S-1726.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE SENATE BILL 5413**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Trade & Economic Development (originally sponsored by Senators Warnick, Chase, Honeyford, Hobbs, and Hatfield)

AN ACT Relating to increasing the flexibility for industrial development district levies for public port districts; amending RCW 53.25.040; adding a new section to chapter 53.36 RCW; adding a new section to chapter 84.55 RCW; creating new sections; repealing RCW 53.36.100 and 53.36.110; and providing an effective date.

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

NEW SECTION. **Sec.**  A new section is added to chapter 53.36 RCW to read as follows:

(1)(a) A port district having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue through:

(i) A first multiyear levy period, if it meets the requirements of this subsection (1);

(ii) A second multiyear levy period, if it meets the requirements of this subsection (1) and subsection (2) of this section; and

(iii) A third multiyear levy period, if it meets the requirements of subsection (3) of this section.

(b) First and second multiyear levy periods do not have to be consecutive.

(c) First and second multiyear levy periods may not overlap.

(d)(i) The aggregate revenue that may be collected over a first or second multiyear levy period may not exceed the maximum allowable amount that could have been levied for the first six years of the levy period, notwithstanding the ordinance or resolution requirement in RCW 84.55.120. The maximum amount that could have been levied in each of the first six years is the lesser of the amount that could have been levied under RCW 84.55.010 and forty-five cents per thousand dollars of assessed value multiplied by the taxable value of property within the port district.

(ii) For purposes of this subsection (1)(d), the maximum amount that could be levied under RCW 84.55.010 includes increases from the following multiplied by forty-five cents per thousand dollars of assessed value:

(A) New construction;

(B) Increases in assessed value due to construction of wind turbine, solar, biomass, and geothermal facilities, if such facilities generate electricity and the property is not included elsewhere under this section for purposes of providing an additional dollar amount. The property may be classified as real or personal property;

(C) Improvements to property; and

(D) Any increase in the assessed value of state-assessed property.

(e) The levy rate in any year may not exceed forty-five cents per thousand dollars of assessed value.

(f) A levy period may not exceed twenty years from the date the initial levy is made in the period.

(g) A port district must adopt a resolution during the base year approving the use of a first or second multiyear levy period.

(2) If a port district intends to impose levies over a second multiyear levy period, the port commission must publish notice of this intention, in one or more newspapers of general circulation within the district, by April 1st of the year in which the first levy in the second multiyear levy period is to be made. If within ninety days of the date of publication a petition is filed with the county auditor containing the signatures of eight percent of the number of voters registered and voting in the port district for the office of the governor at the last preceding gubernatorial election, the county auditor must canvass the signatures in the same manner as prescribed in RCW 29A.72.230 and certify their sufficiency to the port commission within two weeks. The proposition to impose levies over a second multiyear levy period must be submitted to the voters of the port district at a special election, called for this purpose, no later than the date on which a primary election would be held under RCW 29A.04.311. The levies may be made in the second multiyear levy period only if approved by a majority of the voters of the port district voting on the proposition.

(3) In addition, if voters approve a ballot proposition authorizing additional levies by a simple majority vote, a port district located in a county bordering on the Pacific Ocean having adopted a comprehensive scheme of harbor improvements and industrial developments may impose a third levy for a period that may not exceed six years. The levy rate in any year may not exceed forty-five cents per thousand dollars of assessed value. Except for the initial levy in the third levy period, RCW 84.55.010 applies to the tax authorized in this subsection.

(4) The levy of such taxes under this section is authorized notwithstanding the provisions of RCW 84.52.043 and 84.52.050. The revenues derived from levies made under this section not expended in the year in which the levies are made may be paid into a fund for future use in carrying out the powers granted under chapter 53.25 RCW, which fund may be accumulated and carried over from year to year, with the right to continue to levy the taxes provided for under this section for the purposes herein authorized.

(5) In the event a levy authorized in this section produces revenue in excess of the requirements to complete the projects of a port district then provided for in its comprehensive scheme of harbor improvements and industrial developments or amendments thereto, the excess must be used solely for the retirement of general obligation bonded indebtedness.

(6)(a) Except as otherwise provided in this subsection, a port district that has levied the tax authorized under RCW 53.36.100 may not levy a tax authorized under this section.

(b) A port district that levied the tax authorized under RCW 53.36.100 for taxes collected in 2015 as part of the initial six-year period may levy the tax authorized under this section for a second and third multiyear levy period in accordance with this section after the initial six-year levy period under RCW 53.36.100.

(c) A port district that levied the tax authorized under RCW 53.36.100 for taxes collected in 2015 as part of the second six-year period may levy the tax authorized under this section for a third multiyear levy period in accordance with this section after the second six-year levy period under RCW 53.36.100.

(d) A port district that did not levy the tax authorized under RCW 53.36.100 for taxes collected in 2015 but has previously levied a tax under RCW 53.36.100 for only the initial six-year period may impose levies in accordance with this section for a second and third multiyear levy period.

(e) A port district that did not levy the tax authorized under RCW 53.36.100 for taxes collected in 2015 but has previously levied a tax under RCW 53.36.100 for the initial and second six-year periods may impose levies in accordance with this section for a third multiyear levy period.

(7) For the purposes of this section, "base year" means the year prior to the first collection year in a first or second multiyear levy period.

**Sec.**  RCW 53.25.040 and 1989 c 167 s 1 are each amended to read as follows:

(1) A port commission may, after a public hearing thereon, of which at least ten days' notice ((~~shall~~)) must be published in a newspaper of general circulation in the port district, create industrial development districts within the district and define the boundaries thereof, if it finds that the creation of the industrial development district is proper and desirable in establishing and developing a system of harbor improvements and industrial development in the port district.

(2)(a) The boundaries of an industrial development district created by subsection (1) of this section may be revised from time to time by resolution of the port commission, to delete land area therefrom, if the land area to be deleted was acquired by the port district with its own funds or by gift or transfer other than pursuant to RCW 53.25.050 or 53.25.060.

(b) As to any land area to be deleted under this subsection that was acquired or improved by the port district with funds obtained through RCW 53.36.100 or section 1 of this act, the port district ((~~shall~~)) must deposit funds equal to the fair market value of the lands and improvements into the fund for future use described in RCW 53.36.100 or section 1 of this act and such funds ((~~shall be~~)) are thereafter subject to RCW 53.36.100 or section 1 of this act. The fair market value of the land and improvements ((~~shall~~)) must be determined as of the effective date of the port commission action deleting the land from the industrial development district and ((~~shall~~)) must be determined by an average of at least two independent appraisals by professionally designated real estate appraisers ((~~as defined in RCW 74.46.020~~)) or licensed real estate brokers. The funds ((~~shall~~)) must be deposited into the fund for future use described in RCW 53.36.100 within ninety days of the effective date of the port commission action deleting the land area from the industrial district. Land areas deleted from an industrial development district under this subsection ((~~shall~~)) are not ((~~be~~)) further subject to the provisions of this chapter. This subsection ((~~shall apply~~)) applies to presently existing and future industrial development districts. Land areas deleted from an industrial development district under this subsection that were included within such district for less than two years, if the port district acquired the land through condemnation or as a consequence of threatened condemnation, ((~~shall~~)) must be offered for sale, for cash, at the appraised price, to the former owner of the property from whom the district obtained title. Such offer ((~~shall~~)) must be made by certified or registered letter to the last known address of the former owner. The letter ((~~shall~~)) must include the appraised price of the property and notice that the former owner must respond in writing within thirty days or lose the right to purchase. If this right to purchase is exercised, the sale ((~~shall~~)) must be closed by midnight of the sixtieth day, including nonbusiness days, following close of the thirty-day period.

NEW SECTION. **Sec.**  A new section is added to chapter 84.55 RCW to read as follows:

(1) Except as provided in section 1(3) of this act, RCW 84.55.010 does not apply to a levy under section 1 of this act.

(2) For purposes of applying the provisions of this chapter, a levy by or for a port district under section 1(3) of this act must be treated in the same manner as a separate regular property tax levy made by or for a separate taxing district.

NEW SECTION. **Sec.**  A port district may not levy taxes under RCW 53.36.100 for collection in 2026 and thereafter.

NEW SECTION. **Sec.**  The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective January 1, 2026:

(1) RCW 53.36.100 (Levy for industrial development district purposes—Notice—Petition—Election) and 1994 c 278 s 1, 1982 1st ex.s. c 3 s 1, 1979 c 76 s 1, 1973 1st ex.s. c 195 s 58, & 1957 c 265 s 1; and

(2) RCW 53.36.110 (Levy for industrial development district purposes—Excess funds to be used solely for retirement of general obligations) and 1957 c 265 s 2.

NEW SECTION. **Sec.**  Section 1 of this act applies to taxes levied for collection in 2016 and thereafter.

**--- END ---**