

---

SENATE BILL 5262

---

State of Washington

58th Legislature

2003 Regular Session

By Senator Jacobsen

Read first time 01/20/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to the relationship between metropolitan municipal  
2 corporations and component cities providing public transportation;  
3 amending RCW 35.58.260 and 82.14.045; and adding a new section to  
4 chapter 36.56 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.56 RCW  
7 to read as follows:

8 A component city, as defined in RCW 35.58.020, with a population  
9 greater than four hundred thousand persons that is within the  
10 boundaries of a county that has assumed public transportation functions  
11 of a metropolitan municipal corporation may, by ordinance or resolution  
12 of the city legislative body, provide an additional public  
13 transportation function as provided in chapter 35.95 RCW.

14 **Sec. 2.** RCW 35.58.260 and 1965 c 7 s 35.58.260 are each amended to  
15 read as follows:

16 (1) If a metropolitan municipal corporation shall be authorized to  
17 perform the metropolitan transportation function, it shall, upon the  
18 effective date of the assumption of such power, have and exercise all

1 rights with respect to the construction, acquisition, maintenance,  
2 operation, extension, alteration, repair, control and management of  
3 passenger transportation which any component city shall have been  
4 previously empowered to exercise and such powers shall not thereafter  
5 be exercised by such component cities without the consent of the  
6 metropolitan municipal corporation: PROVIDED, That any city owning and  
7 operating a public transportation system on such effective date may  
8 continue to operate such system within such city until such system  
9 shall have been acquired by the metropolitan municipal corporation and  
10 a metropolitan municipal corporation may not acquire such system  
11 without the consent of the city council of such city.

12 (2) This section does not apply to component cities that have  
13 adopted an ordinance or resolution to establish a public transportation  
14 system under section 1 of this act.

15 **Sec. 3.** RCW 82.14.045 and 2001 c 89 s 3 are each amended to read  
16 as follows:

17 (1) The legislative body of any city pursuant to RCW 35.92.060, of  
18 any county which has created an unincorporated transportation benefit  
19 area pursuant to RCW 36.57.100 and 36.57.110, of any public  
20 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,  
21 of any county transportation authority established pursuant to chapter  
22 36.57 RCW, and of any metropolitan municipal corporation within a  
23 county with a population of one million or more pursuant to chapter  
24 35.58 RCW, may, by resolution or ordinance for the sole purpose of  
25 providing funds for the operation, maintenance, or capital needs of  
26 public transportation systems or public transportation limited to  
27 persons with special needs under RCW 36.57.130 and 36.57A.180, and in  
28 lieu of the excise taxes authorized by RCW 35.95.040, submit an  
29 authorizing proposition to the voters or include such authorization in  
30 a proposition to perform the function of public transportation or  
31 public transportation limited to persons with special needs under RCW  
32 36.57.130 and 36.57A.180, and if approved by a majority of persons  
33 voting thereon, fix and impose a sales and use tax in accordance with  
34 the terms of this chapter: PROVIDED, That no such legislative body  
35 shall impose such a sales and use tax without submitting such an  
36 authorizing proposition to the voters and obtaining the approval of a  
37 majority of persons voting thereon: PROVIDED FURTHER, That where such

1 a proposition is submitted by a county on behalf of an unincorporated  
2 transportation benefit area, it shall be voted upon by the voters  
3 residing within the boundaries of such unincorporated transportation  
4 benefit area and, if approved, the sales and use tax shall be imposed  
5 only within such area. Notwithstanding any provisions of this section  
6 to the contrary, any county in which a county public transportation  
7 plan has been adopted pursuant to RCW 36.57.070 and the voters of such  
8 county have authorized the imposition of a sales and use tax pursuant  
9 to the provisions of section 10, chapter 167, Laws of 1974 ex. sess.,  
10 prior to July 1, 1975, shall be authorized to fix and impose a sales  
11 and use tax as provided in this section at not to exceed the rate so  
12 authorized without additional approval of the voters of such county as  
13 otherwise required by this section.

14 The tax authorized pursuant to this section shall be in addition to  
15 the tax authorized by RCW 82.14.030 and shall be collected from those  
16 persons who are taxable by the state pursuant to chapters 82.08 and  
17 82.12 RCW upon the occurrence of any taxable event within such city,  
18 public transportation benefit area, county, or metropolitan municipal  
19 corporation as the case may be. The rate of such tax shall be one-  
20 tenth, two-tenths, three-tenths, four-tenths, five-tenths, six-tenths,  
21 seven-tenths, eight-tenths, or nine-tenths of one percent of the  
22 selling price (in the case of a sales tax) or value of the article used  
23 (in the case of a use tax). The rate of such tax shall not exceed the  
24 rate authorized by the voters unless such increase shall be similarly  
25 approved.

26 (2)(a) In the event a metropolitan municipal corporation shall  
27 impose a sales and use tax pursuant to this chapter, no city, with the  
28 exception of a city that provides an additional public transportation  
29 function under section 1 of this act, county which has created an  
30 unincorporated transportation benefit area, public transportation  
31 benefit area authority, or county transportation authority wholly  
32 within such metropolitan municipal corporation shall be empowered to  
33 levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040, and/or  
34 82.14.045, but nothing herein shall prevent such city or county from  
35 imposing sales and use taxes pursuant to any other authorization.

36 (b) In the event a county transportation authority shall impose a  
37 sales and use tax pursuant to this section, no city, county which has  
38 created an unincorporated transportation benefit area, public

1 transportation benefit area, or metropolitan municipal corporation,  
2 located within the territory of the authority, shall be empowered to  
3 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or  
4 82.14.045.

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

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

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

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

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

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

--- END ---