

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1871

Chapter 298, Laws of 1995

54th Legislature
1995 Regular Session

TAX EQUALIZATION--TRANSIT SYSTEMS IMPOSING A UTILITY TAX

EFFECTIVE DATE: 7/23/95

Passed by the House April 19, 1995
Yeas 95 Nays 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 12, 1995
Yeas 44 Nays 4

JOEL PRITCHARD

President of the Senate

Approved May 9, 1995

MIKE LOWRY

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 **SUBSTITUTE HOUSE BILL 1871** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 9, 1995 - 4:10 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1871

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Sheahan and Schoesler)

Read first time 02/24/95.

1 AN ACT Relating to tax equalization for transit systems imposing a
2 utility tax; amending RCW 82.14.046; and creating a new section.

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

4 **Sec. 1.** RCW 82.14.046 and 1994 c 241 s 2 are each amended to read
5 as follows:

6 Beginning with distributions made to municipalities under RCW
7 82.44.150 on January 1, 1996, municipalities as defined in RCW
8 35.58.272 imposing local transit taxes, which for purposes of this
9 section include the sales and use tax under RCW 82.14.045, the business
10 and occupation tax under RCW 35.95.040, and excise taxes under RCW
11 35.95.040, shall be eligible for sales and use tax equalization
12 payments from motor vehicle excise taxes distributed under RCW
13 82.44.150 as follows:

14 (1) Prior to January 1st of each year the department of revenue
15 shall determine the total and the per capita levels of revenues for
16 each municipality imposing (~~the sales and use tax authorized under RCW~~
17 ~~82.14.045~~) local transit taxes and the state-wide weighted average per
18 capita level of sales and use tax revenues imposed under chapters 82.08
19 and 82.12 RCW for the previous calendar year calculated for a sales and

1 use tax rate of one-tenth percent. For purposes of this section, the
2 department of revenue shall determine a local transit tax rate for each
3 municipality for the previous calendar year. The tax rate shall be
4 equivalent to the sales and use tax rate for the municipality that
5 would have generated an amount of revenue equal to the amount of local
6 transit taxes collected by the municipality.

7 (2) For each tenth of one percent of (~~sales and use tax imposed~~
8 ~~under RCW 82.14.045~~) the local transit tax rate, the state treasurer
9 shall apportion to each municipality receiving less than eighty percent
10 of the state-wide weighted average per capita level of sales and use
11 tax revenues imposed under chapters 82.08 and 82.12 RCW as determined
12 by the department of revenue under subsection (1) of this section, an
13 amount when added to the per capita level of revenues received the
14 previous calendar year by the municipality, to equal eighty percent of
15 the state-wide weighted average per capita level of revenues determined
16 under subsection (1) of this section. In no event may the sales and
17 use tax equalization distribution to a municipality in a single
18 calendar year exceed: (a) Fifty percent of the amount of (~~sales and~~
19 use tax) local transit taxes collected (~~under RCW 82.14.045~~) during
20 the prior calendar year; or (b) the maximum amount of revenue that
21 could have been collected at a local transit tax rate of three-tenths
22 percent in the prior calendar year.

23 (3) For a municipality established after January 1, 1995, sales and
24 use tax equalization distributions shall be made according to the
25 procedures in this subsection. Sales and use tax equalization
26 distributions to eligible new municipalities shall be made at the same
27 time as distributions are made under subsection (2) of this section.
28 The department of revenue shall follow the estimating procedures
29 outlined in this subsection until the new municipality has received a
30 full year's worth of local transit tax revenues (~~under RCW 82.14.045~~)
31 as of the January sales and use tax equalization distribution.

32 (a) Whether a newly established municipality determined to receive
33 funds under this subsection receives its first equalization payment at
34 the January, April, July, or October sales and use tax equalization
35 distribution shall depend on the date the system first imposes (~~the~~
36 ~~tax authorized under RCW 82.14.045~~) local transit taxes.

37 (i) A newly established municipality imposing (~~the tax authorized~~
38 ~~under RCW 82.14.045~~) local transit taxes taking effect during the
39 first calendar quarter shall be eligible to receive funds under this

1 subsection beginning with the July sales and use tax equalization
2 distribution of that year.

3 (ii) A newly established municipality imposing (~~the tax authorized~~
4 ~~under RCW 82.14.045~~) local transit taxes taking effect during the
5 second calendar quarter shall be eligible to receive funds under this
6 subsection beginning with the October sales and use tax equalization
7 distribution of that year.

8 (iii) A newly established municipality imposing (~~the tax~~
9 ~~authorized under RCW 82.14.045~~) local transit taxes taking effect
10 during the third calendar quarter shall be eligible to receive funds
11 under this subsection beginning with the January sales and use tax
12 equalization distribution of the next year.

13 (iv) A newly established municipality imposing (~~the tax authorized~~
14 ~~under RCW 82.14.045~~) local transit taxes taking effect during the
15 fourth calendar quarter shall be eligible to receive funds under this
16 subsection beginning with the April sales and use tax equalization
17 distribution of the next year.

18 (b) For purposes of calculating the amount of funds the new
19 municipality should receive under this subsection, the department of
20 revenue shall:

21 (i) Estimate the per capita amount of revenues from (~~the tax~~
22 ~~authorized under RCW 82.14.045~~) local transit taxes that the new
23 municipality would have received had the municipality received revenues
24 from the tax the entire calendar year;

25 (ii) Calculate the amount provided under subsection (2) of this
26 section based on the per capita revenues determined under (b)(i) of
27 this subsection;

28 (iii) Prorate the amount determined under (b)(ii) of this
29 subsection by the number of months the (~~tax authorized under RCW~~
30 ~~82.14.045 is~~) local transit taxes have been imposed.

31 (c) The department of revenue shall advise the state treasurer of
32 the amounts calculated under (b) of this subsection and the state
33 treasurer shall distribute these amounts to the new municipality from
34 the motor vehicle excise tax distributed under RCW 82.44.150(2)(d).

35 (~~(d) Revenues estimated under this subsection shall not affect the~~
36 ~~calculation of the state-wide weighted average per capita level of~~
37 ~~revenues for all municipalities made under subsection (1) of this~~
38 ~~section.~~)

1 (4) (~~For an existing municipality imposing the sales and use tax~~
2 ~~authorized under RCW 82.14.045 to take effect after January 1, 1995,~~
3 ~~sales and use tax equalization payments shall be made according to the~~
4 ~~procedures for newly established municipalities in subsection (3) of~~
5 ~~the section.~~

6 (5)) A municipality whose governing body implements a tax change
7 that reduces its (~~sales and use tax rate under RCW 82.14.045~~) local
8 transit tax rate after January 1, 1994, may not receive distributions
9 under this section.

10 NEW SECTION. Sec. 2. If specific funding for the purpose of this
11 act, referring to this act by bill number, is not provided for in a
12 transportation appropriations act in 1995 that either becomes law under
13 Article III, section 12 of the state Constitution or is approved by the
14 people of the state, this act is null and void.

Passed the House April 19, 1995.

Passed the Senate April 12, 1995.

Approved by the Governor May 9, 1995.

Filed in Office of Secretary of State May 9, 1995.