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**SUBSTITUTE SENATE BILL 5676**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Local Government (originally sponsored by Senators Takko, Walsh, and Short)

READ FIRST TIME 02/08/19.

1 AN ACT Relating to authorizing cities planning under the growth  
2 management act to impose certain real estate excise taxes by council  
3 action; and amending RCW 82.46.035.

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

5 **Sec. 1.** RCW 82.46.035 and 2011 c 354 s 3 are each amended to  
6 read as follows:

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

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

1 ~~general election held within the district or at a special election~~  
2 ~~within the taxing district called by the district for the purpose of~~  
3 ~~submitting such proposition to the voters.)~~

4 (3) Revenues generated from the tax imposed under subsection (2)  
5 of this section must be used by such counties and cities solely for  
6 financing capital projects specified in a capital facilities plan  
7 element of a comprehensive plan. However, revenues (a) pledged by  
8 such counties and cities to debt retirement prior to March 1, 1992,  
9 may continue to be used for that purpose until the original debt for  
10 which the revenues were pledged is retired, or (b) committed prior to  
11 March 1, 1992, by such counties or cities to a project may continue  
12 to be used for that purpose until the project is completed.

13 (4) Revenues generated by the tax imposed by this section must be  
14 deposited in a separate account.

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

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

28 (7) From June 30, 2012, until December 31, 2016, a city or county  
29 may use the greater of one hundred thousand dollars or thirty-five  
30 percent of available funds under this section, but not to exceed one  
31 million dollars per year, for operations and maintenance of existing  
32 capital projects as defined in subsection (5) of this section, and  
33 counties may use available funds under this section for the payment  
34 of existing debt service incurred for capital projects as defined in  
35 RCW 82.46.010. If a county uses available funds for payment of  
36 existing debt service under RCW 82.46.010, the total amount used for  
37 payment of debt service and any amounts used for operations and  
38 maintenance is subject to the limits in this subsection.

39 (8) (a) (i) Any referendum petition to repeal a county or city  
40 ordinance imposing a tax authorized by subsection (2) of this section

1 must be filed with a filing officer, as identified in the ordinance,  
2 within seven days of passage of the ordinance. Within ten days of  
3 receiving a referendum petition, the filing officer must confer with  
4 the petitioner concerning form and style of the petition, issue an  
5 identification number for the petition, and write a ballot title for  
6 the measure. The ballot title must be posed as a question so that an  
7 affirmative answer to the question and an affirmative vote on the  
8 measure results in the tax being imposed and a negative answer to the  
9 question and a negative vote on the measure results in the tax not  
10 being imposed. The petitioner must be notified of the identification  
11 number and ballot title within this ten-day period.

12 (ii) Within thirty days of notification of the identification  
13 number and ballot title, the petitioner must secure and file with the  
14 filing officer petition forms with the signatures of at least fifteen  
15 percent of the registered voters of the county for county measures,  
16 or at least fifteen percent of the registered voters of the city for  
17 city measures. Each petition form must contain the ballot title and  
18 the full text of the measure to be referred. The filing officer must  
19 verify the sufficiency of the signatures on the petitions. If  
20 sufficient valid signatures are properly submitted, the filing  
21 officer must submit the referendum measure to the county or city  
22 voters at a general or special election held on one of the dates  
23 provided in RCW 29A.04.321 as determined by the county or city  
24 legislative authority. The election must not take place later than  
25 one hundred twenty days after the signed petition has been filed with  
26 the filing officer.

27 (b) The referendum and initiative procedure provided in (a) of  
28 this subsection applies only to ordinances imposing a tax authorized  
29 in subsection (2) of this section enacted by a county choosing to  
30 plan under RCW 36.70A.040(2) and any city within such a county.

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