

RCW 82.46.035 Additional tax—Certain counties and cities—Ballot proposition—Use limited to capital projects—Temporary rescindment for noncompliance (as amended by 2025 c 85). (1) Except for revenues used after May 13, 2021, through December 31, 2023, as provided in subsection (3) of this section, the legislative authority of any county or city must identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and must indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding (~~((one-quarter of one))~~) 0.25 percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(3) Revenues generated from the tax imposed under subsection (2) of this section must be used by such counties and cities solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan, except that the greater of \$100,000 or 35 percent of revenues may additionally be used for the operation of, maintenance of, and service support for, existing capital projects after May 13, 2021, through December 31, 2023. However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(4) Revenues generated by the tax imposed by this section must be deposited in a separate account after December 31, 2023.

(5) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for:

(a) Planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems;

(b) Planning, construction, reconstruction, repair, rehabilitation, or improvement of parks; (~~and~~)

(c) (i) Planning, construction, reconstruction, repair, rehabilitation, or improvement of either of the following categories of airports:

(A) Airports included in the most recent Washington aviation system plan published by the Washington department of transportation aviation division; and

(B) Airports included in the national plan of integrated airport systems with less than 10,000 annual enplanements as determined by the

most recent enplanement data published by the federal aviation administration.

(ii) "Capital project" does not include the installation or improvement of fuel systems for the distribution of leaded fuel at an airport as described in this subsection (5)(c); and

(d) Until January 1, 2026, planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for those experiencing homelessness and affordable housing projects.

(6) A county or city may use the greater of \$100,000 or 25 percent of available funds, but not to exceed \$1,000,000, for capital projects as defined in subsection (5) ~~((e))~~ (d) of this section. The limits in this subsection do not apply to any county or city that used revenue under this section for the acquisition, construction, improvement, or rehabilitation of facilities to provide housing for the homeless prior to June 30, 2019.

(7) A county or city using funds for uses in subsection (5) ~~((e))~~ (d) of this section must document in its plan under RCW 36.70A.070(3) that it has funds during the next two years for capital projects in subsection (5)(a) and (b) of this section.

(8) When the governor files a notice of noncompliance under RCW 36.70A.340 with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section is temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance. [2025 c 85 s 2; 2021 c 296 s 12; 2019 c 73 s 2; 2011 c 354 s 3; (2011 c 354 s 2 expired June 30, 2012); (2009 c 211 s 1 expired June 30, 2012). Prior: 1992 c 221 s 3; 1991 sp.s. c 32 s 33; 1990 1st ex.s. c 17 s 38.]

RCW 82.46.035 Additional tax—Certain counties and cities—Ballot proposition—Use limited to capital projects—Temporary rescindment for noncompliance (as amended by 2025 c 159). (1) ~~((Except for revenues used after May 13, 2021, through December 31, 2023, as provided in subsection (3) of this section, the))~~ The legislative authority of any county or city must identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and must indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding ~~((one-quarter of one))~~ 0.25 percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(3) ~~((Revenues))~~ Except as provided in subsection (5) of this section, revenues generated from the tax imposed under subsection (2)

of this section must be used by such counties and cities solely for ~~((financing))~~ capital projects specified in a capital facilities plan element of a comprehensive plan ~~((, except that the greater of \$100,000 or 35 percent of revenues may additionally be used for the operation of, maintenance of, and service support for, existing capital projects after May 13, 2021, through December 31, 2023))~~. However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

~~(4) ((Revenues generated by the tax imposed by this section must be deposited in a separate account after December 31, 2023.~~

~~(5))~~ As used in this section, "city" means any city or town and "capital project" means those public works projects or public investments of a local government for:

(a) Planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems;

(b) Planning, construction, reconstruction, repair, rehabilitation, or improvement of parks; ~~((and))~~

(c) ~~((Until January 1, 2026, planning))~~ Planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for those experiencing homelessness and affordable housing projects; and

(d) Any use allowed under RCW 82.46.010.

~~((6))~~ (5) Revenues generated by the tax imposed under subsection (2) of this section may be used towards planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of facilities for those experiencing homelessness and affordable housing projects that are supported through an interlocal housing collaboration as established under chapter 39.34 RCW.

(6) A county or city may use the greater of \$100,000 or 25 percent of available funds ~~((, but not to exceed \$1,000,000,))~~ for capital projects as defined in subsection ~~((5))~~ (4)(c) of this section. The limits in this subsection do not apply to any county or city that used revenue under this section for the acquisition, construction, improvement, or rehabilitation of facilities to provide housing for the homeless prior to June 30, 2019.

(7) A county or city using funds for uses in subsection ~~((5))~~ (4)(c) of this section must document in its plan under RCW 36.70A.070(3) that it has funds during the next two years for capital projects in subsection ~~((5))~~ (4)(a) of this section.

(8) When the governor files a notice of noncompliance under RCW 36.70A.340 with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section is temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance. [2025 c 159 s 5; 2021 c 296 s 12; 2019 c 73 s 2; 2011 c 354 s 3; (2011 c 354 s 2 expired June 30, 2012); (2009 c 211 s 1 expired June 30, 2012). Prior: 1992 c 221 s 3; 1991 sp.s. c 32 s 33; 1990 1st ex.s. c 17 s 38.]

Reviser's note: RCW 82.46.035 was amended twice during the 2025 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Tax preference performance statement exemption—Automatic expiration date exemption—2025 c 159: See note following RCW 82.45.010.

Finding—Intent—Effective date—2021 c 296: See notes following RCW 82.14.310.

Effective date—2011 c 354 s 3: "Section 3 of this act takes effect June 30, 2012." [2011 c 354 s 5.]

Expiration date—2011 c 354 s 2: "Section 2 of this act expires June 30, 2012." [2011 c 354 s 4.]

Expiration date—2009 c 211: "This act expires June 30, 2012." [2009 c 211 s 2.]

Sections headings not law—1991 sp.s. c 32: See RCW 36.70A.902.

Severability—Part, section headings not law—1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.