
21 provided; a charge made for rental or use of equipment or facilities
22 for purpose of recreation or amusement, and where the rental of the
23 equipment or facilities is necessary to the enjoyment of a privilege
24 for which a general admission is charged, the combined charges shall be
25 considered as the admission charge. It shall also include any
26 automobile parking charge where the amount of such charge is determined
27 according to the number of passengers in any automobile.

28 (3) Subject to subsections (4) and (5) of this section, the tax
29 herein authorized shall not be exclusive and shall not prevent any city
30 or town within the taxing county, when authorized by law, from imposing
31 within its corporate limits a tax of the same or similar kind:
32 PROVIDED, That whenever the same or similar kind of tax is imposed by
33 any such city or town, no such tax shall be levied within the corporate
34 limits of such city or town by the county.

35 (4) Notwithstanding subsection (3) of this section, the legislative
36 authority of a county with a population of one million or more may
37 exclusively levy taxes on events in baseball stadiums constructed on or

1 after January 1, 1995, that are owned by a public facilities district
2 under chapter 36.100 RCW and that have seating capacities over forty
3 thousand at the rates of:

4 (a) Not more than one cent on twenty cents or fraction thereof, to
5 be used for the purpose of paying the principal and interest payments
6 on bonds issued by a county: (i) To construct a baseball stadium, as
7 defined in RCW 82.14.0485(~~(. If the revenue from the tax exceeds the~~
8 ~~amount needed for that purpose, the excess shall be placed in a~~
9 ~~contingency fund which may only be used to pay unanticipated capital~~
10 ~~costs on the baseball stadium, excluding any cost overruns on initial~~
11 ~~construction))~~; or (ii) if the bonds issued for the construction of the
12 baseball stadium are retired, for the construction, design, repair, or
13 improvement of a single viaduct that will cost more than one billion
14 dollars or for the construction, design, repair, or improvement of
15 either Lake Washington bridge described in RCW 47.56.282; and

16 (b) Not more than one cent on twenty cents or fraction thereof, to
17 be used for the purpose of paying the principal and interest payments
18 on bonds issued by a county: (i) To construct a baseball stadium, as
19 defined in RCW 82.14.0485; or (ii) if the bonds issued for the
20 construction of the baseball stadium are retired, for the construction,
21 design, repair, or improvement of a single viaduct that will cost more
22 than one billion dollars or for the construction, design, repair, or
23 improvement of either Lake Washington bridge described in RCW
24 47.56.282. ~~((The tax imposed under this subsection (4)(b) shall expire~~
25 ~~when the bonds issued for the construction of the baseball stadium are~~
26 ~~retired, but not later than twenty years after the tax is first~~
27 ~~collected.))~~

28 (5) Notwithstanding subsection (3) of this section, the legislative
29 authority of a county that has created a public stadium authority to
30 develop a stadium and exhibition center under RCW 36.102.050 may levy
31 and fix a tax on charges for admission to events in a stadium and
32 exhibition center, as defined in RCW 36.102.010, constructed in the
33 county on or after January 1, 1998, that is owned by a public stadium
34 authority under chapter 36.102 RCW. The tax shall be exclusive and
35 shall preclude the city or town within which the stadium and exhibition
36 center is located from imposing a tax of the same or similar kind on
37 charges for admission to events in the stadium and exhibition center,
38 and shall preclude the imposition of a general county admissions tax on

1 charges for admission to events in the stadium and exhibition center.
2 For the purposes of this subsection, "charges for admission to events"
3 means only the actual admission charge, exclusive of taxes and service
4 charges and the value of any other benefit conferred by the admission.
5 The tax authorized under this subsection shall be at the rate of not
6 more than one cent on ten cents or fraction thereof. Revenues
7 collected under this subsection shall be deposited in the stadium and
8 exhibition center account under RCW 43.99N.060 until the bonds issued
9 under RCW 43.99N.020 for the construction of the stadium and exhibition
10 center are retired. After the bonds issued for the construction of the
11 stadium and exhibition center are retired, the tax authorized under
12 this section shall be used exclusively (~~to fund repair, reequipping,~~
13 ~~and capital improvement of the stadium and exhibition center~~) for the
14 construction, design, repair, or improvement of a single viaduct that
15 will cost more than one billion dollars or for the construction,
16 design, repair, or improvement of either Lake Washington bridge
17 described in RCW 47.56.282. If the bonds issued for the construction
18 of the stadium and exhibition center are retired, but the county does
19 not provide for the construction, design, repair, or improvement of a
20 single viaduct that will cost more than one billion dollars or for the
21 construction, design, repair, or improvement of either Lake Washington
22 bridge described in RCW 47.56.282, the tax shall not be imposed. The
23 tax under this subsection may be levied upon the first use of any part
24 of the stadium and exhibition center but shall not be collected at any
25 facility already in operation as of July 17, 1997.

26 **Sec. 6.** RCW 36.38.040 and 1997 c 220 s 302 are each amended to
27 read as follows:

28 The legislative authority of a county that has created a public
29 stadium authority to develop a stadium and exhibition center under RCW
30 36.102.050 may levy and fix a tax on any vehicle parking charges
31 imposed at any parking facility that is part of a stadium and
32 exhibition center, as defined in RCW 36.102.010. The tax shall be
33 exclusive and shall preclude the city or town within which the stadium
34 and exhibition center is located from imposing within its corporate
35 limits a tax of the same or similar kind on any vehicle parking charges
36 imposed at any parking facility that is part of a stadium and
37 exhibition center. For the purposes of this section, "vehicle parking

1 charges" means only the actual parking charges exclusive of taxes and
2 service charges and the value of any other benefit conferred. The tax
3 authorized under this section shall be at the rate of not more than ten
4 percent. Revenues collected under this section shall be deposited in
5 the stadium and exhibition center account under RCW 43.99N.060 until
6 the bonds issued under RCW 43.99N.020 for the construction of the
7 stadium and exhibition center are retired. After the bonds issued for
8 the construction of the stadium and exhibition center are retired, the
9 tax authorized under this section shall be used exclusively (~~to fund~~
10 ~~repair, reequipping, and capital improvement of the stadium and~~
11 ~~exhibition center~~) for the construction, design, repair, or
12 improvement of a single viaduct that will cost more than one billion
13 dollars or for the construction, design, repair, or improvement of
14 either Lake Washington bridge described in RCW 47.56.282. If the bonds
15 issued for the construction of the stadium and exhibition center are
16 retired, but the county does not provide for the construction, design,
17 repair, or improvement of a single viaduct that will cost more than one
18 billion dollars or for the construction, design, repair, or improvement
19 of either Lake Washington bridge described in RCW 47.56.282, the tax
20 shall not be imposed. The tax under this section may be levied upon
21 the first use of any part of the stadium and exhibition center but
22 shall not be collected at any facility already in operation as of July
23 17, 1997.

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