**5998-S.E AMH ORCU H3213.1 - NOT FOR FLOOR USE**

**ESSB 5998** - H AMD **910**

By Representative Orcutt

**NOT ADOPTED 04/27/2019**

On page 12, after line 12, insert the following:

"**Sec.**  RCW 82.45.180 and 2013 c 251 s 11 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer ((~~shall~~)) must collect a five dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. A total of five dollars ((~~shall~~)) must be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. ((~~Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006, the county treasurer shall place one and three-tenths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. For~~)) From the taxes collected by the county under this chapter, the county treasurer must place an amount equal to 0.017 percent of the selling price for each taxable transaction under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. Taxes collected by the county under this chapter after June 30, 2006, on a monthly basis the county treasurer ((~~shall~~)) must pay over to the state treasurer the month's transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer ((~~shall~~)) must account to the department for the month's transmittal by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer ((~~shall~~)) must deposit the proceeds in the general fund.

(b) ((~~For purposes of this subsection, the definitions in this subsection apply.~~)) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" ((~~shall~~)) may not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and receipted by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in (a) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department of revenue under this chapter, the department ((~~shall~~)) must remit the tax to the state treasurer who ((~~shall~~)) must deposit the proceeds of any state tax in the general fund. The state treasurer ((~~shall~~)) must deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account ((~~shall~~)) must be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer ((~~shall~~)) must make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer ((~~shall~~)) must make the distribution under this subsection without appropriation.

(3)(a) Through June 30, 2010, the county treasurer ((~~shall~~)) must collect an additional five dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer ((~~shall~~)) must remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer ((~~shall~~)) must place money from this fee in the general fund. By the twentieth day of the subsequent month, the state treasurer ((~~shall~~)) must distribute to each county treasurer according to the following formula: Three-quarters of the funds available ((~~shall~~)) must be equally distributed among the thirty-nine counties; and the balance ((~~shall~~)) must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(b) When received by the county treasurer, the funds ((~~shall~~)) must be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county auditor, revert to the special real estate and property tax administration assistance account in accordance with subsection (5)(c) of this section.

(4) Beginning July 1, 2010, through December 31, 2013, the county treasurer ((~~shall~~)) must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer ((~~shall~~)) must remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer ((~~shall~~)) must place money from this fee in the annual property revaluation grant account created in RCW 84.41.170.

(5)(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer ((~~shall~~)) must deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax administration assistance account held by the county treasurer to be used for:

(i) Maintenance and operation of an annual revaluation system for property tax valuation; and

(ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

EFFECT: Changes the amount of real estate excise tax revenue that counties retain to cover administrative costs from 1.3 percent of the sales tax collected to an amount equal to 0.017 percent of the selling price of each taxable transaction.