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HOUSE BILL 3060

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State of Washington

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By Representatives Edwards, Barlean, Scott, Van Luven, G. Chandler, Regala, Quall, Esser, Ruderman, McDonald, Kenney, Edmonds, Fisher, McMorris, Veloria, Doumit, Wensman, Ogden, Dunn, Rockefeller and Santos

Read first time 01/26/2000. Referred to Committee on Local Government.

1 AN ACT Relating to a local real estate excise tax for maintenance  
2 and operations; amending RCW 82.46.010; and reenacting and amending RCW  
3 82.46.035.

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

5 **Sec. 1.** RCW 82.46.010 and 1994 c 272 s 1 are each amended to read  
6 as follows:

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

13 (2) The legislative authority of any county or any city may impose  
14 an excise tax on each sale of real property in the unincorporated areas  
15 of the county for the county tax and in the corporate limits of the  
16 city for the city tax at a rate not exceeding one-quarter of one  
17 percent of the selling price. The revenues from this tax shall be used  
18 by any city or county with a population of five thousand or less and  
19 any city or county that does not plan under RCW 36.70A.040 for any

1 capital purpose identified in a capital improvements plan and local  
2 capital improvements, including those listed in RCW 35.43.040, and for  
3 maintenance and operations of those facilities funded by the revenues  
4 from this tax. The amount of revenues used for maintenance or  
5 operations by a county or city shall not exceed twenty-five percent of  
6 the total amount collected from this tax by that county or city in the  
7 preceding fiscal year.

8 After April 30, 1992, revenues generated from the tax imposed under  
9 this subsection in counties over five thousand population and cities  
10 over five thousand population that are required or choose to plan under  
11 RCW 36.70A.040 shall be used (~~solely~~) for financing capital projects  
12 specified in a capital facilities plan element of a comprehensive plan  
13 and housing relocation assistance under RCW 59.18.440 and 59.18.450,  
14 and for maintenance and operations of those facilities funded by the  
15 revenues from this tax. The amount of revenues used for maintenance or  
16 operations by a county or city shall not exceed twenty-five percent of  
17 the total amount collected from this tax by that county or city in the  
18 preceding fiscal year. However, revenues (a) pledged by such counties  
19 and cities to debt retirement prior to April 30, 1992, may continue to  
20 be used for that purpose until the original debt for which the revenues  
21 were pledged is retired, or (b) committed prior to April 30, 1992, by  
22 such counties or cities to a project may continue to be used for that  
23 purpose until the project is completed.

24 (3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the  
25 legislative authority of any county or any city may impose an  
26 additional excise tax on each sale of real property in the  
27 unincorporated areas of the county for the county tax and in the  
28 corporate limits of the city for the city tax at a rate not exceeding  
29 one-half of one percent of the selling price.

30 (4) Taxes imposed under this section shall be collected from  
31 persons who are taxable by the state under chapter 82.45 RCW upon the  
32 occurrence of any taxable event within the unincorporated areas of the  
33 county or within the corporate limits of the city, as the case may be.

34 (5) Taxes imposed under this section shall comply with all  
35 applicable rules, regulations, laws, and court decisions regarding real  
36 estate excise taxes as imposed by the state under chapter 82.45 RCW.

37 (6) As used in this section, "city" means any city or town and  
38 "capital project" means those public works projects of a local  
39 government for planning, acquisition, construction, reconstruction,

1 repair, replacement, rehabilitation, or improvement of streets; roads;  
2 highways; sidewalks; street and road lighting systems; traffic signals;  
3 bridges; domestic water systems; storm and sanitary sewer systems;  
4 parks; recreational facilities; law enforcement facilities; fire  
5 protection facilities; trails; libraries; administrative and/or  
6 judicial facilities; river and/or waterway flood control projects by  
7 those jurisdictions that, prior to June 11, 1992, have expended funds  
8 derived from the tax authorized by this section for such purposes; and,  
9 until December 31, 1995, housing projects for those jurisdictions that,  
10 prior to June 11, 1992, have expended or committed to expend funds  
11 derived from the tax authorized by this section or the tax authorized  
12 by RCW 82.46.035 for such purposes.

13 **Sec. 2.** RCW 82.46.035 and 1992 c 221 s 3 and 1991 sp.s. c 32 s 33  
14 are each reenacted and amended to read as follows:

15 (1) The legislative authority of any county or city shall identify  
16 in the adopted budget the capital projects funded in whole or in part  
17 from the proceeds of the tax authorized in this section, and shall  
18 indicate that such tax is intended to be in addition to other funds  
19 that may be reasonably available for (~~such~~) capital projects and  
20 maintenance and operations.

21 (2) The legislative authority of any county or any city that plans  
22 under RCW 36.70A.040(1) may impose an additional excise tax on each  
23 sale of real property in the unincorporated areas of the county for the  
24 county tax and in the corporate limits of the city for the city tax at  
25 a rate not exceeding one-quarter of one percent of the selling price.  
26 Any county choosing to plan under RCW 36.70A.040(2) and any city within  
27 such a county may only adopt an ordinance imposing the excise tax  
28 authorized by this section if the ordinance is first authorized by a  
29 proposition approved by a majority of the voters of the taxing district  
30 voting on the proposition at a general election held within the  
31 district or at a special election within the taxing district called by  
32 the district for the purpose of submitting such proposition to the  
33 voters.

34 (3) Revenues generated from the tax imposed under subsection (2) of  
35 this section shall be used by such counties and cities (~~solely~~) for  
36 financing capital projects specified in a capital facilities plan  
37 element of a comprehensive plan, and for maintenance and operations of  
38 those facilities funded by the revenues generated from the tax imposed

1 under subsection (2) of this section. The amount of revenue used for  
2 maintenance or operations by a county or city shall not exceed twenty-  
3 five percent of the total amount collected from this tax by that county  
4 or city in the preceding fiscal year. However, revenues (a) pledged by  
5 such counties and cities to debt retirement prior to March 1, 1992, may  
6 continue to be used for that purpose until the original debt for which  
7 the revenues were pledged is retired, or (b) committed prior to March  
8 1, 1992, by such counties or cities to a project may continue to be  
9 used for that purpose until the project is completed.

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

12 (5) As used in this section, "city" means any city or town and  
13 "capital project" means those public works projects of a local  
14 government for planning, acquisition, construction, reconstruction,  
15 repair, replacement, rehabilitation, or improvement of streets, roads,  
16 highways, sidewalks, street and road lighting systems, traffic signals,  
17 bridges, domestic water systems, storm and sanitary sewer systems, and  
18 planning, construction, reconstruction, repair, rehabilitation, or  
19 improvement of parks.

20 (6) When the governor files a notice of noncompliance under RCW  
21 36.70A.340 with the secretary of state and the appropriate county or  
22 city, the county or city's authority to impose the additional excise  
23 tax under this section shall be temporarily rescinded until the  
24 governor files a subsequent notice rescinding the notice of  
25 noncompliance.

26 NEW SECTION. **Sec. 3.** If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the act or the application of the provision to other  
29 persons or circumstances is not affected.

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