
SENATE BILL 5098

State of Washington

54th Legislature

1995 Regular Session

By Senators Loveland and Winsley

Read first time 01/11/95. Referred to Committee on Government Operations.

1 AN ACT Relating to county financial functions; reenacting RCW
2 3.02.045, 35.49.130, 36.17.042, 36.29.010, 39.44.130, 39.46.020,
3 39.46.030, 39.46.110, 39.50.030, 43.80.125, and 46.44.175; and creating
4 a new section.

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

6 **Sec. 1.** RCW 3.02.045 and 1994 c 301 s 1 are each reenacted to read
7 as follows:

8 (1) Courts of limited jurisdiction may use collection agencies
9 under chapter 19.16 RCW for purposes of collecting unpaid penalties on
10 infractions, criminal fines, costs, assessments, civil judgments, or
11 forfeitures that have been imposed by the courts. Courts of limited
12 jurisdiction may enter into agreements with one or more attorneys or
13 collection agencies for collection of outstanding penalties, fines,
14 costs, assessments, and forfeitures. These agreements may specify the
15 scope of work, remuneration for services, and other charges deemed
16 appropriate.

17 (2) Courts of limited jurisdiction may use credit cards or debit
18 cards for purposes of billing and collecting unpaid penalties, fines,
19 costs, assessments, and forfeitures so imposed. Courts of limited

1 jurisdiction may enter into agreements with one or more financial
2 institutions for the purpose of the collection of penalties, fines,
3 costs, assessments, and forfeitures. The agreements may specify
4 conditions, remuneration for services, and other charges deemed
5 appropriate.

6 (3) Servicing of delinquencies by collection agencies or by
7 collecting attorneys in which the court retains control of its
8 delinquencies shall not constitute assignment of debt.

9 (4) For purposes of this section, the term debt shall include
10 penalties, fines, costs, assessments, or forfeitures imposed by the
11 courts.

12 (5) The court may assess as court costs the moneys paid for
13 remuneration for services or charges paid to collecting attorneys, to
14 collection agencies, or, in the case of credit cards, to financial
15 institutions.

16 **Sec. 2.** RCW 35.49.130 and 1994 c 301 s 4 are each reenacted to
17 read as follows:

18 If any property situated in a local improvement district or utility
19 local improvement district created by a city or town is offered for
20 sale for general taxes by the county treasurer, the city or town shall
21 have power to protect the lien or liens of any local improvement
22 assessments outstanding against the whole or portion of such property
23 by purchase at the treasurer's foreclosure sale.

24 **Sec. 3.** RCW 36.17.042 and 1994 c 301 s 5 are each reenacted to
25 read as follows:

26 In addition to the pay periods permitted under RCW 36.17.040, the
27 legislative authority of any county may establish a biweekly pay period
28 where county officers and employees receive their compensation not
29 later than seven days following the end of each two week pay period for
30 services rendered during that pay period.

31 However, in a county that has assumed the rights, powers,
32 functions, and obligations of a metropolitan municipal corporation
33 under chapter 36.56 RCW, the county legislative authority may establish
34 a biweekly pay period where the county officers and employees receive
35 their compensation not later than thirteen days following the end of
36 each two-week pay period for services rendered during that pay period.

1 **Sec. 4.** RCW 36.29.010 and 1994 c 301 s 7 are each reenacted to
2 read as follows:

3 The county treasurer:

4 (1) Shall receive all money due the county and disburse it on
5 warrants issued and attested by the county auditor;

6 (2) Shall issue a receipt in duplicate for all money received other
7 than taxes; the treasurer shall deliver immediately to the person
8 making the payment the original receipt and the duplicate shall be
9 retained by the treasurer;

10 (3) Shall affix on the face of all paid warrants the date of
11 redemption or, in the case of proper contract between the treasurer and
12 a qualified public depository, the treasurer may consider the date
13 affixed by the financial institution as the date of redemption;

14 (4) Shall indorse, before the date of issue by the county or by any
15 taxing district for whom the county treasurer acts as treasurer, on the
16 face of all warrants for which there are not sufficient funds for
17 payment, "interest bearing warrant." When there are funds to redeem
18 outstanding warrants, the county treasurer shall give notice:

19 (a) By publication in a legal newspaper published or circulated in
20 the county; or

21 (b) By posting at three public places in the county if there is no
22 such newspaper; or

23 (c) By notification to the financial institution holding the
24 warrant;

25 (5) Shall pay interest on all interest-bearing warrants from the
26 date of issue to the date of notification;

27 (6) Shall maintain financial records reflecting receipts and
28 disbursement by fund in accordance with generally accepted accounting
29 principles;

30 (7) Shall account for and pay all bonded indebtedness for the
31 county and all special districts for which the county treasurer acts as
32 treasurer;

33 (8) Shall invest all funds of the county or any special district in
34 the treasurer's custody, not needed for immediate expenditure, in a
35 manner consistent with appropriate statutes. If cash is needed to
36 redeem warrants issued from any fund in the custody of the treasurer,
37 the treasurer shall liquidate investments in an amount sufficient to
38 cover such warrant redemptions; and

39 (9) May provide certain collection services for county departments.

1 The treasurer, at the expiration of the term of office, shall make
2 a complete settlement with the county legislative authority, and shall
3 deliver to the successor all public money, books, and papers in the
4 treasurer's possession.

5 **Sec. 5.** RCW 39.44.130 and 1994 c 301 s 9 are each reenacted to
6 read as follows:

7 (1) The duties prescribed in this chapter as to the registration of
8 bonds of any city or town shall be performed by the treasurer thereof,
9 and as to those of any county, port or school district by the county
10 treasurer of the county in which such port or school district lies; but
11 any treasurer as defined in RCW 39.46.020 may designate its legally
12 designated fiscal agency or agencies for the performance of such
13 duties, after making arrangements with such fiscal agency therefor,
14 which arrangements may include provision for the payment by the bond
15 owner of a fee for each registration.

16 (2) The county treasurer as ex officio treasurer of a special
17 district shall act as fiscal agent or may appoint the fiscal agent to
18 be used by the county.

19 **Sec. 6.** RCW 39.46.020 and 1994 c 301 s 10 are each reenacted to
20 read as follows:

21 Unless the context clearly requires otherwise, the definitions in
22 this section apply throughout this chapter.

23 (1) "Bond" means any agreement which may or may not be represented
24 by a physical instrument, including notes, warrants, or certificates of
25 indebtedness, that evidences an indebtedness of the state or a local
26 government or a fund thereof, where the state or local government
27 agrees to pay a specified amount of money, with or without interest, at
28 a designated time or times to either registered owners or bearers.

29 (2) "Local government" means any county, city, town, special
30 purpose district, political subdivision, municipal corporation, or
31 quasi municipal corporation, including any public corporation created
32 by such an entity.

33 (3) "Obligation" means an agreement that evidences an indebtedness
34 of the state or a local government, other than a bond, and includes,
35 but is not limited to, conditional sales contracts, lease obligations,
36 and promissory notes.

1 (4) "State" includes the state, agencies of the state, and public
2 corporations created by the state or agencies of the state.

3 (5) "Treasurer" means the state treasurer, county treasurer, city
4 treasurer, or treasurer of any other municipal corporation.

5 **Sec. 7.** RCW 39.46.030 and 1994 c 301 s 11 are each reenacted to
6 read as follows:

7 (1) The state and local governments are authorized to establish a
8 system of registering the ownership of their bonds or other obligations
9 as to principal and interest, or principal only. Registration may
10 include, without limitation: (a) A book entry system of recording the
11 ownership of a bond or other obligation whether or not a physical
12 instrument is issued; or (b) recording the ownership of a bond or other
13 obligation together with the requirement that the transfer of ownership
14 may only be effected by the surrender of the old bond or other
15 obligation and either the reissuance of the old bond or other
16 obligation or the issuance of a new bond or other obligation to the new
17 owner.

18 (2) The system of registration shall define the method or methods
19 by which transfer of the registered bonds or other obligations shall be
20 effective, and by which payment of principal and any interest shall be
21 made. The system of registration may permit the issuance of bonds or
22 other obligations in any denomination to represent several registered
23 bonds or other obligations of smaller denominations. The system of
24 registration may also provide for any writing relating to a bond or
25 other obligation that is not issued as a physical instrument, for
26 identifying numbers or other designations, for a sufficient supply of
27 certificates for subsequent transfers, for record and payment dates,
28 for varying denominations, for communications to the owners of bonds or
29 other obligations, for accounting, canceled certificate destruction,
30 registration and release of securing interests, and for such other
31 incidental matters pertaining to the registration of bonds or other
32 obligations as the issuer may deem to be necessary or appropriate.

33 (3)(a) The state treasurer or a local treasurer may appoint (i) one
34 or more of the fiscal agencies appointed from time to time by the state
35 finance committee in accordance with chapter 43.80 RCW or (ii) other
36 fiscal agents to act with respect to an issue of its bonds or other
37 obligations as authenticating trustee, transfer agent, registrar, and
38 paying or other agent and specify the rights and duties and means of

1 compensation of any such fiscal agency so acting. The state treasurer
2 or local treasurers may also enter into agreements with the fiscal
3 agency or agencies in connection with the establishment and maintenance
4 by such fiscal agency or agencies of a central depository system for
5 the transfer or pledge of bonds or other obligations.

6 (b) The county treasurer as ex officio treasurer of a special
7 district shall act as fiscal agent for such special district, unless
8 the county treasurer appoints either one or more of the fiscal agencies
9 appointed from time to time by the state finance committee in
10 accordance with chapter 43.80 RCW or other fiscal agents selected in a
11 manner consistent with RCW 43.80.120 to act with respect to an issue of
12 its bonds or other obligations as authenticating trustee, transfer
13 agent, registrar, and paying or other agent and specify the rights and
14 duties and means of compensation of any such fiscal agency.

15 (4) Nothing in this section precludes the issuer, or a trustee
16 appointed by the issuer pursuant to any other provision of law, from
17 itself performing, either alone or jointly with other issuers, fiscal
18 agencies, or trustees, any transfer, registration, authentication,
19 payment, or other function described in this section.

20 **Sec. 8.** RCW 39.46.110 and 1994 c 301 s 12 are each reenacted to
21 read as follows:

22 (1) General obligation bonds of local governments shall be subject
23 to this section. Unless otherwise stated in law, the maximum term of
24 any general obligation bond issue shall be forty years.

25 (2) General obligation bonds constitute an indebtedness of the
26 local government issuing the bonds that are subject to the indebtedness
27 limitations provided in Article VIII, section 6 of the state
28 Constitution and are payable from tax revenues of the local government
29 and such other money lawfully available and pledged or provided by the
30 governing body of the local government for that purpose. Such
31 governing body may pledge the full faith, credit and resources of the
32 local government for the payment of general obligation bonds. The
33 payment of such bonds shall be enforceable in mandamus against the
34 local government and its officials. The officials now or hereafter
35 charged by law with the duty of levying taxes pledged for the payment
36 of general obligation bonds and interest thereon shall, in the manner
37 provided by law, make an annual levy of such taxes sufficient together

1 with other moneys lawfully available and pledge therefor to meet the
2 payments of principal and interest on said bonds as they come due.

3 (3) General obligation bonds issued as physical instruments shall
4 be executed in the manner determined by the governing body or
5 legislative body of the issuer. If the issuer is a special district
6 for which the county treasurer is the treasurer, the issuer shall
7 notify the county treasurer at least thirty days in advance of
8 authorizing the issuance of bonds or the incurrence of other
9 certificates of indebtedness.

10 (4) Unless another statute specifically provides otherwise, the
11 owner of a general obligation bond, or the owner of an interest coupon,
12 issued by a local government shall not have any claim against the state
13 arising from the general obligation bond or interest coupon.

14 (5) As used in this section, the term "local government" means
15 every unit of local government, including municipal corporations, quasi
16 municipal corporations, and political subdivisions, where property
17 ownership is not a prerequisite to vote in the local government's
18 elections.

19 **Sec. 9.** RCW 39.50.030 and 1994 c 301 s 13 are each reenacted to
20 read as follows:

21 (1) The issuance of short-term obligations shall be authorized by
22 ordinance of the governing body which ordinance shall fix the maximum
23 amount of the obligations to be issued or, if applicable, the maximum
24 amount which may be outstanding at any time, the maximum term and
25 interest rate or rates to be borne thereby, the manner of sale, maximum
26 price, form including bearer or registered as provided in RCW
27 39.46.030, terms, conditions, and the covenants thereof. The ordinance
28 may provide for designation and employment of a paying agent for the
29 short-term obligations and may authorize a designated representative of
30 the municipal corporation, or if the county, the county treasurer to
31 act on its behalf and subject to the terms of the ordinance in selling
32 and delivering short-term obligations authorized and fixing the dates,
33 price, interest rates, and other details as may be specified in the
34 ordinance. Short-term obligations issued under this section shall bear
35 such fixed or variable rate or rates of interest as the governing body
36 considers to be in the best interests of the municipal corporation.
37 Variable rates of interest may be fixed in relationship to such
38 standard or index as the governing body designates.

1 The governing body may make contracts for the future sale of short-
2 term obligations pursuant to which the purchasers are committed to
3 purchase the short-term obligations from time to time on the terms and
4 conditions stated in the contract, and may pay such consideration as it
5 considers proper for the commitments. Short-term obligations issued in
6 anticipation of the receipt of taxes shall be paid within six months
7 from the end of the fiscal year in which they are issued. For the
8 purpose of this subsection, short-term obligations issued in
9 anticipation of the sale of general obligation bonds shall not be
10 considered to be obligations issued in anticipation of the receipt of
11 taxes.

12 (2) Notwithstanding subsection (1) of this section, such short-term
13 obligations may be issued and sold in accordance with chapter 39.46
14 RCW.

15 **Sec. 10.** RCW 43.80.125 and 1994 c 301 s 14 are each reenacted to
16 read as follows:

17 (1) The fiscal agencies designated pursuant to RCW 43.80.110 and
18 43.80.120 may be appointed by the state treasurer or a local treasurer
19 to act as registrar, authenticating agent, transfer agent, paying
20 agent, or other agent in connection with the issuance by the state or
21 local government of registered bonds or other obligations pursuant to
22 a system of registration as provided by RCW 39.46.030 and may establish
23 and maintain on behalf of the state or local government a central
24 depository system for the transfer or pledge of bonds or other
25 obligations. The term "local government" shall be as defined in RCW
26 39.46.020.

27 (2) Whenever in the judgment of the fiscal agencies, certain
28 services as registrar, authenticating agent, transfer agent, paying
29 agent, or other agent in connection with the establishment and
30 maintenance of a central depository system for the transfer or pledge
31 of registered public obligations, or in connection with the issuance by
32 any public entity of registered public obligations pursuant to a system
33 of registration as provided in chapter 39.46 RCW, can be secured from
34 private sources more economically than by carrying out such duties
35 themselves, they may contract out all or any of such services to such
36 private entities as such fiscal agencies deem capable of carrying out
37 such duties in a responsible manner.

1 **Sec. 11.** RCW 46.44.175 and 1994 c 301 s 15 are each reenacted to
2 read as follows:

3 Failure of any person or agent acting for a person who causes to be
4 moved or moves a mobile home as defined in RCW 46.04.302 upon public
5 highways of this state and failure to comply with any of the provisions
6 of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a
7 penalty of not less than one hundred dollars or more than five hundred
8 dollars shall be assessed. In addition to the above penalty, the
9 department of transportation or local authority may withhold issuance
10 of a special permit or suspend a continuous special permit as provided
11 by RCW 46.44.090 and 46.44.093 for a period of not less than thirty
12 days.

13 Any person who shall alter, reuse, transfer, or forge the decal
14 required by RCW 46.44.170, or who shall display a decal knowing it to
15 have been forged, reused, transferred, or altered, shall be guilty of
16 a gross misdemeanor.

17 Any person or agent who is denied a special permit or whose special
18 permit is suspended may upon request receive a hearing before the
19 department of transportation or the local authority having
20 jurisdiction. The department or the local authority after such hearing
21 may revise its previous action.

22 NEW SECTION. **Sec. 12.** Acts of municipal officers before the
23 effective date of this act that are consistent with its terms,
24 including, but not limited to, acts consistent with chapter 301, Laws
25 of 1994, are ratified and confirmed.

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