
SUBSTITUTE HOUSE BILL 2506

State of Washington 61st Legislature 2010 Regular Session

By House Judiciary (originally sponsored by Representative Goodman; by request of Statute Law Committee)

READ FIRST TIME 01/18/10.

1 AN ACT Relating to technical corrections to the Revised Code of
2 Washington; amending RCW 6.17.160, 9.94A.729, 24.55.075, 28B.30.530,
3 36.16.050, 36.70A.070, 41.45.150, 47.01.402, 46.68.080, 67.28.180, and
4 82.45.180; reenacting RCW 9.94A.728 and 28B.67.030.

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

6 **Sec. 1.** RCW 6.17.160 and 2007 c 37 s 1 are each amended to read as
7 follows:

8 The sheriff to whom the writ is directed and delivered shall
9 execute the same without delay as follows:

10 (1) Real property, including a vendee's interests under a real
11 estate contract, shall be levied on by recording a copy of the writ,
12 together with a description of the property attached, with the
13 recording officer of the county in which the real estate is situated.

14 (2) Personal property, capable of manual delivery, shall be levied
15 on by taking into custody. If the property or any part of it may be
16 concealed in a building or enclosure, the sheriff may publicly demand
17 delivery of the property. If the property is not delivered and if the
18 order of execution so directs, the sheriff may cause the building or
19 enclosure to be broken open and take possession of the property.

1 (3) Shares of stock and other investment securities shall be levied
2 on in accordance with the requirements of RCW (~~62A.8-317~~) 62A.8-112.

3 (4) A fund in court shall be levied on by leaving a copy of the
4 writ with the clerk of the court with notice in writing specifying the
5 fund.

6 (5) A franchise granted by a public or quasi-public corporation
7 shall be levied on by (a) serving a copy of the writ on, or mailing it
8 to, the judgment debtor as required by RCW 6.17.130 and (b) filing a
9 copy of the writ in the office of the auditor of the county in which
10 the franchise was granted together with a notice in writing that the
11 franchise has been levied on to be sold, specifying the time and place
12 of sale, the name of the owner, the amount of the judgment for which
13 the franchise is to be sold, and the name of the judgment creditor.

14 (6) A vendor's interest under a real estate contract shall be
15 levied on by (a) recording a copy of the writ, with descriptions of the
16 contract and of the real property covered by the contract, with the
17 recording officer of the county in which the real estate is located and
18 (b) serving a copy of the writ, with a copy of the descriptions, on, or
19 mailing the same to, the judgment debtor and the vendee under the
20 contract in the manner as described in RCW 6.17.130.

21 (7) Other intangible personal property may be levied on by serving
22 a copy of the writ on, or mailing it to, the judgment debtor in the
23 manner as required by RCW 6.17.130, together with a description of the
24 property. If the property is a claim on which suit has been commenced,
25 a copy of the writ and of the description shall also be filed with the
26 clerk of the court in which the suit is pending.

27 **Sec. 2.** RCW 9.94A.728 and 2009 c 455 s 2, 2009 c 441 s 1, and 2009
28 c 399 s 1 are each reenacted to read as follows:

29 No person serving a sentence imposed pursuant to this chapter and
30 committed to the custody of the department shall leave the confines of
31 the correctional facility or be released prior to the expiration of the
32 sentence except as follows:

33 (1) An offender may earn early release time as authorized by RCW
34 9.94A.729;

35 (2) An offender may leave a correctional facility pursuant to an
36 authorized furlough or leave of absence. In addition, offenders may

1 leave a correctional facility when in the custody of a corrections
2 officer or officers;

3 (3)(a) The secretary may authorize an extraordinary medical
4 placement for an offender when all of the following conditions exist:

5 (i) The offender has a medical condition that is serious and is
6 expected to require costly care or treatment;

7 (ii) The offender poses a low risk to the community because he or
8 she is currently physically incapacitated due to age or the medical
9 condition or is expected to be so at the time of release; and

10 (iii) It is expected that granting the extraordinary medical
11 placement will result in a cost savings to the state.

12 (b) An offender sentenced to death or to life imprisonment without
13 the possibility of release or parole is not eligible for an
14 extraordinary medical placement.

15 (c) The secretary shall require electronic monitoring for all
16 offenders in extraordinary medical placement unless the electronic
17 monitoring equipment interferes with the function of the offender's
18 medical equipment or results in the loss of funding for the offender's
19 medical care, in which case, an alternative type of monitoring shall be
20 utilized. The secretary shall specify who shall provide the monitoring
21 services and the terms under which the monitoring shall be performed.

22 (d) The secretary may revoke an extraordinary medical placement
23 under this subsection at any time.

24 (e) Persistent offenders are not eligible for extraordinary medical
25 placement;

26 (4) The governor, upon recommendation from the clemency and pardons
27 board, may grant an extraordinary release for reasons of serious health
28 problems, senility, advanced age, extraordinary meritorious acts, or
29 other extraordinary circumstances;

30 (5) No more than the final six months of the offender's term of
31 confinement may be served in partial confinement designed to aid the
32 offender in finding work and reestablishing himself or herself in the
33 community. This is in addition to that period of earned early release
34 time that may be exchanged for partial confinement pursuant to RCW
35 9.94A.729(5)(d);

36 (6) The governor may pardon any offender;

37 (7) The department may release an offender from confinement any

1 time within ten days before a release date calculated under this
2 section;

3 (8) An offender may leave a correctional facility prior to
4 completion of his or her sentence if the sentence has been reduced as
5 provided in RCW 9.94A.870; and

6 (9) Notwithstanding any other provisions of this section, an
7 offender sentenced for a felony crime listed in RCW 9.94A.540 as
8 subject to a mandatory minimum sentence of total confinement shall not
9 be released from total confinement before the completion of the listed
10 mandatory minimum sentence for that felony crime of conviction unless
11 allowed under RCW 9.94A.540.

12 **Sec. 3.** RCW 9.94A.729 and 2009 c 455 s 3 are each amended to read
13 as follows:

14 (1)(a) The term of the sentence of an offender committed to a
15 correctional facility operated by the department may be reduced by
16 earned release time in accordance with procedures that shall be
17 developed and adopted by the correctional agency having jurisdiction in
18 which the offender is confined. The earned release time shall be for
19 good behavior and good performance, as determined by the correctional
20 agency having jurisdiction. The correctional agency shall not credit
21 the offender with earned release credits in advance of the offender
22 actually earning the credits.

23 (b) Any program established pursuant to this section shall allow
24 an offender to earn early release credits for presentence
25 incarceration. If an offender is transferred from a county jail to the
26 department, the administrator of a county jail facility shall certify
27 to the department the amount of time spent in custody at the facility
28 and the amount of earned release time. The department may approve a
29 jail certification from a correctional agency that calculates earned
30 release time based on the actual amount of confinement time served by
31 the offender before sentencing when an erroneous calculation of
32 confinement time served by the offender before sentencing appears on
33 the judgment and sentence.

34 (2) An offender who has been convicted of a felony committed after
35 July 23, 1995, that involves any applicable deadly weapon enhancements
36 under RCW 9.94A.533 (3) or (4), or both, shall not receive any good

1 time credits or earned release time for that portion of his or her
2 sentence that results from any deadly weapon enhancements.

3 (3) An offender may earn early release time as follows:

4 (a) In the case of an offender convicted of a serious violent
5 offense, or a sex offense that is a class A felony, committed on or
6 after July 1, 1990, and before July 1, 2003, the aggregate earned
7 release time may not exceed fifteen percent of the sentence.

8 (b) In the case of an offender convicted of a serious violent
9 offense, or a sex offense that is a class A felony, committed on or
10 after July 1, 2003, the aggregate earned release time may not exceed
11 ten percent of the sentence.

12 (c) An offender is qualified to earn up to fifty percent of
13 aggregate earned release time if he or she:

14 (i) Is not classified as an offender who is at a high risk to
15 reoffend as provided in subsection (4) of this section;

16 (ii) Is not confined pursuant to a sentence for:

17 (A) A sex offense;

18 (B) A violent offense;

19 (C) A crime against persons as defined in RCW 9.94A.411;

20 (D) A felony that is domestic violence as defined in RCW 10.99.020;

21 (E) A violation of RCW 9A.52.025 (residential burglary);

22 (F) A violation of, or an attempt, solicitation, or conspiracy to
23 violate, RCW 69.50.401 by manufacture or delivery or possession with
24 intent to deliver methamphetamine; or

25 (G) A violation of, or an attempt, solicitation, or conspiracy to
26 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

27 (iii) Has no prior conviction for the offenses listed in (c)(ii) of
28 this subsection;

29 (iv) Participates in programming or activities as directed by the
30 offender's individual reentry plan as provided under RCW 72.09.270 to
31 the extent that such programming or activities are made available by
32 the department; and

33 (v) Has not committed a new felony after July 22, 2007, while under
34 community custody.

35 (d) In no other case shall the aggregate earned release time exceed
36 one-third of the total sentence.

37 (4) The department shall perform a risk assessment of each offender
38 who may qualify for earned early release under subsection (3)(c) of

1 this section utilizing the risk assessment tool recommended by the
2 Washington state institute for public policy. Subsection (3)(c) of
3 this section does not apply to offenders convicted after July 1, 2010.

4 (5)(a) A person who is eligible for earned early release as
5 provided in this section and who is convicted of a sex offense, a
6 violent offense, any crime against persons under RCW 9.94A.411(2), or
7 a felony offense under chapter 69.50 or 69.52 RCW, shall be transferred
8 to community custody in lieu of earned release time;

9 (b) The department shall, as a part of its program for release to
10 the community in lieu of earned release, require the offender to
11 propose a release plan that includes an approved residence and living
12 arrangement. All offenders with community custody terms eligible for
13 release to community custody in lieu of earned release shall provide an
14 approved residence and living arrangement prior to release to the
15 community;

16 (c) The department may deny transfer to community custody in lieu
17 of earned release time if the department determines an offender's
18 release plan, including proposed residence location and living
19 arrangements, may violate the conditions of the sentence or conditions
20 of supervision, place the offender at risk to violate the conditions of
21 the sentence, place the offender at risk to reoffend, or present a risk
22 to victim safety or community safety. The department's authority under
23 this section is independent of any court-ordered condition of sentence
24 or statutory provision regarding conditions for community custody;

25 (d) If the department is unable to approve the offender's release
26 plan, the department may do one or more of the following:

27 (i) Transfer an offender to partial confinement in lieu of earned
28 early release for a period not to exceed three months. The three
29 months in partial confinement is in addition to that portion of the
30 offender's term of confinement that may be served in partial
31 confinement as provided in RCW 9.94A.728(5);

32 (ii) Provide rental vouchers to the offender for a period not to
33 exceed three months if rental assistance will result in an approved
34 release plan. The voucher must be provided in conjunction with
35 additional transition support programming or services that enable an
36 offender to participate in services including, but not limited to,
37 substance abuse treatment, mental health treatment, sex offender
38 treatment, educational programming, or employment programming;

1 (e) For each offender who is the recipient of a rental voucher, the
2 department shall include, concurrent with the data that the department
3 otherwise obtains and records, the housing status of the offender for
4 the duration of the offender's supervision.

5 (6) An offender serving a term of confinement imposed under RCW
6 9.94A.670(5)(a) is not eligible for earned release credits under this
7 section.

8 **Sec. 4.** RCW 24.55.075 and 2009 c 436 s 9 are each amended to read
9 as follows:

10 This chapter modifies, limits, and supersedes the electronic
11 signatures in global and national commerce act (15 U.S.C. Sec. 7001 et
12 seq.), but does not modify, limit, or supersede 15 U.S.C. Sec.
13 7001(~~(a)~~) (c), or authorize electronic delivery of any of the notices
14 described in 15 U.S.C. Sec. 7003(b).

15 **Sec. 5.** RCW 28B.30.530 and 2009 c 486 s 1 are each amended to read
16 as follows:

17 (1) The board of regents of Washington State University shall
18 establish the Washington State University small business development
19 center.

20 (2) The center shall provide management and technical assistance
21 including but not limited to training, counseling, and research
22 services to small businesses throughout the state. The center shall
23 work with the department of (~~community, trade, and economic~~
24 ~~development~~) commerce, the state board for community and technical
25 colleges, the higher education coordinating board, the workforce
26 training and education coordinating board, the employment security
27 department, the Washington state economic development commission,
28 associate development organizations, and workforce development councils
29 to:

30 (a) Integrate small business development centers with other state
31 and local economic development and workforce development programs;

32 (b) Target the centers' services to small businesses;

33 (c) Tailor outreach and services at each center to the needs and
34 demographics of entrepreneurs and small businesses located within the
35 service area;

1 (d) Establish and expand small business development center
2 satellite offices when financially feasible; and

3 (e) Coordinate delivery of services to avoid duplication.

4 (3) The administrator of the center may contract with other public
5 or private entities for the provision of specialized services.

6 (4) The small business development center may accept and disburse
7 federal grants or federal matching funds or other funds or donations
8 from any source when made, granted, or donated to carry out the
9 center's purposes. When drawing on funds from the business assistance
10 account created in RCW (~~(30.60.010)~~) 28B.30.531, the center must first
11 use the funds to make increased management and technical assistance
12 available to small and start-up businesses at satellite offices. The
13 funds may also be used to develop and expand assistance programs such
14 as small business planning workshops and small business counseling.

15 (5) The legislature directs the small business development center
16 to request United States small business administration approval of a
17 special emphasis initiative, as permitted under 13 C.F.R. 130.340(c) as
18 of April 1, 2009, to target assistance to Washington state's smaller
19 businesses. This initiative would be negotiated and included in the
20 first cooperative agreement application process that occurs after July
21 26, 2009.

22 (6) By December 1, 2009, and December 1, 2010, respectively, the
23 center shall provide a written progress report and a final report to
24 the appropriate committees of the legislature with respect to the
25 requirements in subsections (2) and (5) of this section and the amount
26 and use of funding received through the business assistance account.
27 The reports must also include data on the number, location, staffing,
28 and budget levels of satellite offices; affiliations with community
29 colleges, associate development organizations or other local
30 organizations; the number, size, and type of small businesses assisted;
31 and the types of services provided. The reports must also include
32 information on the outcomes achieved, such as jobs created or retained,
33 private capital invested, and return on the investment of state and
34 federal dollars.

35 **Sec. 6.** RCW 28B.67.030 and 2009 c 296 s 2 and 2009 c 564 s 1804
36 are each reenacted to read as follows:

37 (1) All payments received from a participant in the Washington

1 customized employment training program created in RCW 28B.67.020 shall
2 be deposited into the employment training finance account, which is
3 hereby created in the custody of the state treasurer. Only the state
4 board for community and technical colleges may authorize expenditures
5 from the account and no appropriation is required for expenditures.
6 The money in the account must be used solely for training allowances
7 under the Washington customized employment training program created in
8 RCW 28B.67.020 and for providing up to seventy-five thousand dollars
9 per year for training, marketing, and facilitation services to increase
10 the use of the program. The deposit of payments under this section
11 from a participant shall cease when the board specifies that the
12 participant has met the monetary obligations of the program. During
13 the 2007-2009 fiscal biennium, the legislature may transfer from the
14 employment training finance account to the state general fund such
15 amounts as reflect the excess fund balance in the account.

16 (2) All revenue solicited and received under the provisions of RCW
17 28B.67.020(4) shall be deposited into the employment training finance
18 account to provide training allowances.

19 (3) The definitions in RCW 28B.67.010 apply to this section.

20 (4) This section expires July 1, 2012.

21 **Sec. 7.** RCW 36.16.050 and 1991 c 363 s 49 are each amended to read
22 as follows:

23 Every county official before he or she enters upon the duties of
24 his or her office shall furnish a bond conditioned that he or she will
25 faithfully perform the duties of his or her office and account for and
26 pay over all money which may come into his or her hands by virtue of
27 his or her office, and that he or she, or his or her executors or
28 administrators, will deliver to his or her successor safe and undefaced
29 all books, records, papers, seals, equipment, and furniture belonging
30 to his or her office. Bonds of elective county officers shall be as
31 follows:

32 (1) Assessor: Amount to be fixed and sureties to be approved by
33 proper county legislative authority;

34 (2) Auditor: Amount to be fixed at not less than ten thousand
35 dollars and sureties to be approved by the proper county legislative
36 authority;

1 (3) Clerk: Amount to be fixed in a penal sum not less than double
2 the amount of money liable to come into his or her hands and sureties
3 to be approved by the judge or a majority of the judges presiding over
4 the court of which he or she is clerk: PROVIDED, That the maximum bond
5 fixed for the clerk shall not exceed in amount that required for the
6 treasurer in ((a)) the same county ((of that class));

7 (4) Coroner: Amount to be fixed at not less than five thousand
8 dollars with sureties to be approved by the proper county legislative
9 authority;

10 (5) Members of the proper county legislative authority: Sureties
11 to be approved by the county clerk and the amounts to be:

12 (a) In each county with a population of one hundred twenty-five
13 thousand or more, twenty-five thousand dollars;

14 (b) In each county with a population of from seventy thousand to
15 less than one hundred twenty-five thousand, twenty-two thousand five
16 hundred dollars;

17 (c) In each county with a population of from forty (~~{thousand}~~)
18 thousand to less than seventy thousand, twenty thousand dollars;

19 (d) In each county with a population of from eighteen thousand to
20 less than forty thousand, fifteen thousand dollars;

21 (e) In each county with a population of from twelve thousand to
22 less than eighteen thousand, ten thousand dollars;

23 (f) In each county with a population of from eight thousand to less
24 than twelve thousand, seven thousand five hundred dollars;

25 (g) In all other counties, five thousand dollars;

26 (6) Prosecuting attorney: In the amount of five thousand dollars
27 with sureties to be approved by the proper county legislative
28 authority;

29 (7) Sheriff: Amount to be fixed and bond approved by the proper
30 county legislative authority at not less than five thousand nor more
31 than fifty thousand dollars; surety to be a surety company authorized
32 to do business in this state;

33 (8) Treasurer: Sureties to be approved by the proper county
34 legislative authority and the amounts to be fixed by the proper county
35 legislative authority at double the amount liable to come into the
36 treasurer's hands during his or her term, the maximum amount of the
37 bond, however, not to exceed:

1 (a) In each county with a population of two hundred ten thousand or
2 more, two hundred fifty thousand dollars;

3 (b) In each county with a population of from one hundred twenty-
4 five thousand to less than two hundred ten thousand, two hundred
5 thousand dollars;

6 (c) In each county with a population of from eighteen thousand to
7 less than one hundred twenty-five thousand, one hundred fifty thousand
8 dollars;

9 (d) In all other counties, one hundred thousand dollars.

10 The treasurer's bond shall be conditioned that all moneys received
11 by him or her for the use of the county shall be paid as the proper
12 county legislative authority shall from time to time direct, except
13 where special provision is made by law for the payment of such moneys,
14 by order of any court, or otherwise, and for the faithful discharge of
15 his or her duties.

16 Bonds for other than elective officials, if deemed necessary by the
17 proper county legislative authority, shall be in such amount and form
18 as such legislative authority shall determine.

19 In the approval of official bonds, the chair may act for the county
20 legislative authority if it is not in session.

21 **Sec. 8.** RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read
22 as follows:

23 The comprehensive plan of a county or city that is required or
24 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
25 and descriptive text covering objectives, principles, and standards
26 used to develop the comprehensive plan. The plan shall be an
27 internally consistent document and all elements shall be consistent
28 with the future land use map. A comprehensive plan shall be adopted
29 and amended with public participation as provided in RCW 36.70A.140.

30 Each comprehensive plan shall include a plan, scheme, or design for
31 each of the following:

32 (1) A land use element designating the proposed general
33 distribution and general location and extent of the uses of land, where
34 appropriate, for agriculture, timber production, housing, commerce,
35 industry, recreation, open spaces, general aviation airports, public
36 utilities, public facilities, and other land uses. The land use
37 element shall include population densities, building intensities, and

1 estimates of future population growth. The land use element shall
2 provide for protection of the quality and quantity of groundwater used
3 for public water supplies. Wherever possible, the land use element
4 should consider utilizing urban planning approaches that promote
5 physical activity. Where applicable, the land use element shall review
6 drainage, flooding, and storm water run-off in the area and nearby
7 jurisdictions and provide guidance for corrective actions to mitigate
8 or cleanse those discharges that pollute waters of the state, including
9 Puget Sound or waters entering Puget Sound.

10 (2) A housing element ensuring the vitality and character of
11 established residential neighborhoods that: (a) Includes an inventory
12 and analysis of existing and projected housing needs that identifies
13 the number of housing units necessary to manage projected growth; (b)
14 includes a statement of goals, policies, objectives, and mandatory
15 provisions for the preservation, improvement, and development of
16 housing, including single-family residences; (c) identifies sufficient
17 land for housing, including, but not limited to, government-assisted
18 housing, housing for low-income families, manufactured housing,
19 multifamily housing, and group homes and foster care facilities; and
20 (d) makes adequate provisions for existing and projected needs of all
21 economic segments of the community.

22 (3) A capital facilities plan element consisting of: (a) An
23 inventory of existing capital facilities owned by public entities,
24 showing the locations and capacities of the capital facilities; (b) a
25 forecast of the future needs for such capital facilities; (c) the
26 proposed locations and capacities of expanded or new capital
27 facilities; (d) at least a six-year plan that will finance such capital
28 facilities within projected funding capacities and clearly identifies
29 sources of public money for such purposes; and (e) a requirement to
30 reassess the land use element if probable funding falls short of
31 meeting existing needs and to ensure that the land use element, capital
32 facilities plan element, and financing plan within the capital
33 facilities plan element are coordinated and consistent. Park and
34 recreation facilities shall be included in the capital facilities plan
35 element.

36 (4) A utilities element consisting of the general location,
37 proposed location, and capacity of all existing and proposed utilities,

1 including, but not limited to, electrical lines, telecommunication
2 lines, and natural gas lines.

3 (5) Rural element. Counties shall include a rural element
4 including lands that are not designated for urban growth, agriculture,
5 forest, or mineral resources. The following provisions shall apply to
6 the rural element:

7 (a) Growth management act goals and local circumstances. Because
8 circumstances vary from county to county, in establishing patterns of
9 rural densities and uses, a county may consider local circumstances,
10 but shall develop a written record explaining how the rural element
11 harmonizes the planning goals in RCW 36.70A.020 and meets the
12 requirements of this chapter.

13 (b) Rural development. The rural element shall permit rural
14 development, forestry, and agriculture in rural areas. The rural
15 element shall provide for a variety of rural densities, uses, essential
16 public facilities, and rural governmental services needed to serve the
17 permitted densities and uses. To achieve a variety of rural densities
18 and uses, counties may provide for clustering, density transfer, design
19 guidelines, conservation easements, and other innovative techniques
20 that will accommodate appropriate rural densities and uses that are not
21 characterized by urban growth and that are consistent with rural
22 character.

23 (c) Measures governing rural development. The rural element shall
24 include measures that apply to rural development and protect the rural
25 character of the area, as established by the county, by:

26 (i) Containing or otherwise controlling rural development;

27 (ii) Assuring visual compatibility of rural development with the
28 surrounding rural area;

29 (iii) Reducing the inappropriate conversion of undeveloped land
30 into sprawling, low-density development in the rural area;

31 (iv) Protecting critical areas, as provided in RCW 36.70A.060, and
32 surface water and groundwater resources; and

33 (v) Protecting against conflicts with the use of agricultural,
34 forest, and mineral resource lands designated under RCW 36.70A.170.

35 (d) Limited areas of more intensive rural development. Subject to
36 the requirements of this subsection and except as otherwise
37 specifically provided in this subsection (5)(d), the rural element may

1 allow for limited areas of more intensive rural development, including
2 necessary public facilities and public services to serve the limited
3 area as follows:

4 (i) Rural development consisting of the infill, development, or
5 redevelopment of existing commercial, industrial, residential, or
6 mixed-use areas, whether characterized as shoreline development,
7 villages, hamlets, rural activity centers, or crossroads developments.

8 (A) A commercial, industrial, residential, shoreline, or mixed-use
9 area shall be subject to the requirements of (d)(iv) of this
10 subsection, but shall not be subject to the requirements of (c)(ii) and
11 (iii) of this subsection.

12 (B) Any development or redevelopment other than an industrial area
13 or an industrial use within a mixed-use area or an industrial area
14 under this subsection (5)(d)(i) must be principally designed to serve
15 the existing and projected rural population.

16 (C) Any development or redevelopment in terms of building size,
17 scale, use, or intensity shall be consistent with the character of the
18 existing areas. Development and redevelopment may include changes in
19 use from vacant land or a previously existing use so long as the new
20 use conforms to the requirements of this subsection (5);

21 (ii) The intensification of development on lots containing, or new
22 development of, small-scale recreational or tourist uses, including
23 commercial facilities to serve those recreational or tourist uses, that
24 rely on a rural location and setting, but that do not include new
25 residential development. A small-scale recreation or tourist use is
26 not required to be principally designed to serve the existing and
27 projected rural population. Public services and public facilities
28 shall be limited to those necessary to serve the recreation or tourist
29 use and shall be provided in a manner that does not permit low-density
30 sprawl;

31 (iii) The intensification of development on lots containing
32 isolated nonresidential uses or new development of isolated cottage
33 industries and isolated small-scale businesses that are not principally
34 designed to serve the existing and projected rural population and
35 nonresidential uses, but do provide job opportunities for rural
36 residents. Rural counties may allow the expansion of small-scale
37 businesses as long as those small-scale businesses conform with the
38 rural character of the area as defined by the local government

1 according to RCW 36.70A.030(~~((+14))~~) (15). Rural counties may also
2 allow new small-scale businesses to utilize a site previously occupied
3 by an existing business as long as the new small-scale business
4 conforms to the rural character of the area as defined by the local
5 government according to RCW 36.70A.030(~~((+14))~~) (15). Public services
6 and public facilities shall be limited to those necessary to serve the
7 isolated nonresidential use and shall be provided in a manner that does
8 not permit low-density sprawl;

9 (iv) A county shall adopt measures to minimize and contain the
10 existing areas or uses of more intensive rural development, as
11 appropriate, authorized under this subsection. Lands included in such
12 existing areas or uses shall not extend beyond the logical outer
13 boundary of the existing area or use, thereby allowing a new pattern of
14 low-density sprawl. Existing areas are those that are clearly
15 identifiable and contained and where there is a logical boundary
16 delineated predominately by the built environment, but that may also
17 include undeveloped lands if limited as provided in this subsection.
18 The county shall establish the logical outer boundary of an area of
19 more intensive rural development. In establishing the logical outer
20 boundary, the county shall address (A) the need to preserve the
21 character of existing natural neighborhoods and communities, (B)
22 physical boundaries, such as bodies of water, streets and highways, and
23 land forms and contours, (C) the prevention of abnormally irregular
24 boundaries, and (D) the ability to provide public facilities and public
25 services in a manner that does not permit low-density sprawl;

26 (v) For purposes of (d) of this subsection, an existing area or
27 existing use is one that was in existence:

28 (A) On July 1, 1990, in a county that was initially required to
29 plan under all of the provisions of this chapter;

30 (B) On the date the county adopted a resolution under RCW
31 36.70A.040(2), in a county that is planning under all of the provisions
32 of this chapter under RCW 36.70A.040(2); or

33 (C) On the date the office of financial management certifies the
34 county's population as provided in RCW 36.70A.040(5), in a county that
35 is planning under all of the provisions of this chapter pursuant to RCW
36 36.70A.040(5).

37 (e) Exception. This subsection shall not be interpreted to permit

1 in the rural area a major industrial development or a master planned
2 resort unless otherwise specifically permitted under RCW 36.70A.360 and
3 36.70A.365.

4 (6) A transportation element that implements, and is consistent
5 with, the land use element.

6 (a) The transportation element shall include the following
7 subelements:

8 (i) Land use assumptions used in estimating travel;

9 (ii) Estimated traffic impacts to state-owned transportation
10 facilities resulting from land use assumptions to assist the department
11 of transportation in monitoring the performance of state facilities, to
12 plan improvements for the facilities, and to assess the impact of land-
13 use decisions on state-owned transportation facilities;

14 (iii) Facilities and services needs, including:

15 (A) An inventory of air, water, and ground transportation
16 facilities and services, including transit alignments and general
17 aviation airport facilities, to define existing capital facilities and
18 travel levels as a basis for future planning. This inventory must
19 include state-owned transportation facilities within the city or
20 county's jurisdictional boundaries;

21 (B) Level of service standards for all locally owned arterials and
22 transit routes to serve as a gauge to judge performance of the system.
23 These standards should be regionally coordinated;

24 (C) For state-owned transportation facilities, level of service
25 standards for highways, as prescribed in chapters 47.06 and 47.80 RCW,
26 to gauge the performance of the system. The purposes of reflecting
27 level of service standards for state highways in the local
28 comprehensive plan are to monitor the performance of the system, to
29 evaluate improvement strategies, and to facilitate coordination between
30 the county's or city's six-year street, road, or transit program and
31 the (~~department of transportation's six-year~~) office of financial
32 management's ten-year investment program. The concurrency requirements
33 of (b) of this subsection do not apply to transportation facilities and
34 services of statewide significance except for counties consisting of
35 islands whose only connection to the mainland are state highways or
36 ferry routes. In these island counties, state highways and ferry route
37 capacity must be a factor in meeting the concurrency requirements in
38 (b) of this subsection;

1 (D) Specific actions and requirements for bringing into compliance
2 locally owned transportation facilities or services that are below an
3 established level of service standard;

4 (E) Forecasts of traffic for at least ten years based on the
5 adopted land use plan to provide information on the location, timing,
6 and capacity needs of future growth;

7 (F) Identification of state and local system needs to meet current
8 and future demands. Identified needs on state-owned transportation
9 facilities must be consistent with the statewide multimodal
10 transportation plan required under chapter 47.06 RCW;

11 (iv) Finance, including:

12 (A) An analysis of funding capability to judge needs against
13 probable funding resources;

14 (B) A multiyear financing plan based on the needs identified in the
15 comprehensive plan, the appropriate parts of which shall serve as the
16 basis for the six-year street, road, or transit program required by RCW
17 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795
18 for public transportation systems. The multiyear financing plan should
19 be coordinated with the (~~six-year improvement~~) ten-year investment
20 program developed by the (~~department of transportation~~) office of
21 financial management as required by RCW 47.05.030;

22 (C) If probable funding falls short of meeting identified needs, a
23 discussion of how additional funding will be raised, or how land use
24 assumptions will be reassessed to ensure that level of service
25 standards will be met;

26 (v) Intergovernmental coordination efforts, including an assessment
27 of the impacts of the transportation plan and land use assumptions on
28 the transportation systems of adjacent jurisdictions;

29 (vi) Demand-management strategies;

30 (vii) Pedestrian and bicycle component to include collaborative
31 efforts to identify and designate planned improvements for pedestrian
32 and bicycle facilities and corridors that address and encourage
33 enhanced community access and promote healthy lifestyles.

34 (b) After adoption of the comprehensive plan by jurisdictions
35 required to plan or who choose to plan under RCW 36.70A.040, local
36 jurisdictions must adopt and enforce ordinances which prohibit
37 development approval if the development causes the level of service on
38 a locally owned transportation facility to decline below the standards

1 adopted in the transportation element of the comprehensive plan, unless
2 transportation improvements or strategies to accommodate the impacts of
3 development are made concurrent with the development. These strategies
4 may include increased public transportation service, ride sharing
5 programs, demand management, and other transportation systems
6 management strategies. For the purposes of this subsection (6),
7 "concurrent with the development" (~~shall~~) means that improvements or
8 strategies are in place at the time of development, or that a financial
9 commitment is in place to complete the improvements or strategies
10 within six years.

11 (c) The transportation element described in this subsection (6),
12 (~~and~~) the six-year plans required by RCW 35.77.010 for cities, RCW
13 36.81.121 for counties, and RCW 35.58.2795 for public transportation
14 systems, and the ten-year investment program required by RCW 47.05.030
15 for the state, must be consistent.

16 (7) An economic development element establishing local goals,
17 policies, objectives, and provisions for economic growth and vitality
18 and a high quality of life. The element shall include: (a) A summary
19 of the local economy such as population, employment, payroll, sectors,
20 businesses, sales, and other information as appropriate; (b) a summary
21 of the strengths and weaknesses of the local economy defined as the
22 commercial and industrial sectors and supporting factors such as land
23 use, transportation, utilities, education, workforce, housing, and
24 natural/cultural resources; and (c) an identification of policies,
25 programs, and projects to foster economic growth and development and to
26 address future needs. A city that has chosen to be a residential
27 community is exempt from the economic development element requirement
28 of this subsection.

29 (8) A park and recreation element that implements, and is
30 consistent with, the capital facilities plan element as it relates to
31 park and recreation facilities. The element shall include: (a)
32 Estimates of park and recreation demand for at least a ten-year period;
33 (b) an evaluation of facilities and service needs; and (c) an
34 evaluation of intergovernmental coordination opportunities to provide
35 regional approaches for meeting park and recreational demand.

36 (9) It is the intent that new or amended elements required after
37 January 1, 2002, be adopted concurrent with the scheduled update
38 provided in RCW 36.70A.130. Requirements to incorporate any such new

1 or amended elements shall be null and void until funds sufficient to
2 cover applicable local government costs are appropriated and
3 distributed by the state at least two years before local government
4 must update comprehensive plans as required in RCW 36.70A.130.

5 **Sec. 9.** RCW 41.45.150 and 2009 c 561 s 5 are each amended to read
6 as follows:

7 (1) Beginning July 1, 2009, and ending June 30, 2015, maximum
8 annual contribution rates are established for the portion of the
9 employer contribution rate for the public employees' retirement system
10 and the public safety employees' retirement system that is used for the
11 sole purpose of amortizing that portion of the unfunded actuarial
12 accrued liability in the public employees' retirement system plan 1
13 that excludes any amounts required to amortize plan 1 benefit
14 improvements effective after June 30, 2009. The maximum rates are:

15 Fiscal Year ending:

16	2010	2011	2012	2013	2014	2015
17	1.25%	1.25%	3.75%	4.50%	5.25%	6.00%

18 (2) Beginning September 1, 2009, and ending August 31, 2015,
19 maximum annual contribution rates are established for the portion of
20 the employer contribution rate for the school employees' retirement
21 system that is used for the sole purpose of amortizing that portion of
22 the unfunded actuarial accrued liability in the public employees'
23 retirement system plan 1 that excludes any amounts required to amortize
24 plan 1 benefit improvements effective after June 30, 2009. The maximum
25 rates are:

26 Fiscal Year ending:

27	2010	2011	2012	2013	2014	2015
28	1.25%	1.25%	3.75%	4.50%	5.25%	6.00%

29 (3) Beginning September 1, 2009, and ending August 31, 2015,
30 maximum annual contribution rates are established for the portion of
31 the employer contribution rate for the teachers' retirement system that

1 is used for the sole purpose of amortizing that portion of the unfunded
2 actuarial accrued liability in the teachers' retirement system plan 1
3 that excludes any amounts required to amortize plan 1 benefit
4 improvements effective after June 30, 2009. The maximum rates are:

5	Fiscal Year ending:					
6	2010	2011	2012	2013	2014	2015
7	2.04%	2.04%	6.50%	7.50%	8.50%	9.50%

8 (4) Beginning July 1, 2015, a minimum 5.25 percent contribution is
9 established as part of the basic employer contribution rate for the
10 public employees' retirement system and the public safety employees'
11 retirement system, to be used for the sole purpose of amortizing that
12 portion of the unfunded actuarial accrued liability in the public
13 employees' retirement system plan 1 that excludes any amounts required
14 to amortize plan 1 benefit improvements effective after June 30, 2009.
15 This minimum contribution rate shall remain effective until the
16 actuarial value of assets in plan 1 of the public employees' retirement
17 system equals one hundred (~~twenty-five~~) percent of the actuarial
18 accrued liability.

19 (5) Beginning September 1, 2015, a minimum 5.25 percent
20 contribution is established as part of the basic employer contribution
21 rate for the school employees' retirement system, to be used for the
22 sole purpose of amortizing that portion of the unfunded actuarial
23 accrued liability in the public employees' retirement system plan 1
24 that excludes any amounts required to amortize plan 1 benefit
25 improvements effective after June 30, 2009. This minimum contribution
26 rate shall remain effective until the actuarial value of assets in plan
27 1 of the public employees' retirement system equals one hundred percent
28 of the actuarial accrued liability.

29 (6) Beginning September 1, 2015, a minimum 8.00 percent
30 contribution is established as part of the basic employer contribution
31 rate for the teachers' retirement system, to be used for the sole
32 purpose of amortizing that portion of the unfunded actuarial accrued
33 liability in the teachers' retirement system plan 1 that excludes any
34 amounts required to amortize plan 1 benefit improvements effective
35 after June 30, 2009. This minimum contribution rate shall remain

1 effective until the actuarial value of assets in plan 1 of the
2 teachers' retirement system equals one hundred percent of the actuarial
3 accrued liability.

4 (7) Upon completion of each biennial actuarial valuation, the state
5 actuary shall review the appropriateness of the minimum contribution
6 rates and recommend to the council any adjustments as may be needed due
7 to material changes in benefits or actuarial assumptions, methods, or
8 experience. Any changes adopted by the council shall be subject to
9 revision by the legislature.

10 **Sec. 10.** RCW 47.01.402 and 2009 c 458 s 1 are each amended to read
11 as follows:

12 (1) The legislature finds that the replacement of the vulnerable
13 state route number 99 Alaskan Way viaduct is a matter of urgency for
14 the safety of Washington's traveling public and the needs of the
15 transportation system in central Puget Sound. The state route number
16 99 Alaskan Way viaduct is susceptible to damage, closure, or
17 catastrophic failure from earthquakes and tsunamis. Additionally, the
18 viaduct serves as a vital route for freight and passenger vehicles
19 through downtown Seattle.

20 Since 2001, the department has undertaken an extensive evaluation
21 of multiple options to replace the Alaskan Way viaduct, including an
22 initial evaluation of seventy-six conceptual alternatives and a more
23 detailed analysis of five alternatives in 2004. In addition to a
24 substantial technical review, the department has also undertaken
25 considerable public outreach, which included consultation with a
26 stakeholder advisory committee that met sixteen times over a thirteen-
27 month period.

28 Therefore, it is the conclusion of the legislature that time is of
29 the essence, and that Washington state cannot wait for a disaster to
30 make it fully appreciate the urgency of the need to replace this
31 vulnerable structure. The state shall take the necessary steps to
32 expedite the environmental review and design processes to replace the
33 Alaskan Way viaduct with a deep bore tunnel under First Avenue from the
34 vicinity of the sports stadiums in Seattle to Aurora Avenue north of
35 the Battery Street tunnel. The tunnel must include four general
36 purpose lanes in a stacked formation.

1 (2) The state route number 99 Alaskan Way viaduct replacement
2 project finance plan must include state funding not to exceed two
3 billion four hundred million dollars and must also include no more than
4 four hundred million dollars in toll revenue. These funds must be used
5 solely to build a replacement tunnel, as described in subsection (1) of
6 this section, and to remove the existing state route number 99 Alaskan
7 Way viaduct. All costs associated with city utility relocations for
8 state work as described in this section must be borne by the city of
9 Seattle and provided in a manner that meets project construction
10 schedule requirements as determined by the department. State funding
11 is not authorized for any utility relocation costs, or for central
12 seawall or waterfront promenade improvements.

13 (3) The department shall provide updated cost estimates for
14 construction of the ((~~bored~~)) deep bore tunnel and also for the full
15 Alaskan Way viaduct replacement project to the legislature and governor
16 by January 1, 2010. The department must also consult with independent
17 tunnel engineering experts to review the estimates and risk
18 assumptions. The department shall not enter into a design-build
19 contract for construction of the ((~~bored~~)) deep bore tunnel until the
20 report in this section has been submitted.

21 (4) Any contract the department enters into related to construction
22 of the deep ((~~bored~~)) bore tunnel must include incentives and penalties
23 to encourage on-time completion of the project and to minimize the
24 potential for cost overruns.

25 (5) It is important that the public and policymakers have accurate
26 and timely access to information related to the Alaskan Way viaduct
27 replacement project as it proceeds to, and during, construction of all
28 aspects of the project, specifically including, but not limited to,
29 information regarding costs, schedules, contracts, project status, and
30 neighborhood impacts. Therefore, it is the intent of the legislature
31 that the state, city, and county departments of transportation
32 establish a single source of accountability for integration,
33 coordination, tracking, and information of all requisite components of
34 the replacement project, which must include, at minimum:

35 (a) A master schedule of all subprojects included in the full
36 replacement project or program; and

37 (b) A single point of contact for the public, media, stakeholders,
38 and other interested parties.

1 (6)(a) The city and county departments of transportation shall be
2 responsible for the cost, delivery, and associated risks of the project
3 components for which each department is responsible, as outlined in the
4 January 13, 2009, letter of agreement signed by the governor, city, and
5 county.

6 (b) The state's contribution shall not exceed two billion four
7 hundred million dollars. If costs exceed two billion four hundred
8 million dollars, no more than four hundred million (~~{dollars}~~)
9 dollars of the additional costs shall be financed with toll revenue.
10 Any costs in excess of two billion eight hundred million dollars shall
11 be borne by property owners in the Seattle area who benefit from
12 replacement of the existing viaduct with the deep bore tunnel.

13 (7) Compression brakes may be used by authorized motor vehicles in
14 the deep bore tunnel in a manner consistent with the requirements of
15 RCW 46.37.395.

16 **Sec. 11.** RCW 46.68.080 and 2006 c 337 s 12 are each amended to
17 read as follows:

18 (1) Motor vehicle license fees collected under RCW 46.16.0621 and
19 46.16.070 and fuel taxes collected under RCW 82.36.025(1) and
20 82.38.030(1) and directly or indirectly paid by the residents of those
21 counties composed entirely of islands and which have neither a fixed
22 physical connection with the mainland nor any state highways on any of
23 the islands of which they are composed, shall be paid into the motor
24 vehicle fund of the state of Washington and shall monthly, as they
25 accrue, and after deducting therefrom the expenses of issuing such
26 licenses and the cost of collecting such vehicle fuel tax, be paid to
27 the county treasurer of each such county to be by him or her disbursed
28 as hereinafter provided.

29 (2) One-half of the motor vehicle license fees collected under RCW
30 46.16.0621 and 46.16.070 and one-half of the fuel taxes collected under
31 RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by
32 the residents of those counties composed entirely of islands and which
33 have either a fixed physical connection with the mainland or state
34 highways on any of the islands of which they are composed, shall be
35 paid into the motor vehicle fund of the state of Washington and shall
36 monthly, as they accrue, and after deducting therefrom the expenses of

1 issuing such licenses and the cost of collecting such motor vehicle
2 fuel tax, be paid to the county treasurer of each such county to be by
3 him or her disbursed as hereinafter provided.

4 (3) All funds paid to the county treasurer of the counties (~~of~~
5 ~~either class~~) referred to in subsections (1) and (2) of this section,
6 shall be by such county treasurer distributed and credited to the
7 several road districts of each such county and paid to the city
8 treasurer of each incorporated city and town within each such county,
9 in the direct proportion that the assessed valuation of each such road
10 district and incorporated city and town shall bear to the total
11 assessed valuation of each such county.

12 (4) The amount of motor vehicle fuel tax paid by the residents of
13 those counties composed entirely of islands shall, for the purposes of
14 this section, be that percentage of the total amount of motor vehicle
15 fuel tax collected in the state that the motor vehicle license fees
16 paid by the residents of counties composed entirely of islands bears to
17 the total motor vehicle license fees paid by the residents of the
18 state.

19 (5)(a) An amount of fuel taxes shall be deposited into the Puget
20 Sound ferry operations account. This amount shall equal the difference
21 between the total amount of fuel taxes collected in the state under RCW
22 82.36.020 and 82.38.030 less the total amount of fuel taxes collected
23 in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied
24 by a fraction. The fraction shall equal the amount of motor vehicle
25 license fees collected under RCW 46.16.0621 and 46.16.070 from counties
26 described in subsection (1) of this section divided by the total amount
27 of motor vehicle license fees collected in the state under RCW
28 46.16.0621 and 46.16.070.

29 (b) An additional amount of fuel taxes shall be deposited into the
30 Puget Sound ferry operations account. This amount shall equal the
31 difference between the total amount of fuel taxes collected in the
32 state under RCW 82.36.020 and 82.38.030 less the total amount of fuel
33 taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1)
34 and be multiplied by a fraction. The fraction shall equal the amount
35 of motor vehicle license fees collected under RCW 46.16.0621 and
36 46.16.070 from counties described in subsection (2) of this section
37 divided by the total amount of motor vehicle license fees collected in

1 the state under RCW 46.16.0621 and 46.16.070, and this shall be
2 multiplied by one-half.

3 **Sec. 12.** RCW 67.28.180 and 2007 c 189 s 1 are each amended to read
4 as follows:

5 (1) Subject to the conditions set forth in subsections (2) and (3)
6 of this section, the legislative body of any county or any city, is
7 authorized to levy and collect a special excise tax of not to exceed
8 two percent on the sale of or charge made for the furnishing of lodging
9 that is subject to tax under chapter 82.08 RCW.

10 (2) Any levy authorized by this section shall be subject to the
11 following:

12 (a) Any county ordinance or resolution adopted pursuant to this
13 section shall contain, in addition to all other provisions required to
14 conform to this chapter, a provision allowing a credit against the
15 county tax for the full amount of any city tax imposed pursuant to this
16 section upon the same taxable event.

17 (b) In the event that any county has levied the tax authorized by
18 this section and has, prior to June 26, 1975, either pledged the tax
19 revenues for payment of principal and interest on city revenue or
20 general obligation bonds authorized and issued pursuant to RCW
21 67.28.150 through 67.28.160 or has authorized and issued revenue or
22 general obligation bonds pursuant to the provisions of RCW 67.28.150
23 through 67.28.160, such county shall be exempt from the provisions of
24 (a) of this subsection, to the extent that the tax revenues are pledged
25 for payment of principal and interest on bonds issued at any time
26 pursuant to the provisions of RCW 67.28.150 through 67.28.160:
27 PROVIDED, That so much of such pledged tax revenues, together with any
28 investment earnings thereon, not immediately necessary for actual
29 payment of principal and interest on such bonds may be used: (i) In
30 any county with a population of one million or more, for repayment
31 either of limited tax levy general obligation bonds or of any county
32 fund or account from which a loan was made, the proceeds from the bonds
33 or loan being used to pay for constructing, installing, improving, and
34 equipping stadium capital improvement projects, and to pay for any
35 engineering, planning, financial, legal and professional services
36 incident to the development of such stadium capital improvement
37 projects, regardless of the date the debt for such capital improvement

1 projects was or may be incurred; (ii) in any county with a population
2 of one million or more, for repayment or refinancing of bonded
3 indebtedness incurred prior to January 1, 1997, for any purpose
4 authorized by this section or relating to stadium repairs or
5 rehabilitation, including but not limited to the cost of settling legal
6 claims, reimbursing operating funds, interest payments on short-term
7 loans, and any other purpose for which such debt has been incurred if
8 the county has created a public stadium authority to develop a stadium
9 and exhibition center under RCW 36.102.030; or (iii) in other counties,
10 for county-owned facilities for agricultural promotion until January 1,
11 2009, and thereafter for any purpose authorized in this chapter.

12 A county is exempt under this subsection with respect to city
13 revenue or general obligation bonds issued after April 1, 1991, only if
14 such bonds mature before January 1, 2013. If any county located east
15 of the crest of the Cascade mountains has levied the tax authorized by
16 this section and has, prior to June 26, 1975, pledged the tax revenue
17 for payment of principal and interest on city revenue or general
18 obligation bonds, the county is exempt under this subsection with
19 respect to revenue or general obligation bonds issued after January 1,
20 2007, only if the bonds mature before January 1, 2021. Such a county
21 may only use funds under this subsection (2)(b) for constructing or
22 improving facilities authorized under this chapter, including county-
23 owned facilities for agricultural promotion, and must perform an annual
24 financial audit of organizations receiving funding on the use of the
25 funds.

26 As used in this subsection (2)(b), "capital improvement projects"
27 may include, but not be limited to a stadium restaurant facility,
28 restroom facilities, artificial turf system, seating facilities,
29 parking facilities and scoreboard and information system adjacent to or
30 within a county owned stadium, together with equipment, utilities,
31 accessories and appurtenances necessary thereto. The stadium
32 restaurant authorized by this subsection (2)(b) shall be operated by a
33 private concessionaire under a contract with the county.

34 (c)(i) No city within a county exempt under subsection (2)(b) of
35 this section may levy the tax authorized by this section so long as
36 said county is so exempt.

37 (ii) If bonds have been issued under RCW 43.99N.020 and any

1 necessary property transfers have been made under RCW 36.102.100, no
2 city within a county with a population of one million or more may levy
3 the tax authorized by this section before January 1, 2021.

4 (iii) However, in the event that any city in a county described in
5 (i) or (ii) of this subsection (2)(c) has levied the tax authorized by
6 this section and has, prior to June 26, 1975, authorized and issued
7 revenue or general obligation bonds pursuant to the provisions of RCW
8 67.28.150 through 67.28.160, such city may levy the tax so long as the
9 tax revenues are pledged for payment of principal and interest on bonds
10 issued at any time pursuant to the provisions of RCW 67.28.150 through
11 67.28.160.

12 (3) Any levy authorized by this section by a county that has levied
13 the tax authorized by this section and has, prior to June 26, 1975,
14 either pledged the tax revenues for payment of principal and interest
15 on city revenue or general obligation bonds authorized and issued
16 pursuant to RCW 67.28.150 through 67.28.160 or has authorized and
17 issued revenue or general obligation bonds pursuant to the provisions
18 of RCW 67.28.150 through 67.28.160 shall be subject to the following:

19 (a) Taxes collected under this section in any calendar year before
20 2013 in excess of five million three hundred thousand dollars shall
21 only be used as follows:

22 (i) Seventy-five percent from January 1, 1992, through December 31,
23 2000, and seventy percent from January 1, 2001, through December 31,
24 2012, for art museums, cultural museums, heritage museums, the arts,
25 and the performing arts. Moneys spent under this subsection (3)(a)(i)
26 shall be used for the purposes of this subsection (3)(a)(i) in all
27 parts of the county.

28 (ii) Twenty-five percent from January 1, 1992, through December 31,
29 2000, and thirty percent from January 1, 2001, through December 31,
30 2012, for the following purposes and in a manner reflecting the
31 following order of priority: Stadium purposes as authorized under
32 subsection (2)(b) of this section; acquisition of open space lands;
33 youth sports activities; and tourism promotion. If all or part of the
34 debt on the stadium is refinanced, all revenues under this subsection
35 (3)(a)(ii) shall be used to retire the debt.

36 (b) From January 1, 2013, through December 31, 2015, in a county
37 with a population of one million or more, all revenues under this

1 section shall be used to retire the debt on the stadium, or deposited
2 in the stadium and exhibition center account under RCW 43.99N.060 after
3 the debt on the stadium is retired.

4 (c) From January 1, 2016, through December 31, 2020, in a county
5 with a population of one million or more, all revenues under this
6 section shall be deposited in the stadium and exhibition center account
7 under RCW 43.99N.060.

8 (d) At least seventy percent of moneys spent under (a)(i) of this
9 subsection for the period January 1, 1992, through December 31, 2000,
10 shall be used only for the purchase, design, construction, and
11 remodeling of performing arts, visual arts, heritage, and cultural
12 facilities, and for the purchase of fixed assets that will benefit art,
13 heritage, and cultural organizations. For purposes of this subsection,
14 fixed assets are tangible objects such as machinery and other equipment
15 intended to be held or used for ten years or more. Moneys received
16 under this subsection (3)(d) may be used for payment of principal and
17 interest on bonds issued for capital projects. Qualifying
18 organizations receiving moneys under this subsection (3)(d) must be
19 financially stable and have at least the following:

- 20 (i) A legally constituted and working board of directors;
- 21 (ii) A record of artistic, heritage, or cultural accomplishments;
- 22 (iii) Been in existence and operating for at least two years;
- 23 (iv) Demonstrated ability to maintain net current liabilities at
24 less than thirty percent of general operating expenses;
- 25 (v) Demonstrated ability to sustain operational capacity subsequent
26 to completion of projects or purchase of machinery and equipment; and
- 27 (vi) Evidence that there has been independent financial review of
28 the organization.

29 (e) At least forty percent of the revenues distributed pursuant to
30 (a)(i) of this subsection for the period January 1, 2001, through
31 December 31, 2012, shall be deposited in an account and shall be used
32 to establish an endowment. Principal in the account shall remain
33 permanent and irreducible. The earnings from investments of balances
34 in the account may only be used for the purposes of (a)(i) of this
35 subsection.

36 (f) School districts and schools shall not receive revenues
37 distributed pursuant to (a)(i) of this subsection.

1 (g) Moneys distributed to art museums, cultural museums, heritage
2 museums, the arts, and the performing arts, and moneys distributed for
3 tourism promotion shall be in addition to and may not be used to
4 replace or supplant any other funding by the legislative body of the
5 county.

6 (h) As used in this section, "tourism promotion" includes
7 activities intended to attract visitors for overnight stays, arts,
8 heritage, and cultural events, and recreational, professional, and
9 amateur sports events. Moneys allocated to tourism promotion in a
10 (~~class AA~~) county with a population of one million or more shall be
11 allocated to nonprofit organizations formed for the express purpose of
12 tourism promotion in the county. Such organizations shall use moneys
13 from the taxes to promote events in all parts of the (~~class AA~~)
14 county.

15 (i) No taxes collected under this section may be used for the
16 operation or maintenance of a public stadium that is financed directly
17 or indirectly by bonds to which the tax is pledged. Expenditures for
18 operation or maintenance include all expenditures other than
19 expenditures that directly result in new fixed assets or that directly
20 increase the capacity, life span, or operating economy of existing
21 fixed assets.

22 (j) No ad valorem property taxes may be used for debt service on
23 bonds issued for a public stadium that is financed by bonds to which
24 the tax is pledged, unless the taxes collected under this section are
25 or are projected to be insufficient to meet debt service requirements
26 on such bonds.

27 (k) If a substantial part of the operation and management of a
28 public stadium that is financed directly or indirectly by bonds to
29 which the tax is pledged is performed by a nonpublic entity or if a
30 public stadium is sold that is financed directly or indirectly by bonds
31 to which the tax is pledged, any bonds to which the tax is pledged
32 shall be retired. This subsection (3)(k) does not apply in respect to
33 a public stadium under chapter 36.102 RCW transferred to, owned by, or
34 constructed by a public facilities district under chapter 36.100 RCW or
35 a stadium and exhibition center.

36 (l) The county shall not lease a public stadium that is financed
37 directly or indirectly by bonds to which the tax is pledged to, or
38 authorize the use of the public stadium by, a professional major league

1 sports franchise unless the sports franchise gives the right of first
2 refusal to purchase the sports franchise, upon its sale, to local
3 government. This subsection (3)(1) does not apply to contracts in
4 existence on April 1, 1986.

5 If a court of competent jurisdiction declares any provision of this
6 subsection (3) invalid, then that invalid provision shall be null and
7 void and the remainder of this section is not affected.

8 **Sec. 13.** RCW 82.45.180 and 2009 c 308 s 5 are each amended to read
9 as follows:

10 (1)(a) For taxes collected by the county under this chapter, the
11 county treasurer shall collect a five-dollar fee on all transactions
12 required by this chapter where the transaction does not require the
13 payment of tax. A total of five dollars shall be collected in the form
14 of a tax and fee, where the calculated tax payment is less than five
15 dollars. Through June 30, 2006, the county treasurer shall place one
16 percent of the taxes collected by the county under this chapter and the
17 treasurer's fee in the county current expense fund to defray costs of
18 collection. After June 30, 2006, the county treasurer shall place one
19 and three-tenths percent of the taxes collected by the county under
20 this chapter and the treasurer's fee in the county current expense fund
21 to defray costs of collection. For taxes collected by the county under
22 this chapter before July 1, 2006, the county treasurer shall pay over
23 to the state treasurer and account to the department of revenue for the
24 proceeds at the same time the county treasurer remits funds to the
25 state under RCW 84.56.280. For taxes collected by the county under
26 this chapter after June 30, 2006, on a monthly basis the county
27 treasurer shall pay over to the state treasurer the month's
28 transmittal. The month's transmittal must be received by the state
29 treasurer by 12:00 p.m. on the last working day of each month. The
30 county treasurer shall account to the department for the month's
31 transmittal by the twentieth day of the month following the month in
32 which the month's transmittal was paid over to the state treasurer.
33 The state treasurer shall deposit the proceeds in the general fund.

34 (b) For purposes of this subsection, the definitions in this
35 subsection apply.

36 (i) "Close of business" means the time when the county treasurer
37 makes his or her daily deposit of proceeds.

1 (ii) "Month's transmittal" means all proceeds deposited by the
2 county through the close of business of the day that is two working
3 days before the last working day of the month. This definition of
4 "month's transmittal" shall not be construed as requiring any change in
5 a county's practices regarding the timing of its daily deposits of
6 proceeds.

7 (iii) "Proceeds" means moneys collected and receipted by the county
8 from the taxes imposed by this chapter, less the county's share of the
9 proceeds used to defray the county's costs of collection allowable in
10 (a) of this subsection.

11 (iv) "Working day" means a calendar day, except Saturdays, Sundays,
12 and all legal holidays as provided in RCW 1.16.050.

13 (2) For taxes collected by the department of revenue under this
14 chapter, the department shall remit the tax to the state treasurer who
15 shall deposit the proceeds of any state tax in the general fund. The
16 state treasurer shall deposit the proceeds of any local taxes imposed
17 under chapter 82.46 RCW in the local real estate excise tax account
18 hereby created in the state treasury. Moneys in the local real estate
19 excise tax account may be spent only for distribution to counties,
20 cities, and towns imposing a tax under chapter 82.46 RCW. Except as
21 provided in RCW 43.08.190, all earnings of investments of balances in
22 the local real estate excise tax account shall be credited to the local
23 real estate excise tax account and distributed to the counties, cities,
24 and towns monthly. Monthly the state treasurer shall make distribution
25 from the local real estate excise tax account to the counties, cities,
26 and towns the amount of tax collected on behalf of each taxing
27 authority. The state treasurer shall make the distribution under this
28 subsection without appropriation.

29 (3)(a) The real estate excise tax electronic technology account is
30 created in the custody of the state treasurer. An appropriation is not
31 required for expenditures and the account is not subject to allotment
32 procedures under chapter 43.88 RCW.

33 (b) Through June 30, 2010, the county treasurer shall collect an
34 additional five-dollar fee on all transactions required by this
35 chapter, regardless of whether the transaction requires the payment of
36 tax. The county treasurer shall remit this fee to the state treasurer
37 at the same time the county treasurer remits funds to the state under
38 subsection (1) of this section. The state treasurer shall place money

1 from this fee in the real estate excise tax electronic technology
2 account. By the twentieth day of the subsequent month, the state
3 treasurer shall distribute to each county treasurer according to the
4 following formula: Three-quarters of the funds available shall be
5 equally distributed among the thirty-nine counties; and the balance
6 shall be ratably distributed among the counties in direct proportion to
7 their population as it relates to the total state's population based on
8 most recent statistics by the office of financial management.

9 (c) When received by the county treasurer, the funds shall be
10 placed in a special real estate excise tax electronic technology fund
11 held by the county treasurer to be used exclusively for the
12 development, implementation, and maintenance of an electronic
13 processing and reporting system for real estate excise tax affidavits.
14 Funds may be expended to make the system compatible with the automated
15 real estate excise tax system developed by the department and
16 compatible with the processes used in the offices of the county
17 assessor and county auditor. Any funds held in the account that are
18 not expended by the earlier of: July 1, 2015, or at such time that the
19 county treasurer is utilizing an electronic processing and reporting
20 system for real estate excise tax affidavits compatible with the
21 department and compatible with the processes used in the offices of the
22 county assessor and county (~~assessor~~~~[auditor]~~) auditor, revert to
23 the special real estate and property tax administration assistance
24 account in accordance with subsection (5)(c) of this section.

25 (4) Beginning July 1, 2010, through December 31, 2013, the county
26 treasurer shall continue to collect the additional five-dollar fee in
27 subsection (3) of this section on all transactions required by this
28 chapter, regardless of whether the transaction requires the payment of
29 tax. During this period, the county treasurer shall remit this fee to
30 the state treasurer at the same time the county treasurer remits funds
31 to the state under subsection (1) of this section. The state treasurer
32 shall place money from this fee in the annual property revaluation
33 grant account created in RCW 84.41.170.

34 (5)(a) The real estate and property tax administration assistance
35 account is created in the custody of the state treasurer. An
36 appropriation is not required for expenditures and the account is not
37 subject to allotment procedures under chapter 43.88 RCW.

1 (b) Beginning January 1, 2014, the county treasurer must continue
2 to collect the additional five-dollar fee in subsection (3) of this
3 section on all transactions required by this chapter, regardless of
4 whether the transaction requires the payment of tax. The county
5 treasurer shall deposit one-half of this fee in the special real estate
6 and property tax administration assistance account in accordance with
7 (c) of this subsection and remit the balance to the state treasurer at
8 the same time the county treasurer remits funds to the state under
9 subsection (1) of this section. The state treasurer must place money
10 from this fee in the real estate and property tax administration
11 assistance account. By the twentieth day of the subsequent month, the
12 state treasurer must distribute the funds to each county treasurer
13 according to the following formula: One-half of the funds available
14 must be equally distributed among the thirty-nine counties; and the
15 balance must be ratably distributed among the counties in direct
16 proportion to their population as it relates to the total state's
17 population based on most recent statistics by the office of financial
18 management.

19 (c) When received by the county treasurer, the funds must be placed
20 in a special real estate and property tax administration assistance
21 account held by the county treasurer to be used for:

22 (i) Maintenance and operation of an annual revaluation system for
23 property tax valuation; and

24 (ii) Maintenance and operation of an electronic processing and
25 reporting system for real estate excise tax affidavits.

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