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**HOUSE BILL 2688**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Pettigrew and Santos

AN ACT Relating to authorizing cities to impose a temporary property tax increase to fund historic building rehabilitation; and amending RCW 84.55.050.

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

**Sec.**  RCW 84.55.050 and 2009 c 551 s 3 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section ((~~shall~~)) must be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition ((~~shall~~)) must state the dollar rate proposed and ((~~shall~~)) must clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy ((~~shall~~)) must be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years ((~~shall~~)) must be used.

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after July 26, 2009.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after July 26, 2009.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made ((~~shall~~)) may not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies ((~~shall~~)) must be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

(6)(a) Subject to any otherwise applicable statutory dollar rate limitations, the legislative authority of any city may impose regular property taxes in an amount exceeding the limitations provided for in this chapter. The increased levy under this subsection (6) does not require voter approval. The provisions of subsections (1) through (5) of this section do not apply to an increased levy made under this subsection (6).

(b) The period for which the increased levy is to be made under this subsection (6) may not exceed ten years.

(c) During the years in which increased levies are made under this subsection (6), annual increases in such levies must be made in accordance with the general limitations of this chapter.

(d) At the conclusion of the increased levy period under (b) of this subsection (6), subsequent levies must be computed as if:

(i) The increased levy authorized under this subsection (6) had not been imposed; and

(ii) The city had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years increased levies were made under this subsection (6).

(e) A city increasing its levy under this subsection (6) must use the additional funds exclusively for the rehabilitation of historic buildings where there is a finding by the appropriate city official that designated buildings pose a significant risk to the public safety in the event of an earthquake.

(f) The maximum amount of funds that can be collected under this subsection (6) may not exceed the estimated cost of historic building rehabilitation expenditures within the city.

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