

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 2894**

55th Legislature  
1998 Regular Session

Passed by the House March 5, 1998  
Yeas 57 Nays 38

\_\_\_\_\_  
**Speaker of the  
House of Representatives**

Passed by the Senate March 5, 1998  
Yeas 25 Nays 24

\_\_\_\_\_  
**President of the Senate**

Approved

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2894** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 2894

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AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

State of Washington                      55th Legislature                      1998 Regular Session

By Representatives Huff, K. Schmidt, Robertson, Lisk, Carrell, Mastin, Sehlin, Dyer, Mitchell, Pennington, Talcott, Lambert, Buck, D. Schmidt, L. Thomas, Benson, Clements, Skinner, Ballasiotes, Delvin, Parlette, Cooke, Hickel, B. Thomas, Johnson, DeBolt, Hankins, Cairnes, Crouse, Wensman, Mielke, Sherstad, Honeyford, McCune, Koster, Dunn, McDonald, Reams, Sheahan, Sterk, Schoesler, D. Sommers, Bush, Chandler, McMorris, Boldt, Backlund, Mulliken, Van Luven, Radcliff, Alexander, Zellinsky and Thompson

Read first time 01/21/98. Referred to Committee on Appropriations.

1            AN ACT Relating to the reallocation of motor vehicle excise tax and  
2 general fund resources for the purpose of providing transportation  
3 funding, local criminal justice funding, and tax reduction; amending  
4 RCW 82.44.020, 82.44.041, 82.44.110, 82.44.150, 82.14.045, 82.14.200,  
5 82.14.310, 82.14.330, 43.135.060, 82.50.410, 82.50.510, 35.58.273,  
6 35.58.410, 43.160.070, 43.160.076, 43.160.080, 46.16.068, 70.94.015,  
7 81.100.060, 82.08.020, 82.14.046, 82.44.023, 82.44.025, 82.44.155,  
8 82.44.180, and 84.44.050; amending 1997 c 367 s 10 (uncodified);  
9 reenacting and amending RCW 82.14.320, 43.160.210, and 81.104.160;  
10 adding a new section to chapter 82.44 RCW; adding a new section to  
11 chapter 43.160 RCW; adding a new section to chapter 82.14 RCW; adding  
12 a new section to chapter 43.135 RCW; adding new sections to chapter  
13 47.10 RCW; creating new sections; providing effective dates; providing  
14 contingent effective dates; providing for submission of certain  
15 sections of this act to a vote of the people; and declaring an  
16 emergency.

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

18            NEW SECTION.    **Sec. 1.** The purpose of this act is to reallocate the  
19 general fund portion of the state's motor vehicle excise tax revenues

1 among the taxpayers, local governments, and the state's transportation  
2 programs. By reallocating motor vehicle excise taxes, the state  
3 revenue portion can be dedicated to increased transportation funding  
4 purposes. Since the general fund currently has a budget surplus, due  
5 to a strong economy, the legislature feels that this reallocation is an  
6 appropriate short-term solution to the state's transportation needs and  
7 is a first step in meeting longer-term transportation funding needs.  
8 These reallocated funds must be used to provide relief from traffic  
9 congestion, improve freight mobility, and increase traffic safety.

10 In reallocating general fund resources, the legislature also  
11 ensures that other programs funded from the general fund are not  
12 adversely impacted by the reallocation of surplus general fund  
13 revenues. The legislature also adopts this act to continue the general  
14 fund revenue and expenditure limitations contained in chapter 43.135  
15 RCW after this one-time transfer of funds.

16 In order to develop a long-term and comprehensive solution to the  
17 state's transportation problems, a joint committee will be created to  
18 study the state's transportation needs and the appropriate sources of  
19 revenue necessary to implement the state's long-term transportation  
20 needs as provided in section 22 of this act.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.44 RCW  
22 to read as follows:

23 (1) Beginning with motor vehicle registrations that are due or  
24 become due in July 1999, a credit is authorized against the tax imposed  
25 under RCW 82.44.020(1) on each personal-use motor vehicle equal to the  
26 lesser of the tax otherwise due under RCW 82.44.020(1) or thirty  
27 dollars.

28 (2) For the purposes of this section, "personal-use motor vehicle"  
29 means a vehicle registered to a private individual, not owned by a  
30 business, and designated in one of the following use classes: (a)  
31 Passenger; (b) truck with a weight not to exceed six thousand pounds;  
32 or (c) motorcycle.

33 **Sec. 3.** RCW 82.44.020 and 1993 sp.s. c 23 s 61 are each amended to  
34 read as follows:

35 (1) An excise tax is imposed for the privilege of using in the  
36 state any motor vehicle, except those operated under reciprocal  
37 agreements, the provisions of RCW 46.16.160 (~~as now or hereafter~~

1 amended)), or dealer's licenses. The annual amount of such excise tax  
2 shall be two and two-tenths percent of the value of such vehicle.

3 ~~(2) ((An additional excise tax is imposed, in addition to any other~~  
4 ~~tax imposed by this section, for the privilege of using in the state~~  
5 ~~any such motor vehicle, and the annual amount of such additional excise~~  
6 ~~shall be two tenths of one percent of the value of such vehicle.~~

7 ~~(3) Effective with October 1992 motor vehicle registration~~  
8 ~~expirations,)) A clean air excise tax is imposed in addition to any~~  
9 other tax imposed by this section for the privilege of using in the  
10 state any motor vehicle as defined in RCW 82.44.010, except that farm  
11 vehicles as defined in RCW 46.04.181 shall not be subject to the tax  
12 imposed by this subsection. The ~~((annual amount of the additional~~  
13 ~~excise tax shall be two dollars and twenty five cents. Effective with~~  
14 ~~July 1994 motor vehicle registration expirations, the))~~ annual amount  
15 of additional excise tax shall be two dollars.

16 ~~((+4))~~ (3) An additional excise tax is imposed on truck-type power  
17 units that are used in combination with a trailer to transport loads in  
18 excess of forty thousand pounds combined gross weight. The annual  
19 amount of such additional excise tax shall be fifty-eight one-  
20 hundredths of one percent of the value of the vehicle.

21 The department shall distribute the additional tax collected under  
22 this subsection as follows:

23 (a) For each trailing unit subject to subsection ~~((+5))~~ (4) of  
24 this section, an amount equal to the clean air excise tax prescribed in  
25 subsection ~~((+3))~~ (2) of this section shall be distributed in the  
26 manner prescribed in RCW 82.44.110~~((+3))~~ (2);

27 (b) ~~((0f))~~ The remainder of the additional excise tax collected  
28 under this subsection~~((, ten percent shall be distributed in the manner~~  
29 ~~prescribed in RCW 82.44.110(2) and ninety percent))~~ shall be  
30 distributed in the manner prescribed in RCW 82.44.110(1). This tax  
31 shall not apply to power units used exclusively for hauling logs.

32 ~~((+5))~~ (4) The excise taxes imposed by subsections (1) ~~((through~~  
33 ~~+3))~~ and (2) of this section shall not apply to trailing units which  
34 are used in combination with a power unit subject to the additional  
35 excise tax imposed by subsection ~~((+4))~~ (3) of this section. This  
36 subsection shall not apply to trailing units used for hauling logs.

37 ~~((+6))~~ (5) In no case shall the total tax be less than two dollars  
38 except for proportionally registered vehicles and except for vehicles  
39 on which a credit is granted under section 2 of this act.

1       (~~(7)~~) (6) Washington residents, as defined in RCW 46.16.028, who  
2 license motor vehicles in another state or foreign country and avoid  
3 Washington motor vehicle excise taxes are liable for such unpaid excise  
4 taxes. The department of revenue may assess and collect the unpaid  
5 excise taxes under chapter 82.32 RCW, including the penalties and  
6 interest provided therein.

7       **Sec. 4.** RCW 82.44.041 and 1990 c 42 s 303 are each amended to read  
8 as follows:

9       (1) For the purpose of determining the tax under this chapter, the  
10 value of a truck-type power or trailing unit shall be the latest  
11 purchase price of the vehicle, excluding applicable federal excise  
12 taxes, state and local sales or use taxes, transportation or shipping  
13 costs, or preparatory or delivery costs, multiplied by the following  
14 percentage based on year of service of the vehicle since last sale.  
15 The latest purchase year shall be considered the first year of service.

16	YEAR OF SERVICE	PERCENTAGE
17	1	100
18	2	90
19	3	83
20	4	75
21	5	67
22	6	59
23	7	52
24	8	44
25	9	36
26	10	28
27	11	21
28	12	13
29	13 or older	10

30       (2) The reissuance of title and registration for a truck-type power  
31 or trailing unit because of the installation of body or special  
32 equipment shall be treated as a sale, and the value of the truck-type  
33 power or trailing unit at that time, as determined by the department  
34 from such information as may be available, shall be considered the  
35 latest purchase price.

36       (3) For the purpose of determining the tax under this chapter, the  
37 value of a motor vehicle other than a truck-type power or trailing unit

1 shall be the manufacturer's base suggested retail price of the vehicle  
2 when first offered for sale as a new vehicle, excluding any optional  
3 equipment, applicable federal excise taxes, state and local sales or  
4 use taxes, transportation or shipping costs, or preparatory or delivery  
5 costs, multiplied by the applicable percentage listed in this  
6 subsection based on year of service of the vehicle.

7 If the manufacturer's base suggested retail price is unavailable or  
8 otherwise unascertainable at the time of initial registration in this  
9 state, the department shall determine a value equivalent to a  
10 manufacturer's base suggested retail price as follows:

11 (a) The department shall determine a value using any information  
12 that may be available, including any guidebook, report, or compendium  
13 of recognized standing in the automotive industry or the selling price  
14 and year of sale of the vehicle. The department may use an appraisal  
15 by the county assessor. In valuing a vehicle for which the current  
16 value or selling price is not indicative of the value of similar  
17 vehicles of the same year and model, the department shall establish a  
18 value that more closely represents the average value of similar  
19 vehicles of the same year and model.

20 (b) The value determined in (a) of this subsection shall be divided  
21 by the applicable percentage listed in this subsection to establish a  
22 value equivalent to a manufacturer's base suggested retail price. The  
23 applicable percentage shall be based on the year of service of the  
24 vehicle for which the value is determined.

25	<b>YEAR OF SERVICE</b>	<b>PERCENTAGE</b>
26	1	100
27	2	((100)) <u>95</u>
28	3	((91)) <u>89</u>
29	4	83
30	5	74
31	6	65
32	7	57
33	8	48
34	9	40
35	10	31
36	11	22
37	12	14
38	13 or older	10

1 (4) For purposes of this chapter, value shall exclude value  
2 attributable to modifications of a motor vehicle and equipment that are  
3 designed to facilitate the use or operation of the motor vehicle by a  
4 handicapped person.

5 **Sec. 5.** RCW 82.44.110 and 1997 c 338 s 68 are each amended to read  
6 as follows:

7 The county auditor shall regularly, when remitting license fee  
8 receipts, pay over and account to the director of licensing for the  
9 excise taxes collected under the provisions of this chapter. The  
10 director shall forthwith transmit the excise taxes to the state  
11 treasurer.

12 (1) The state treasurer shall deposit the excise taxes collected  
13 under RCW 82.44.020(1) as follows:

14 (a) ~~((1.60))~~ 1.455 percent into the motor vehicle fund through June  
15 30, 1999, and 1.71 percent beginning July 1, 1999, to defray  
16 administrative and other expenses incurred by the department in the  
17 collection of the excise tax.

18 (b) ~~((8.15))~~ 7.409 percent into the Puget Sound capital  
19 construction account in the motor vehicle fund through June 30, 1999,  
20 and 8.712 percent beginning July 1, 1999.

21 (c) ~~((4.07))~~ 3.70 percent into the Puget Sound ferry operations  
22 account in the motor vehicle fund through June 30, 1999, and 4.351  
23 percent beginning July 1, 1999.

24 (d) ~~((5.88))~~ 5.345 percent into the ~~((general fund to be~~  
25 ~~distributed))~~ city police and fire protection assistance account under  
26 RCW 82.44.155 through June 30, 1999, and 6.286 percent beginning July  
27 1, 1999.

28 (e) ~~((4.75))~~ 4.318 percent into the municipal sales and use tax  
29 equalization account ~~((in the general fund))~~ created in RCW 82.14.210  
30 through June 30, 1999, and 5.628 percent beginning July 1, 1999.

31 (f) ~~((1.60))~~ 1.455 percent into the county sales and use tax  
32 equalization account ~~((in the general fund))~~ created in RCW 82.14.200  
33 through June 30, 1999, and 1.71 percent beginning July 1, 1999.

34 (g) ~~((62.6440))~~ 13.573 percent into the general fund through June  
35 30, ~~((1995, and 57.6440 percent into the general fund beginning July 1,~~  
36 ~~1995))~~ 1999.

1 (h) ~~((5))~~ 43.605 percent into the transportation fund created in  
2 RCW 82.44.180 through June 30, 1999, and 51.203 percent beginning July  
3 1, ~~((1995))~~ 1999.

4 (i) ~~((5.9686))~~ 5.426 percent into the county criminal justice  
5 assistance account created in RCW 82.14.310 through June 30, 1999, and  
6 3.892 percent beginning July 1, 1999.

7 (j) ~~((1.1937))~~ 1.085 percent into the municipal criminal justice  
8 assistance account for distribution under RCW 82.14.320 through June  
9 30, 1999, and 0.778 percent beginning July 1, 1999.

10 (k) ~~((1.1937))~~ 1.085 percent into the municipal criminal justice  
11 assistance account for distribution under RCW 82.14.330 through June  
12 30, 1999, and 0.778 percent beginning July 1, 1999.

13 (l) ~~((2.95))~~ 2.682 percent into the county public health account  
14 created in RCW 70.05.125 through June 30, 1999, and 3.153 percent  
15 beginning July 1, 1999.

16 (m) 8.862 percent into the motor vehicle fund through June 30,  
17 1999, and 10.422 percent beginning July 1, 1999.

18 (n) 1.377 percent into the distressed county assistance account  
19 under section 10 of this act beginning July 1, 1999.

20 Notwithstanding (i) through (k) of this subsection, ~~((no more than~~  
21 ~~sixty million dollars shall be deposited into the accounts specified in~~  
22 ~~(i) through (k) of this subsection for the period January 1, 1994,~~  
23 ~~through June 30, 1995. Not more than five percent of the funds~~  
24 ~~deposited to these accounts shall be available for appropriations for~~  
25 ~~enhancements to the state patrol crime laboratory system and the~~  
26 ~~continuing costs related to these enhancements. Motor vehicle excise~~  
27 ~~tax funds appropriated for such enhancements shall not supplant~~  
28 ~~existing funds from the state general fund. For the fiscal year ending~~  
29 ~~June 30, 1998, and))~~ for each fiscal year ~~((thereafter))~~ through fiscal  
30 year 1999, the amounts deposited into the accounts specified in (i)  
31 through (k) of this subsection shall not increase by more than the  
32 amounts deposited into those accounts in the previous fiscal year  
33 increased by the implicit price deflator for the previous fiscal year.  
34 Any revenues in excess of this amount shall be deposited into the  
35 violence reduction and drug enforcement account.

36 (2) ~~((The state treasurer shall deposit the excise taxes collected~~  
37 ~~under RCW 82.44.020(2) into the transportation fund.~~



1       ~~(3))~~) The state treasurer shall deposit the excise tax imposed by  
2 RCW 82.44.020(~~((3))~~) (2) into the air pollution control account created  
3 by RCW 70.94.015.

4       **Sec. 6.** RCW 82.44.150 and 1995 2nd sp.s. c 14 s 538 are each  
5 amended to read as follows:

6       (1) The director of licensing shall, on the twenty-fifth day of  
7 February, May, August, and November of each year, advise the state  
8 treasurer of the total amount of motor vehicle excise taxes imposed by  
9 RCW 82.44.020 (1) (~~and~~~~(2))~~) remitted to the department during the  
10 preceding calendar quarter ending on the last day of March, June,  
11 September, and December, respectively, except for those payable under  
12 RCW 82.44.030, from motor vehicle owners residing within each  
13 municipality which has levied a tax under RCW 35.58.273, which amount  
14 of excise taxes shall be determined by the director as follows:

15       The total amount of motor vehicle excise taxes remitted to the  
16 department, except those payable under RCW 82.44.020(~~((3))~~) (2) and  
17 82.44.030, from each county shall be multiplied by a fraction, the  
18 numerator of which is the population of the municipality residing in  
19 such county, and the denominator of which is the total population of  
20 the county in which such municipality or portion thereof is located.  
21 The product of this computation shall be the amount of excise taxes  
22 from motor vehicle owners residing within such municipality or portion  
23 thereof. Where the municipality levying a tax under RCW 35.58.273 is  
24 located in more than one county, the above computation shall be made by  
25 county, and the combined products shall provide the total amount of  
26 motor vehicle excise taxes from motor vehicle owners residing in the  
27 municipality as a whole. Population figures required for these  
28 computations shall be supplied to the director by the office of  
29 financial management, who shall adjust the fraction annually.

30       (2) On the first day of the months of January, April, July, and  
31 October of each year, the state treasurer based upon information  
32 provided by the department shall, from motor vehicle excise taxes  
33 deposited in the (~~general fund, under RCW 82.44.110(1)(g))~~)  
34 transportation fund under RCW 82.44.110, make the following deposits:

35       (a) To the high capacity transportation account created in RCW  
36 47.78.010, a sum equal to four and five-tenths percent of the special  
37 excise tax levied under RCW 35.58.273 by those municipalities  
38 authorized to levy a special excise tax within each county that has a

1 population of one hundred seventy-five thousand or more and has an  
2 interstate highway within its borders; except that in a case of a  
3 municipality located in a county that has a population of one hundred  
4 seventy-five thousand or more that does not have an interstate highway  
5 located within its borders, that sum shall be deposited in the  
6 passenger ferry account;

7 (b) To the central Puget Sound public transportation account  
8 created in RCW 82.44.180, (~~for revenues distributed after December 31,~~  
9 ~~1992,~~) within a county with a population of one million or more and a  
10 county with a population of from two hundred thousand to less than one  
11 million bordering a county with a population of one million or more, a  
12 sum equal to the difference between (i) the special excise tax levied  
13 and collected under RCW 35.58.273 by those municipalities authorized to  
14 levy and collect a special excise tax subject to the requirements of  
15 subsections (3) and (4) of this section and (ii) the special excise tax  
16 that the municipality would otherwise have been eligible to levy and  
17 collect at a tax rate of .815 percent and been able to match with  
18 locally generated tax revenues, other than the excise tax imposed under  
19 RCW 35.58.273, budgeted for any public transportation purpose. Before  
20 this deposit, the sum shall be reduced by an amount equal to the amount  
21 distributed under (a) of this subsection for each of the municipalities  
22 within the counties to which this subsection (2)(b) applies; however,  
23 any transfer under this subsection (2)(b) must be greater than zero;  
24 and

25 (c) To the public transportation systems account created in RCW  
26 82.44.180, (~~for revenues distributed after December 31, 1992,~~) within  
27 counties not described in (b) of this subsection, a sum equal to the  
28 difference between (i) the special excise tax levied and collected  
29 under RCW 35.58.273 by those municipalities authorized to levy and  
30 collect a special excise tax subject to the requirements of subsections  
31 (3) and (4) of this section and (ii) the special excise tax that the  
32 municipality would otherwise have been eligible to levy and collect at  
33 a tax rate of .815 percent and been able to match with locally  
34 generated tax revenues, other than the excise tax imposed under RCW  
35 35.58.273, budgeted for any public transportation purpose. Before this  
36 deposit, the sum shall be reduced by an amount equal to the amount  
37 distributed under (a) of this subsection for each of the municipalities  
38 within the counties to which this subsection (2)(c) applies; however,

1 any transfer under this subsection (2)(c) must be greater than zero(†  
2 and

3 ~~(d) To the general fund, for revenues distributed after June 30,~~  
4 ~~1993, and to the transportation fund, for revenues distributed after~~  
5 ~~June 30, 1995, a sum equal to the difference between (i) the special~~  
6 ~~excise tax levied and collected under RCW 35.58.273 by those~~  
7 ~~municipalities authorized to levy and collect a special excise tax~~  
8 ~~subject to the requirements of subsections (3) and (4) of this section~~  
9 ~~and (ii) the special excise tax that the municipality would otherwise~~  
10 ~~have been eligible to levy and collect at a tax rate of .815 percent~~  
11 ~~notwithstanding the requirements set forth in subsections (3) through~~  
12 ~~(6) of this section, reduced by an amount equal to distributions made~~  
13 ~~under (a), (b), and (c) of this subsection and RCW 82.14.046)).~~

14 (3) On the first day of the months of January, April, July, and  
15 October of each year, the state treasurer, based upon information  
16 provided by the department, shall remit motor vehicle excise tax  
17 revenues imposed and collected under RCW 35.58.273 as follows:

18 (a) The amount required to be remitted by the state treasurer to  
19 the treasurer of any municipality levying the tax shall not exceed in  
20 any calendar year the amount of locally-generated tax revenues,  
21 excluding (i) the excise tax imposed under RCW 35.58.273 for the  
22 purposes of this section, which shall have been budgeted by the  
23 municipality to be collected in such calendar year for any public  
24 transportation purposes including but not limited to operating costs,  
25 capital costs, and debt service on general obligation or revenue bonds  
26 issued for these purposes; and (ii) the sales and use tax equalization  
27 distributions provided under RCW 82.14.046; and

28 (b) In no event may the amount remitted in a single calendar  
29 quarter exceed the amount collected on behalf of the municipality under  
30 RCW 35.58.273 during the calendar quarter next preceding the  
31 immediately preceding quarter, excluding the sales and use tax  
32 equalization distributions provided under RCW 82.14.046.

33 (4) At the close of each calendar year accounting period, but not  
34 later than April 1, each municipality that has received motor vehicle  
35 excise taxes under subsection (3) of this section shall transmit to the  
36 director of licensing and the state auditor a written report showing by  
37 source the previous year's budgeted tax revenues for public  
38 transportation purposes as compared to actual collections. Any  
39 municipality that has not submitted the report by April 1 shall cease

1 to be eligible to receive motor vehicle excise taxes under subsection  
2 (3) of this section until the report is received by the director of  
3 licensing. If a municipality has received more or less money under  
4 subsection (3) of this section for the period covered by the report  
5 than it is entitled to receive by reason of its locally-generated  
6 collected tax revenues, the director of licensing shall, during the  
7 next ensuing quarter that the municipality is eligible to receive motor  
8 vehicle excise tax funds, increase or decrease the amount to be  
9 remitted in an amount equal to the difference between the locally-  
10 generated budgeted tax revenues and the locally-generated collected tax  
11 revenues. In no event may the amount remitted for a calendar year  
12 exceed the amount collected on behalf of the municipality under RCW  
13 35.58.273 during that same calendar year excluding the sales and use  
14 tax equalization distributions provided under RCW 82.14.046. At the  
15 time of the next fiscal audit of each municipality, the state auditor  
16 shall verify the accuracy of the report submitted and notify the  
17 director of licensing of any discrepancies.

18 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and  
19 required to be remitted under this section and RCW 82.14.046 shall be  
20 remitted without legislative appropriation.

21 (6) Any municipality levying and collecting a tax under RCW  
22 35.58.273 which does not have an operating, public transit system or a  
23 contract for public transportation services in effect within one year  
24 from the initial effective date of the tax shall return to the state  
25 treasurer all motor vehicle excise taxes received under subsection (3)  
26 of this section.

27 **Sec. 7.** RCW 82.14.045 and 1991 c 363 s 158 are each amended to  
28 read as follows:

29 (1) The legislative body of any city pursuant to RCW 35.92.060, of  
30 any county which has created an unincorporated transportation benefit  
31 area pursuant to RCW 36.57.100 and 36.57.110, of any public  
32 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,  
33 of any county transportation authority established pursuant to chapter  
34 36.57 RCW, and of any metropolitan municipal corporation within a  
35 county with a population of one million or more pursuant to chapter  
36 35.58 RCW, may, by resolution or ordinance for the sole purpose of  
37 providing funds for the operation, maintenance, or capital needs of  
38 public transportation systems and in lieu of the excise taxes

1 authorized by RCW 35.95.040, submit an authorizing proposition to the  
2 voters or include such authorization in a proposition to perform the  
3 function of public transportation and if approved by a majority of  
4 persons voting thereon, fix and impose a sales and use tax in  
5 accordance with the terms of this chapter: PROVIDED, That no such  
6 legislative body shall impose such a sales and use tax without  
7 submitting such an authorizing proposition to the voters and obtaining  
8 the approval of a majority of persons voting thereon: PROVIDED  
9 FURTHER, That where such a proposition is submitted by a county on  
10 behalf of an unincorporated transportation benefit area, it shall be  
11 voted upon by the voters residing within the boundaries of such  
12 unincorporated transportation benefit area and, if approved, the sales  
13 and use tax shall be imposed only within such area. Notwithstanding  
14 any provisions of this section to the contrary, any county in which a  
15 county public transportation plan has been adopted pursuant to RCW  
16 36.57.070 and the voters of such county have authorized the imposition  
17 of a sales and use tax pursuant to the provisions of section 10,  
18 chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be  
19 authorized to fix and impose a sales and use tax as provided in this  
20 section at not to exceed the rate so authorized without additional  
21 approval of the voters of such county as otherwise required by this  
22 section.

23 The tax authorized pursuant to this section shall be in addition to  
24 the tax authorized by RCW 82.14.030 and shall be collected from those  
25 persons who are taxable by the state pursuant to chapters 82.08 and  
26 82.12 RCW upon the occurrence of any taxable event within such city,  
27 public transportation benefit area, county, or metropolitan municipal  
28 corporation as the case may be. The rate of such tax shall be one-  
29 tenth, two-tenths, three-tenths, four-tenths, five-tenths, or six-  
30 tenths of one percent of the selling price (in the case of a sales tax)  
31 or value of the article used (in the case of a use tax). The rate of  
32 such tax shall not exceed the rate authorized by the voters unless such  
33 increase shall be similarly approved.

34 (2)(a) In the event a metropolitan municipal corporation shall  
35 impose a sales and use tax pursuant to this chapter no city, county  
36 which has created an unincorporated transportation benefit area, public  
37 transportation benefit area authority, or county transportation  
38 authority wholly within such metropolitan municipal corporation shall  
39 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,

1 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city  
2 or county from imposing sales and use taxes pursuant to any other  
3 authorization.

4 (b) In the event a county transportation authority shall impose a  
5 sales and use tax pursuant to this section, no city, county which has  
6 created an unincorporated transportation benefit area, public  
7 transportation benefit area, or metropolitan municipal corporation,  
8 located within the territory of the authority, shall be empowered to  
9 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or  
10 82.14.045.

11 (c) In the event a public transportation benefit area shall impose  
12 a sales and use tax pursuant to this section, no city, county which has  
13 created an unincorporated transportation benefit area, or metropolitan  
14 municipal corporation, located wholly or partly within the territory of  
15 the public transportation benefit area, shall be empowered to levy or  
16 collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

17 (3) Any local sales and use tax revenue collected pursuant to this  
18 section by any city or by any county for transportation purposes  
19 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally  
20 generated tax revenues for the purposes of apportionment and  
21 distribution, in the manner prescribed by chapter 82.44 RCW, of the  
22 proceeds of the motor vehicle excise tax authorized pursuant to RCW  
23 35.58.273, except that the local sales and use tax revenue collected  
24 under this section by a city with a population greater than sixty  
25 thousand that as of January 1, 1998, owns and operates a municipal  
26 public transportation system shall be counted as locally generated tax  
27 revenues for the purposes of apportionment and distribution, in the  
28 manner prescribed by chapter 82.44 RCW, of the proceeds of the motor  
29 vehicle excise tax authorized under RCW 35.58.273 as follows:

30 (a) For fiscal year 2000, revenues collected under this section  
31 shall be counted as locally generated tax revenues for up to 25 percent  
32 of the tax collected under RCW 35.58.273;

33 (b) For fiscal year 2001, revenues collected under this section  
34 shall be counted as locally generated tax revenues for up to 50 percent  
35 of the tax collected under RCW 35.58.273;

36 (c) For fiscal year 2002, revenues collected under this section  
37 shall be counted as locally generated tax revenues for up to 75 percent  
38 of the tax collected under RCW 35.58.273; and

1       (d) For fiscal year 2003 and thereafter, revenues collected under  
2 this section shall be counted as locally generated tax revenues for up  
3 to 100 percent of the tax collected under RCW 35.58.273.

4       **Sec. 8.** RCW 82.14.200 and 1997 c 333 s 2 are each amended to read  
5 as follows:

6       There is created in the state treasury a special account to be  
7 known as the "county sales and use tax equalization account." Into  
8 this account shall be placed a portion of all motor vehicle excise tax  
9 receipts as provided in RCW 82.44.110(~~((1)-(f))~~). Funds in this account  
10 shall be allocated by the state treasurer according to the following  
11 procedure:

12       (1) Prior to April 1st of each year the director of revenue shall  
13 inform the state treasurer of the total and the per capita levels of  
14 revenues for the unincorporated area of each county and the state-wide  
15 weighted average per capita level of revenues for the unincorporated  
16 areas of all counties imposing the sales and use tax authorized under  
17 RCW 82.14.030(1) for the previous calendar year.

18       (2) At such times as distributions are made under RCW 82.44.150,  
19 (~~(as now or hereafter amended,~~) the state treasurer shall apportion to  
20 each county imposing the sales and use tax under RCW 82.14.030(1) at  
21 the maximum rate and receiving less than one hundred fifty thousand  
22 dollars from the tax for the previous calendar year, an amount from the  
23 county sales and use tax equalization account sufficient, when added to  
24 the amount of revenues received the previous calendar year by the  
25 county, to equal one hundred fifty thousand dollars.

26       The department of revenue shall establish a governmental price  
27 index as provided in this subsection. The base year for the index  
28 shall be the end of the third quarter of 1982. Prior to November 1,  
29 1983, and prior to each November 1st thereafter, the department of  
30 revenue shall establish another index figure for the third quarter of  
31 that year. The department of revenue may use the implicit price  
32 deflators for state and local government purchases of goods and  
33 services calculated by the United States department of commerce to  
34 establish the governmental price index. Beginning on January 1, 1984,  
35 and each January 1st thereafter, the one hundred fifty thousand dollar  
36 base figure in this subsection shall be adjusted in direct proportion  
37 to the percentage change in the governmental price index from 1982  
38 until the year before the adjustment. Distributions made under this

1 subsection for 1984 and thereafter shall use this adjusted base amount  
2 figure.

3 (3) Subsequent to the distributions under subsection (2) of this  
4 section and at such times as distributions are made under RCW  
5 82.44.150, (~~as now or hereafter amended,~~) the state treasurer shall  
6 apportion to each county imposing the sales and use tax under RCW  
7 82.14.030(1) at the maximum rate and receiving less than seventy  
8 percent of the state-wide weighted average per capita level of revenues  
9 for the unincorporated areas of all counties as determined by the  
10 department of revenue under subsection (1) of this section, an amount  
11 from the county sales and use tax equalization account sufficient, when  
12 added to the per capita level of revenues for the unincorporated area  
13 received the previous calendar year by the county, to equal seventy  
14 percent of the state-wide weighted average per capita level of revenues  
15 for the unincorporated areas of all counties determined under  
16 subsection (1) of this section, subject to reduction under subsections  
17 (6) and (7) of this section. When computing distributions under this  
18 section, any distribution under subsection (2) of this section shall be  
19 considered revenues received from the tax imposed under RCW  
20 82.14.030(1) for the previous calendar year.

21 (4) Subsequent to the distributions under subsection (3) of this  
22 section and at such times as distributions are made under RCW  
23 82.44.150, (~~as now or hereafter amended,~~) the state treasurer shall  
24 apportion to each county imposing the sales and use tax under RCW  
25 82.14.030(2) at the maximum rate and receiving a distribution under  
26 subsection (2) of this section, a third distribution from the county  
27 sales and use tax equalization account. The distribution to each  
28 qualifying county shall be equal to the distribution to the county  
29 under subsection (2) of this section, subject to the reduction under  
30 subsections (6) and (7) of this section. To qualify for the total  
31 distribution under this subsection, the county must impose the tax  
32 under RCW 82.14.030(2) for the entire calendar year. Counties imposing  
33 the tax for less than the full year shall qualify for prorated  
34 allocations under this subsection proportionate to the number of months  
35 of the year during which the tax is imposed.

36 (5) Subsequent to the distributions under subsection (4) of this  
37 section and at such times as distributions are made under RCW  
38 82.44.150, (~~as now or hereafter amended,~~) the state treasurer shall  
39 apportion to each county imposing the sales and use tax under RCW



1 82.14.030(2) at the maximum rate and receiving a distribution under  
2 subsection (3) of this section, a fourth distribution from the county  
3 sales and use tax equalization account. The distribution to each  
4 qualifying county shall be equal to the distribution to the county  
5 under subsection (3) of this section, subject to the reduction under  
6 subsections (6) and (7) of this section. To qualify for the  
7 distributions under this subsection, the county must impose the tax  
8 under RCW 82.14.030(2) for the entire calendar year. Counties imposing  
9 the tax for less than the full year shall qualify for prorated  
10 allocations under this subsection proportionate to the number of months  
11 of the year during which the tax is imposed.

12 (6) Revenues distributed under subsections (2) through (5) of this  
13 section in any calendar year shall not exceed an amount equal to  
14 seventy percent of the state-wide weighted average per capita level of  
15 revenues for the unincorporated areas of all counties during the  
16 previous calendar year. If distributions under subsections (3) through  
17 (5) of this section cannot be made because of this limitation, then  
18 distributions under subsections (3) through (5) of this section shall  
19 be reduced ratably among the qualifying counties.

20 (7) If inadequate revenues exist in the county sales and use tax  
21 equalization account to make the distributions under subsections (3)  
22 through (5) of this section, then the distributions under subsections  
23 (3) through (5) of this section shall be reduced ratably among the  
24 qualifying counties. At such time during the year as additional funds  
25 accrue to the county sales and use tax equalization account, additional  
26 distributions shall be made under subsections (3) through (5) of this  
27 section to the counties.

28 (8) If the level of revenues in the county sales and use tax  
29 equalization account exceeds the amount necessary to make the  
30 distributions under subsections (2) through (5) of this section, at  
31 such times as distributions are made under RCW 82.44.150, the state  
32 treasurer shall apportion an amount to the county public health account  
33 created in RCW 70.05.125 equal to the adjustment under RCW  
34 70.05.125(2)(b).

35 (9) If the level of revenues in the county sales and use tax  
36 equalization account exceeds the amount necessary to make the  
37 distributions under subsections (2) through (5) and (8) of this  
38 section, then the additional revenues shall be credited and transferred  
39 (~~to the state general fund~~) as follows:

1       (a) Fifty percent to the public facilities construction loan  
2 revolving account under RCW 43.160.080; and

3       (b) Fifty percent to the distressed county public facilities  
4 construction loan account under section 9 of this act, or so much  
5 thereof as will not cause the balance in the account to exceed twenty-  
6 five million dollars. Any remaining funds shall be deposited into the  
7 public facilities construction loan revolving account.

8       NEW SECTION. Sec. 9. A new section is added to chapter 43.160 RCW  
9 to read as follows:

10       The distressed county public facilities construction loan account  
11 is created in the state treasury. All funds provided under RCW  
12 82.14.200 shall be deposited in the account. Moneys in the account may  
13 be spent only after appropriation. Moneys in the account shall only be  
14 used to provide financial assistance under this chapter to distressed  
15 counties that have experienced extraordinary costs due to the location  
16 of a major new business facility or the substantial expansion of an  
17 existing business facility in the county.

18       For purposes of this section, the term "distressed counties"  
19 includes any county in which the average level of unemployment for the  
20 three years before the year in which an application for financial  
21 assistance is filed exceeds the average state employment for those  
22 years by twenty percent.

23       NEW SECTION. Sec. 10. A new section is added to chapter 82.14 RCW  
24 to read as follows:

25       (1) The distressed county assistance account is created in the  
26 state treasury. Into this account shall be placed a portion of all  
27 motor vehicle excise tax receipts as provided in RCW 82.44.110. At  
28 such times as distributions are made under RCW 82.44.150, the state  
29 treasurer shall distribute the funds in the distressed county  
30 assistance account to each county imposing the sales and use tax  
31 authorized under RCW 82.14.370 in the same proportions as distributions  
32 of the tax imposed under RCW 82.14.370 for the previous quarter.

33       (2) Funds distributed from the distressed county assistance account  
34 shall be expended by the counties for criminal justice and other  
35 purposes.

1       **Sec. 11.** RCW 82.14.310 and 1995 c 398 s 11 are each amended to  
2 read as follows:

3       (1) The county criminal justice assistance account is created in  
4 the state treasury. Beginning in fiscal year 2000, the state treasurer  
5 shall transfer into the county criminal justice assistance account from  
6 the general fund the sum of twenty-three million two hundred thousand  
7 dollars divided into four equal deposits occurring on July 1, October  
8 1, January 1, and April 1. For each fiscal year thereafter, the state  
9 treasurer shall increase the total transfer by the fiscal growth  
10 factor, as defined in RCW 43.135.025, forecast for that fiscal year by  
11 the office of financial management in November of the preceding year.

12       (2) The moneys deposited in the county criminal justice assistance  
13 account for distribution under this section, less any moneys  
14 appropriated for purposes under ((RCW 82.44.110)) subsection (4) of  
15 this section, shall be distributed at such times as distributions are  
16 made under RCW 82.44.150 and on the relative basis of each county's  
17 funding factor as determined under this subsection.

18       (a) A county's funding factor is the sum of:

19       (i) The population of the county, divided by one thousand, and  
20 multiplied by two-tenths;

21       (ii) The crime rate of the county, multiplied by three-tenths; and

22       (iii) The annual number of criminal cases filed in the county  
23 superior court, for each one thousand in population, multiplied by  
24 five-tenths.

25       (b) Under this section and RCW 82.14.320 and 82.14.330:

26       (i) The population of the county or city shall be as last  
27 determined by the office of financial management;

28       (ii) The crime rate of the county or city is the annual occurrence  
29 of specified criminal offenses, as calculated in the most recent annual  
30 report on crime in Washington state as published by the Washington  
31 association of sheriffs and police chiefs, for each one thousand in  
32 population;

33       (iii) The annual number of criminal cases filed in the county  
34 superior court shall be determined by the most recent annual report of  
35 the courts of Washington, as published by the office of the  
36 administrator for the courts;

37       (iv) Distributions and eligibility for distributions in the 1989-91  
38 biennium shall be based on 1988 figures for both the crime rate as  
39 described under (ii) of this subsection and the annual number of

1 criminal cases that are filed as described under (iii) of this  
2 subsection. Future distributions shall be based on the most recent  
3 figures for both the crime rate as described under (ii) of this  
4 subsection and the annual number of criminal cases that are filed as  
5 described under (iii) of this subsection.

6 (3) Moneys distributed under this section shall be expended  
7 exclusively for criminal justice purposes and shall not be used to  
8 replace or supplant existing funding. Criminal justice purposes are  
9 defined as activities that substantially assist the criminal justice  
10 system, which may include circumstances where ancillary benefit to the  
11 civil justice system occurs, and which includes domestic violence  
12 services such as those provided by domestic violence programs,  
13 community advocates, and legal advocates, as defined in RCW 70.123.020.  
14 Existing funding for purposes of this subsection is defined as calendar  
15 year 1989 actual operating expenditures for criminal justice purposes.  
16 Calendar year 1989 actual operating expenditures for criminal justice  
17 purposes exclude the following: Expenditures for extraordinary events  
18 not likely to reoccur, changes in contract provisions for criminal  
19 justice services, beyond the control of the local jurisdiction  
20 receiving the services, and major nonrecurring capital expenditures.

21 (4) Not more than five percent of the funds deposited to the county  
22 criminal justice assistance account shall be available for  
23 appropriations for enhancements to the state patrol crime laboratory  
24 system and the continuing costs related to these enhancements. Funds  
25 appropriated from this account for such enhancements shall not supplant  
26 existing funds from the state general fund.

27 **Sec. 12.** RCW 82.14.320 and 1995 c 398 s 12 and 1995 c 312 s 84 are  
28 each reenacted and amended to read as follows:

29 (1) The municipal criminal justice assistance account is created in  
30 the state treasury. Beginning in fiscal year 2000, the state treasurer  
31 shall transfer into the municipal criminal justice assistance account  
32 for distribution under this section from the general fund the sum of  
33 four million six hundred thousand dollars divided into four equal  
34 deposits occurring on July 1, October 1, January 1, and April 1. For  
35 each fiscal year thereafter, the state treasurer shall increase the  
36 total transfer by the fiscal growth factor, as defined in RCW  
37 43.135.025, forecast for that fiscal year by the office of financial  
38 management in November of the preceding year.

1 (2) No city may receive a distribution under this section from the  
2 municipal criminal justice assistance account unless:

3 (a) The city has a crime rate in excess of one hundred twenty-five  
4 percent of the state-wide average as calculated in the most recent  
5 annual report on crime in Washington state as published by the  
6 Washington association of sheriffs and police chiefs;

7 (b) The city has levied the tax authorized in RCW 82.14.030(2) at  
8 the maximum rate or the tax authorized in RCW 82.46.010(3) at the  
9 maximum rate; and

10 (c) The city has a per capita yield from the tax imposed under RCW  
11 82.14.030(1) at the maximum rate of less than one hundred fifty percent  
12 of the state-wide average per capita yield for all cities from such  
13 local sales and use tax.

14 (3) The moneys deposited in the municipal criminal justice  
15 assistance account for distribution under this section, less any moneys  
16 appropriated for purposes under (~~RCW 82.44.110~~) subsection (7) of  
17 this section, shall be distributed at such times as distributions are  
18 made under RCW 82.44.150. The distributions shall be made as follows:

19 (a) Unless reduced by this subsection, thirty percent of the moneys  
20 shall be distributed ratably based on population as last determined by  
21 the office of financial management to those cities eligible under  
22 subsection (2) of this section that have a crime rate determined under  
23 subsection (2)(a) of this section which is greater than one hundred  
24 seventy-five percent of the state-wide average crime rate. No city may  
25 receive more than fifty percent of any moneys distributed under this  
26 subsection (a) but, if a city distribution is reduced as a result of  
27 exceeding the fifty percent limitation, the amount not distributed  
28 shall be distributed under (b) of this subsection.

29 (b) The remainder of the moneys, including any moneys not  
30 distributed in subsection (2)(a) of this section, shall be distributed  
31 to all cities eligible under subsection (2) of this section ratably  
32 based on population as last determined by the office of financial  
33 management.

34 (4) No city may receive more than thirty percent of all moneys  
35 distributed under subsection (3) of this section.

36 (5) Notwithstanding other provisions of this section, the  
37 distributions to any city that substantially decriminalizes or repeals  
38 its criminal code after July 1, 1990, and that does not reimburse the

1 county for costs associated with criminal cases under RCW 3.50.800 or  
2 3.50.805(2), shall be made to the county in which the city is located.

3 (6) Moneys distributed under this section shall be expended  
4 exclusively for criminal justice purposes and shall not be used to  
5 replace or supplant existing funding. Criminal justice purposes are  
6 defined as activities that substantially assist the criminal justice  
7 system, which may include circumstances where ancillary benefit to the  
8 civil justice system occurs, and which includes domestic violence  
9 services such as those provided by domestic violence programs,  
10 community advocates, and legal advocates, as defined in RCW 70.123.020,  
11 and publications and public educational efforts designed to provide  
12 information and assistance to parents in dealing with runaway or at-  
13 risk youth. Existing funding for purposes of this subsection is  
14 defined as calendar year 1989 actual operating expenditures for  
15 criminal justice purposes. Calendar year 1989 actual operating  
16 expenditures for criminal justice purposes exclude the following:  
17 Expenditures for extraordinary events not likely to reoccur, changes in  
18 contract provisions for criminal justice services, beyond the control  
19 of the local jurisdiction receiving the services, and major  
20 nonrecurring capital expenditures.

21 (7) Not more than five percent of the funds deposited to the  
22 municipal criminal justice assistance account shall be available for  
23 appropriations for enhancements to the state patrol crime laboratory  
24 system and the continuing costs related to these enhancements. Funds  
25 appropriated from this account for such enhancements shall not supplant  
26 existing funds from the state general fund.

27 **Sec. 13.** RCW 82.14.330 and 1995 c 398 s 13 are each amended to  
28 read as follows:

29 (1) Beginning in fiscal year 2000, the state treasurer shall  
30 transfer into the municipal criminal justice assistance account for  
31 distribution under this section from the general fund the sum of four  
32 million six hundred thousand dollars divided into four equal deposits  
33 occurring on July 1, October 1, January 1, and April 1. For each  
34 fiscal year thereafter, the state treasurer shall increase the total  
35 transfer by the fiscal growth factor, as defined in RCW 43.135.025,  
36 forecast for that fiscal year by the office of financial management in  
37 November of the preceding year. The moneys deposited in the municipal  
38 criminal justice assistance account for distribution under this

1 section, less any moneys appropriated for purposes under ((RCW  
2 82.44.110)) subsection (4) of this section, shall be distributed to the  
3 cities of the state as follows:

4 (a) Twenty percent appropriated for distribution shall be  
5 distributed to cities with a three-year average violent crime rate for  
6 each one thousand in population in excess of one hundred fifty percent  
7 of the state-wide three-year average violent crime rate for each one  
8 thousand in population. The three-year average violent crime rate  
9 shall be calculated using the violent crime rates for each of the  
10 preceding three years from the annual reports on crime in Washington  
11 state as published by the Washington association of sheriffs and police  
12 chiefs. Moneys shall be distributed under this subsection (1)(a)  
13 ratably based on population as last determined by the office of  
14 financial management, but no city may receive more than one dollar per  
15 capita. Moneys remaining undistributed under this subsection at the  
16 end of each calendar year shall be distributed to the criminal justice  
17 training commission to reimburse participating city law enforcement  
18 agencies with ten or fewer full-time commissioned patrol officers the  
19 cost of temporary replacement of each officer who is enrolled in basic  
20 law enforcement training, as provided in RCW 43.101.200.

21 (b) Sixteen percent shall be distributed to cities ratably based on  
22 population as last determined by the office of financial management,  
23 but no city may receive less than one thousand dollars.

24 The moneys deposited in the municipal criminal justice assistance  
25 account for distribution under this subsection shall be distributed at  
26 such times as distributions are made under RCW 82.44.150.

27 Moneys distributed under this subsection shall be expended  
28 exclusively for criminal justice purposes and shall not be used to  
29 replace or supplant existing funding. Criminal justice purposes are  
30 defined as activities that substantially assist the criminal justice  
31 system, which may include circumstances where ancillary benefit to the  
32 civil justice system occurs, and which includes domestic violence  
33 services such as those provided by domestic violence programs,  
34 community advocates, and legal advocates, as defined in RCW 70.123.020.  
35 Existing funding for purposes of this subsection is defined as calendar  
36 year 1989 actual operating expenditures for criminal justice purposes.  
37 Calendar year 1989 actual operating expenditures for criminal justice  
38 purposes exclude the following: Expenditures for extraordinary events  
39 not likely to reoccur, changes in contract provisions for criminal

1 justice services, beyond the control of the local jurisdiction  
2 receiving the services, and major nonrecurring capital expenditures.

3 (2) In addition to the distributions under subsection (1) of this  
4 section:

5 (a) Fourteen percent shall be distributed to cities that have  
6 initiated innovative law enforcement strategies, including alternative  
7 sentencing and crime prevention programs. No city may receive more  
8 than one dollar per capita under this subsection (2)(a).

9 (b) Twenty percent shall be distributed to cities that have  
10 initiated programs to help at-risk children or child abuse victim  
11 response programs. No city may receive more than fifty cents per  
12 capita under this subsection (2)(b).

13 (c) Twenty percent shall be distributed to cities that have  
14 initiated programs designed to reduce the level of domestic violence  
15 within their jurisdictions or to provide counseling for domestic  
16 violence victims. No city may receive more than fifty cents per capita  
17 under this subsection (2)(c).

18 (d) Ten percent shall be distributed to cities that contract with  
19 another governmental agency for a majority of the city's law  
20 enforcement services.

21 Moneys distributed under this subsection shall be distributed to  
22 those cities that submit funding requests under this subsection to the  
23 department of community, trade, and economic development based on  
24 criteria developed under RCW 82.14.335. Allocation of funds shall be  
25 in proportion to the population of qualified jurisdictions, but the  
26 distribution to a city shall not exceed the amount of funds requested.  
27 Cities shall submit requests for program funding to the department of  
28 community, trade, and economic development by November 1 of each year  
29 for funding the following year. The department shall certify to the  
30 state treasurer the cities eligible for funding under this subsection  
31 and the amount of each allocation.

32 The moneys deposited in the municipal criminal justice assistance  
33 account for distribution under this subsection, less any moneys  
34 appropriated for purposes under (~~RCW 82.44.110~~) subsection (4) of  
35 this section, shall be distributed at the times as distributions are  
36 made under RCW 82.44.150. Moneys remaining undistributed under this  
37 subsection at the end of each calendar year shall be distributed to the  
38 criminal justice training commission to reimburse participating city  
39 law enforcement agencies with ten or fewer full-time commissioned



1 patrol officers the cost of temporary replacement of each officer who  
2 is enrolled in basic law enforcement training, as provided in RCW  
3 43.101.200.

4 If a city is found by the state auditor to have expended funds  
5 received under this subsection in a manner that does not comply with  
6 the criteria under which the moneys were received, the city shall be  
7 ineligible to receive future distributions under this subsection until  
8 the use of the moneys are justified to the satisfaction of the director  
9 or are repaid to the state general fund. The director may allow  
10 noncomplying use of moneys received under this subsection upon a  
11 showing of hardship or other emergent need.

12 (3) Notwithstanding other provisions of this section, the  
13 distributions to any city that substantially decriminalizes or repeals  
14 its criminal code after July 1, 1990, and that does not reimburse the  
15 county for costs associated with criminal cases under RCW 3.50.800 or  
16 3.50.805(2), shall be made to the county in which the city is located.

17 (4) Not more than five percent of the funds deposited to the  
18 municipal criminal justice assistance account shall be available for  
19 appropriations for enhancements to the state patrol crime laboratory  
20 system and the continuing costs related to these enhancements. Funds  
21 appropriated from this account for such enhancements shall not supplant  
22 existing funds from the state general fund.

23 NEW SECTION. Sec. 14. A new section is added to chapter 43.135  
24 RCW to read as follows:

25 (1) Initiative Measure No. 601 (chapter 43.135 RCW, as amended by  
26 chapter . . ., Laws of 1998 (this act) and the amendatory changes  
27 enacted by section 6, chapter 2, Laws of 1994) is hereby reenacted and  
28 reaffirmed. The legislature also adopts this act to continue the  
29 general fund revenue and expenditure limitations contained in this  
30 chapter 43.135 RCW after this one-time transfer of funds.

31 (2) RCW 43.135.035(4) does not apply to sections 5 through 13,  
32 chapter . . ., Laws of 1998 (sections 5 through 13 of this act).

33 **Sec. 15.** RCW 43.135.060 and 1994 c 2 s 5 are each amended to read  
34 as follows:

35 (1) After July 1, 1995, the legislature shall not impose  
36 responsibility for new programs or increased levels of service under  
37 existing programs on any political subdivision of the state unless the

1 subdivision is fully reimbursed (~~((by specific appropriation))~~) by the  
2 state for the costs of the new programs or increases in service levels.  
3 Reimbursement by the state may be made by: (a) A specific  
4 appropriation; or (b) increases in state distributions of revenue to  
5 political subdivisions occurring after January 1, 1998.

6 (2) If by order of any court, or legislative enactment, the costs  
7 of a federal or local government program are transferred to or from the  
8 state, the otherwise applicable state expenditure limit shall be  
9 increased or decreased, as the case may be, by the dollar amount of the  
10 costs of the program.

11 (3) The legislature, in consultation with the office of financial  
12 management or its successor agency, shall determine the costs of any  
13 new programs or increased levels of service under existing programs  
14 imposed on any political subdivision or transferred to or from the  
15 state.

16 (4) Subsection (1) of this section does not apply to the costs  
17 incurred for voting devices or machines under RCW 29.04.200.

18 NEW SECTION. Sec. 16. In order to provide funds necessary for the  
19 location, design, right of way, and construction of state and local  
20 highway improvements, there shall be issued and sold upon the request  
21 of the Washington state transportation commission a maximum of one  
22 billion nine hundred million dollars of general obligation bonds of the  
23 state of Washington.

24 NEW SECTION. Sec. 17. Upon the request of the transportation  
25 commission, the state finance committee shall supervise and provide for  
26 the issuance, sale, and retirement of the bonds authorized by sections  
27 16 through 21 of this act in accordance with chapter 39.42 RCW. Bonds  
28 authorized by sections 16 through 21 of this act shall be sold in such  
29 manner, at such time or times, in such amounts, and at such price as  
30 the state finance committee shall determine. No such bonds may be  
31 offered for sale without prior legislative appropriation of the net  
32 proceeds of the sale of the bonds.

33 The state finance committee shall consider the issuance of short-  
34 term obligations in lieu of long-term obligations for the purposes of  
35 more favorable interest rates, lower total interest costs, and  
36 increased marketability and for the purpose of retiring the bonds  
37 during the life of the project for which they were issued.

1        NEW SECTION.    **Sec. 18.**    The proceeds from the sale of bonds  
2 authorized by sections 16 through 21 of this act shall be deposited in  
3 the motor vehicle fund. The proceeds shall be available only for the  
4 purposes enumerated in section 16 of this act, for the payment of bond  
5 anticipation notes, if any, and for the payment of bond issuance costs,  
6 including the costs of underwriting.

7        NEW SECTION.    **Sec. 19.**    Bonds issued under the authority of  
8 sections 16 through 21 of this act shall distinctly state that they are  
9 a general obligation of the state of Washington, shall pledge the full  
10 faith and credit of the state to the payment of the principal thereof  
11 and the interest thereon, and shall contain an unconditional promise to  
12 pay such principal and interest as the same shall become due. The  
13 principal and interest on the bonds shall be first payable in the  
14 manner provided in sections 16 through 21 of this act from the proceeds  
15 of the state excise taxes on motor vehicle and special fuels imposed by  
16 chapters 82.36 and 82.38 RCW. Proceeds of such excise taxes are hereby  
17 pledged to the payment of any bonds and the interest thereon issued  
18 under the authority of sections 16 through 21 of this act, and the  
19 legislature agrees to continue to impose these excise taxes on motor  
20 vehicle and special fuels in amounts sufficient to pay, when due, the  
21 principal and interest on all bonds issued under the authority of  
22 sections 16 through 21 of this act.

23        NEW SECTION.    **Sec. 20.**    Both principal and interest on the bonds  
24 issued for the purposes of sections 16 through 21 of this act shall be  
25 payable from the highway bond retirement fund. The state finance  
26 committee may provide that a special account be created in the fund to  
27 facilitate payment of the principal and interest. The state finance  
28 committee shall, on or before June 30th of each year, certify to the  
29 state treasurer the amount required for principal and interest on the  
30 bonds in accordance with the bond proceedings. The state treasurer  
31 shall withdraw revenues from the motor vehicle fund and deposit in the  
32 highway bond retirement fund, or a special account in the fund, such  
33 amounts, and at such times, as are required by the bond proceedings.

34        Any funds required for bond retirement or interest on the bonds  
35 authorized by sections 16 through 21 of this act shall be taken from  
36 that portion of the motor vehicle fund that results from the imposition  
37 of excise taxes on motor vehicle and special fuels and which is, or may

1 be, appropriated to the department of transportation for state highway  
2 purposes. Funds required shall never constitute a charge against any  
3 other allocations of motor vehicle fuel and special fuel tax revenues  
4 to the state, counties, cities and towns unless the amount arising from  
5 excise taxes on motor vehicle and special fuels distributed to the  
6 state in the motor vehicle fund proves insufficient to meet the  
7 requirements for bond retirement or interest on any such bonds.

8 Any payments for bond retirement or interest on the bonds taken  
9 from other revenues from the motor vehicle fuel or special fuel taxes  
10 that are distributable to the state, counties, cities, and towns, shall  
11 be repaid from the first revenues from the motor vehicle fuel or  
12 special fuel taxes distributed to the motor vehicle fund not required  
13 for bond retirement or interest on the bonds.

14 NEW SECTION. **Sec. 21.** Bonds issued under the authority of  
15 sections 16 through 20 of this act and this section and any other  
16 general obligation bonds of the state of Washington that have been or  
17 that may be authorized and that pledge motor vehicle and special fuels  
18 excise taxes for the payment of principal and interest thereon shall be  
19 an equal charge against the revenues from such motor vehicle and  
20 special fuels excise taxes.

21 NEW SECTION. **Sec. 22.** (1) A joint committee is created to study  
22 the long-term transportation funding needs in the state. The committee  
23 shall consist of twenty members as follows:

24 (a) The chairpersons of the house transportation policy and budget  
25 committee and the senate transportation committee shall each appoint  
26 four of the members of their respective committees to serve on the  
27 joint committee. Of these, the chairpersons shall each appoint two  
28 members to represent the majority caucus and two members to represent  
29 the minority caucus. The chairpersons of the senate ways and means  
30 committee and the house appropriations committee shall each appoint one  
31 of the members of their respective committees to serve on the joint  
32 committee.

33 (b) The governor shall appoint one member to serve on the joint  
34 committee.

35 (c) The association of Washington counties shall appoint two  
36 members to the committee. One member shall be appointed to represent

1 small counties and one member shall be appointed to represent large  
2 counties.

3 (d) The association of Washington cities shall appoint two members  
4 to the committee. One member shall be appointed to represent small  
5 cities and towns and one member shall be appointed to represent large  
6 cities.

7 (e) The majority and minority leaders of the house of  
8 representatives and the senate shall each appoint one member to  
9 represent business and the governor shall appoint one member to  
10 represent business for a total of five members representing business.

11 The members of the joint committee shall elect a chairperson from  
12 the membership of the committee.

13 (2) The committee shall study the transportation needs of state and  
14 local government with the objective of developing a fair and  
15 predictable long-term funding system for state and local transportation  
16 needs, including any appropriate reforms and reprioritizations. The  
17 study may address differential funding sources for urban congestion  
18 districts, local option funding including possible modifications to the  
19 current local option taxing authority of counties and cities, public-  
20 private partnerships for new transportation projects, improvements to  
21 freight mobility, streamlining categorical funding mechanisms to  
22 emphasize high priority projects, and increased certainty from setting  
23 time limits on permitting processes.

24 (3) The office of financial management, the department of  
25 licensing, the department of community, trade, and economic  
26 development, and the department of transportation shall provide  
27 assistance to the joint committee as needed.

28 (4) The joint committee shall provide an interim progress report to  
29 the governor and the house and senate fiscal committees by December 1,  
30 1998. The joint committee shall provide a final report of its findings  
31 and recommendations to the governor and the house and senate fiscal  
32 committees by December 1, 1999.

33 **Sec. 23.** RCW 82.50.410 and 1991 c 199 s 225 are each amended to  
34 read as follows:

35 The rate and measure of tax imposed by RCW 82.50.400 for each  
36 registration year shall be one and one-tenth percent (~~(, and a surcharge~~  
37 ~~of one-tenth of one percent,~~) of the value of the travel trailer or  
38 camper, as determined in the manner provided in this chapter:

1 PROVIDED, That the excise tax upon a travel trailer or camper licensed  
2 for the first time in this state after the last day of any registration  
3 month may only be levied for the remaining months of the registration  
4 year including the month in which the travel trailer or camper is first  
5 licensed: PROVIDED FURTHER, That the minimum amount of tax payable  
6 shall be two dollars: PROVIDED FURTHER, That every dealer in mobile  
7 homes or travel trailers, for the privilege of using any mobile home or  
8 travel trailer eligible to be used under a dealer's license plate,  
9 shall pay an excise tax of two dollars, and such tax shall be collected  
10 upon the issuance of each original dealer's license plate, and also a  
11 similar tax shall be collected upon the issuance of each dealer's  
12 duplicate license plate, which taxes shall be in addition to any tax  
13 otherwise payable under this chapter.

14 A travel trailer or camper shall be deemed licensed for the first  
15 time in this state when such vehicle was not previously licensed by  
16 this state for the registration year or any part thereof immediately  
17 preceding the registration year in which application for license is  
18 made or when it has been registered in another jurisdiction subsequent  
19 to any prior registration in this state.

20 **Sec. 24.** RCW 82.50.510 and 1991 c 199 s 227 are each amended to  
21 read as follows:

22 The county auditor shall regularly, when remitting motor vehicle  
23 excise taxes, pay to the state treasurer the excise taxes imposed by  
24 RCW 82.50.400. The treasurer shall then distribute such funds  
25 quarterly on the first day of the month of January, April, July and  
26 October of each year in the following amount:

27 (1) (~~For the one percent tax imposed under RCW 82.50.410,~~  
28 ~~fifteen~~) 13.64 percent to cities and towns for the use thereof  
29 apportioned ratably among such cities and towns on the basis of  
30 population; (~~fifteen~~)

31 (2) 13.64 percent to counties for the use thereof to be apportioned  
32 ratably among such counties on the basis of moneys collected in such  
33 counties from the excise taxes imposed under this chapter; (~~and~~  
34 ~~seventy~~)

35 (3) 63.64 percent for schools to be deposited in the state general  
36 fund; and

1       (~~((2) for the one-tenth of one percent surcharge imposed under RCW~~  
2 ~~82.50.410, one hundred))~~ (4) 9.08 percent to the transportation fund  
3 created in RCW 82.44.180.

4       **Sec. 25.** RCW 35.58.273 and 1992 c 194 s 11 are each amended to  
5 read as follows:

6       (1) (~~(Through June 30, 1992, any municipality, as defined in this~~  
7 ~~subsection, is authorized to levy and collect a special excise tax not~~  
8 ~~exceeding .7824 percent and beginning July 1, 1992, .725 percent on the~~  
9 ~~value, as determined under chapter 82.44 RCW, of every motor vehicle~~  
10 ~~owned by a resident of such municipality for the privilege of using~~  
11 ~~such motor vehicle provided that in no event shall the tax be less than~~  
12 ~~one dollar and, subject to RCW 82.44.150 (3) and (4), the amount of~~  
13 ~~such tax shall be credited against the amount of the excise tax levied~~  
14 ~~by the state under RCW 82.44.020(1). As used in this subsection, the~~  
15 ~~term "municipality" means a municipality that is located within (a)~~  
16 ~~each county with a population of two hundred ten thousand or more and~~  
17 ~~(b) each county with a population of from one hundred twenty five~~  
18 ~~thousand to less than two hundred ten thousand except for those~~  
19 ~~counties that do not border a county with a population as described~~  
20 ~~under subsection (a) of this subsection.~~

21       (2) ~~Through June 30, 1992, any other)~~ A municipality is authorized  
22 to levy and collect a special excise tax not exceeding (~~(.815 percent,~~  
23 ~~and beginning July 1, 1992,)~~) .725 percent on the value, as determined  
24 under chapter 82.44 RCW, of every motor vehicle owned by a resident of  
25 such municipality for the privilege of using such motor vehicle  
26 provided that in no event shall the tax be less than one dollar and,  
27 subject to RCW 82.44.150 (3) and (4), the amount of such tax shall be  
28 credited against the amount of the excise tax levied by the state under  
29 RCW 82.44.020(1). Before utilization of any excise tax moneys  
30 collected under authorization of this section for acquisition of right  
31 of way or construction of a mass transit facility on a separate right  
32 of way the municipality shall adopt rules affording the public an  
33 opportunity for "corridor public hearings" and "design public hearings"  
34 as herein defined, which rule shall provide in detail the procedures  
35 necessary for public participation in the following instances: (a)  
36 Prior to adoption of location and design plans having a substantial  
37 social, economic or environmental effect upon the locality upon which  
38 they are to be constructed or (b) on such mass rapid transit systems

1 operating on a separate right of way whenever a substantial change is  
2 proposed relating to location or design in the adopted plan. In  
3 adopting rules the municipality shall adhere to the provisions of the  
4 Administrative Procedure Act.

5 ~~((+3))~~ (2) A "corridor public hearing" is a public hearing that:  
6 (a) Is held before the municipality is committed to a specific mass  
7 transit route proposal, and before a route location is established; (b)  
8 is held to afford an opportunity for participation by those interested  
9 in the determination of the need for, and the location of, the mass  
10 rapid transit system; (c) provides a public forum that affords a full  
11 opportunity for presenting views on the mass rapid transit system route  
12 location, and the social, economic and environmental effects on that  
13 location and alternate locations: PROVIDED, That such hearing shall  
14 not be deemed to be necessary before adoption of an overall mass rapid  
15 transit system plan by a vote of the electorate of the municipality.

16 ~~((+4))~~ (3) A "design public hearing" is a public hearing that:  
17 (a) Is held after the location is established but before the design is  
18 adopted; and (b) is held to afford an opportunity for participation by  
19 those interested in the determination of major design features of the  
20 mass rapid transit system; and (c) provides a public forum to afford a  
21 full opportunity for presenting views on the mass rapid transit system  
22 design, and the social, economic, environmental effects of that design  
23 and alternate designs.

24 ~~((+5))~~ (4) A municipality imposing a tax under subsection (1) ~~((or~~  
25 ~~+2))~~ of this section may also impose a sales and use tax, in addition  
26 to the tax authorized by RCW 82.14.030, upon retail car rentals within  
27 the municipality that are taxable by the state under chapters 82.08 and  
28 82.12 RCW. The rate of tax shall not exceed 1.944 percent. The rate  
29 of tax imposed under this subsection shall bear the same ratio to the  
30 1.944 percent rate authorized that the rate imposed under ~~((RCW~~  
31 ~~82.08.020(2) as the excise tax rate imposed under))~~ subsection (1) of  
32 this section bears to the ~~((excise tax))~~ rate ~~((imposed under RCW~~  
33 ~~82.44.020 (1) and (2))~~ authorized under subsection (1) of this  
34 section. The base of the tax shall be the selling price in the case of  
35 a sales tax or the rental value of the vehicle used in the case of a  
36 use tax. The tax imposed under this section shall be deducted from the  
37 amount of tax otherwise due under RCW 82.08.020(2). The revenue  
38 collected under this subsection shall be distributed in the same manner



1 as special excise taxes under subsection(~~(s)~~) (1) (~~(and (2))~~) of this  
2 section.

3 **Sec. 26.** RCW 35.58.410 and 1993 c 240 s 11 are each amended to  
4 read as follows:

5 (1) On or before the third Monday in June of each year, each  
6 metropolitan municipal corporation shall adopt a budget for the  
7 following calendar year. Such budget shall include a separate section  
8 for each authorized metropolitan function. Expenditures shall be  
9 segregated as to operation and maintenance expenses and capital and  
10 betterment outlays. Administrative and other expense general to the  
11 corporation shall be allocated between the authorized metropolitan  
12 functions. The budget shall contain an estimate of all revenues to be  
13 collected during the following budget year, including any surplus funds  
14 remaining unexpended from the preceding year. The metropolitan council  
15 shall not be required to confine capital or betterment expenditures  
16 made from bond proceeds or emergency expenditures to items provided in  
17 the budget. The affirmative vote of three-fourths of all members of  
18 the metropolitan council shall be required to authorize emergency  
19 expenditures.

20 (2) Subsection (1) of this section shall not apply to a county that  
21 has assumed the rights, powers, functions, and obligations of a  
22 metropolitan municipal corporation under chapter 36.56 RCW. This  
23 subsection (2) shall apply only to each county that has assumed the  
24 rights, powers, functions, and obligations of a metropolitan municipal  
25 corporation under chapter 36.56 RCW.

26 Each county that has assumed the rights, powers, functions, and  
27 obligations of a metropolitan municipal corporation under chapter 36.56  
28 RCW shall, on or before the third Monday in June of each year, prepare  
29 an estimate of all revenues to be collected during the following  
30 calendar year, including any surplus funds remaining unexpended from  
31 the preceding year for each authorized metropolitan function.

32 By June 30 of each year, the county shall adopt the rate for sewage  
33 disposal that will be charged to component cities and sewer districts  
34 during the following budget year.

35 As long as any general obligation indebtedness remains outstanding  
36 that was issued by the metropolitan municipal corporation prior to the  
37 assumption by the county, the county shall continue to impose the taxes  
38 authorized by RCW 82.14.045 and 35.58.273(~~(+5))~~) (4) at the maximum

1 rates and on all of the taxable events authorized by law. If, despite  
2 the continued imposition of those taxes, the estimate of revenues made  
3 on or before the third Monday in June shows that estimated revenues  
4 will be insufficient to make all debt service payments falling due in  
5 the following calendar year on all general obligation indebtedness  
6 issued by the metropolitan municipal corporation prior to the  
7 assumption by the county of the rights, powers, functions, and  
8 obligations of the metropolitan municipal corporation, the remaining  
9 amount required to make the debt service payments shall be designated  
10 as "supplemental income" and shall be obtained from component cities  
11 and component counties as provided under RCW 35.58.420.

12 The county shall prepare and adopt a budget each year in accordance  
13 with applicable general law or county charter. If supplemental income  
14 has been designated under this subsection, the supplemental income  
15 shall be reflected in the budget that is adopted. If during the budget  
16 year the actual tax revenues from the taxes imposed under the authority  
17 of RCW 82.14.045 and 35.58.273(~~((+5+))~~) (4) exceed the estimates upon  
18 which the supplemental income was based, the difference shall be  
19 refunded to the component cities and component counties in proportion  
20 to their payments promptly after the end of the budget year. A county  
21 that has assumed the rights, powers, functions, and obligations of a  
22 metropolitan municipal corporation under chapter 36.56 RCW shall not be  
23 required to confine capital or betterment expenditures for authorized  
24 metropolitan functions from bond proceeds or emergency expenditures to  
25 items provided in the budget.

26 **Sec. 27.** RCW 43.160.070 and 1997 c 235 s 721 are each amended to  
27 read as follows:

28 Public facilities financial assistance, when authorized by the  
29 board, is subject to the following conditions:

30 (1) The moneys in the public facilities construction loan revolving  
31 (~~((fund))~~) account and the distressed county public facilities  
32 construction loan account shall be used solely to fulfill commitments  
33 arising from financial assistance authorized in this chapter or, during  
34 the 1989-91 fiscal biennium, for economic development purposes as  
35 appropriated by the legislature. The total outstanding amount which  
36 the board shall dispense at any time pursuant to this section shall not  
37 exceed the moneys available from the (~~((fund))~~) accounts. The total  
38 amount of outstanding financial assistance in Pierce, King, and

1 Snohomish counties shall never exceed sixty percent of the total amount  
2 of outstanding financial assistance disbursed by the board under this  
3 chapter without reference to financial assistance provided under  
4 section 9 of this act.

5 (2) On contracts made for public facilities loans the board shall  
6 determine the interest rate which loans shall bear. The interest rate  
7 shall not exceed ten percent per annum. The board may provide  
8 reasonable terms and conditions for repayment for loans as the board  
9 determines. The loans shall not exceed twenty years in duration.

10 (3) Repayments of loans made from the public facilities  
11 construction loan revolving account under the contracts for public  
12 facilities construction loans shall be paid into the public facilities  
13 construction loan revolving (~~fund~~) account. Repayments of loans made  
14 from the distressed county public facilities construction loan account  
15 under the contracts for public facilities construction loans shall be  
16 paid into the distressed county public facilities construction loan  
17 account. Repayments of loans from moneys from the new appropriation  
18 from the public works assistance account for the fiscal biennium ending  
19 June 30, 1999, shall be paid into the public works assistance account.

20 (4) When every feasible effort has been made to provide loans and  
21 loans are not possible, the board may provide grants upon finding that  
22 unique circumstances exist.

23 **Sec. 28.** RCW 43.160.076 and 1997 c 367 s 9 are each amended to  
24 read as follows:

25 (1) Except as authorized to the contrary under subsection (2) of  
26 this section, from all funds available to the board for financial  
27 assistance in a biennium under this chapter without reference to  
28 financial assistance provided under section 9 of this act, the board  
29 shall spend at least seventy-five percent for financial assistance for  
30 projects in distressed counties or rural natural resources impact  
31 areas. For purposes of this section, the term "distressed counties"  
32 includes any county, in which the average level of unemployment for the  
33 three years before the year in which an application for financial  
34 assistance is filed, exceeds the average state employment for those  
35 years by twenty percent.

36 (2) If at any time during the last six months of a biennium the  
37 board finds that the actual and anticipated applications for qualified  
38 projects in distressed counties or rural natural resources impact areas

1 are clearly insufficient to use up the seventy-five percent allocation  
2 under subsection (1) of this section, then the board shall estimate the  
3 amount of the insufficiency and during the remainder of the biennium  
4 may use that amount of the allocation for financial assistance to  
5 projects not located in distressed counties or rural natural resources  
6 impact areas.

7 **Sec. 29.** 1997 c 367 s 10 (uncodified) is amended to read as  
8 follows:

9 RCW 43.160.076 and section 28 of this act, 1997 c 367 s 9, 1996 c  
10 51 s 7, 1995 c 226 s 15, 1993 c 320 s 5, 1991 c 314 s 24, & 1985 c 446  
11 s 6 are each repealed effective June 30, 2000.

12 **Sec. 30.** RCW 43.160.080 and 1992 c 235 s 10 are each amended to  
13 read as follows:

14 There shall be a fund in the state treasury known as the public  
15 facilities construction loan revolving account, which shall consist of  
16 all moneys collected under this chapter, except moneys of the board  
17 collected in connection with the issuance of industrial development  
18 revenue bonds and moneys deposited in the distressed county public  
19 facilities construction loan account under section 9 of this act, and  
20 any moneys appropriated to it by law: PROVIDED, That seventy-five  
21 percent of all principal and interest payments on loans made with the  
22 proceeds deposited in the account under section 901, chapter 57, Laws  
23 of 1983 1st ex. sess. shall be deposited in the general fund as  
24 reimbursement for debt service payments on the bonds authorized in RCW  
25 43.83.184. Disbursements from the revolving account shall be on  
26 authorization of the board. In order to maintain an effective  
27 expenditure and revenue control, the public facilities construction  
28 loan revolving account shall be subject in all respects to chapter  
29 43.88 RCW.

30 **Sec. 31.** RCW 43.160.210 and 1996 c 290 s 1 and 1996 c 51 s 10 are  
31 each reenacted and amended to read as follows:

32 (1) Except as authorized to the contrary under subsection (2) of  
33 this section, from all funds available to the board for financial  
34 assistance under this chapter without reference to financial assistance  
35 provided under section 9 of this act, the board shall designate at  
36 least twenty percent for financial assistance for projects in

1 distressed counties. For purposes of this section, the term  
2 "distressed counties" includes any county, in which: (a) The average  
3 level of unemployment for the three years before the year in which an  
4 application for financial assistance is filed, exceeds the average  
5 state employment for those years by twenty percent; or (b) a county  
6 that has a median household income that is less than seventy-five  
7 percent of the state median household income for the previous three  
8 years.

9 (2) If at any time during the last six months of a biennium the  
10 board finds that the actual and anticipated applications for qualified  
11 projects in distressed counties are clearly insufficient to use up the  
12 twenty percent allocation under subsection (1) of this section, then  
13 the board shall estimate the amount of the insufficiency and during the  
14 remainder of the biennium may use that amount of the allocation for  
15 financial assistance for projects not located in distressed counties.

16 **Sec. 32.** RCW 46.16.068 and 1993 c 123 s 4 are each amended to read  
17 as follows:

18 Trailing units which are subject to RCW 82.44.020(~~(+5)~~) (4) shall,  
19 upon application, be issued a permanent license plate that is valid  
20 until the vehicle is sold, permanently removed from the state, or  
21 otherwise disposed of by the registered owner. The fee for this  
22 license plate is thirty-six dollars. Upon the sale, permanent removal  
23 from the state, or other disposition of a trailing unit bearing a  
24 permanent license plate the registered owner is required to return the  
25 license plate and registration certificate to the department.  
26 Violations of this section or misuse of a permanent license plate may  
27 subject the registered owner to prosecution or denial, or both, of  
28 future permanent registration of any trailing units. This section does  
29 not apply to any trailing units subject to the annual excise taxes  
30 prescribed in RCW 82.44.020. The department is authorized to adopt  
31 rules to implement this section for leased vehicles and other  
32 applications as necessary.

33 **Sec. 33.** RCW 70.94.015 and 1993 c 252 s 1 are each amended to read  
34 as follows:

35 (1) The air pollution control account is established in the state  
36 treasury. All receipts collected by or on behalf of the department  
37 from RCW 70.94.151(2), and receipts from nonpermit program sources

1 under RCW 70.94.152(1) and 70.94.154(7), and all receipts from RCW  
2 70.94.650, 70.94.660, 82.44.020(~~((+3))~~) (2), and 82.50.405 shall be  
3 deposited into the account. Moneys in the account may be spent only  
4 after appropriation. Expenditures from the account may be used only to  
5 develop and implement the provisions of chapters 70.94 and 70.120 RCW.

6 (2) The amounts collected and allocated in accordance with this  
7 section shall be expended upon appropriation except as otherwise  
8 provided in this section and in accordance with the following  
9 limitations:

10 Portions of moneys received by the department of ecology from the  
11 air pollution control account shall be distributed by the department to  
12 local authorities based on:

13 (a) The level and extent of air quality problems within such  
14 authority's jurisdiction;

15 (b) The costs associated with implementing air pollution regulatory  
16 programs by such authority; and

17 (c) The amount of funding available to such authority from other  
18 sources, whether state, federal, or local, that could be used to  
19 implement such programs.

20 (3) The air operating permit account is created in the custody of  
21 the state treasurer. All receipts collected by or on behalf of the  
22 department from permit program sources under RCW 70.94.152(1),  
23 70.94.161, 70.94.162, and 70.94.154(7) shall be deposited into the  
24 account. Expenditures from the account may be used only for the  
25 activities described in RCW 70.94.152(1), 70.94.161, 70.94.162, and  
26 70.94.154(7). Moneys in the account may be spent only after  
27 appropriation.

28 **Sec. 34.** RCW 81.100.060 and 1992 c 194 s 12 are each amended to  
29 read as follows:

30 A county with a population of one million or more and a county with  
31 a population of from two hundred ten thousand to less than one million  
32 that is adjoining a county with a population of one million or more,  
33 having within their boundaries existing or planned high occupancy  
34 vehicle lanes on the state highway system may, with voter approval,  
35 impose a local surcharge of not more than (~~((fifteen))~~) 13.64 percent on  
36 the state motor vehicle excise tax paid under RCW 82.44.020(1) on  
37 vehicles registered to a person residing within the county and on the  
38 state sales and use taxes paid under the rate in RCW 82.08.020(2) on

1 retail car rentals within the county. No surcharge may be imposed on  
2 vehicles licensed under RCW 46.16.070 except vehicles with an unladen  
3 weight of six thousand pounds or less, RCW 46.16.079, (~~46.16.080,~~)  
4 46.16.085, or 46.16.090.

5 Counties imposing a tax under this section shall contract, before  
6 the effective date of the resolution or ordinance imposing a surcharge,  
7 administration and collection to the state department of licensing, and  
8 department of revenue, as appropriate, which shall deduct an amount, as  
9 provided by contract, for administration and collection expenses  
10 incurred by the department. All administrative provisions in chapters  
11 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to  
12 state motor vehicle excise taxes, be applicable to surcharges imposed  
13 under this section. All administrative provisions in chapters 82.03,  
14 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to  
15 state sales and use taxes, be applicable to surcharges imposed under  
16 this section.

17 If the tax authorized in RCW 81.100.030 is also imposed by the  
18 county, the total proceeds from tax sources imposed under this section  
19 and RCW 81.100.030 each year shall not exceed the maximum amount which  
20 could be collected under this section.

21 **Sec. 35.** RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27  
22 are each reenacted and amended to read as follows:

23 (1) Cities that operate transit systems, county transportation  
24 authorities, metropolitan municipal corporations, public transportation  
25 benefit areas, and regional transit authorities may submit an  
26 authorizing proposition to the voters, and if approved, may levy and  
27 collect an excise tax, at a rate approved by the voters, but not  
28 exceeding eighty one-hundredths of one percent on the value, under  
29 chapter 82.44 RCW, of every motor vehicle owned by a resident of the  
30 taxing district, solely for the purpose of providing high capacity  
31 transportation service. In any county imposing a motor vehicle excise  
32 tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under  
33 this section shall be reduced to a rate equal to eighty one-hundredths  
34 of one percent on the value less the equivalent motor vehicle excise  
35 tax rate of the surcharge imposed pursuant to RCW 81.100.060. This  
36 rate shall not apply to vehicles licensed under RCW 46.16.070 except  
37 vehicles with an unladen weight of six thousand pounds or less, RCW  
38 46.16.079, (~~46.16.080,~~) 46.16.085, or 46.16.090.

1 (2) An agency imposing a tax under subsection (1) of this section  
2 may also impose a sales and use tax solely for the purpose of providing  
3 high capacity transportation service, in addition to the tax authorized  
4 by RCW 82.14.030, upon retail car rentals within the agency's  
5 jurisdiction that are taxable by the state under chapters 82.08 and  
6 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The rate  
7 of tax imposed under this subsection shall bear the same ratio to the  
8 2.172 percent rate authorized that the rate imposed under ((RCW  
9 82.08.020(2) as the excise tax rate imposed under)) subsection (1) of  
10 this section bears to the ((excise tax)) rate ((imposed under RCW  
11 82.44.020 (1) and (2))) authorized under subsection (1) of this  
12 section. The base of the tax shall be the selling price in the case of  
13 a sales tax or the rental value of the vehicle used in the case of a  
14 use tax. The revenue collected under this subsection shall be used in  
15 the same manner as excise taxes under subsection (1) of this section.

16 **Sec. 36.** RCW 82.08.020 and 1992 c 194 s 9 are each amended to read  
17 as follows:

18 (1) There is levied and there shall be collected a tax on each  
19 retail sale in this state equal to six and five-tenths percent of the  
20 selling price.

21 (2) There is levied and there shall be collected an additional tax  
22 on each retail car rental, regardless of whether the vehicle is  
23 licensed in this state, equal to five and nine-tenths percent of the  
24 selling price. ((Ninety one percent of)) The revenue collected under  
25 this subsection shall be deposited and distributed in the same manner  
26 as motor vehicle excise tax revenue collected under RCW 82.44.020(1).  
27 ((Nine percent of the revenue collected under this subsection shall be  
28 deposited in the transportation fund and distributed in the same manner  
29 as motor vehicle excise tax revenue collected under RCW 82.44.020(2).))

30 (3) The taxes imposed under this chapter shall apply to successive  
31 retail sales of the same property.

32 (4) The rates provided in this section apply to taxes imposed under  
33 chapter 82.12 RCW as provided in RCW 82.12.020.

34 **Sec. 37.** RCW 82.14.046 and 1995 c 298 s 1 are each amended to read  
35 as follows:

36 Beginning with distributions made to municipalities under RCW  
37 82.44.150 on January 1, 1996, municipalities as defined in RCW



1 35.58.272 imposing local transit taxes, which for purposes of this  
2 section include the sales and use tax under RCW 82.14.045, the business  
3 and occupation tax under RCW 35.95.040, and excise taxes under RCW  
4 35.95.040, shall be eligible for sales and use tax equalization  
5 payments from motor vehicle excise taxes distributed under RCW  
6 82.44.150 as follows:

7 (1) Prior to January 1st of each year the department of revenue  
8 shall determine the total and the per capita levels of revenues for  
9 each municipality imposing local transit taxes and the state-wide  
10 weighted average per capita level of sales and use tax revenues imposed  
11 under chapters 82.08 and 82.12 RCW for the previous calendar year  
12 calculated for a sales and use tax rate of one-tenth percent. For  
13 purposes of this section, the department of revenue shall determine a  
14 local transit tax rate for each municipality for the previous calendar  
15 year. The tax rate shall be equivalent to the sales and use tax rate  
16 for the municipality that would have generated an amount of revenue  
17 equal to the amount of local transit taxes collected by the  
18 municipality.

19 (2) For each tenth of one percent of the local transit tax rate,  
20 the state treasurer shall apportion to each municipality receiving less  
21 than eighty percent of the state-wide weighted average per capita level  
22 of sales and use tax revenues imposed under chapters 82.08 and 82.12  
23 RCW as determined by the department of revenue under subsection (1) of  
24 this section, an amount when added to the per capita level of revenues  
25 received the previous calendar year by the municipality, to equal  
26 eighty percent of the state-wide weighted average per capita level of  
27 revenues determined under subsection (1) of this section. In no event  
28 may the sales and use tax equalization distribution to a municipality  
29 in a single calendar year exceed: (a) Fifty percent of the amount of  
30 local transit taxes collected during the prior calendar year; or (b)  
31 the maximum amount of revenue that could have been collected at a local  
32 transit tax rate of three-tenths percent in the prior calendar year.

33 (3) For a municipality established after January 1, 1995, sales and  
34 use tax equalization distributions shall be made according to the  
35 procedures in this subsection. Sales and use tax equalization  
36 distributions to eligible new municipalities shall be made at the same  
37 time as distributions are made under subsection (2) of this section.  
38 The department of revenue shall follow the estimating procedures  
39 outlined in this subsection until the new municipality has received a

1 full year's worth of local transit tax revenues as of the January sales  
2 and use tax equalization distribution.

3 (a) Whether a newly established municipality determined to receive  
4 funds under this subsection receives its first equalization payment at  
5 the January, April, July, or October sales and use tax equalization  
6 distribution shall depend on the date the system first imposes local  
7 transit taxes.

8 (i) A newly established municipality imposing local transit taxes  
9 taking effect during the first calendar quarter shall be eligible to  
10 receive funds under this subsection beginning with the July sales and  
11 use tax equalization distribution of that year.

12 (ii) A newly established municipality imposing local transit taxes  
13 taking effect during the second calendar quarter shall be eligible to  
14 receive funds under this subsection beginning with the October sales  
15 and use tax equalization distribution of that year.

16 (iii) A newly established municipality imposing local transit taxes  
17 taking effect during the third calendar quarter shall be eligible to  
18 receive funds under this subsection beginning with the January sales  
19 and use tax equalization distribution of the next year.

20 (iv) A newly established municipality imposing local transit taxes  
21 taking effect during the fourth calendar quarter shall be eligible to  
22 receive funds under this subsection beginning with the April sales and  
23 use tax equalization distribution of the next year.

24 (b) For purposes of calculating the amount of funds the new  
25 municipality should receive under this subsection, the department of  
26 revenue shall:

27 (i) Estimate the per capita amount of revenues from local transit  
28 taxes that the new municipality would have received had the  
29 municipality received revenues from the tax the entire calendar year;

30 (ii) Calculate the amount provided under subsection (2) of this  
31 section based on the per capita revenues determined under (b)(i) of  
32 this subsection;

33 (iii) Prorate the amount determined under (b)(ii) of this  
34 subsection by the number of months the local transit taxes have been  
35 imposed.

36 (c) The department of revenue shall advise the state treasurer of  
37 the amounts calculated under (b) of this subsection and the state  
38 treasurer shall distribute these amounts to the new municipality from

1 the motor vehicle excise tax (~~((distributed under RCW 82.44.150(2)(d))~~)  
2 deposited into the transportation fund under RCW 82.44.110.

3 (4) A municipality whose governing body implements a tax change  
4 that reduces its local transit tax rate after January 1, 1994, may not  
5 receive distributions under this section.

6 **Sec. 38.** RCW 82.44.023 and 1994 c 227 s 3 are each amended to read  
7 as follows:

8 Rental cars as defined in RCW 46.04.465 are exempt from the taxes  
9 imposed in RCW 82.44.020(1) (~~((and (2))~~). When a rental car ceases to  
10 be used for rental car purposes and at the time of its retail sale, the  
11 excise tax imposed in RCW 82.44.020(1) (~~((and (2))~~) shall be imposed in  
12 an amount equal to one-twelfth of the annual excise tax then in effect,  
13 for each full month remaining in the vehicle's registration year.

14 **Sec. 39.** RCW 82.44.025 and 1996 c 139 s 3 are each amended to read  
15 as follows:

16 Motor vehicles licensed under RCW 46.16.374 are exempt from the  
17 (~~((taxes))~~) tax imposed in RCW 82.44.020(1) (~~((and (2))~~). When the motor  
18 vehicle ceases to be used for the purposes of RCW 46.16.374 or at the  
19 time of its retail sale, the excise tax imposed in RCW 82.44.020(1)  
20 (~~((and (2))~~) must be imposed for twelve full months from the date of  
21 application of the new owner.

22 **Sec. 40.** RCW 82.44.155 and 1993 c 492 s 254 are each amended to  
23 read as follows:

24 The city police and fire protection assistance account is created  
25 in the state treasury. When distributions are made under RCW  
26 82.44.150, the state treasurer shall apportion and distribute the motor  
27 vehicle excise taxes deposited into the (~~((general fund))~~) city police  
28 and fire protection assistance account under RCW 82.44.110(~~((1)(d))~~) to  
29 the cities and towns ratably on the basis of population as last  
30 determined by the office of financial management. When so apportioned,  
31 the amount payable to each such city and town shall be transmitted to  
32 the city treasurer thereof, and shall be used by the city or town for  
33 the purposes of police and fire protection in the city or town, and not  
34 otherwise. If it is adjudged that revenue derived from the excise  
35 (~~((taxes))~~) tax imposed by RCW 82.44.020(1) (~~((and (2))~~) cannot lawfully  
36 be apportioned or distributed to cities or towns, all moneys directed

1 by this section to be apportioned and distributed to cities and towns  
2 shall be credited and transferred to the state general fund.

3 **Sec. 41.** RCW 82.44.180 and 1995 c 269 s 2601 are each amended to  
4 read as follows:

5 (1) The transportation fund is created in the state treasury.  
6 Revenues under RCW (~~(82.44.020 (1) and (2),)~~) 82.44.110(~~(, 82.44.150,)~~)  
7 and (~~(the surcharge under RCW)~~) 82.50.510 shall be deposited into the  
8 fund as provided in those sections.

9 Moneys in the fund may be spent only after appropriation.  
10 Expenditures from the fund may be used only for transportation purposes  
11 and activities and operations of the Washington state patrol not  
12 directly related to the policing of public highways and that are not  
13 authorized under Article II, section 40 of the state Constitution.

14 (2) There is hereby created the central Puget Sound public  
15 transportation account within the transportation fund. Moneys  
16 deposited into the account under RCW 82.44.150(2)(b) shall be  
17 appropriated to the transportation improvement board and allocated by  
18 the transportation improvement board to public transportation projects  
19 within the region from which the funds are derived, solely for:

20 (a) Planning;

21 (b) Development of capital projects;

22 (c) Development of high capacity transportation systems as defined  
23 in RCW 81.104.015;

24 (d) Development of high occupancy vehicle lanes and related  
25 facilities as defined in RCW 81.100.020; and

26 (e) Public transportation system contributions required to fund  
27 projects under federal programs and those approved by the  
28 transportation improvement board from other fund sources.

29 (3) There is hereby created the public transportation systems  
30 account within the transportation fund. Moneys deposited into the  
31 account under RCW 82.44.150(2)(c) shall be appropriated to the  
32 transportation improvement board and allocated by the transportation  
33 improvement board to public transportation projects submitted by the  
34 public transportation systems from which the funds are derived, solely  
35 for:

36 (a) Planning;

37 (b) Development of capital projects;

1 (c) Development of high capacity transportation systems as defined  
2 in RCW 81.104.015;

3 (d) Development of high occupancy vehicle lanes and related  
4 facilities as defined in RCW 81.100.020;

5 (e) Other public transportation system-related roadway projects on  
6 state highways, county roads, or city streets; and

7 (f) Public transportation system contributions required to fund  
8 projects under federal programs and those approved by the  
9 transportation improvement board from other fund sources.

10 **Sec. 42.** RCW 84.44.050 and 1993 c 123 s 3 are each amended to read  
11 as follows:

12 The personal property of automobile transportation companies  
13 owning, controlling, operating or managing any motor propelled vehicle  
14 used in the business of transporting persons and/or property for  
15 compensation over any public highway in this state between fixed  
16 termini or over a regular route, shall be listed and assessed in the  
17 various counties where such vehicles are operated, in proportion to the  
18 mileage of their operations in such counties: PROVIDED, That vehicles  
19 subject to chapter 82.44 RCW and trailer units exempt under RCW  
20 82.44.020(~~(+5)~~) (4) shall not be listed or assessed for ad valorem  
21 taxation so long as chapter 82.44 RCW remains in effect. All vessels  
22 of every class which are by law required to be registered, licensed or  
23 enrolled, must be assessed and the taxes thereon paid only in the  
24 county of their actual situs: PROVIDED, That such interest shall be  
25 taxed but once. All boats and small craft not required to be  
26 registered must be assessed in the county of their actual situs.

27 NEW SECTION. **Sec. 43.** Within ten days of the effective date of  
28 this section, the state treasurer shall lend twenty-five million  
29 dollars from the state general fund to the motor vehicle fund to be  
30 used for engineering, design, and right-of-way acquisition related to  
31 road construction projects. The loan shall be repaid by July 1, 2001,  
32 from motor vehicle excise tax revenues deposited into the motor vehicle  
33 fund.

34 NEW SECTION. **Sec. 44.** Sections 16 through 21 of this act are each  
35 added to chapter 47.10 RCW.

1        NEW SECTION.    **Sec. 45.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 46.**    (1) Sections 1 through 3, 5 through 21, 44,  
6 and 45 of this act take effect January 1, 1999.

7        (2) Section 4 of this act takes effect July 1, 1999, and applies to  
8 registrations that are due or become due in July 1999, and thereafter.

9        NEW SECTION.    **Sec. 47.**    (1) Section 22 of this act takes effect  
10 ninety days after the end of the legislative session as provided in  
11 Article 2, section 1 of the state Constitution.

12        (2) Sections 23 through 30 and 32 through 42 of this act take  
13 effect January 1, 1999, and section 31 of this act takes effect June  
14 30, 2000, if sections 1 through 21 and 44 through 46 of this act are  
15 validly submitted to and are approved and ratified by the voters at a  
16 general election held in November 1998. If sections 1 through 21 and  
17 44 through 46 of this act are not approved and ratified, sections 23  
18 through 42 of this act are null and void in their entirety.

19        NEW SECTION.    **Sec. 48.**    Section 43 of this act is necessary for the  
20 immediate preservation of the public peace, health, or safety, or  
21 support of the state government and its existing public institutions,  
22 and takes effect immediately.

23        NEW SECTION.    **Sec. 49.**    The secretary of state shall submit  
24 sections 1 through 21 and 44 through 46 of this act to the people for  
25 their adoption and ratification, or rejection, at the next general  
26 election to be held in this state, in accordance with Article II,  
27 section 1 of the state Constitution and the laws adopted to facilitate  
28 its operation.

29        NEW SECTION.    **Sec. 50.**    Sections 23 through 42 of this act are  
30 technical only and do not result in any substantive change in the law.  
31 Therefore, to conserve costs, the secretary of state shall not publish

1 sections 23 through 42 of this act in the voter's pamphlet in  
2 conjunction with sections 1 through 21 and 44 through 46 of this act.

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