the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 1 through 4 of this 1980 act shall take effect on January 1, 1981, and shall apply to civil or criminal actions commenced on or after January 1, 1981. Sections 8 and 9 of this 1980 act shall take effect on May 1, 1980.

NEW SECTION. Sec. 14. Section 72, page 235, Laws of 1854, section 1772, Code of 1881, section 3, page 119, Laws of 1888, section 11, chapter 135, Laws of 1979 ex. sess. and RCW 12.12.050 are each repealed.

Passed the House March 10, 1980.
Passed the Senate February 18, 1980.
Approved by the Governor April 4, 1980.
Filed in Office of Secretary of State April 4, 1980.

CHAPTER 163
[House Bill No. 1427]
PUBLIC TRANSPORTATION SYSTEMS——USE AND SALES TAX RATES——
EMERGENT SITUATIONS, APPROPRIATION

AN ACT Relating to public transportation funding; amending section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 296, Laws of 1971 ex. sess. as amended by section 6, chapter 270, Laws of 1975 1st ex. sess. and RCW 82.14.045 are each amended to read as follows:

(1) The legislative body of any city pursuant to RCW 35.92.060, of any county which has created an unincorporated transportation benefit area pursuant to RCW 36.57.100 and 36.57.110, of any public transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090, of any county transportation authority established pursuant to chapter 36.57 RCW, and of any metropolitan municipal corporation within a class AA county pursuant to chapter 35.58 RCW, may, by resolution or ordinance for the sole purpose of providing funds for the operation, maintenance or capital needs of public transportation systems and in lieu of the excise taxes authorized by RCW 35.95.040, as now or hereafter amended, submit an authorizing proposition to the voters or include such authorization in a proposition to perform the function of public transportation and if approved by a majority of persons voting thereon, fix and impose a sales and use tax in accordance with the terms of this chapter: PROVIDED, That no such legislative body shall impose such a sales and use tax without submitting such an authorizing proposition to the voters and obtaining the approval of a majority of persons voting thereon: PROVIDED FURTHER, That where such a proposition is

submitted by a county on behalf of an unincorporated transportation benefit area, it shall be voted upon by the voters residing within the boundaries of such unincorporated transportation benefit area and, if approved, the sales and use tax shall be imposed only within such area. Notwithstanding any provisions of this section to the contrary, any county in which a county public transportation plan has been adopted pursuant to RCW 36.57.070 and the voters of such county have authorized the imposition of a sales and use tax pursuant to the provisions of RCW 82.14.047, section 10, chapter 167, Laws of 1974 ex. sess., prior to July 1, 1975, shall be authorized to fix and impose a sales and use tax as provided in this section at not to exceed the rate so authorized without additional approval of the voters of such county as otherwise required by this section.

The tax authorized pursuant to this section shall be in addition to the tax authorized by RCW 82.14.030 and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such city, public transportation benefit area, county, or metropolitan municipal corporation as the case may be. The rate of such tax shall be one–tenth, two–tenths, or three–tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax) ((and shall not exceed the rate authorized in the proposition approved)) except that in the case of a metropolitan municipal corporation created pursuant to chapter 35.58 RCW within a class AA county, the rate of such tax shall be one–tenth, two–tenths, three–tenths, four–tenths, five–tenths, or six–tenths of one percent. The rate of such tax shall not exceed the rate authorized by the voters unless such increase shall be similarly approved.

(2) (a) In the event a metropolitan municipal corporation shall impose a sales and use tax pursuant to this chapter no city, county which has created an unincorporated transportation benefit area, public transportation benefit area authority, or county transportation authority wholly within such metropolitan municipal corporation shall be empowered to levy and/or collect taxes pursuant to RCW 35.58.273, 35.95.040 and/or 82.14.045, as now or hereafter amended, but nothing herein shall prevent such city or county from imposing sales and use taxes pursuant to any other authorization.

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

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

unincorporated transportation benefit area, or metropolitan municipal corporation, located wholly or partly within the territory of the public transportation benefit area, shall be empowered to levy or collect taxes pursuant to RCW 35.58.273, 35.95.040 or 82.14.045, as now or hereafter amended.

(3) Any local sales and use tax revenue collected pursuant to this section by any city or by any county for transportation purposes pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally generated tax revenues for the purposes of apportionment and distribution, in the manner prescribed by chapter 82.44 RCW, as now or hereafter amended, of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35-.58.273, as now or hereafter amended.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the office of financial management for the biennium ending June 30, 1981, the sum of three million dollars, or so much thereof as may be necessary, for disbursement for public transportation purposes to any local public transportation system: PROVIDED, That no funds may be disbursed to any local public transportation system until the director of financial management determines that the public transportation system requesting financial assistance is, or may soon be, in an emergent situation where demand for critical transit services exceeds the level of service the public transportation system is able to provide within existing revenues. Disbursement of any funds shall be effected only after determination by the director of financial management that the governing body of the public transportation system requesting the funds has exhausted all reasonable alternatives available to meet the service requirements within existing revenues and to generate additional local moneys for maintenance and operation of the public transportation system.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 13, 1980.
Passed the Senate March 12, 1980.
Approved by the Governor April 4, 1980.
Filed in Office of Secretary of State April 4, 1980.

CHAPTER 164

[House Bill No. 1433]
STATE PATROL CRIME LAB——APPROPRIATION

AN ACT Relating to the Washington state patrol; making an appropriation; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington: