

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5028

Chapter 393, Laws of 1997
(partial veto)

55th Legislature
1997 Regular Session

COUNTY TREASURY MANAGEMENT--MODIFICATIONS

EFFECTIVE DATE: 7/27/97

Passed by the Senate April 21, 1997
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 8, 1997
YEAS 94 NAYS 1

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 16, 1997, with the
exception of sections 12, 13, 22, and
23, which are vetoed.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
SUBSTITUTE SENATE BILL 5028 as passed
by the Senate and the House of
Representatives on the dates hereon
set forth.

MIKE O'CONNELL

Secretary

FILED

May 16, 1997 - 3:19 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5028

AS AMENDED BY THE HOUSE

Passed Legislature - 1997 Regular Session

State of Washington 55th Legislature 1997 Regular Session

By Senate Committee on Government Operations (originally sponsored by Senators Sellar, Swecker and Loveland)

Read first time 01/31/97.

1 AN ACT Relating to county treasury management; amending RCW
2 35.50.030, 35.50.040, 35.50.260, 36.29.020, 36.34.090, 36.36.045,
3 36.88.220, 36.88.230, 36.94.150, 53.36.050, 58.08.040, 84.38.020,
4 84.38.020, 84.56.240, 84.56.300, 84.56.340, 84.69.020, 36.29.190, and
5 84.55.005; adding a new section to chapter 84.40 RCW; repealing RCW
6 36.29.150 and 36.33.180; providing effective dates; providing an
7 expiration date; and declaring an emergency.

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

9 **Sec. 1.** RCW 35.50.030 and 1983 c 303 s 18 are each amended to read
10 as follows:

11 If on the first day of January in any year, two installments of any
12 local improvement assessment are delinquent, or if the final
13 installment thereof has been delinquent for more than one year, the
14 city or town shall proceed with the foreclosure of the delinquent
15 assessment or delinquent installments thereof by proceedings brought in
16 its own name in the superior court of the county in which the city or
17 town is situate.

18 The proceedings shall be commenced on or before March 1st of that
19 year or on or before such other date in such year as may be fixed by

1 general ordinance, but not before the city or town treasurer has
2 notified by certified mail the persons whose names appear on the
3 assessment roll as owners of the property charged with the assessments
4 or installments which are delinquent, at the address last known to the
5 treasurer, a notice thirty days before the commencement of the
6 proceedings. If the person whose name appears on the tax rolls of the
7 county assessor as owner of the property, or the address shown for the
8 owner, differs from that appearing on the city or town assessment roll,
9 then the treasurer shall also mail a copy of the notice to that person
10 or that address.

11 The notice shall state the amount due, including foreclosure costs,
12 upon each separate lot, tract, or parcel of land and the date after
13 which the proceedings will be commenced. The city or town treasurer
14 shall file with the clerk of the superior court at the time of
15 commencement of the foreclosure proceeding the affidavit of the person
16 who mailed the notices. This affidavit shall be conclusive proof of
17 compliance with the requirements of this section.

18 **Sec. 2.** RCW 35.50.040 and 1965 c 7 s 35.50.040 are each amended to
19 read as follows:

20 When the local improvement assessment is payable in installments,
21 the enforcement of the lien of any installment shall not prevent the
22 enforcement of the lien of any subsequent installment.

23 A city or town may by general ordinance provide that upon failure
24 to pay any installment due the entire assessment shall become due and
25 payable and the collection thereof enforced by foreclosure: PROVIDED,
26 That the payment of all delinquent installments together with interest,
27 penalty, and administrative costs at any time before entry of judgment
28 in foreclosure shall extend the time of payment on the remainder of the
29 assessments as if there had been no delinquency or foreclosure. Where
30 foreclosure of two installments of the same assessment on any lot,
31 tract, or parcel is sought, the city or town treasurer shall cause such
32 lot, tract, or parcel to be dismissed from the action, if the
33 installment first delinquent together with interest, penalty,
34 administrative costs, and charges is paid at any time before sale.

35 **Sec. 3.** RCW 35.50.260 and 1983 c 303 s 21 are each amended to read
36 as follows:

1 In foreclosing local improvement assessments the action shall be
2 tried to the court without a jury. If the parties interested in any
3 particular lot, tract, or parcel default, the court may enter judgment
4 of foreclosure and sale as to such parties and lots, tracts, or parcels
5 and the action may proceed as to the remaining defendants and lots,
6 tracts, or parcels. Judgment and order of sale may be entered as to
7 any one or more separate lots, tracts, or parcels involved in the
8 action and the court shall retain jurisdiction to others.

9 The judgment shall specify separately the amount of the
10 installments with interest, penalty, and all reasonable administrative
11 costs, including, but not limited to, the title searches, chargeable to
12 each lot, tract, or parcel. The judgment shall have the effect of a
13 separate judgment as to each lot, tract, or parcel described in the
14 judgment, and any appeal shall not invalidate or delay the judgment
15 except as to the property concerning which the appeal is taken. In the
16 judgment the court shall order the lots, tracts, or parcels therein
17 described sold by the city or town treasurer or by the county sheriff
18 and an order of sale shall issue pursuant thereto for the enforcement
19 of the judgment.

20 In all other respects, the trial, judgment, and appeals to the
21 supreme court or the court of appeals shall be governed by the statutes
22 governing the foreclosure of mortgages on real property.

23 Prior to the sale of the property, if the property is shown on the
24 property tax rolls under unknown owner or if the property contains a
25 residential structure having an assessed value of two thousand dollars
26 or more, the treasurer shall order or conduct a title search of the
27 property to determine the record title holders and all persons claiming
28 a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or
29 vendor's lien on the property.

30 At least thirty days prior to the sale of the property, a copy of
31 the notice of sale shall be mailed by certified and regular mail to all
32 defendants in the foreclosure action as to that parcel, lot, or tract
33 and, if the owner is unknown or the property contains a residential
34 structure having an assessed value of two thousand dollars or more, a
35 copy of the notice of sale shall be mailed by regular and certified
36 mail to any additional record title holders and persons claiming a
37 mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or
38 vendor's lien on the property.

1 In all other respects the procedure for sale shall be conducted in
2 the same manner as property tax sales described in RCW 84.64.080.

3 **Sec. 4.** RCW 36.29.020 and 1991 c 245 s 5 are each amended to read
4 as follows:

5 The county treasurer shall keep all moneys belonging to the state,
6 or to any county, in his or her own possession until disbursed
7 according to law. The county treasurer shall not place the same in the
8 possession of any person to be used for any purpose; nor shall he or
9 she loan or in any manner use or permit any person to use the same; but
10 it shall be lawful for a county treasurer to deposit any such moneys in
11 any regularly designated qualified public depository. Any municipal
12 corporation may by action of its governing body authorize any of its
13 funds which are not required for immediate expenditure, and which are
14 in the custody of the county treasurer or other municipal corporation
15 treasurer, to be invested by such treasurer. The county treasurer may
16 invest in savings or time accounts in designated qualified public
17 depositories or in certificates, notes, or bonds of the United States,
18 or other obligations of the United States or its agencies, or of any
19 corporation wholly owned by the government of the United States; in
20 bankers' acceptances purchased on the secondary market, in federal home
21 loan bank notes and bonds, federal land bank bonds and federal national
22 mortgage association notes, debentures and guaranteed certificates of
23 participation, or the obligations of any other government sponsored
24 corporation whose obligations are or may become eligible as collateral
25 for advances to member banks as determined by the board of governors of
26 the federal reserve system or deposit such funds or any portion thereof
27 in investment deposits as defined in RCW 39.58.010 secured by
28 collateral in accordance with the provisions of chapters 39.58 and
29 39.59 RCW: PROVIDED, Five percent of the earnings, with an annual
30 maximum of fifty dollars, on each transaction authorized by the
31 governing body shall be paid as an investment service fee to the office
32 of the county treasurer or other municipal corporation treasurer when
33 the earnings become available to the governing body: PROVIDED FURTHER,
34 That if such investment service fee amounts to five dollars or less the
35 county treasurer or other municipal corporation treasurer may waive
36 such fee.

37 Whenever the funds of any municipal corporation which are not
38 required for immediate expenditure are in the custody or control of the

1 county treasurer, and the governing body of such municipal corporation
2 has not taken any action pertaining to the investment of any such
3 funds, the county finance committee shall direct the county treasurer,
4 under the investment policy of the county finance committee, to invest,
5 to the maximum prudent extent, such funds or any portion thereof in
6 savings or time accounts in designated qualified public depositaries or
7 in certificates, notes, or bonds of the United States, or other
8 obligations of the United States or its agencies, or of any corporation
9 wholly owned by the government of the United States, in bankers'
10 acceptances purchased on the secondary market, in federal home loan
11 bank notes and bonds, federal land bank bonds and federal national
12 mortgage association notes, debentures and guaranteed certificates of
13 participation, or the obligations of any other government sponsored
14 corporation whose obligations are or may become eligible as collateral
15 for advances to member banks as determined by the board of governors of
16 the federal reserve system or deposit such funds or any portion thereof
17 in investment deposits as defined in RCW 39.58.010 secured by
18 collateral in accordance with the provisions of chapters 39.58 and
19 39.59 RCW: PROVIDED, That the county treasurer shall have the power to
20 select the specific qualified financial institution in which the funds
21 may be invested. The interest or other earnings from such investments
22 or deposits shall be deposited in the current expense fund of the
23 county and may be used for general county purposes. The investment or
24 deposit and disposition of the interest or other earnings therefrom
25 authorized by this paragraph shall not apply to such funds as may be
26 prohibited by the state Constitution from being so invested or
27 deposited.

28 **Sec. 5.** RCW 36.34.090 and 1991 c 363 s 69 are each amended to read
29 as follows:

30 Whenever county property is to be sold at public auction,
31 consignment auction, or sealed bid, the county (~~auditor~~) treasurer or
32 the county treasurer's designee shall publish notice thereof once
33 during each of two successive calendar weeks in a newspaper of general
34 circulation in the county. Notice thereof must also be posted in a
35 conspicuous place in the courthouse. The posting and date of first
36 publication must be at least ten days before the day fixed for the
37 sale.

1 **Sec. 6.** RCW 36.36.045 and 1987 c 381 s 2 are each amended to read
2 as follows:

3 The county shall have a lien for any delinquent fees imposed for
4 the withdrawal of subterranean water or on-site sewage disposal, which
5 shall attach to the property to which the fees were imposed, if the
6 following conditions are met:

7 (1) At least eighteen months have passed since the first billing
8 for a delinquent fee installment; and

9 (2) At least three billing notices and a letter have been mailed to
10 the property owner, within the period specified in subsection (1) of
11 this section, explaining that a lien may be imposed for any delinquent
12 fee installment that has not been paid in that period.

13 The lien shall otherwise be subject to the provisions of chapter
14 36.94 RCW related to liens for delinquent charges. The county shall
15 record liens for any delinquent fees in the office of the county
16 auditor. Failure on the part of the county to record the lien does not
17 affect the validity of the lien.

18 **Sec. 7.** RCW 36.88.220 and 1967 ex.s. c 145 s 63 are each amended
19 to read as follows:

20 All counties may establish a fund for the purpose of guaranteeing
21 to the extent of such fund and in the manner hereinafter provided, the
22 payment of its road improvement district bonds and warrants issued to
23 pay for any road improvement ordered under this chapter. If the
24 (~~board of county commissioners~~) county legislative authority shall
25 determine to establish such fund it shall be designated ".
26 county road improvement guaranty fund" and from moneys available for
27 road purposes such county shall deposit annually in said guaranty fund
28 such sums as may be necessary to establish and maintain a balance
29 therein equal to at least five percent of the outstanding obligations
30 guaranteed thereby and to make necessary provision in its annual budget
31 therefor. The moneys held in the guaranty fund may be invested in
32 (~~obligations of the government of the United States or of this state~~)
33 accordance with the laws relating to county investments.

34 **Sec. 8.** RCW 36.88.230 and 1983 c 167 s 96 are each amended to read
35 as follows:

36 Whenever there shall be paid out of a guaranty fund any sum on
37 account of principal or interest of a road improvement district bond or

1 warrant, the county, as trustee for the fund, shall be subrogated to
2 all the rights of the owner of the bond or any interest coupon or
3 warrant so paid, and the proceeds thereof, or of the assessment
4 underlying the same, shall become part of the guaranty fund. There
5 shall also be paid into each guaranty fund the interest received from
6 (~~bank deposits or government securities~~) investment of the fund, as
7 well as any surplus remaining in any local improvement fund guaranteed
8 hereunder after the payment of all outstanding bonds or warrants
9 payable primarily out of such road improvement fund. Warrants drawing
10 interest at a rate or rates not to exceed the rate determined by the
11 county legislative authority shall be issued, as other warrants are
12 issued by the county, against a guaranty fund to meet any liability
13 accruing against it, and at the time of making its annual budget and
14 tax levy the county shall provide from funds available for road
15 purposes for the deposit in the guaranty fund of a sum sufficient with
16 other resources of such fund to pay warrants so issued during the
17 preceding fiscal year. As among the several issues of bonds or
18 warrants guaranteed by the fund no preference shall exist, but
19 defaulted bonds, interest payments, and warrants shall be purchased out
20 of the fund in the order of their presentation.

21 Every county establishing a guaranty fund for road improvement
22 district bonds or warrants shall prescribe by resolution appropriate
23 rules and regulations for the maintenance and operation of the guaranty
24 fund not inconsistent herewith. So much of the money of a guaranty
25 fund as is necessary may be used to purchase underlying bonds or
26 warrants guaranteed by the fund, or to purchase certificates of
27 delinquency for general taxes on property subject to local improvement
28 assessments, or to purchase such property at tax foreclosures, for the
29 purpose of protecting the guaranty fund. Said fund shall be subrogated
30 to the rights of the county, and the county, acting on behalf of said
31 fund, may foreclose the lien of general tax certificates of delinquency
32 and purchase the property at the foreclosure sale for the account of
33 said fund. Whenever the legislative authority of any county shall so
34 cause a lien of general tax certificates of delinquency to be
35 foreclosed and the property to be so purchased at a foreclosure sale,
36 the court costs and costs of publication and expenses for clerical work
37 and/or other expense incidental thereto, shall be chargeable to and
38 payable from the guaranty fund. After so acquiring title to real
39 property, a county may lease or sell and convey the same at public or

1 private sale for such price and on such terms as may be determined by
2 resolution of the county legislative body, and all proceeds resulting
3 from such sales shall belong to and be paid into the guaranty fund.

4 **Sec. 9.** RCW 36.94.150 and 1975 1st ex.s. c 188 s 3 are each
5 amended to read as follows:

6 All counties operating a system of sewerage and/or water shall have
7 a lien for delinquent connection charges and charges for the
8 availability of sewerage and/or water service, together with interest
9 fixed by resolution at eight percent per annum from the date due until
10 paid. Penalties of not more than ten percent of the amount due may be
11 imposed in case of failure to pay the charges at times fixed by
12 resolution. The lien shall be for all charges, interest, and penalties
13 and shall attach to the premises to which the services were available.
14 The lien shall be superior to all other liens and encumbrances, except
15 general taxes and local and special assessments of the county.

16 The county department established in RCW 36.94.120 shall certify
17 periodically the delinquencies to the (~~treasurer~~) auditor of the
18 county at which time the lien shall attach.

19 Upon the expiration of sixty days after the attachment of the lien,
20 the county may bring suit in foreclosure by civil action in the
21 superior court of the county where the property is located. Costs
22 associated with the foreclosure of the lien, including but not limited
23 to advertising, title report, and personnel costs, shall be added to
24 the lien upon filing of the foreclosure action. In addition to the
25 costs and disbursements provided by statute, the court may allow the
26 county a reasonable attorney's fee. The lien shall be foreclosed in
27 the same manner as the foreclosure of real property tax liens.

28 **Sec. 10.** RCW 53.36.050 and 1959 c 52 s 2 are each amended to read
29 as follows:

30 The county treasurer acting as port treasurer shall create a fund
31 to be known as the "Port of Fund," into which shall be paid
32 all money received by him from the collection of taxes in behalf of
33 such port district, and shall also maintain such other special funds as
34 may be created by the port commission into which shall be placed such
35 moneys as the port commission may by its resolution direct. All such
36 port funds shall be deposited with the county depositories under the
37 same restrictions, contracts and security as is provided by statute for

1 county depositories and all interest collected on such port funds shall
2 belong to such port district and shall be deposited to its credit in
3 the proper port funds: PROVIDED, That any portion of such port moneys
4 determined by the port commission to be in excess of the current needs
5 of the port district may be invested (~~(in certificates, notes, bonds,~~
6 ~~or other obligations of the United States of America, or any agency or~~
7 ~~instrumentality thereof)) by the county treasurer in accordance with
8 RCW 36.29.020, RCW 36.29.022, and chapter 39.59 RCW, and all interest
9 collected thereon shall likewise belong to such port district and shall
10 be deposited to its credit in the proper port funds.~~

11 **Sec. 11.** RCW 58.08.040 and 1994 c 301 s 16 are each amended to
12 read as follows:

13 Prior to any person ((filing)) recording a plat, replat, altered
14 plat, or binding site plan subsequent to May 31st in any year and prior
15 to the date of the collection of taxes in the ensuing year, the person
16 shall deposit with the county treasurer a sum equal to the product of
17 the county assessor's latest valuation on the property less
18 improvements in such subdivision multiplied by the current year's
19 dollar rate increased by twenty-five percent on the property platted.
20 The treasurer's receipt shall be evidence of the payment. The
21 treasurer shall appropriate so much of the deposit as will pay the
22 taxes and assessments on the property when the levy rates are certified
23 by the assessor using the value of the property at the time of filing
24 a plat, replat, altered plat, or binding site plan, and in case the sum
25 deposited is in excess of the amount necessary for the payment of the
26 taxes and assessments, the treasurer shall return, to the party
27 depositing, the amount of excess.

28 ***Sec. 12.** RCW 84.38.020 and 1995 c 329 s 1 are each amended to
29 read as follows:

30 *Unless a different meaning is plainly required by the context, the*
31 *following words and phrases as hereinafter used in this chapter shall*
32 *have the following meanings:*

33 (1) "Claimant" means a person who either elects or is required
34 under RCW 84.64.050 to defer payment of the special assessments and/or
35 real property taxes accrued on the claimant's residence by filing a
36 declaration to defer as provided by this chapter.

1 *When two or more individuals of a household file or seek to file a*
2 *declaration to defer, they may determine between them as to who the*
3 *claimant shall be.*

4 (2) "Department" means the state department of revenue.

5 (3) "Equity value" means the amount by which the fair market value
6 of a residence as determined from the records of the county assessor
7 exceeds the total amount of any liens or other obligations against the
8 property.

9 (4) "Local government" means any city, town, county, water-sewer
10 district, public utility district, port district, irrigation district,
11 flood control district, or any other municipal corporation, quasi
12 municipal corporation, or other political subdivision authorized to
13 levy special assessments.

14 (5) "Real property taxes" means ad valorem property taxes levied on
15 a residence in this state in the preceding calendar year.

16 ~~((+5))~~ (6) "Residence" has the meaning given in RCW 84.36.383,
17 except that a residence includes any additional property up to a total
18 of five acres that comprises the residential parcel if this larger
19 parcel size is required under land use regulations.

20 ~~((+6))~~ (7) "Special assessment" means the charge or obligation
21 imposed by a ~~((city, town, county, or other municipal corporation))~~
22 local government upon property specially benefited ~~((by a local~~
23 ~~improvement, including assessments under chapters 35.44, 36.88, 36.94,~~
24 ~~53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant~~
25 ~~chapter))~~.

26 *Sec. 12 was vetoed. See message at end of chapter.

27 *Sec. 13. RCW 84.38.020 and 1996 c 230 s 1614 are each amended to
28 read as follows:

29 Unless a different meaning is plainly required by the context, the
30 following words and phrases as hereinafter used in this chapter shall
31 have the following meanings:

32 (1) "Claimant" means a person who either elects or is required
33 under RCW 84.64.050 to defer payment of the special assessments and/or
34 real property taxes accrued on the claimant's residence by filing a
35 declaration to defer as provided by this chapter.

36 When two or more individuals of a household file or seek to file a
37 declaration to defer, they may determine between them as to who the
38 claimant shall be.

1 (2) "Department" means the state department of revenue.

2 (3) "Equity value" means the amount by which the fair market value
3 of a residence as determined from the records of the county assessor
4 exceeds the total amount of any liens or other obligations against the
5 property.

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7 district, public utility district, port district, irrigation district,
8 flood control district, or any other municipal corporation, quasi
9 municipal corporation, or other political subdivision authorized to
10 levy special assessments.

11 (5) "Real property taxes" means ad valorem property taxes levied on
12 a residence in this state in the preceding calendar year.

13 ~~((+5))~~ (6) "Residence" has the meaning given in RCW 84.36.383,
14 except that a residence includes any additional property up to a total
15 of five acres that comprises the residential parcel if this larger
16 parcel size is required under land use regulations.

17 ~~((+6))~~ (7) "Special assessment" means the charge or obligation
18 imposed by a ~~((city, town, county, or other municipal corporation))~~
19 local government upon property specially benefited ~~((by a local~~
20 ~~improvement, including assessments under chapters 35.44, 36.88, 36.94,~~
21 ~~53.08, 54.16, 57.16, 86.09, and 87.03 RCW and any other relevant~~
22 ~~chapter))~~.

23 *Sec. 13 was vetoed. See message at end of chapter.

24 **Sec. 14.** RCW 84.56.240 and 1961 c 15 s 84.56.240 are each amended
25 to read as follows:

26 If the county treasurer is unable, for the want of goods or
27 chattels whereupon to levy, to collect by distress or otherwise, the
28 taxes, or any part thereof, which may have been assessed upon the
29 personal property of any person or corporation, or an executor or
30 administrator, guardian, receiver, accounting officer, agent or factor,
31 ~~((such))~~ the treasurer shall file with the county ~~((auditor))~~
32 legislative authority, on the first day of ~~((January))~~ February
33 following, a list of such taxes, with an affidavit of ~~((himself))~~ the
34 treasurer or of the deputy treasurer entrusted with the collection of
35 ~~((said))~~ the taxes, stating that ~~((he))~~ the treasurer had made diligent
36 search and inquiry for goods and chattels wherewith to make such taxes,
37 and was unable to make or collect the same. The county ~~((auditor shall~~
38 ~~deliver such list and affidavit to the board of county commissioners at~~

1 ~~their first session thereafter, and they~~) legislative authority shall
2 cancel such taxes as ~~((they are))~~ the county legislative authority is
3 satisfied cannot be collected.

4 **Sec. 15.** RCW 84.56.300 and 1973 1st ex.s. c 45 s 1 are each
5 amended to read as follows:

6 On the first Monday of ~~((January))~~ February of each year the county
7 treasurer shall balance up the tax rolls as of December 31 of the prior
8 year in ~~((his))~~ the treasurer's hands and with which ~~((he))~~ the
9 treasurer stands charged on the roll accounts of the county auditor.
10 ~~((He))~~ The treasurer shall then report to the county auditor in full
11 the amount of taxes ~~((he has))~~ collected and specify the amount
12 collected on each fund. ~~((He))~~ The treasurer shall also report the
13 amount of taxes that remain uncollected and delinquent upon the tax
14 rolls, which, with ~~((his))~~ collections and credits on account of errors
15 and double assessments, should balance ~~((his))~~ the tax rolls
16 ~~((accounts))~~ as ~~((he))~~ the treasurer stands charged. ~~((He))~~ The
17 treasurer shall then report the amount of collections on account of
18 interest since the taxes became delinquent, and as added ~~((by him))~~ to
19 the original amounts when making such collections, and with which
20 ~~((he))~~ the treasurer is now to be charged by the auditor, such reports
21 to be duly verified by affidavit.

22 **Sec. 16.** RCW 84.56.340 and 1996 c 153 s 2 are each amended to read
23 as follows:

24 Any person desiring to pay taxes upon any part or parts of real
25 property heretofore or hereafter assessed as one parcel, or tract, or
26 upon such person's undivided fractional interest in such a property,
27 may do so by applying to the county assessor, who must carefully
28 investigate and ascertain the relative or proportionate value said part
29 or part interest bears to the whole tract assessed, on which basis the
30 assessment must be divided, and the assessor shall forthwith certify
31 such proportionate value to the county treasurer: PROVIDED, That
32 excepting when property is being acquired for public use, or where a
33 person or financial institution desires to pay the taxes and any
34 penalties and interest on a mobile home upon which they have a lien by
35 mortgage or otherwise, no segregation of property for tax purposes
36 shall be made under this section unless all ~~((current year and))~~
37 delinquent taxes and assessments on the entire tract have been paid in

1 full. (~~The county assessor shall duly certify the proportionate value~~
2 ~~to the county treasurer.~~) The county treasurer, upon receipt of
3 certification, shall duly accept payment and issue receipt on the
4 apportionment certified by the county assessor. In cases where protest
5 is filed to said division appeal shall be made to the county
6 legislative authority at its next regular session for final division,
7 and the county treasurer shall accept and receipt for said taxes as
8 determined and ordered by the county legislative authority. Any person
9 desiring to pay on an undivided interest in any real property may do so
10 by paying to the county treasurer a sum equal to such proportion of the
11 entire taxes charged on the entire tract as interest paid on bears to
12 the whole.

13 NEW SECTION. **Sec. 17.** A new section is added to chapter 84.40 RCW
14 to read as follows:

15 (1) When real property is divided in accordance with chapter 58.17
16 RCW, the assessor shall carefully investigate and ascertain the true
17 and fair value of each lot and assess each lot on that same basis,
18 unless specifically provided otherwise by law. For purposes of this
19 section, "lot" has the same definition as in RCW 58.17.020.

20 (a) For each lot on which an advance tax deposit has been paid in
21 accordance with RCW 58.08.040, the assessor shall establish the true
22 and fair value by October 30 of the year following the recording of the
23 plat, replat, altered plat, or binding site plan. The value
24 established shall be the value of the lot as of January 1 of the year
25 the original parcel of real property was last revalued. An additional
26 property tax shall not be due on the land until the calendar year
27 following the year for which the advance tax deposit was paid if the
28 deposit was sufficient to pay the full amount of the taxes due on the
29 property.

30 (b) For each lot on which an advance tax deposit has not been paid,
31 the assessor shall establish the true and fair value not later than the
32 calendar year following the recording of the plat, map, subdivision, or
33 replat. For purposes of this section, "subdivision" means a division
34 of land into two or more lots.

35 (c) For each subdivision, all current year and delinquent taxes and
36 assessments on the entire tract must be paid in full in accordance with
37 RCW 58.17.160 and 58.08.030. For purposes of this section, "current

1 year taxes" means taxes that are collectable under RCW 84.56.010
2 subsequent to February 14.

3 (2) When the assessor is required by law to segregate any part or
4 parts of real property, assessed before or after the effective date of
5 this section as one parcel or when the assessor is required by law to
6 combine parcels of real property assessed before or after the effective
7 date of this section as two or more parcels, the assessor shall
8 carefully investigate and ascertain the true and fair value of each
9 part or parts of the real property and each combined parcel and assess
10 each part or parts or each combined parcel on that same basis.

11 **Sec. 18.** RCW 84.69.020 and 1996 c 296 s 2 are each amended to read
12 as follows:

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

15 (1) Paid more than once; or

16 (2) Paid as a result of manifest error in description; or

17 (3) Paid as a result of a clerical error in extending the tax
18 rolls; or

19 (4) Paid as a result of other clerical errors in listing property;
20 or

21 (5) Paid with respect to improvements which did not exist on
22 assessment date; or

23 (6) Paid under levies or statutes adjudicated to be illegal or
24 unconstitutional; or

25 (7) Paid as a result of mistake, inadvertence, or lack of knowledge
26 by any person exempted from paying real property taxes or a portion
27 thereof pursuant to RCW 84.36.381 through 84.36.389, as now or
28 hereafter amended; or

29 (8) Paid as a result of mistake, inadvertence, or lack of knowledge
30 by either a public official or employee or by any person with respect
31 to real property in which the person paying the same has no legal
32 interest; or

33 (9) Paid on the basis of an assessed valuation which was appealed
34 to the county board of equalization and ordered reduced by the board;
35 or

36 (10) Paid on the basis of an assessed valuation which was appealed
37 to the state board of tax appeals and ordered reduced by the board:
38 PROVIDED, That the amount refunded under subsections (9) and (10) of

1 this section shall only be for the difference between the tax paid on
2 the basis of the appealed valuation and the tax payable on the
3 valuation adjusted in accordance with the board's order; or

4 (11) Paid as a state property tax levied upon property, the
5 assessed value of which has been established by the state board of tax
6 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount
7 refunded shall only be for the difference between the state property
8 tax paid and the amount of state property tax which would, when added
9 to all other property taxes within the one percent limitation of
10 Article VII, section 2 of the state Constitution equal one percent of
11 the assessed value established by the board;

12 (12) Paid on the basis of an assessed valuation which was
13 adjudicated to be unlawful or excessive: PROVIDED, That the amount
14 refunded shall be for the difference between the amount of tax which
15 was paid on the basis of the valuation adjudged unlawful or excessive
16 and the amount of tax payable on the basis of the assessed valuation
17 determined as a result of the proceeding; or

18 (13) Paid on property acquired under RCW 84.60.050, and canceled
19 under RCW 84.60.050(2); or

20 (14) Paid on the basis of an assessed valuation that was reduced
21 under RCW 84.48.065.

22 No refunds under the provisions of this section shall be made
23 because of any error in determining the valuation of property, except
24 as authorized in subsections (9), (10), (11), and (12) of this section
25 nor may any refunds be made if a bona fide purchaser has acquired
26 rights that would preclude the assessment and collection of the
27 refunded tax from the property that should properly have been charged
28 with the tax. Any refunds made on delinquent taxes shall include the
29 proportionate amount of interest and penalties paid. The county
30 treasurer may deduct from moneys collected for the benefit of the
31 state's levy, refunds of the state levy including interest on the levy
32 as provided by this section and chapter 84.68 RCW.

33 The county treasurer of each county shall make all refunds
34 determined to be authorized by this section, and by the first Monday in
35 (~~January~~) February of each year, report to the county legislative
36 authority a list of all refunds made under this section during the
37 previous year. The list is to include the name of the person receiving
38 the refund, the amount of the refund, and the reason for the refund.

1 **Sec. 19.** RCW 36.29.190 and 1996 c 153 s 3 are each amended to read
2 as follows:

3 County treasurers are authorized to accept credit cards, charge
4 cards, debit cards, smart cards, stored value cards, federal wire, and
5 automatic clearinghouse system transactions, or other electronic
6 communication, for any payment of any kind including, but not limited
7 to, taxes, fines, interest, penalties, special assessments, fees,
8 rates, charges, or moneys due counties. A payer desiring to pay by a
9 credit card, charge card, debit card, smart card, stored value card,
10 federal wire, automatic clearinghouse system, or other electronic
11 communication shall bear the cost of processing the transaction in an
12 amount determined by the treasurer, unless the county legislative
13 authority finds that it is in the best interests of the county to not
14 charge transaction processing costs for all payment transactions made
15 for a specific category of nontax payments due the county, including,
16 but not limited to, fines, interest not associated with taxes,
17 penalties not associated with taxes, special assessments, fees, rates,
18 and charges. ((Such)) The treasurer's cost determination shall be
19 based upon costs incurred by the treasurer ((including handling,
20 collecting, discount, disbursing, and accounting for the transaction))
21 and may not, in any event, exceed the additional direct costs incurred
22 by the county to accept the specific form of payment utilized by the
23 payer.

24 **Sec. 20.** RCW 84.55.005 and 1994 c 301 s 49 are each amended to
25 read as follows:

26 As used in this chapter, the term "regular property taxes" has the
27 meaning given it in RCW 84.04.140(~~(, and also includes amounts received~~
28 ~~in lieu of regular property taxes)~~)).

29 NEW SECTION. **Sec. 21.** The following acts or parts of acts are
30 each repealed:

- 31 (1) RCW 36.29.150 and 1963 c 4 s 36.29.150; and
32 (2) RCW 36.33.180 and 1963 c 4 s 36.33.180.

33 ***NEW SECTION.** *Sec. 22. (1) Section 12 of this act is necessary*
34 *for the immediate preservation of the public peace, health, or safety,*
35 *or support of the state government and its existing public*
36 *institutions, and takes effect immediately.*

1 (2) *Section 13 of this act is necessary for the immediate*
2 *preservation of the public peace, health, or safety, or support of the*
3 *state government and its existing public institutions, and takes effect*
4 *July 1, 1997.*

5 *Sec. 22 was vetoed. See message at end of chapter.

6 *NEW SECTION. *Sec. 23. Section 12 of this act expires July 1,*
7 *1997.*

8 *Sec. 23 was vetoed. See message at end of chapter.

Passed the Senate April 21, 1997.

Passed the House April 8, 1997.

Approved by the Governor May 16, 1997, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 16, 1997.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 12,
3 13, 22, and 23, Substitute Senate Bill No. 5028 entitled:

4 "AN ACT Relating to county treasury management;"

5 This legislation is a technical bill that cleans up antiquated
6 statutes, amends statutes to reflect existing practices, and simplifies
7 the administration of county treasurers' duties.

8 I fully support the intent and practice described in sections 12,
9 13, 22, and 23 of this bill, however, they are duplicative of sections
10 of Substitute House Bill No. 1003, which I have already signed into
11 law.

12 For these reasons, I have vetoed sections 12, 13, 22, and 23
13 Substitute Senate Bill No. 5028.

14 With the exception of sections 12, 13, 22, and 23, Substitute
15 Senate Bill No. 5028 is approved."