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## SENATE BILL 6629

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State of Washington 55th Legislature 1998 Regular Session

By Senators Benton, Winsley, Zarelli, Rossi, Stevens, Roach, Johnson, Anderson, Schow and Oke

Read first time 01/23/98. Referred to Committee on Ways & Means.

- 1 AN ACT Relating to limitations on property taxes; amending RCW
- 2 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145
- 3 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, and 84.69.020;
- 4 and creating a new section.
- 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 6 **Sec. 1.** RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended to 7 read as follows:
- 8 (1) Subject to the limitations in RCW 84.55.010, in each year the
- 9 state shall levy for collection in the following year for the support
- 10 of common schools of the state a tax ((of three dollars and sixty cents
- 11 per thousand dollars of assessed value)) at the rate specified in
- 12 <u>subsection (2) of this section</u> upon the assessed valuation of all
- 13 taxable property within the state adjusted to the state equalized value
- 14 in accordance with the indicated ratio fixed by the state department of
- 15 revenue.
- 16 (2) The rate of state tax in subsection (1) of this section shall
- 17 <u>be as follows:</u>
- 18 (a) Three dollars and sixty cents per thousand dollars of assessed
- 19 value for taxes levied for collection in 1999, and before;

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- 1 (b) Three dollars and twenty-four cents per thousand dollars of assessed value for taxes levied for collection in 2000;
- 3 (c) Two dollars and eighty-eight cents per thousand dollars of 4 assessed value for taxes levied for collection in 2001;
- 5 <u>(d) Two dollars and fifty-two cents per thousand dollars of</u> 6 assessed value for taxes levied for collection in 2002;
- 7 (e) Two dollars and sixteen cents per thousand dollars of assessed 8 value for taxes levied for collection in 2003;
- 9 <u>(f) One dollar and eighty cents per thousand dollars of assessed</u> 10 <u>value for taxes levied for collection in 2004;</u>
- 11 (g) One dollar and forty-four cents per thousand dollars of 12 assessed value for taxes levied for collection in 2005;
- 13 <u>(h) One dollar and eight cents per thousand dollars of assessed</u>
  14 value for taxes levied for collection in 2006;
- 15 <u>(i) Seventy-two cents per thousand dollars of assessed value for</u> 16 <u>taxes levied for collection in 2007;</u>
- 17 <u>(j) Thirty-six cents per thousand dollars of assessed value for</u> 18 taxes levied for collection in 2008; and
- 19 <u>(k) No tax may be levied under this section for taxes levied for</u> 20 collection in 2009 and thereafter.
- 21 <u>(3)</u> As used in this section, "the support of common schools" 22 includes the payment of the principal and interest on bonds issued for 23 capital construction projects for the common schools.
- 24 **Sec. 2.** RCW 84.52.043 and 1995 c 99 s 3 are each amended to read 25 as follows:
- Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a)

- 30 The levy by the state shall not exceed ((three dollars and sixty 31 cents)) the dollar rate per thousand dollars of assessed value 32 specified in RCW 84.52.065 adjusted to the state equalized value in
- 33 accordance with the indicated ratio fixed by the state department of
- 34 revenue to be used exclusively for the support of the common schools;
- 35 (b) the levy by any county shall not exceed one dollar and eighty cents
- 36 per thousand dollars of assessed value; (c) the levy by any road
- 37 district shall not exceed two dollars and twenty-five cents per
- 38 thousand dollars of assessed value; and (d) the levy by any city or

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- town shall not exceed three dollars and thirty-seven and one-half cents 1 per thousand dollars of assessed value. However any county is hereby 2 authorized to increase its levy from one dollar and eighty cents to a 3 4 rate not to exceed two dollars and forty-seven and one-half cents per 5 thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the 6 7 county do not exceed four dollars and five cents per thousand dollars 8 of assessed value, and no other taxing district has its levy reduced as 9 a result of the increased county levy.
- 10 (2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars 11 and ninety cents per thousand dollars of assessed valuation. The term 12 "junior taxing districts" includes all taxing districts other than the 13 state, counties, road districts, cities, towns, port districts, and 14 15 public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law 16 by or for any port or public utility district; (b) excess property tax 17 levies authorized in Article VII, section 2 of the state Constitution; 18 19 (c) levies for acquiring conservation futures as authorized under RCW 20 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable 21 housing for very low-income housing imposed under RCW 84.52.105; and 22 23 (f) the portions of levies by metropolitan park districts that are 24 protected under RCW 84.52.120.
- 25 **Sec. 3.** RCW 84.52.050 and 1973 1st ex.s. c 194 s 1 are each 26 amended to read as follows:

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- (1) Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state and all taxing districts, now existing or hereafter created, shall not in any year exceed ((one percentum)) the following percentage of the true and fair value of such property in money: ((PROVIDED, HOWEVER, That))
- 32 <u>(a) For taxes levied for collection in 1999, and before, 1.0</u> 33 percent;
- 34 (b) For taxes levied for collection in 2000, 0.964 percent;
- 35 (c) For taxes levied for collection in 2001, 0.928 percent;
- 36 (d) For taxes levied for collection in 2002, 0.892 percent;
- 37 (e) For taxes levied for collection in 2003, 0.856 percent;
- 38 (f) For taxes levied for collection in 2004, 0.820 percent;

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- 1 (g) For taxes levied for collection in 2005, 0.784 percent;
- 2 (h) For taxes levied for collection in 2006, 0.748 percent;
- 3 <u>(i) For taxes levied for collection in 2007, 0.712 percent;</u>
- 4 (j) For taxes levied for collection in 2008, 0.676 percent; and
- 5 <u>(k) For taxes levied for collection in 2009 and thereafter, 0.64</u> 6 percent.
- 7 (2) Nothing herein shall prevent levies at the rates now provided 8 by law by or for any port or public utility district. The term "taxing 9 district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental 10 agency authorized by law to levy, or have levied for it, ad valorem 11 12 taxes on property, other than a port or public utility district. Such 13 aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as authorized by law and in 14 15 conformity with the provisions of Article VII, section 2(a), (b), or 16 (c) of the Constitution of the state of Washington.
- 17 (3) Nothing herein contained shall prohibit the legislature from allocating or reallocating the authority to levy taxes between the taxing districts of the state and its political subdivisions in a 20 manner which complies with the aggregate tax limitation set forth in this section.
- 22 **Sec. 4.** RCW 36.58.150 and 1984 c 186 s 25 are each amended to read 23 as follows:
- (1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax, in excess of the ((one percent)) limitation in RCW 84.52.050, upon the property within the district for a one year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.
- A solid waste disposal district may issue general obligation bonds for capital purposes only, subject to the limitations prescribed in RCW 39.36.020(1), and may provide for the retirement of the bonds by voterapproved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

- A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.
- 4 (2) Notwithstanding subsection (1) of this section, such revenue 5 bonds may be issued and sold in accordance with chapter 39.46 RCW.
- 6 **Sec. 5.** RCW 36.60.040 and 1983 c 303 s 11 are each amended to read 7 as follows:
- A county rail district is not authorized to impose a regular ad valorem property tax levy but may:
- (1) Levy an ad valorem property tax, in excess of the ((one percent)) limitation in RCW 84.52.050, upon the property within the district for a one-year period to be used for operating or capital purposes whenever authorized by the voters of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.
- 15 (2) Provide for the retirement of voter approved general obligation 16 bonds, issued for capital purposes only, by levying bond retirement ad 17 valorem property tax levies, in excess of the one percent limitation, 18 whenever authorized by the voters of the district pursuant to Article 19 VII, section 2(b) of the state Constitution and RCW 84.52.056.
- 20 **Sec. 6.** RCW 36.69.145 and 1994 c 156 s 3 are each amended to read 21 as follows:

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(1) A park and recreation district may impose regular property tax levies in an amount equal to sixty cents or less per thousand dollars of assessed value of property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the number of voters voting in such district at the last preceding general election when the number of voters voting on the proposition does not exceed forty per centum of the number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters thereof voting on the proposition if the number of voters voting on the proposition exceeds forty per centum of the number of voters voting in such taxing district in the last preceding general

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- 1 election. A proposition authorizing the tax levies shall not be
- 2 submitted by a park and recreation district more than twice in any
- 3 twelve-month period. Ballot propositions shall conform with RCW
- 4 29.30.111. In the event a park and recreation district is levying
- 5 property taxes, which in combination with property taxes levied by
- 6 other taxing districts subject to the ((one percent)) limitation
- 7 provided for in ((Article 7, section 2, of our state Constitution)) RCW
- 8 84.52.050 result in taxes in excess of the limitation provided for in
- 9 RCW 84.52.043, the park and recreation district property tax levy shall
- 10 be reduced or eliminated before the property tax levies of other taxing
- 11 districts are reduced.
- 12 (2) The limitation in RCW 84.55.010 shall not apply to the first
- 13 levy imposed under this section following the approval of the levies by
- 14 the voters under subsection (1) of this section.
- 15 **Sec. 7.** RCW 36.73.060 and 1987 c 327 s 6 are each amended to read
- 16 as follows:
- 17 (1) A transportation benefit district may levy an ad valorem
- 18 property tax in excess of the ((one percent)) limitation in RCW
- 19 84.52.050 upon the property within the district for a one-year period
- 20 whenever authorized by the voters of the district pursuant to RCW
- 21 84.52.052 and Article VII, section 2(a) of the state Constitution.
- 22 (2) A district may provide for the retirement of voter-approved
- 23 general obligation bonds, issued for capital purposes only, by levying
- 24 bond retirement ad valorem property tax levies in excess of the one
- 25 percent limitation whenever authorized by the voters of the district
- 26 pursuant to Article VII, section 2(b) of the state Constitution and RCW
- 27 84.52.056.
- 28 Sec. 8. RCW 36.83.030 and 1983 c 130 s 3 are each amended to read
- 29 as follows:
- 30 (1) A service district may levy an ad valorem property tax, in
- 31 excess of the ((one percent)) limitation in RCW 84.52.050, upon the
- 32 property within the district for a one-year period whenever authorized
- 33 by the voters of the district pursuant to RCW 84.52.052 and Article
- 34 VII, section 2(a) of the state Constitution.
- 35 (2) A service district may provide for the retirement of voter
- 36 approved general obligation bonds, issued for capital purposes only, by
- 37 levying bond retirement ad valorem property tax levies, in excess of

- 1 the one percent limitation, whenever authorized by the voters of the
- 2 district pursuant to Article VII, section 2(b) of the state
- 3 Constitution and RCW 84.52.056.

state Constitution.

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- 4 **Sec. 9.** RCW 36.100.050 and 1988 ex.s. c 1 s 15 are each amended to 5 read as follows:
- 6 (1) A public facilities district may levy an ad valorem property
  7 tax, in excess of the ((one percent)) limitation in RCW 84.52.050, upon
  8 the property within the district for a one-year period to be used for
  9 operating or capital purposes whenever authorized by the voters of the
  10 district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the
- (2) A public facilities district may provide for the retirement of voter-approved general obligation bonds, issued for capital purposes only, by levying bond retirement ad valorem property tax levies, in excess of the one percent limitation, whenever authorized by the voters of the district pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056.
- 18 **Sec. 10.** RCW 67.38.130 and 1984 c 131 s 4 are each amended to read 19 as follows:
- The governing body of a cultural arts, stadium and convention district may levy or cause to levy the following ad valorem taxes:
- 22 (1) Regular ad valorem property tax levies in an amount equal to 23 twenty-five cents or less per thousand dollars of the assessed value of 24 property in the district in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths 25 of the electors thereof approving a proposition authorizing the levies 26 27 submitted at a general or special election, at which election the 28 number of persons voting "yes" on the proposition shall constitute 29 three-fifths of a number equal to forty percentum of the total votes cast in such taxing district at the last preceding general election; or 30 31 by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting yes on the 32 33 proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election. 34 Ballot 35 propositions shall conform with RCW 29.30.111.
- In the event a cultural arts, stadium and convention district is levying property taxes, which in combination with property taxes levied

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- 1 by other taxing districts subject to the ((one percent)) limitation
- 2 provided for in ((Article VII, section 2, of our state Constitution))
- 3 RCW 84.52.050 result in taxes in excess of the limitation provided for
- 4 in RCW 84.52.043, the cultural arts, stadium and convention district
- 5 property tax levy shall be reduced or eliminated before the property
- 6 tax levies of other taxing districts are reduced: PROVIDED, That no
- 7 cultural arts, stadium, and convention district may pledge anticipated
- 8 revenues derived from the property tax herein authorized as security
- 9 for payments of bonds issued pursuant to subsection (1) of this
- 10 section: PROVIDED, FURTHER, That such limitation shall not apply to
- 11 property taxes approved pursuant to subsections (2) and (3) of this
- 12 section.
- The limitation in RCW 84.55.010 shall apply to levies after the
- 14 first levy authorized under this section following the approval of such
- 15 levy by voters pursuant to this section.
- 16 (2) An annual excess ad valorem property tax for general district
- 17 purposes when authorized by the district voters in the manner
- 18 prescribed by ((section 2,)) Article VII, section 2 of the state
- 19 Constitution and by RCW 84.52.052.
- 20 (3) Multi-year excess ad valorem property tax levies used to retire
- 21 general obligation bond issues when authorized by the district voters
- 22 in the manner prescribed by ((section 2,)) Article VII, section 2 of
- 23 the state Constitution and by RCW 84.52.056.
- 24 The district shall include in its regular property tax levy for
- 25 each year a sum sufficient to pay the interest and principal on all
- 26 outstanding general obligation bonds issued without voter approval
- 27 pursuant to RCW 67.38.110 and may include a sum sufficient to create a
- 28 sinking fund for the redemption of all outstanding bonds.
- 29 **Sec. 11.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each
- 30 amended to read as follows:
- 31 Except as is permitted under RCW 84.55.050, all taxes shall be
- 32 levied or voted in specific amounts.
- 33 The rate percent of all taxes for state and county purposes, and
- 34 purposes of taxing districts coextensive with the county, shall be
- 35 determined, calculated and fixed by the county assessors of the
- 36 respective counties, within the limitations provided by law, upon the
- 37 assessed valuation of the property of the county, as shown by the
- 38 completed tax rolls of the county, and the rate percent of all taxes

levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

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When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county 11 12 road district, and city or town purposes shall be extended on the tax 13 rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and 14 15 shall not be reduced for any purpose other than that required by RCW 16 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 17 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of 18 19 regular property tax levies that are subject to the ((one percent)) 20 limitation under RCW 84.52.050 exceeds ((one percent of the true and fair value of any property)) the limitation under RCW 84.52.050, then 21 these levies shall be reduced as follows: (a) The portion of the levy 22 23 by a metropolitan park district that is protected under RCW 84.52.120 24 shall be reduced until the combined rate no longer exceeds ((one 25 percent of the true and fair value of any property)) the limitation 26 under RCW 84.52.050 or shall be eliminated; (b) if the combined rate of 27 regular property tax levies that are subject to the ((one percent)) 28 limitation under RCW 84.52.050 still exceeds ((one percent of the true 29 and fair value of any property)) the limitation under RCW 84.52.050, 30 then the levies imposed under RCW 84.34.230, 84.52.105, and any portion 31 of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro-32 rata basis until the combined rate no longer exceeds one percent of the 33 34 true and fair value of any property or shall be eliminated; and (c) if 35 the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and 36 37 fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be 38

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- 1 reduced until the combined rate no longer exceeds one percent of the 2 true and fair value of any property or eliminated.
- 3 (2) The certified rates of tax levy subject to these limitations by 4 all junior taxing districts imposing taxes on such property shall be 5 reduced or eliminated as follows to bring the consolidated levy of 6 taxes on such property within the provisions of these limitations:
- 7 (a) First, the certified property tax levy rates of those junior 8 taxing districts authorized under RCW 36.68.525, 36.69.145, and 9 67.38.130 shall be reduced on a pro rata basis or eliminated;
- 10 (b) Second, if the consolidated tax levy rate still exceeds these 11 limitations, the certified property tax levy rates of flood control 12 zone districts shall be reduced on a pro rata basis or eliminated;
- 13 (c) Third, if the consolidated tax levy rate still exceeds these
  14 limitations, the certified property tax levy rates of all other junior
  15 taxing districts, other than fire protection districts, library
  16 districts, the first fifty cent per thousand dollars of assessed
  17 valuation levies for metropolitan park districts, and the first fifty
  18 cent per thousand dollars of assessed valuation levies for public
  19 hospital districts, shall be reduced on a pro rata basis or eliminated;
- 20 (d) Fourth, if the consolidated tax levy rate still exceeds these 21 limitations, the certified property tax levy rates authorized to fire 22 protection districts under RCW 52.16.140 and 52.16.160 shall be reduced 23 on a pro rata basis or eliminated; and
  - (e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.
- In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012.
- 37 **Sec. 12.** RCW 84.69.020 and 1997 c 393 s 18 are each amended to 38 read as follows:

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On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

(1) Paid more than once; or

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- 4 (2) Paid as a result of manifest error in description; or
- 5 (3) Paid as a result of a clerical error in extending the tax 6 rolls; or
- 7 (4) Paid as a result of other clerical errors in listing property; 8 or
- 9 (5) Paid with respect to improvements which did not exist on 10 assessment date; or
- 11 (6) Paid under levies or statutes adjudicated to be illegal or 12 unconstitutional; or
- (7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended; or
- 17 (8) Paid as a result of mistake, inadvertence, or lack of knowledge 18 by either a public official or employee or by any person with respect 19 to real property in which the person paying the same has no legal 20 interest; or
- (9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board; or
  - (10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order; or
- 30 (11) Paid as a state property tax levied upon property, the 31 assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount 32 refunded shall only be for the difference between the state property 33 tax paid and the amount of state property tax which would, when added 34 35 to all other property taxes within the ((one percent)) limitation of Article VII, section 2 of the state Constitution equal ((one percent)) 36 37 the percentage under RCW 84.52.050 of the assessed value established by 38 the board;

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- 1 (12) Paid on the basis of an assessed valuation which was 2 adjudicated to be unlawful or excessive: PROVIDED, That the amount 3 refunded shall be for the difference between the amount of tax which 4 was paid on the basis of the valuation adjudged unlawful or excessive 5 and the amount of tax payable on the basis of the assessed valuation 6 determined as a result of the proceeding; or
- 7 (13) Paid on property acquired under RCW 84.60.050, and canceled 8 under RCW 84.60.050(2); or
- 9 (14) Paid on the basis of an assessed valuation that was reduced 10 under RCW 84.48.065.
- No refunds under the provisions of this section shall be made 11 because of any error in determining the valuation of property, except 12 13 as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired 14 15 rights that would preclude the assessment and collection of the 16 refunded tax from the property that should properly have been charged 17 with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. 18 The county 19 treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy 20 as provided by this section and chapter 84.68 RCW. 21
- The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.
- NEW SECTION. Sec. 13. This act is effective for taxes levied for collection in 1999 and thereafter.

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