
SENATE BILL 5083

State of Washington

57th Legislature

2001 Regular Session

By Senators Haugen, Patterson and Winsley

Read first time 01/10/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to capital facility fees; amending RCW
2 82.02.020; reenacting and amending RCW 43.155.050; adding a new
3 section to chapter 82.45 RCW; and repealing RCW 82.02.050,
4 82.02.060, 82.02.070, 82.02.080, 82.02.090, and 82.02.100.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.45
7 RCW to read as follows:

8 A capital facility fee is imposed upon each sale of real
9 property at the rate of one percent of the selling price. The
10 proceeds from this fee shall be deposited in the capital facility
11 subaccount of the public works assistance account created in RCW
12 43.155.050. Low-income housing is exempt from this fee.

13 **Sec. 2.** RCW 43.155.050 and 1995 2nd sp.s. c 18 s 918 and 1995 c
14 376 s 11 are each reenacted and amended to read as follows:

15 (1) The public works assistance account is hereby established
16 in the state treasury. Money may be placed in the public works
17 assistance account from the proceeds of bonds when authorized by

1 the legislature or from any other lawful source. Money in the
2 public works assistance account shall be used to make loans and to
3 give financial guarantees to local governments for public works
4 projects. Moneys in the account may also be appropriated to
5 provide for state match requirements under federal law for
6 projects and activities conducted and financed by the board under
7 the drinking water assistance account. (~~During the 1995-97~~
8 ~~fiscal biennium, moneys in the public works assistance account may~~
9 ~~be appropriated for transfer to the flood control assistance~~
10 ~~account to be used for flood control assistance, including grants~~
11 ~~under chapter 86.26 RCW. To the extent that moneys in the public~~
12 ~~works assistance account are not appropriated during the 1995-97~~
13 ~~fiscal biennium for public works or flood control assistance, the~~
14 ~~legislature may direct their transfer to the state general fund.~~
15 ~~In awarding grants under chapter 86.26 RCW, the department of~~
16 ~~ecology shall give strong preference to local governments that~~
17 ~~have: (1) Implemented, or are in the process of implementing, an~~
18 ~~ordinance that establishes a flood plain policy that is~~
19 ~~substantially more stringent than minimum federal requirements;~~
20 ~~(2) completed a comprehensive flood control plan meeting the~~
21 ~~requirements of RCW 86.12.200; or (3) constructed, or are in the~~
22 ~~process of constructing, a system of overtopping dikes or levees~~
23 ~~that allow public access.))~~

24 (2) The capital facility subaccount is created within the
25 public works assistance account. All moneys collected from the
26 statewide fee imposed by section 1 of this act shall be placed in
27 the subaccount. Moneys in the subaccount may be appropriated for
28 any capital project as defined by RCW 82.46.010(6).

29 **Sec. 3.** RCW 82.02.020 and 1997 c 452 s 21 are each amended to read
30 as follows:

31 Except only as expressly provided in chapters 67.28 and 82.14
32 RCW, the state preempts the field of imposing taxes upon retail
33 sales of tangible personal property, the use of tangible personal
34 property, parimutuel wagering authorized pursuant to RCW
35 67.16.060, conveyances, and cigarettes, and no county, town, or
36 other municipal subdivision shall have the right to impose taxes
37 of that nature. (~~Except as provided in RCW 82.02.050 through~~

1 ~~82.02.090,~~) No county, city, town, or other municipal corporation
2 shall impose any tax, fee, or charge, either direct or indirect,
3 on the construction or reconstruction of residential buildings,
4 commercial buildings, industrial buildings, or on any other
5 building or building space or appurtenance thereto, or on the
6 development, subdivision, classification, or reclassification of
7 land. However, this section does not preclude dedications of land
8 or easements within the proposed development or plat which the
9 county, city, town, or other municipal corporation can demonstrate
10 are reasonably necessary as a direct result of the proposed
11 development or plat to which the dedication of land or easement is
12 to apply.

13 This section does not prohibit voluntary agreements with
14 counties, cities, towns, or other municipal corporations that
15 allow a payment in lieu of a dedication of land or to mitigate a
16 direct impact that has been identified as a consequence of a
17 proposed development, subdivision, or plat. A local government
18 shall not use such voluntary agreements for local off-site
19 transportation improvements within the geographic boundaries of
20 the area or areas covered by an adopted transportation program
21 authorized by chapter 39.92 RCW. Any such voluntary agreement is
22 subject to the following provisions:

23 (1) The payment shall be held in a reserve account and may only
24 be expended to fund a capital improvement agreed upon by the
25 parties to mitigate the identified, direct impact;

26 (2) The payment shall be expended in all cases within five
27 years of collection; and

28 (3) Any payment not so expended shall be refunded with interest
29 at the rate applied to judgments to the property owners of record
30 at the time of the refund; however, if the payment is not expended
31 within five years due to delay attributable to the developer, the
32 payment shall be refunded without interest.

33 No county, city, town, or other municipal corporation shall
34 require any payment as part of such a voluntary agreement which
35 the county, city, town, or other municipal corporation cannot
36 establish is reasonably necessary as a direct result of the
37 proposed development or plat.

38 Nothing in this section prohibits cities, towns, counties, or

1 other municipal corporations from collecting reasonable fees from
2 an applicant for a permit or other governmental approval to cover
3 the cost to the city, town, county, or other municipal corporation
4 of processing applications, inspecting and reviewing plans, or
5 preparing detailed statements required by chapter 43.21C RCW.

6 This section does not limit the existing authority of any
7 county, city, town, or other municipal corporation to impose
8 special assessments on property specifically benefitted thereby in
9 the manner prescribed by law.

10 Nothing in this section prohibits counties, cities, or towns
11 from imposing or permits counties, cities, or towns to impose
12 water, sewer, natural gas, drainage utility, and drainage system
13 charges: PROVIDED, That no such charge shall exceed the
14 proportionate share of such utility or system's capital costs
15 which the county, city, or town can demonstrate are attributable
16 to the property being charged: PROVIDED FURTHER, That these
17 provisions shall not be interpreted to expand or contract any
18 existing authority of counties, cities, or towns to impose such
19 charges.

20 Nothing in this section prohibits a transportation benefit
21 district from imposing fees or charges authorized in RCW 36.73.120
22 nor prohibits the legislative authority of a county, city, or town
23 from approving the imposition of such fees within a transportation
24 benefit district.

25 Nothing in this section prohibits counties, cities, or towns
26 from imposing transportation impact fees authorized pursuant to
27 chapter 39.92 RCW.

28 Nothing in this section prohibits counties, cities, or towns
29 from requiring property owners to provide relocation assistance to
30 tenants under RCW 59.18.440 and 59.18.450.

31 This section does not apply to special purpose districts formed
32 and acting pursuant to Titles 54, 57, or 87 RCW, nor is the
33 authority conferred by these titles affected.

34
35 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each
36 repealed:

37 (1) RCW 82.02.050 (Impact fees--Intent--Limitations) and 1994 c
38 257 s 24, 1993 sp.s. c 6 s 6, & 1990 1st ex.s. c 17 s 43;

1 (2) RCW 82.02.060 (Impact fees--Local ordinances--Required
2 provisions) and 1990 1st ex.s. c 17 s 44;
3 (3) RCW 82.02.070 (Impact fees--Retained in special accounts--
4 Limitations on use--Administrative appeals) and 1990 1st ex.s. c
5 17 s 46;
6 (4) RCW 82.02.080 (Impact fees--Refunds) and 1990 1st ex.s. c 17 s
7 47;
8 (5) RCW 82.02.090 (Impact fees--Definitions) and 1990 1st ex.s. c
9 17 s 48; and
10 (6) RCW 82.02.100 (Impact fees--Exception, mitigation fees paid
11 under chapter 43.21C RCW) and 1992 c 219 s 2.

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