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HOUSE BILL 1189

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By Representatives Van Luven, Scott, Radcliff, Kenney, Mitchell, Tokuda, D. Schmidt, Dickerson, McIntire, Esser, Lambert, Cairnes, Ballasiotes, Constantine, Cody, H. Sommers, Murray, Santos and Parlette

Read first time 01/18/1999. Referred to Committee on Local Government.

1 AN ACT Relating to metropolitan park districts; amending RCW  
2 35.61.010, 35.61.020, 35.61.030, 35.61.050, 35.61.120, 35.61.130,  
3 35.61.150, 35.61.180, 35.61.200, 35.61.250, 35.61.290, and 84.52.010;  
4 and adding new sections to chapter 35.61 RCW.

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

6 **Sec. 1.** RCW 35.61.010 and 1994 c 81 s 60 are each amended to read  
7 as follows:

8 Cities of five thousand or more population and such contiguous  
9 property the residents of which may decide in favor thereof in the  
10 manner set forth in this chapter may create a metropolitan park  
11 district for the management, control, improvement, maintenance, and  
12 acquisition of parks(~~(, parkways,)~~) and (~~(boulevards)~~) recreation  
13 facilities as defined in this chapter.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.61 RCW  
15 to read as follows:

16 The definitions in this section apply throughout this chapter,  
17 unless the context clearly requires otherwise.

18 (1) "City" means both cities and towns, including code cities.

1 (2) "Ex officio board of park commissioners" means the board of  
2 park commissioners of a metropolitan park district, only including a  
3 city with a population of five hundred thousand or more within its  
4 boundaries, that is composed of only the members of a city legislative  
5 authority (including the elected mayor, if any, acting in the mayor's  
6 ordinary legislative capacity) acting ex officio and independently as  
7 provided under RCW 35.61.050(2).

8 (3) "Separately elected board of park commissioners" means a board  
9 of park commissioners of a metropolitan park district that is composed  
10 of five separately elected commissioners as provided under RCW  
11 35.61.050(1) and 35.61.120(1).

12 (4) "Land or lands" refers to land, water, or air, or any of the  
13 rights therein or improvements thereon.

14 (5) "Parks and recreation facilities" includes parks, gymnasiums,  
15 playgrounds, swimming pools, field houses, beach houses, stadiums, golf  
16 courses, coliseums, sports facilities, zoos, aquariums, civic  
17 facilities, cultural facilities, theaters, interpretive facilities,  
18 museums, public campgrounds, natural areas, boat ramps, marinas, senior  
19 citizen centers, community centers, arboretums, bicycle and bridle  
20 paths, parkways, boulevards, and other parks and recreation facilities,  
21 including related administrative and support facilities.

22 **Sec. 3.** RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to  
23 read as follows:

24 (1) A ballot proposition authorizing the creation of a metropolitan  
25 park district shall be submitted by ordinance to the voters of a city  
26 with a population of at least five thousand at any general election, or  
27 at any special election which may be called for that purpose, ((or at  
28 any city election held in the city in all of the various voting  
29 precincts thereof, the city council or commission may,)) if the  
30 legislative authority of the city enacts such an ordinance after  
31 adopting a resolution proposing creation of a metropolitan park  
32 district or ((on)) if a petition ((of)) proposing creation of a  
33 metropolitan park district is submitted to the county auditor that has  
34 been signed by at least fifteen percent of the ((qualified electors of  
35 the)) registered voters residing in the city ((based upon the  
36 registration for the last preceding general city election, shall by  
37 ordinance, submit to the voters of the city the proposition of creating  
38 a metropolitan park district, the limits of which shall be)).

1       (2) If city voters approve the ballot proposition by a simple  
2 majority vote, a metropolitan park district shall be created that is  
3 coextensive with the limits of the city as now or hereafter  
4 established, inclusive of territory annexed to and forming a part of  
5 the city.

6       (3) Territory by virtue of its annexation to any city having  
7 heretofore created a park district shall be deemed to be ((within the  
8 limits of)) annexed to the metropolitan park district.

9       ~~((The city council or commission shall submit the proposition at a~~  
10 ~~special election to be called therefor when the petition so requests.))~~

11       **Sec. 4.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read  
12 as follows:

13       (1) In submitting the question to the voters for their approval or  
14 rejection, the city council or commission shall pass an ordinance  
15 declaring its intention to submit the proposition of creating a  
16 metropolitan park district to the qualified voters of the city. The  
17 ordinance shall be published once a week for two consecutive weeks in  
18 the official newspaper of the city((, and the city council or  
19 commission shall cause to be placed upon the ballot for the election,  
20 at the proper place, the)). The proposition shall appear on the ballot  
21 of the next general municipal election unless the city legislative  
22 authority by ordinance submits it at an earlier special election.

23       (2) The legislative authority of a city placing on the ballot a  
24 proposition ((which)) authorizing the creation of a metropolitan park  
25 district shall ((be expressed in)), in the ordinance submitting the  
26 question to the voters, choose and describe the composition of the  
27 initial metropolitan park district commission that is proposed under  
28 RCW 35.61.050. The proposition shall include the following terms:

29       l "For the formation of a metropolitan park district."

30       l "Against the formation of a metropolitan park district."

31       **Sec. 5.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read  
32 as follows:

33       (1) Except as provided under subsection (2) of this section, five  
34 park commissioners shall be elected at large as the metropolitan  
35 members of the board of park commissioners for the metropolitan park  
36 district at the same election at which the ballot proposition is  
37 submitted to the voters as to whether a metropolitan park district is

1 to be formed(~~(, five park commissioners shall be elected)~~). The  
2 election of metropolitan park commissioners shall be null and void if  
3 the metropolitan park district is not created. Candidates shall run  
4 for specific commission positions. (~~(No)~~) A primary shall not be held  
5 to nominate candidates. The person receiving the greatest number of  
6 votes for each position shall be elected as a metropolitan park  
7 commissioner. The staggering of the terms of office shall occur as  
8 follows: (~~(+1)~~) (a) The two persons who are elected receiving the two  
9 greatest numbers of votes shall be elected to six-year terms of office  
10 if the election is held in an odd-numbered year or five-year terms of  
11 office if the election is held in an even-numbered year; (~~(+2)~~) (b)  
12 the two persons who are elected receiving the next two greatest numbers  
13 of votes shall be elected to four-year terms of office if the election  
14 is held in an odd-numbered year or three-year terms of office if the  
15 election is held in an even-numbered year; and (~~(+3)~~) (c) the other  
16 person who is elected shall be elected to a two-year term of office if  
17 the election is held in an odd-numbered year or a one-year term of  
18 office if the election is held in an even-numbered year.

19 The initial metropolitan park commissioners shall take office  
20 immediately when they are elected and qualified, and for purposes of  
21 computing their terms of office the terms shall be assumed to commence  
22 on the first day of January in the year after they are elected.  
23 Thereafter, all commissioners shall be elected to six-year terms of  
24 office at general elections held in odd-numbered years.

25 All commissioners shall serve until their respective successors are  
26 elected and qualified and assume office in accordance with RCW  
27 29.04.170. Vacancies shall occur and shall be filled as provided in  
28 chapter 42.12 RCW.

29 (2) The ballot proposition creating a new metropolitan park  
30 district that only consists of a city with a population of five hundred  
31 thousand or more may provide for the city's legislative authority  
32 (including the elected mayor, if any, acting in the mayor's ordinary  
33 legislative capacity) to act in an ex officio and independent capacity  
34 as the board of commissioners for the metropolitan park district. An  
35 election shall not be held to elect the initial metropolitan park  
36 district commissioners if such an option is taken.

37 **Sec. 6.** RCW 35.61.120 and 1965 c 7 s 35.61.120 are each amended to  
38 read as follows:

1       (1) The officers of a metropolitan park district shall be a board  
2 of park commissioners consisting of five members unless the board is  
3 composed as permitted under RCW 35.61.050(2). The board shall annually  
4 elect one of their number as president and another of their number as  
5 clerk of the board. The composition of a board under this subsection  
6 that was created before January 1, 1999, may not be altered once the  
7 metropolitan park district has been created.

8       (2) The composition of a board of metropolitan park district  
9 commissioners established as permitted under RCW 35.61.050(2) may be  
10 altered to a separately elected board of park commissioners once the  
11 metropolitan park district has been created only by a majority vote of  
12 the voters in the district, and then only if the potential for such an  
13 alteration was stated in the resolution or petition to create the  
14 district.

15       **Sec. 7.** RCW 35.61.130 and 1969 c 54 s 1 are each amended to read  
16 as follows:

17       (1) A metropolitan park district has the right of eminent domain,  
18 and may purchase, acquire and condemn lands lying within or without the  
19 boundaries of ~~((said))~~ the park district, for public parks~~((, parkways,~~  
20 ~~boulevards, aviation landings and playgrounds,))~~ and recreation  
21 facilities. A metropolitan park district may condemn such lands for  
22 any of the following purposes: (a) To widen, alter, and extend  
23 streets~~((,))~~ and avenues~~((, boulevards, parkways, aviation landings and~~  
24 ~~playgrounds,))~~; (b) to alter, enlarge, and extend existing parks~~((,))~~  
25 and recreation facilities; and (c) to acquire lands for the  
26 establishment of new parks~~((, boulevards, parkways, aviation landings~~  
27 ~~and playgrounds))~~ and recreation facilities.

28       (2) The right of eminent domain shall be exercised and instituted  
29 pursuant to resolution of the board of metropolitan park commissioners  
30 and conducted in the same manner and under the same procedure as is or  
31 may be provided by law for the exercise of the power of eminent domain  
32 by ~~((incorporated))~~ cities ~~((and towns))~~ of the state of Washington in  
33 the acquisition of property rights~~((: PROVIDED,))~~. However, funds to  
34 pay for condemnation allowed by this section shall be raised only as  
35 specified in this chapter.

36       (3) The board of metropolitan park commissioners ~~((shall have power~~  
37 ~~to))~~ may employ counsel~~((,))~~ and ~~((to))~~ regulate, manage, and control  
38 the parks~~((, parkways, boulevards, streets, avenues, aviation landings~~

1 ~~and playgrounds)) and recreation facilities~~ under its control(~~(, and~~  
2 ~~to)).~~

3       (4) The board of metropolitan park commissioners may provide for  
4 park ((~~policemen~~) police, for a secretary of the board of metropolitan  
5 park commissioners, and for all necessary employees, ((~~to~~)) and fix  
6 their salaries and duties. In a metropolitan park district governed  
7 under RCW 35.61.050(2), the city's mayor shall serve ex officio as the  
8 chief executive officer of the metropolitan park district unless  
9 otherwise provided by the board of metropolitan park district  
10 commissioners.

11       (5) The board of metropolitan park commissioners (~~((shall have power~~  
12 ~~to)) may improve, acquire, extend and maintain, open, and lay out((~~7~~))~~  
13 parks((~~, parkways, boulevards,~~)) and recreation facilities and avenues,  
14 ((~~aviation landings and playgrounds,~~)) within or without the  
15 metropolitan park district((~~, and to~~)).

16       (6) The board of metropolitan park commissioners may authorize,  
17 conduct, and manage the letting of boats, or other amusement apparatus,  
18 the operation of bath houses, the purchase and sale of foodstuffs or  
19 other merchandise, the giving of vocal or instrumental concerts or  
20 other entertainments, ((~~the establishment and maintenance of aviation~~  
21 landings and playgrounds,)) and the provision, establishment,  
22 operation, maintenance, and improvement of recreational facilities all  
23 on property owned by itself or others.

24       (7) The board of metropolitan park commissioners may provide  
25 generally for the management and conduct of such forms of recreation or  
26 business as it shall judge desirable or beneficial for the public, or  
27 for the production of revenue for expenditure for parks and recreation  
28 purposes((~~, and~~)).

29       (8) The board of metropolitan park commissioners may pay out moneys  
30 for: (a) The maintenance and improvement of any such parks((~~,~~  
31 ~~parkways, boulevards,~~)) and recreation facilities and avenues((~~,~~  
32 ~~aviation landings and playgrounds~~)) as now exist, or the right to which  
33 may hereafter be acquired, within or without the limits of ((~~said city~~  
34 ~~and for~~)) the metropolitan park district; (b) the purchase of lands  
35 within or without the limits of ((~~said city~~)) the metropolitan park  
36 district, whenever it deems the purchase to be for the benefit of the  
37 public and for the interest of the metropolitan park district, and for  
38 the maintenance and improvement thereof; and ((~~for~~)) (c) all expenses  
39 incidental to its duties((~~: PROVIDED, That~~)). However, all parks((~~,~~

1 boulevards, parkways, aviation landings and playgrounds)) and  
2 recreation facilities shall be subject to the police regulations of the  
3 city or county within whose limits they lie.

4 (9) The board of metropolitan park commissioners may, if and to the  
5 extent provided by section 13 of this act, contract with any entity,  
6 public or private, including the city whose voters created the  
7 district, for all or any part of its staffing, operations, and  
8 services.

9 **Sec. 8.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read  
10 as follows:

11 (1) Except as provided in subsection (2) of this section,  
12 metropolitan park commissioners shall perform their duties and may  
13 provide, by resolution passed by the commissioners, for the payment of  
14 compensation to each of its commissioners at a rate of up to seventy  
15 dollars for each day or portion of a day devoted to the business of the  
16 district. However, the compensation for each commissioner must not  
17 exceed six thousand seven hundred twenty dollars per year. Any  
18 commissioner may waive all or any portion of his or her compensation  
19 payable under this subsection as to any month or months during his or  
20 her term of office, by a written waiver filed with the clerk of the  
21 board. The waiver, to be effective, must be filed any time after the  
22 commissioner's election and prior to the date on which the compensation  
23 would otherwise be paid. The waiver shall specify the month or period  
24 of months for which it is made.

25 (2) Metropolitan park commissioners who serve in an ex officio  
26 capacity shall perform their duties as park commissioners without  
27 additional compensation.

28 **Sec. 9.** RCW 35.61.180 and 1987 c 203 s 1 are each amended to read  
29 as follows:

30 The treasurer of a metropolitan park district shall be as follows:

31 (1) The county treasurer of the county within which all, or the  
32 major portion, of the district lies shall be the ex officio treasurer  
33 of a metropolitan park district(~~(, but)~~) with a separately elected  
34 board of metropolitan park commissioners. The county treasurer when  
35 acting as the treasurer of a metropolitan park district shall receive  
36 no compensation other than his or her regular salary for (~~receiving~~

1 ~~and disbursing the funds of a))~~ acting as the treasurer of the  
2 metropolitan park district.

3 (2) The treasurer of a metropolitan park district with an ex  
4 officio board of park commissioners established under RCW 35.61.120(2)  
5 shall be the city treasurer. The city treasurer shall possess and may  
6 exercise all powers relating to the metropolitan park district that are  
7 possessed by the county treasurer, other than the authority to collect  
8 property taxes. The city treasurer, when acting as the treasurer of a  
9 metropolitan park district, shall receive no compensation other than  
10 his or her regular salary for acting as the treasurer of the  
11 metropolitan park district.

12 (3) Notwithstanding the provisions of subsections (1) and (2) of  
13 this section, a metropolitan park district may designate someone other  
14 than the county treasurer, or someone other than the city treasurer,  
15 who has experience in financial or fiscal affairs to act as the  
16 district treasurer if the board has received the approval of the county  
17 treasurer or city treasurer to designate this person. If the board of  
18 metropolitan park commissioners designates someone other than the  
19 county treasurer or city treasurer to act as the district treasurer,  
20 the board shall purchase a bond from a surety company operating in the  
21 state that is sufficient to protect the district from loss. A district  
22 treasurer so designated shall possess all powers relating to the  
23 metropolitan park district that are possessed by the city treasurer or  
24 the county treasurer, other than the authority to collect property  
25 taxes.

26 (4) Notwithstanding RCW 35.61.210, general taxes of the  
27 metropolitan park district shall be distributed to the treasurer of the  
28 metropolitan park district by the county treasurer as is done for  
29 cities.

30 **Sec. 10.** RCW 35.61.200 and 1983 c 167 s 56 are each amended to  
31 read as follows:

32 Any coupons for the payment of interest on metropolitan park  
33 district bonds shall be considered for all purposes as warrants drawn  
34 upon the metropolitan park district fund against which the bonds were  
35 issued, and when presented after maturity to the treasurer of the  
36 ~~((county having custody of the fund))~~ metropolitan park district. If  
37 there are no funds in the treasury to pay the coupons, the ~~((county))~~  
38 metropolitan park district treasurer shall endorse ((said)) the coupons



1 as presented for payment, in the same manner as county warrants are  
2 endorsed, and thereafter the coupon shall bear interest at the same  
3 rate as the bond to which it was attached. If there are no funds in  
4 the treasury to make payment on a bond not having coupons, the interest  
5 payment shall continue bearing interest at the bond rate until it is  
6 paid, unless otherwise provided in the proceedings authorizing the sale  
7 of the bonds.

8 **Sec. 11.** RCW 35.61.250 and 1985 c 416 s 4 are each amended to read  
9 as follows:

10 (1) The territory adjoining a metropolitan park district with a  
11 separately elected board of park commissioners may be annexed to and  
12 become a part (~~(thereof upon)~~) of the metropolitan park district under  
13 a petition and ((an)) election ((held pursuant thereto)) method of  
14 annexation. The petition shall define the territory proposed to be  
15 annexed and must be signed by twenty-five registered voters, resident  
16 within the territory proposed to be annexed, unless the territory is  
17 within the limits of another city when it must be signed by twenty  
18 percent of the registered voters residing within the territory proposed  
19 to be annexed. The petition must be addressed to the board of park  
20 commissioners requesting that the question be submitted to the legal  
21 voters of the territory proposed to be annexed, whether they will be  
22 annexed and become a part of the metropolitan park district.

23 (2) A metropolitan park district with an ex officio board of park  
24 commissioners as provided under RCW 35.61.050(2) may not annex  
25 territory under the provisions of RCW 35.61.250 through 35.61.280 and  
26 shall maintain boundaries identical with those of the city in which it  
27 is located, including any territory annexed by the city.

28 **Sec. 12.** RCW 35.61.290 and 1985 c 416 s 5 are each amended to read  
29 as follows:

30 (1) Any city within or comprising any metropolitan park district  
31 may turn over to the park district any lands, facilities, equipment, or  
32 interests in any lands, facilities, or equipment which it may own, or  
33 any street, avenue, or public place within the city for (~~(playground,)~~)  
34 parks ((or parkway)) and recreation purposes, and thereafter its  
35 control and management shall vest in the board of metropolitan park  
36 commissioners((: PROVIDED, That)). However, the police regulations of

1 ((such)) the city, or the county should the premises be outside the  
2 city limits, shall apply to all such premises.

3 (2) At any time that any such metropolitan park district is unable,  
4 through lack of sufficient funds, to provide for the continuous  
5 operation, maintenance, and improvement of the parks and  
6 ((playgrounds)) recreation facilities and other properties or  
7 facilities owned by it or under its control, and the legislative body  
8 of any city within or comprising such metropolitan park district shall  
9 determine that an emergency exists requiring the financial aid of such  
10 city to be extended in order to provide for such continuous operation,  
11 maintenance, and/or improvement of parks(~~(, playgrounds))~~ and  
12 recreation facilities, other properties, and programs of such park  
13 district within its limits, ((such)) the city may grant or loan to  
14 ((such)) the metropolitan park district such of its available funds, or  
15 such funds which it may lawfully procure and make available, as it  
16 shall find necessary to provide for such continuous operation and  
17 maintenance and, pursuant thereto, any ((such)) city and the board of  
18 park commissioners of ((such)) the metropolitan park district are  
19 authorized and empowered to enter into an agreement embodying such  
20 terms and conditions of any such grant or loan as may be mutually  
21 agreed upon.

22 (3) The board of metropolitan park commissioners may accept public  
23 streets of the city and grounds for public purposes when donated for  
24 parks(~~(, playground, boulevard))~~ and recreation purposes and park  
25 purposes.

26 ((+2)) (4) Counties may turn over to ((the)) a metropolitan park  
27 district any park and recreation lands and parks and recreation  
28 facilities and equipment or interests in any lands, facilities, or  
29 equipment that they own, and the board of metropolitan park  
30 commissioners may accept such lands and equipment or interests in any  
31 lands, facilities, or equipment.

32 NEW SECTION. Sec. 13. A new section is added to chapter 35.61 RCW  
33 to read as follows:

34 A metropolitan park district governed under RCW 35.61.050(2) may  
35 contract with a nonprofit corporation or other public or private  
36 organization, including the city whose voters created the district, to  
37 manage or carry out any of its operations. The private or other public  
38 organization may manage and supervise employees of the metropolitan

1 park district and may hire, fire, and otherwise discipline those  
2 employees. A civil service established under RCW 35.61.140 may include  
3 such management and supervision by persons not employed by the  
4 metropolitan park district.

5 NEW SECTION. **Sec. 14.** A new section is added to chapter 35.61 RCW  
6 to read as follows:

7 (1) Notwithstanding any provisions to the contrary contained in a  
8 city charter, and to the extent provided by the city under an  
9 appropriate legislative enactment, some or all employees of a  
10 metropolitan park district with an ex officio board of park  
11 commissioners may be included in the retirement plan of a city that  
12 shares territory with the metropolitan park district. The city and  
13 metropolitan park district are each authorized to pay the parts of the  
14 expense of operating and maintaining the retirement system and to  
15 contribute to the retirement fund on behalf of employees those sums as  
16 may be agreed upon between the legislative authorities of the city and  
17 the metropolitan park district.

18 (2) In a metropolitan park district with an ex officio board of  
19 park commissioners, neither the chief executive officer nor officers  
20 chiefly responsible for operating a facility or program, as designated  
21 by the board of metropolitan park commissioners, shall be members of  
22 the civil service that may be established under RCW 35.61.140.

23 **Sec. 15.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each  
24 amended to read as follows:

25 Except as is permitted under RCW 84.55.050, all taxes shall be  
26 levied or voted in specific amounts.

27 The rate percent of all taxes for state and county purposes, and  
28 purposes of taxing districts coextensive with the county, shall be  
29 determined, calculated and fixed by the county assessors of the  
30 respective counties, within the limitations provided by law, upon the  
31 assessed valuation of the property of the county, as shown by the  
32 completed tax rolls of the county, and the rate percent of all taxes  
33 levied for purposes of taxing districts within any county shall be  
34 determined, calculated and fixed by the county assessors of the  
35 respective counties, within the limitations provided by law, upon the  
36 assessed valuation of the property of the taxing districts  
37 respectively.

1       When a county assessor finds that the aggregate rate of tax levy on  
2 any property, that is subject to the limitations set forth in RCW  
3 84.52.043 or 84.52.050, exceeds the limitations provided in either of  
4 these sections, the assessor shall recompute and establish a  
5 consolidated levy in the following manner:

6       (1) The full certified rates of tax levy for state, county, county  
7 road district, and city or town purposes shall be extended on the tax  
8 rolls in amounts not exceeding the limitations established by law;  
9 however any state levy shall take precedence over all other levies and  
10 shall not be reduced for any purpose other than that required by RCW  
11 84.55.010. If, as a result of the levies imposed under RCW 84.52.069,  
12 84.34.230, the portion of the levy by a metropolitan park district that  
13 was protected under RCW 84.52.120, and 84.52.105, the combined rate of  
14 regular property tax levies that are subject to the one percent  
15 limitation exceeds one percent of the true and fair value of any  
16 property, then these levies shall be reduced as follows: (a) The  
17 portion of the levy by a metropolitan park district that is protected  
18 under RCW 84.52.120 shall be reduced until the combined rate no longer  
19 exceeds one percent of the true and fair value of any property or shall  
20 be eliminated; (b) if the combined rate of regular property tax levies  
21 subject to the one percent limitation in a county containing a  
22 metropolitan park district governed under RCW 35.61.050(2) still  
23 exceeds one percent of the true and fair value of any property, then  
24 the remaining levy for that metropolitan park district shall be reduced  
25 until the combined rate no longer exceeds one percent or shall be  
26 eliminated; (c) if the combined rate of regular property tax levies  
27 that are subject to the one percent limitation still exceeds one  
28 percent of the true and fair value of any property, then the levies  
29 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy  
30 imposed under RCW 84.52.069 that is in excess of thirty cents per  
31 thousand dollars of assessed value, shall be reduced on a pro rata  
32 basis until the combined rate no longer exceeds one percent of the true  
33 and fair value of any property or shall be eliminated; and ~~((+e))~~ (d)  
34 if the combined rate of regular property tax levies that are subject to  
35 the one percent limitation still exceeds one percent of the true and  
36 fair value of any property, then the thirty cents per thousand dollars  
37 of assessed value of tax levy imposed under RCW 84.52.069 shall be  
38 reduced until the combined rate no longer exceeds one percent of the  
39 true and fair value of any property or eliminated.

1 (2) The certified rates of tax levy subject to these limitations by  
2 all junior taxing districts imposing taxes on such property shall be  
3 reduced or eliminated as follows to bring the consolidated levy of  
4 taxes on such property within the provisions of these limitations:

5 (a) First, the certified property tax levy rates of those junior  
6 taxing districts authorized under RCW 36.68.525, 36.69.145, and  
7 67.38.130 shall be reduced on a pro rata basis or eliminated;

8 (b) Second, if the consolidated tax levy rate still exceeds these  
9 limitations, the certified property tax levy rates of flood control  
10 zone districts shall be reduced on a pro rata basis or eliminated;

11 (c) Third, if the consolidated tax levy rate still exceeds these  
12 limitations, the certified property tax levy rates of all other junior  
13 taxing districts, other than fire protection districts, library  
14 districts, the first fifty cent per thousand dollars of assessed  
15 valuation levies for metropolitan park districts, and the first fifty  
16 cent per thousand dollars of assessed valuation levies for public  
17 hospital districts, shall be reduced on a pro rata basis or eliminated;

18 (d) Fourth, if the consolidated tax levy rate still exceeds these  
19 limitations, the certified property tax levy rates authorized to fire  
20 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced  
21 on a pro rata basis or eliminated; and

22 (e) Fifth, if the consolidated tax levy rate still exceeds these  
23 limitations, the certified property tax levy rates authorized for fire  
24 protection districts under RCW 52.16.130, library districts,  
25 metropolitan park districts under their first fifty cent per thousand  
26 dollars of assessed valuation levy, and public hospital districts under  
27 their first fifty cent per thousand dollars of assessed valuation levy,  
28 shall be reduced on a pro rata basis or eliminated.

29 In determining whether the aggregate rate of tax levy on any  
30 property, that is subject to the limitations set forth in RCW  
31 84.52.050, exceeds the limitations provided in that section, the  
32 assessor shall use the hypothetical state levy, as apportioned to the  
33 county under RCW 84.48.080, that was computed under RCW 84.48.080  
34 without regard to the reduction under RCW 84.55.012.

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