

ESB 5638 - S AMD 419

By Senators Keiser, Pflug, Fain

ADOPTED 05/17/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 84.52.010 and 2009 c 551 s 7 are each amended to read
4 as follows:

5 (1) Except as is permitted under RCW 84.55.050, all taxes (~~shall~~)
6 must be levied or voted in specific amounts.

7 (2) The rate percent of all taxes for state and county purposes,
8 and purposes of taxing districts coextensive with the county, (~~shall~~)
9 must be determined, calculated and fixed by the county assessors of the
10 respective counties, within the limitations provided by law, upon the
11 assessed valuation of the property of the county, as shown by the
12 completed tax rolls of the county, and the rate percent of all taxes
13 levied for purposes of taxing districts within any county (~~shall~~)
14 must be determined, calculated and fixed by the county assessors of the
15 respective counties, within the limitations provided by law, upon the
16 assessed valuation of the property of the taxing districts
17 respectively.

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

23 (~~(1)~~) (a) The full certified rates of tax levy for state, county,
24 county road district, and city or town purposes (~~shall~~) must be
25 extended on the tax rolls in amounts not exceeding the limitations
26 established by law; however any state levy (~~shall~~) takes precedence
27 over all other levies and (~~shall~~) may not be reduced for any purpose
28 other than that required by RCW 84.55.010. If, as a result of the
29 levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105,
30 the portion of the levy by a metropolitan park district that was

1 protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, the
2 combined rate of regular property tax levies that are subject to the
3 one percent limitation exceeds one percent of the true and fair value
4 of any property, then these levies (~~shall~~) must be reduced as
5 follows:

6 ~~((a))~~ (i) The portion of the levy by a metropolitan park district
7 that has a population of less than one hundred fifty thousand and is
8 located in a county with a population of one million five hundred
9 thousand or more that is protected under RCW 84.52.120 must be reduced
10 until the combined rate no longer exceeds one percent of the true and
11 fair value of any property or must be eliminated;

12 (ii) If the combined rate of regular property tax levies that are
13 subject to the one percent limitation still exceeds one percent of the
14 true and fair value of any property, the levy imposed by a county under
15 RCW 84.52.140 (~~shall~~) must be reduced until the combined rate no
16 longer exceeds one percent of the true and fair value of any property
17 or (~~shall~~) must be eliminated;

18 ~~((b))~~ (iii) If the combined rate of regular property tax levies
19 that are subject to the one percent limitation still exceeds one
20 percent of the true and fair value of any property, the portion of the
21 levy by a fire protection district that is protected under RCW
22 84.52.125 (~~shall~~) must be reduced until the combined rate no longer
23 exceeds one percent of the true and fair value of any property or
24 (~~shall~~) must be eliminated;

25 ~~((c))~~ (iv) If the combined rate of regular property tax levies
26 that are subject to the one percent limitation still exceeds one
27 percent of the true and fair value of any property, the levy imposed by
28 a county under RCW 84.52.135 must be reduced until the combined rate no
29 longer exceeds one percent of the true and fair value of any property
30 or must be eliminated;

31 ~~((d))~~ (v) If the combined rate of regular property tax levies
32 that are subject to the one percent limitation still exceeds one
33 percent of the true and fair value of any property, the levy imposed by
34 a ferry district under RCW 36.54.130 must be reduced until the combined
35 rate no longer exceeds one percent of the true and fair value of any
36 property or must be eliminated;

37 ~~((e))~~ (vi) If the combined rate of regular property tax levies
38 that are subject to the one percent limitation still exceeds one

1 percent of the true and fair value of any property, the portion of the
2 levy by a metropolitan park district with a population of one hundred
3 fifty thousand or more that is protected under RCW 84.52.120 (~~shall~~)
4 must be reduced until the combined rate no longer exceeds one percent
5 of the true and fair value of any property or (~~shall~~) must be
6 eliminated;

7 (~~f~~) (vii) If the combined rate of regular property tax levies
8 that are subject to the one percent limitation still exceeds one
9 percent of the true and fair value of any property, then the levies
10 imposed under RCW 84.34.230, 84.52.105, and any portion of the levy
11 imposed under RCW 84.52.069 that is in excess of thirty cents per
12 thousand dollars of assessed value, (~~shall~~) must be reduced on a pro
13 rata basis until the combined rate no longer exceeds one percent of the
14 true and fair value of any property or (~~shall~~) must be eliminated;
15 and

16 (~~g~~) (viii) If the combined rate of regular property tax levies
17 that are subject to the one percent limitation still exceeds one
18 percent of the true and fair value of any property, then the thirty
19 cents per thousand dollars of assessed value of tax levy imposed under
20 RCW 84.52.069 (~~shall~~) must be reduced until the combined rate no
21 longer exceeds one percent of the true and fair value of any property
22 or must be eliminated.

23 (~~2~~) (b) The certified rates of tax levy subject to these
24 limitations by all junior taxing districts imposing taxes on such
25 property (~~shall~~) must be reduced or eliminated as follows to bring
26 the consolidated levy of taxes on such property within the provisions
27 of these limitations:

28 (~~a~~) (i) First, the certified property tax levy rates of those
29 junior taxing districts authorized under RCW 36.68.525, 36.69.145,
30 35.95A.100, and 67.38.130 (~~shall~~) must be reduced on a pro rata basis
31 or eliminated;

32 (~~b~~) (ii) Second, if the consolidated tax levy rate still
33 exceeds these limitations, the certified property tax levy rates of
34 flood control zone districts (~~shall~~) must be reduced on a pro rata
35 basis or eliminated;

36 (~~c~~) (iii) Third, if the consolidated tax levy rate still
37 exceeds these limitations, the certified property tax levy rates of all
38 other junior taxing districts, other than fire protection districts,

1 regional fire protection service authorities, library districts, the
2 first fifty cent per thousand dollars of assessed valuation levies for
3 metropolitan park districts, and the first fifty cent per thousand
4 dollars of assessed valuation levies for public hospital districts,
5 (~~shall~~) must be reduced on a pro rata basis or eliminated;

6 (~~(d)~~) (iv) Fourth, if the consolidated tax levy rate still
7 exceeds these limitations, the first fifty cent per thousand dollars of
8 assessed valuation levies for metropolitan park districts created on or
9 after January 1, 2002, (~~shall~~) must be reduced on a pro rata basis or
10 eliminated;

11 (~~(e)~~) (v) Fifth, if the consolidated tax levy rate still exceeds
12 these limitations, the certified property tax levy rates authorized to
13 fire protection districts under RCW 52.16.140 and 52.16.160 and
14 regional fire protection service authorities under RCW 52.26.140(1) (b)
15 and (c) (~~shall~~) must be reduced on a pro rata basis or eliminated;
16 and

17 (~~(f)~~) (vi) Sixth, if the consolidated tax levy rate still exceeds
18 these limitations, the certified property tax levy rates authorized for
19 fire protection districts under RCW 52.16.130, regional fire protection
20 service authorities under RCW 52.26.140(1)(a), library districts,
21 metropolitan park districts created before January 1, 2002, under their
22 first fifty cent per thousand dollars of assessed valuation levy, and
23 public hospital districts under their first fifty cent per thousand
24 dollars of assessed valuation levy, (~~shall~~) must be reduced on a pro
25 rata basis or eliminated.

26 **Sec. 2.** RCW 84.52.010 and 2011 c ... (EHB 1969) s 1 are each
27 amended to read as follows:

28 (1) Except as is permitted under RCW 84.55.050, all taxes must be
29 levied or voted in specific amounts.

30 (2) The rate percent of all taxes for state and county purposes,
31 and purposes of taxing districts coextensive with the county, must be
32 determined, calculated and fixed by the county assessors of the
33 respective counties, within the limitations provided by law, upon the
34 assessed valuation of the property of the county, as shown by the
35 completed tax rolls of the county, and the rate percent of all taxes
36 levied for purposes of taxing districts within any county must be
37 determined, calculated and fixed by the county assessors of the

1 respective counties, within the limitations provided by law, upon the
2 assessed valuation of the property of the taxing districts
3 respectively.

4 (3) When a county assessor finds that the aggregate rate of tax
5 levy on any property, that is subject to the limitations set forth in
6 RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either
7 of these sections, the assessor must recompute and establish a
8 consolidated levy in the following manner:

9 (a) The full certified rates of tax levy for state, county, county
10 road district, and city or town purposes must be extended on the tax
11 rolls in amounts not exceeding the limitations established by law;
12 however any state levy takes precedence over all other levies and may
13 not be reduced for any purpose other than that required by RCW
14 84.55.010. If, as a result of the levies imposed under RCW 36.54.130,
15 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a
16 metropolitan park district that was protected under RCW 84.52.120,
17 84.52.125, 84.52.135, 84.52.140, and the protected portion of the levy
18 under RCW 86.15.160 by flood control zone districts in a county with a
19 population of seven hundred seventy-five thousand or more that are
20 coextensive with a county, the combined rate of regular property tax
21 levies that are subject to the one percent limitation exceeds one
22 percent of the true and fair value of any property, then these levies
23 must be reduced as follows:

24 (i) The portion of the levy by a metropolitan park district that
25 has a population of less than one hundred fifty thousand and is located
26 in a county with a population of one million five hundred thousand or
27 more that is protected under RCW 84.52.120 must be reduced until the
28 combined rate no longer exceeds one percent of the true and fair value
29 of any property or must be eliminated;

30 (ii) If the combined rate of regular property tax levies that are
31 subject to the one percent limitation still exceeds one percent of the
32 true and fair value of any property, the protected portion of the levy
33 imposed under RCW 86.15.160 by a flood control zone district in a
34 county with a population of seven hundred seventy-five thousand or more
35 that is coextensive with a county must be reduced until the combined
36 rate no longer exceeds one percent of the true and fair value of any
37 property or must be eliminated;

1 thousand dollars of assessed value, must be reduced on a pro rata basis
2 until the combined rate no longer exceeds one percent of the true and
3 fair value of any property or must be eliminated; and

4 ~~((viii))~~ (ix) If the combined rate of regular property tax levies
5 that are subject to the one percent limitation still exceeds one
6 percent of the true and fair value of any property, then the thirty
7 cents per thousand dollars of assessed value of tax levy imposed under
8 RCW 84.52.069 must be reduced until the combined rate no longer exceeds
9 one percent of the true and fair value of any property or must be
10 eliminated.

11 (b) The certified rates of tax levy subject to these limitations by
12 all junior taxing districts imposing taxes on such property must be
13 reduced or eliminated as follows to bring the consolidated levy of
14 taxes on such property within the provisions of these limitations:

15 (i) First, the certified property tax levy rates of those junior
16 taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100,
17 and 67.38.130 must be reduced on a pro rata basis or eliminated;

18 (ii) Second, if the consolidated tax levy rate still exceeds these
19 limitations, the certified property tax levy rates of flood control
20 zone districts ~~((that have a population of seven hundred seventy five
21 thousand or more))~~ other than the portion of a levy protected under RCW
22 84.52.--- (section 4 of this act) must be reduced on a pro rata basis
23 or eliminated;

24 (iii) Third, if the consolidated tax levy rate still exceeds these
25 limitations, the certified property tax levy rates of all other junior
26 taxing districts, other than fire protection districts, regional fire
27 protection service authorities, library districts, the first fifty cent
28 per thousand dollars of assessed valuation levies for metropolitan park
29 districts, and the first fifty cent per thousand dollars of assessed
30 valuation levies for public hospital districts, must be reduced on a
31 pro rata basis or eliminated;

32 (iv) Fourth, if the consolidated tax levy rate still exceeds these
33 limitations, the first fifty cent per thousand dollars of assessed
34 valuation levies for metropolitan park districts created on or after
35 January 1, 2002, must be reduced on a pro rata basis or eliminated;

36 (v) Fifth, if the consolidated tax levy rate still exceeds these
37 limitations, the certified property tax levy rates authorized to fire

1 protection districts under RCW 52.16.140 and 52.16.160 and regional
2 fire protection service authorities under RCW 52.26.140(1) (b) and (c)
3 must be reduced on a pro rata basis or eliminated; and

4 (vi) Sixth, if the consolidated tax levy rate still exceeds these
5 limitations, the certified property tax levy rates authorized for fire
6 protection districts under RCW 52.16.130, regional fire protection
7 service authorities under RCW 52.26.140(1)(a), library districts,
8 metropolitan park districts created before January 1, 2002, under their
9 first fifty cent per thousand dollars of assessed valuation levy, and
10 public hospital districts under their first fifty cent per thousand
11 dollars of assessed valuation levy, must be reduced on a pro rata basis
12 or eliminated.

13 **Sec. 3.** RCW 84.52.120 and 1995 c 99 s 1 are each amended to read
14 as follows:

15 A metropolitan park district with a population of one hundred fifty
16 thousand or more, or any metropolitan park district located in a county
17 with a population of one million five hundred thousand or more, may
18 submit a ballot proposition to voters of the district authorizing the
19 protection of the district's tax levy from prorationing under RCW
20 84.52.010(~~((+2))~~) (3)(b) by imposing all or any portion of the
21 district's twenty-five cent per thousand dollars of assessed valuation
22 tax levy outside of the five dollar and ninety cent per thousand dollar
23 of assessed valuation limitation established under RCW 84.52.043(2), if
24 those taxes otherwise would be prorated under RCW 84.52.010(~~((+2)(e))~~)
25 (3)(b)(iii), for taxes imposed in any year on or before the first day
26 of January six years after the ballot proposition is approved. A
27 simple majority vote of voters voting on the proposition is required
28 for approval.

29 **Sec. 4.** RCW 84.52.--- and 2011 c ... (EHB 1969) s 3 are each
30 amended to read as follows:

31 A flood control zone district in a county with a population of
32 seven hundred seventy-five thousand or more that is coextensive with a
33 county may protect the levy under RCW 86.15.160(1) from prorationing
34 under RCW 84.52.010(3)(b)(ii) by imposing up to a total of twenty-five
35 cents per thousand dollars of assessed value of the tax levy authorized
36 under RCW 86.15.160 outside of the five dollars and ninety cents per

1 thousand dollars of assessed value limitation under RCW 84.52.043(2),
2 if those taxes otherwise would be prorated under RCW
3 84.52.010(3)(b)(ii).

4 NEW SECTION. **Sec. 5.** This act applies to taxes levied for
5 collection in 2012 through 2017.

6 NEW SECTION. **Sec. 6.** (1) Section 1 of this act takes effect if
7 section 1, chapter . . . (EHB 1969), Laws of 2011 is not enacted into
8 law.

9 (2) Section 2 of this act takes effect if section 1, chapter . . .
10 (EHB 1969), Laws of 2011 is enacted into law.

11 NEW SECTION. **Sec. 7.** This act expires January 1, 2018."

ESB 5638 - S AMD

By Senators Keiser, Pflug, Fain

ADOPTED 05/17/2011

12 On page 1, line 1 of the title, after "exemption of" strike the
13 remainder of the title and insert "certain taxing districts; amending
14 RCW 84.52.010, 84.52.010, 84.52.120, and 84.52.---; creating a new
15 section; providing contingent effective dates; and providing an
16 expiration date."

EFFECT: Eliminates flood control district provisions from the
bill. Makes metropolitan park districts (MPDs) the first taxing
district subject to prorationing under the \$10.00 limit. Limits the
time period to 6 years in which the MPD levy can be moved into the gap.
Includes a contingent provision to ensure that a metropolitan park
district will be prorated first if EHB 1969, relating to flood control
zone districts, is enacted. Corrects unintended consequences from EHB
1969.

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