
SUBSTITUTE HOUSE BILL 1744

State of Washington 61st Legislature 2009 Regular Session

By House Local Government & Housing (originally sponsored by Representatives Ericks, Springer, and Clibborn)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to real estate excise tax expenditures for parks
2 and capital projects; and reenacting and amending RCW 82.46.035.

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

4 **Sec. 1.** RCW 82.46.035 and 1992 c 221 s 3 and 1991 sp.s. c 32 s 33
5 are each reenacted and amended to read as follows:

6 (1) The legislative authority of any county or city shall identify
7 in the adopted budget the capital projects, park maintenance and
8 operation expenditures, or both, funded in whole or in part from the
9 proceeds of the tax authorized in this section, and shall indicate that
10 such tax is intended to be in addition to other funds that may be
11 reasonably available for (~~(such capital projects)~~) these purposes.

12 (2) The legislative authority of any county or any city that plans
13 under RCW 36.70A.040(1) may impose an additional excise tax on each
14 sale of real property in the unincorporated areas of the county for the
15 county tax and in the corporate limits of the city for the city tax at
16 a rate not exceeding one-quarter of one percent of the selling price.
17 Any county choosing to plan under RCW 36.70A.040(2) and any city within
18 such a county may only adopt an ordinance imposing the excise tax
19 authorized by this section if the ordinance is first authorized by a

1 proposition approved by a majority of the voters of the taxing district
2 voting on the proposition at a general election held within the
3 district or at a special election within the taxing district called by
4 the district for the purpose of submitting such proposition to the
5 voters.

6 (3)(a) Revenues generated from the tax imposed under subsection (2)
7 of this section shall be used by such counties and cities (~~solely~~)
8 for financing capital projects specified in a capital facilities plan
9 element of a comprehensive plan, and, until June 30, 2012, at the
10 option of the city or county, park maintenance and operation
11 expenditures. Revenues from this tax may not be used by any county or
12 city to supplant existing sources of funding for park maintenance and
13 operation expenditures. However, revenues (~~(a)~~) (i) pledged by such
14 counties and cities to debt retirement prior to March 1, 1992, may
15 continue to be used for that purpose until the original debt for which
16 the revenues were pledged is retired, or (~~(b)~~) (ii) committed prior
17 to March 1, 1992, by such counties or cities to a project may continue
18 to be used for that purpose until the project is completed.

19 (b) Counties, cities, and towns using revenues generated by the tax
20 imposed under this section for park maintenance and operation
21 expenditures may not use these revenues for the acquisition of capital
22 projects specified in a capital facilities plan element of a
23 comprehensive plan. This subsection (3)(b) does not apply to capital
24 projects that are necessary for the health and safety of residents
25 within the county, city, or town imposing the tax.

26 (4) Revenues generated by the tax imposed by this section shall be
27 deposited in a separate account.

28 (5) As used in this section, "city" means any city or town and
29 "capital project" means, except as provided by subsection (3) of this
30 section, those public works projects of a local government for
31 planning, acquisition, construction, reconstruction, repair,
32 replacement, rehabilitation, or improvement of streets, roads,
33 highways, sidewalks, street and road lighting systems, traffic signals,
34 bridges, domestic water systems, storm and sanitary sewer systems,
35 (~~and planning, construction, reconstruction, repair, rehabilitation,~~
36 ~~or improvement of parks)) parks, recreational facilities, law
37 enforcement facilities, fire protection facilities, trails, libraries,
38 administrative and/or judicial facilities, and river and water flood~~

1 control facilities. "Capital projects" after June 30, 2012, include
2 expenditures for the planning, construction, reconstruction, repair,
3 rehabilitation, or improvement of parks. "Capital projects" after June
4 30, 2012, do not include expenditures for the planning, acquisition,
5 construction, reconstruction, repair, replacement, rehabilitation, or
6 improvement of recreational facilities, law enforcement facilities,
7 fire protection facilities, trails, libraries, administrative
8 facilities, judicial facilities, and river and water flood control
9 facilities.

10 (6) When the governor files a notice of noncompliance under RCW
11 36.70A.340 with the secretary of state and the appropriate county or
12 city, the county or city's authority to impose the additional excise
13 tax under this section shall be temporarily rescinded until the
14 governor files a subsequent notice rescinding the notice of
15 noncompliance.

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