
SENATE BILL 5558

State of Washington 58th Legislature 2003 Regular Session

By Senators Mulliken, Swecker, Johnson and Stevens

Read first time 01/30/2003. Referred to Committee on Education.

1 AN ACT Relating to real estate excise tax revenues related to
2 construction of capital improvements to public schools; adding a new
3 section to chapter 82.46 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.46 RCW
6 to read as follows:

7 A school district may take a one-time election requesting the
8 county or counties in which the school district is located to impose an
9 excise tax on the sale of real property in lieu of regulatory impact
10 fees in accordance with the following terms and conditions:

11 (1) Upon request of a school district, the legislative authority of
12 the county in which the school district is located shall impose an
13 excise tax upon the sale of real property within the school district at
14 the rate of twenty-five one-hundredths of one percent of the selling
15 price. This tax is in addition to other taxes authorized by law and
16 shall be collected from all transactions taxed under chapter 82.45 RCW;

17 (2) All revenues collected by the county under this section shall
18 be distributed to the school districts making a request under
19 subsection (1) of this section to fund construction of capital

1 improvements to public schools or to repay bonded indebtedness incurred
2 to fund construction of capital improvements to public schools. The
3 funds shall not be used for maintenance or operations of school
4 districts. The county shall distribute the funds to each school
5 district located within the county in an amount proportionate to the
6 total amount of real estate excise tax collected under this chapter on
7 transfers of real property located within the school district. The
8 county may use up to ten percent of the tax imposed under this section
9 for administrative expenses in reporting and distributing those
10 proceeds;

11 (3) The county shall distribute the funds to school districts no
12 less frequently than once every six months;

13 (4) Once a county imposes a tax under this section, the county and
14 all cities and towns within the county shall not, in regard to property
15 within school districts receiving funds under this section:

16 (a) Impose impact fees under RCW 82.02.050 through 82.02.100 on the
17 construction, reconstruction, or remodeling of residential housing to
18 pay for school facilities;

19 (b) Condition or deny a division of land under chapter 58.17 RCW on
20 the ground that the proposed plat does not make appropriate provisions
21 for sites for schools and school grounds; and

22 (c) Condition or deny construction, reconstruction, or remodeling
23 of residential housing under chapter 43.21C RCW on the ground that the
24 action has an adverse environmental impact relating to school capacity
25 which must be mitigated upon the payment of fees to fund acquisition or
26 rental of land, construction of capital facilities on school grounds,
27 or acquisition or rental of school facilities;

28 (5) After a county planning under chapter 36.70A RCW imposes a tax
29 under this section, the county and all cities and towns within the
30 county shall amend the capital facilities element of their
31 comprehensive plans to reflect that the tax under subsection (1) of
32 this section has replaced any funding sources in this subsection
33 previously relied upon in the comprehensive plans; and

34 (6) The right of a school district to make an election under the
35 terms of this section is optional and not mandatory.

36 NEW SECTION. **Sec. 2.** No revenue generated by a school district's
37 election under the terms of section 1 of this act count against the

1 school district's eligibility for state local effort assistance funds,
2 or the allocation and distribution of funds, as provided in chapter
3 28A.500 RCW.

4 NEW SECTION. **Sec. 3.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 4.** If any provision of this act does not go
9 into effect, the remainder of the act is null and void.

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