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HOUSE BILL 2177

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Holm, Wolfe and H. Myers

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1 AN ACT Relating to local government; amending RCW 3.02.045,  
2 9.46.110, 28A.315.440, 35.49.130, 36.29.010, 36.32.120, 39.44.130,  
3 39.46.020, 39.46.030, 39.46.110, 39.50.030, 43.80.125, 46.44.175,  
4 58.08.040, 84.34.230, 84.52.018, 84.56.010, 84.56.023, 84.56.160,  
5 84.56.170, and 84.69.020; adding a new section to chapter 84.52 RCW;  
6 repealing RCW 35.49.120, 36.18.140, 84.56.180, and 84.56.190;  
7 prescribing penalties; and providing an effective date.

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

9 **Sec. 1.** RCW 3.02.045 and 1987 c 266 s 1 are each amended to read  
10 as follows:

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

1 (2) Courts of limited jurisdiction may use credit cards or debit  
2 cards for purposes of billing and collecting unpaid penalties, fines,  
3 costs, assessments, and forfeitures so imposed. Courts of limited  
4 jurisdiction may enter into agreements with one or more financial  
5 institutions for the purpose of the collection of penalties, fines,  
6 costs, assessments, and forfeitures. The agreements may specify  
7 conditions, remuneration for services, and other charges deemed  
8 appropriate.

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

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

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

19 **Sec. 2.** RCW 9.46.110 and 1991 c 161 s 1 are each amended to read  
20 as follows:

21 The legislative authority of any county, city-county, city, or  
22 town, by local law and ordinance, and in accordance with the provisions  
23 of this chapter and rules and regulations promulgated hereunder, may  
24 provide for the taxing of any gambling activity authorized by this  
25 chapter within its jurisdiction, the tax receipts to go to the county,  
26 city-county, city, or town so taxing the same: PROVIDED, That any such  
27 tax imposed by a county alone shall not apply to any gambling activity  
28 within a city or town located therein but the tax rate established by  
29 a county, if any, shall constitute the tax rate throughout the  
30 unincorporated areas of such county: PROVIDED FURTHER, That (1) punch  
31 boards and pull-tabs, chances on which shall only be sold to adults,  
32 which shall have a fifty cent limit on a single chance thereon, shall  
33 be taxed on a basis which shall reflect only the gross receipts from  
34 such punch boards and pull-tabs; and (2) no punch board or pull-tab may  
35 award as a prize upon a winning number or symbol being drawn the  
36 opportunity of taking a chance upon any other punch board or pull-tab;  
37 and (3) all prizes for punch boards and pull-tabs must be on display  
38 within the immediate area of the premises wherein any such punch board

1 or pull-tab is located and upon a winning number or symbol being drawn,  
2 such prize must be immediately removed therefrom, or such omission  
3 shall be deemed a fraud for the purposes of this chapter; and (4) when  
4 any person shall win over twenty dollars in money or merchandise from  
5 any punch board or pull-tab, every licensee hereunder shall keep a  
6 public record thereof for at least ninety days thereafter containing  
7 such information as the commission shall deem necessary: AND PROVIDED  
8 FURTHER, That taxation of bingo and raffles shall never be in an amount  
9 greater than ten percent of the gross revenue received therefrom less  
10 the amount paid for or as prizes. Taxation of amusement games shall  
11 only be in an amount sufficient to pay the actual costs of enforcement  
12 of the provisions of this chapter by the county, city or town law  
13 enforcement agency and in no event shall such taxation exceed two  
14 percent of the gross revenue therefrom less the amount paid for as  
15 prizes: PROVIDED FURTHER, That no tax shall be imposed under the  
16 authority of this chapter on bingo or amusement games when such  
17 activities or any combination thereof are conducted by any bona fide  
18 charitable or nonprofit organization as defined in this chapter, which  
19 organization has no paid operating or management personnel and has  
20 gross income from bingo or amusement games, or a combination thereof,  
21 not exceeding five thousand dollars per year, less the amount paid for  
22 as prizes. No tax shall be imposed on the first ten thousand dollars  
23 of net proceeds from raffles conducted by any bona fide charitable or  
24 nonprofit organization as defined in this chapter. Taxation of punch  
25 boards and pull-tabs shall not exceed five percent of gross receipts,  
26 nor shall taxation of social card games exceed twenty percent of the  
27 gross revenue from such games. Taxes imposed under this chapter become  
28 a lien upon personal and real property used in the gambling activity in  
29 the same manner as provided for under RCW 84.60.010.

30 **Sec. 3.** RCW 28A.315.440 and 1975 1st ex.s. c 275 s 99 are each  
31 amended to read as follows:

32 Upon receipt of the aforesaid certificate, it shall be the duty of  
33 the ((board of)) county ((commissioners)) legislative authority of each  
34 county to levy on all taxable property of that part of the joint school  
35 district which lies within the county a tax sufficient to raise the  
36 amount necessary to meet the county's proportionate share of the  
37 estimated expenditures of the joint district, as shown by the  
38 certificate of the educational service district superintendent of the

1 district to which the joint school district belongs. Such taxes shall  
2 be levied and collected in the same manner as other taxes are levied  
3 and collected, and the proceeds thereof shall be forwarded  
4 (~~quarterly~~) monthly by the treasurer of each county, other than the  
5 county to which the joint district belongs, to the treasurer of the  
6 county to which such district belongs and shall be placed to the credit  
7 of said district. The treasurer of the county to which a joint school  
8 district belongs is hereby declared to be the treasurer of such  
9 district.

10 **Sec. 4.** RCW 35.49.130 and 1965 c 7 s 35.49.130 are each amended to  
11 read as follows:

12 (~~In county foreclosures for delinquency in the payment of general  
13 taxes, the county treasurer shall mail a copy of the published summons  
14 to the treasurer of every city and town within which any property  
15 involved in the foreclosure proceeding is situated. The copy of the  
16 summons shall be mailed within fifteen days after the first publication  
17 thereof, but the county treasurer's failure to do so shall not affect  
18 the jurisdiction of the court nor the priority of the tax sought to be  
19 foreclosed.))~~)

20 If any property situated in a city or town is offered for sale for  
21 general taxes by the county treasurer, the city or town shall only have  
22 power to protect the lien or liens of any local improvement assessments  
23 outstanding against the whole or portion of such property by purchase  
24 (~~thereof or otherwise~~) at the treasurer's foreclosure sale.

25 **Sec. 5.** RCW 36.29.010 and 1991 c 245 s 4 are each amended to read  
26 as follows:

27 The county treasurer:

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

30 (2) Shall issue a receipt in duplicate for all money received other  
31 than taxes; the treasurer shall deliver immediately to the person  
32 making the payment the original receipt and the duplicate shall be  
33 retained by the treasurer;

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

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

6       (a) By publication in a legal newspaper published or circulated in  
7 the county; or

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

10       (c) By notification to the financial institution holding the  
11 warrant;

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

14       (6) Shall maintain financial records reflecting receipts and  
15 disbursement by fund in accordance with generally accepted accounting  
16 principles;

17       (7) Shall account for and pay all bonded indebtedness for the  
18 county and all junior taxing districts for which the county treasurer  
19 acts as treasurer;

20       (8) Shall invest all funds of the county or any district in the  
21 treasurer's custody, not needed for immediate expenditure, in a manner  
22 consistent with appropriate statutes. If cash is needed to redeem  
23 warrants issued from any fund in the custody of the treasurer, the  
24 treasurer shall liquidate investments in an amount sufficient to cover  
25 such warrant redemptions;

26       (9) May provide certain collection services for county departments  
27 and, through interlocal agreements, for cities, junior taxing  
28 districts, and other governmental agencies. The treasurer shall, as  
29 part of the collection action, collect a fee from the debtor to be  
30 credited in the same manner as costs of collection of delinquent taxes  
31 as prescribed in RCW 84.56.020(5).

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

36       **Sec. 6.** RCW 36.32.120 and 1993 c 83 s 9 are each amended to read  
37 as follows:

38       The legislative authorities of the several counties shall:

1 (1) Provide for the erection and repairing of court houses, jails,  
2 and other necessary public buildings for the use of the county;

3 (2) Lay out, discontinue, or alter county roads and highways within  
4 their respective counties, and do all other necessary acts relating  
5 thereto according to law, except within cities and towns which have  
6 jurisdiction over the roads within their limits;

7 (3) License and fix the rates of ferriage; grant grocery and other  
8 licenses authorized by law to be by them granted at fees set by the  
9 legislative authorities which shall not exceed the costs of  
10 administration and operation of such licensed activities;

11 (4) Fix the amount of county taxes to be assessed according to the  
12 provisions of law, and cause the same to be collected as prescribed by  
13 law(~~(: PROVIDED, That the legislative authority of a county may permit~~  
14 ~~all moneys, assessments, and taxes belonging to or collected for the~~  
15 ~~use of the state or any county, including any amounts representing~~  
16 ~~estimates for future assessments and taxes, to be deposited by any~~  
17 ~~taxpayer prior to the due date thereof with the treasurer or other~~  
18 ~~legal depository for the benefit of the funds to which they belong to~~  
19 ~~be credited against any future tax or assessment that may be levied or~~  
20 ~~become due from the taxpayer: PROVIDED FURTHER, That the taxpayer,~~  
21 ~~with the concurrence of the county legislative authority, may designate~~  
22 ~~the particular fund against which such prepayment of future tax or~~  
23 ~~assessment shall be credited))~~);

24 (5) Allow all accounts legally chargeable against the county not  
25 otherwise provided for, and audit the accounts of all officers having  
26 the care, management, collection, or disbursement of any money  
27 belonging to the county or appropriated to its benefit;

28 (6) Have the care of the county property and the management of the  
29 county funds and business and in the name of the county prosecute and  
30 defend all actions for and against the county, and such other powers as  
31 are or may be conferred by law;

32 (7) Make and enforce, by appropriate resolutions or ordinances, all  
33 such police and sanitary regulations as are not in conflict with state  
34 law, and within the unincorporated area of the county may adopt by  
35 reference Washington state statutes and recognized codes and/or  
36 compilations printed in book form relating to the construction of  
37 buildings, the installation of plumbing, the installation of electric  
38 wiring, health, or other subjects, and may adopt such codes and/or  
39 compilations or portions thereof, together with amendments thereto, or

1 additions thereto: PROVIDED, That except for Washington state  
2 statutes, there shall be filed in the county auditor's office one copy  
3 of such codes and compilations ten days prior to their adoption by  
4 reference, and additional copies may also be filed in library or city  
5 offices within the county as deemed necessary by the county legislative  
6 authority: PROVIDED FURTHER, That no such regulation, code,  
7 compilation, and/or statute shall be effective unless before its  
8 adoption, a public hearing has been held thereon by the county  
9 legislative authority of which at least ten days' notice has been  
10 given. Any violation of such regulations, ordinances, codes,  
11 compilations, and/or statutes or resolutions shall constitute a  
12 misdemeanor or a civil violation subject to a monetary penalty:  
13 PROVIDED FURTHER, That violation of a regulation, ordinance, code,  
14 compilation, and/or statute relating to traffic including parking,  
15 standing, stopping, and pedestrian offenses is a traffic infraction,  
16 except that violation of a regulation, ordinance, code, compilation,  
17 and/or statute equivalent to those provisions of Title 46 RCW set forth  
18 in RCW 46.63.020 remains a misdemeanor. However, the punishment for  
19 any criminal ordinance shall be the same as the punishment provided in  
20 state law for the same crime and no act that is a state crime may be  
21 made a civil violation. The notice must set out a copy of the proposed  
22 regulations or summarize the content of each proposed regulation; or if  
23 a code is adopted by reference the notice shall set forth the full  
24 official title and a statement describing the general purpose of such  
25 code. For purposes of this subsection, a summary shall mean a brief  
26 description which succinctly describes the main points of the proposed  
27 regulation. When the county publishes a summary, the publication shall  
28 include a statement that the full text of the proposed regulation will  
29 be mailed upon request. An inadvertent mistake or omission in  
30 publishing the text or a summary of the content of a proposed  
31 regulation shall not render the regulation invalid if it is adopted.  
32 The notice shall also include the day, hour, and place of hearing and  
33 must be given by publication in the newspaper in which legal notices of  
34 the county are printed;

35 (8) Have power to compound and release in whole or in part any debt  
36 due to the county when in their opinion the interest of their county  
37 will not be prejudiced thereby, except in cases where they or any of  
38 them are personally interested;

1 (9) Have power to administer oaths or affirmations necessary in the  
2 discharge of their duties and commit for contempt any witness refusing  
3 to testify before them with the same power as district judges.

4 **Sec. 7.** RCW 39.44.130 and 1985 c 84 s 2 are each amended to read  
5 as follows:

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

18 (2) ~~((Local government units for which the county treasurer serves~~  
19 ~~as ex officio treasurer of the district may, with the consent of the~~  
20 ~~county treasurer, appoint the county treasurer to serve as the fiscal~~  
21 ~~agency. If such local government units decide to utilize the services~~  
22 ~~of a fiscal agency other than the county treasurer, the county~~  
23 ~~treasurer shall be notified at the time the decision is made.))~~ The  
24 county treasurer as ex officio treasurer of a taxing district shall act  
25 as fiscal agent or may appoint the fiscal agent to be used by the  
26 county.

27 **Sec. 8.** RCW 39.46.020 and 1983 c 167 s 2 are each amended to read  
28 as follows:

29 Unless the context clearly requires otherwise, the definitions in  
30 this section apply throughout this chapter.

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



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

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

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

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

13 **Sec. 9.** RCW 39.46.030 and 1985 c 84 s 1 are each amended to read  
14 as follows:

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

26 (2) The system of registration shall define the method or methods  
27 by which transfer of the registered bonds or other obligations shall be  
28 effective, and by which payment of principal and any interest shall be  
29 made. The system of registration may permit the issuance of bonds or  
30 other obligations in any denomination to represent several registered  
31 bonds or other obligations of smaller denominations. The system of  
32 registration may also provide for any writing relating to a bond or  
33 other obligation that is not issued as a physical instrument, for  
34 identifying numbers or other designations, for a sufficient supply of  
35 certificates for subsequent transfers, for record and payment dates,  
36 for varying denominations, for communications to the owners of bonds or  
37 other obligations, for accounting, canceled certificate destruction,  
38 registration and release of securing interests, and for such other

1 incidental matters pertaining to the registration of bonds or other  
2 obligations as the issuer may deem to be necessary or appropriate.

3 (3)(a) The state treasurer or a local ((government)) treasurer may  
4 appoint (i) one or more of the fiscal agencies appointed from time to  
5 time by the state finance committee in accordance with chapter 43.80  
6 RCW or (ii) other fiscal agents to act with respect to an issue of its  
7 bonds or other obligations as authenticating trustee, transfer agent,  
8 registrar, and paying or other agent and specify the rights and duties  
9 and means of compensation of any such fiscal agency so acting. The  
10 state ((and)) treasurer or local ((governments)) treasurers may also  
11 enter into agreements with the fiscal agency or agencies in connection  
12 with the establishment and maintenance by such fiscal agency or  
13 agencies of a central depository system for the transfer or pledge of  
14 bonds or other obligations.

15 (b) ~~((Local government units for which the county treasurer serves  
16 as ex officio treasurer of the district may, with the consent of the  
17 county treasurer, appoint the county treasurer to serve as the fiscal  
18 agency. If such local government units decide to utilize the services  
19 of a fiscal agency other than the county treasurer, the county  
20 treasurer shall be notified at the time the decision is made.))~~ The  
21 county treasurer as ex officio treasurer of a taxing district shall act  
22 as fiscal agent for such taxing district, unless the county treasurer  
23 appoints either one or more of the fiscal agencies appointed from time  
24 to time by the state finance committee in accordance with chapter 43.80  
25 RCW or other fiscal agents to act with respect to an issue of its bonds  
26 or other obligations as authenticating trustee, transfer agent,  
27 registrar, and paying or other agent and specify the rights and duties  
28 and means of compensation of any such fiscal agency.

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

34 **Sec. 10.** RCW 39.46.110 and 1984 c 186 s 2 are each amended to read  
35 as follows:

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

1 (2) General obligation bonds constitute an indebtedness of the  
2 local government issuing the bonds that are subject to the indebtedness  
3 limitations provided in Article VIII, section 6 of the state  
4 Constitution and are payable from tax revenues of the local government  
5 and such other money lawfully available and pledged or provided by the  
6 governing body of the local government for that purpose. Such  
7 governing body may pledge the full faith, credit and resources of the  
8 local government for the payment of general obligation bonds. The  
9 payment of such bonds shall be enforceable in mandamus against the  
10 local government and its officials. The officials now or hereafter  
11 charged by law with the duty of levying taxes pledged for the payment  
12 of general obligation bonds and interest thereon shall, in the manner  
13 provided by law, make an annual levy of such taxes sufficient together  
14 with other moneys lawfully available and pledge therefor to meet the  
15 payments of principal and interest on said bonds as they come due.

16 (3) General obligation bonds issued as physical instruments shall  
17 be executed in the manner determined by the governing body or  
18 legislative body of the issuer. If the issuer is a taxing district for  
19 which the county treasurer is the treasurer, the issuer shall notify  
20 the county treasurer at least thirty days in advance of authorizing the  
21 issuance of bonds or the incurrence of other certificates of  
22 indebtedness.

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

27 (5) As used in this section, the term "local government" means  
28 every unit of local government, including municipal corporations, quasi  
29 municipal corporations, and political subdivisions, where property  
30 ownership is not a prerequisite to vote in the local government's  
31 elections.

32 **Sec. 11.** RCW 39.50.030 and 1985 c 71 s 1 are each amended to read  
33 as follows:

34 (1) The issuance of short-term obligations shall be authorized by  
35 ordinance of the governing body which ordinance shall fix the maximum  
36 amount of the obligations to be issued or, if applicable, the maximum  
37 amount which may be outstanding at any time, the maximum term and  
38 interest rate or rates to be borne thereby, the manner of sale, maximum

1 price, form including bearer or registered as provided in RCW  
2 39.46.030, terms, conditions, and the covenants thereof. The ordinance  
3 may provide for designation and employment of a paying agent for the  
4 short-term obligations and may authorize a designated representative of  
5 the municipal corporation, or if the county, the county treasurer to  
6 act on its behalf and subject to the terms of the ordinance in selling  
7 and delivering short-term obligations authorized and fixing the dates,  
8 price, interest rates, and other details as may be specified in the  
9 ordinance. Short-term obligations issued under this section shall bear  
10 such fixed or variable rate or rates of interest as the governing body  
11 considers to be in the best interests of the municipal corporation.  
12 Variable rates of interest may be fixed in relationship to such  
13 standard or index as the governing body designates.

14 The governing body may make contracts for the future sale of short-  
15 term obligations pursuant to which the purchasers are committed to  
16 purchase the short-term obligations from time to time on the terms and  
17 conditions stated in the contract, and may pay such consideration as it  
18 considers proper for the commitments. Short-term obligations issued in  
19 anticipation of the receipt of taxes shall be paid within six months  
20 from the end of the fiscal year in which they are issued. For the  
21 purpose of this subsection, short-term obligations issued in  
22 anticipation of the sale of general obligation bonds shall not be  
23 considered to be obligations issued in anticipation of the receipt of  
24 taxes.

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

28 **Sec. 12.** RCW 43.80.125 and 1985 c 84 s 3 are each amended to read  
29 as follows:

30 (1) The fiscal agencies designated pursuant to RCW 43.80.110 and  
31 43.80.120 may be appointed by the state treasurer or a local  
32 (~~government~~) treasurer to act as registrar, authenticating agent,  
33 transfer agent, paying agent, or other agent in connection with the  
34 issuance by the state or local government of registered bonds or other  
35 obligations pursuant to a system of registration as provided by RCW  
36 39.46.030 and may establish and maintain on behalf of the state or  
37 local government a central depository system for the transfer or pledge

1 of bonds or other obligations. The term "local government" shall be as  
2 defined in RCW 39.46.020.

3 (2) Whenever in the judgment of the fiscal agencies, certain  
4 services as registrar, authenticating agent, transfer agent, paying  
5 agent, or other agent in connection with the establishment and  
6 maintenance of a central depository system for the transfer or pledge  
7 of registered public obligations, or in connection with the issuance by  
8 any public entity of registered public obligations pursuant to a system  
9 of registration as provided in chapter 39.46 RCW, can be secured from  
10 private sources more economically than by carrying out such duties  
11 themselves, they may contract out all or any of such services to such  
12 private entities as such fiscal agencies deem capable of carrying out  
13 such duties in a responsible manner.

14 ~~((3) Local government units for which the county treasurer serves  
15 as ex officio treasurer of the district may, with the consent of the  
16 county treasurer, appoint the county treasurer to serve as the fiscal  
17 agency. If such local government units decide to utilize the services  
18 of a fiscal agency other than the county treasurer, the county  
19 treasurer shall be notified at the time the decision is made.))~~

20 **Sec. 13.** RCW 46.44.175 and 1985 c 22 s 2 are each amended to read  
21 as follows:

22 Failure of any person or agent acting for a person who causes to be  
23 moved or moves a mobile home as defined in RCW 46.04.302 upon public  
24 highways of this state and failure to comply with any of the provisions  
25 of RCW 46.44.170 and 46.44.173 is a traffic infraction for which a  
26 penalty of not less than one hundred dollars or more than five hundred  
27 dollars shall be assessed. In addition to the above penalty, the  
28 department of transportation or local authority may withhold issuance  
29 of a special permit or suspend a continuous special permit as provided  
30 by RCW 46.44.090 and 46.44.093 for a period of not less than thirty  
31 days.

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

36 Any person or agent who is denied a special permit or whose special  
37 permit is suspended may upon request receive a hearing before the  
38 department of transportation or the local authority having

1 jurisdiction. The department or the local authority after such hearing  
2 may revise its previous action.

3 **Sec. 14.** RCW 58.08.040 and 1991 c 245 s 14 are each amended to  
4 read as follows:

5 Any person filing a plat, replat, altered plat, or binding site  
6 plan subsequent to May 31st in any year and prior to the date of the  
7 collection of taxes in the ensuing year, shall deposit with the county  
8 treasurer a sum equal to the product of the county assessor's latest  
9 valuation on the ((unimproved)) property less improvements in such  
10 subdivision multiplied by the current year's dollar rate increased by  
11 twenty-five percent on the property platted. The treasurer's receipt  
12 shall be evidence of the payment. The treasurer shall appropriate so  
13 much of the deposit as will pay the taxes on the property, such taxes  
14 based on the value of the property at the time of the filing a plat,  
15 replat, altered plat, or binding site plan, when the ((tax rolls)) levy  
16 rates are certified by the assessor ((for collection)), and in case the  
17 sum deposited is in excess of the amount necessary for the payment of  
18 the taxes, the treasurer shall return, to the party depositing, the  
19 amount of excess.

20 **Sec. 15.** RCW 84.34.230 and 1973 1st ex.s. c 195 s 94 are each  
21 amended to read as follows:

22 For the purpose of acquiring conservation futures as well as other  
23 rights and interests in real property pursuant to RCW 84.34.210 and  
24 84.34.220, a county may levy an amount not to exceed six and one-  
25 quarter cents per thousand dollars of assessed valuation against the  
26 assessed valuation of all taxable property within the county, which  
27 levy shall be in addition to that authorized by RCW ((84.52.050 and))  
28 84.52.043.

29 **Sec. 16.** RCW 84.52.018 and 1989 c 378 15 are each amended to read  
30 as follows:

31 Whenever any property value or claim for exemption or cancellation  
32 of a property assessment is appealed to the state board of tax appeals  
33 or court of competent jurisdiction and the dollar difference between  
34 the total value asserted by the taxpayer and the total value asserted  
35 by the opposing party exceeds one-fourth of one percent of the total  
36 assessed value of property in the county, the assessor shall use only

1 that portion of the total value which is not in controversy for  
2 purposes of computing the levy rates and extending the tax on the tax  
3 roll in accordance with this chapter, unless the state board of tax  
4 appeals has issued its determination at the time of extending the tax.

5 ~~((When the state board of tax appeals or court of competent  
6 jurisdiction makes its final determination, the proper amount of tax  
7 shall be extended and collected for each taxing district if this has  
8 not already been done. The amount of tax collected and extended shall  
9 include interest at the rate of nine percent per year on the amount of  
10 the board's final determination minus the amount not in controversy.  
11 The interest shall accrue from the date the amount not in controversy  
12 was first due and payable.))~~

13 Before an appeal under this section is heard by the state board of  
14 tax appeals or court of competent jurisdiction or when taxes are  
15 regularly due under RCW 84.56.020, whichever is first in time, the  
16 amount of tax, determined by extending the levy rate calculation in  
17 accordance with this section, or should the county assessor be unable  
18 to calculate such levy rate, the most recent levy rate increased by  
19 twenty-five percent multiplied by the dollar difference between the  
20 total value asserted by the taxpayer and the total value asserted by  
21 the opposing party, shall be paid to the county treasurer and shall be  
22 placed in escrow by the county treasurer until such time as the state  
23 board of tax appeals or court of competent jurisdiction makes its final  
24 determination. Funds held in escrow by the county treasurer under this  
25 section shall be invested and shall accrue interest. Upon final  
26 determination by the state board of tax appeals or court of competent  
27 jurisdiction, an amount calculated by extending the levy rate used to  
28 determine the deposit placed in escrow under this section multiplied by  
29 that portion of the valuation in controversy determined to be true and  
30 correct by the state board of tax appeals or court of competent  
31 jurisdiction, together with accrued interest earnings thereon, shall be  
32 withdrawn by the county treasurer and the tax amounts distributed to  
33 each taxing district in the same manner as regular tax collections and  
34 the accrued interest shall be deposited in the current expense fund of  
35 the county. Funds held in escrow in excess of the amount so calculated  
36 shall be remitted to the taxpayer, together with the accrued interest  
37 earnings thereon. Any amount extended in excess of that permitted by  
38 chapter 84.55 RCW shall be held in abeyance and used to reduce the levy  
39 rates of the next succeeding levy.

1       **Sec. 17.** RCW 84.56.010 and 1975-'76 2nd ex.s. c 10 s 1 are each  
2 amended to read as follows:

3       On or before the first Monday in January next succeeding the date  
4 of levy of taxes the ~~((county auditor shall issue to the))~~ county  
5 treasurer ~~((his warrant authorizing the collection of taxes listed on~~  
6 ~~the))~~ shall establish tax rolls of his or her county as certified by  
7 the county assessor for such assessment year, and said rolls shall be  
8 preserved as a public record in the office of the county treasurer.  
9 The amount of said taxes levied and extended upon said rolls shall be  
10 charged to the treasurer in an account to be designated as treasurer's  
11 "Tax roll account" for . . . . . and said rolls ~~((with the warrants~~  
12 ~~for collection))~~ shall be full and sufficient authority for the county  
13 treasurer to receive and collect all taxes therein levied: PROVIDED,  
14 That the county treasurer shall in no case collect such taxes or issue  
15 receipts for the same or enter payment or satisfaction of such taxes  
16 upon said assessment rolls before the fifteenth day of February  
17 following.

18       **Sec. 18.** RCW 84.56.023 and 1989 c 378 s 38 are each amended to  
19 read as follows:

20       In the payment of taxes, interest, ~~((and))~~ penalties, and costs,  
21 the county treasurer may only accept ~~((in lieu of cash))~~ full payment  
22 of the amount due by a credit card or debit card issued by a bank or  
23 other financial institution ~~((if the bank or financial institution~~  
24 ~~guarantees full payment of the amount due, without discount or other~~  
25 ~~cost or charge, to the county)),~~ however the cost of processing a  
26 credit card or debit card transaction by the county shall be borne by  
27 the taxpayer desiring to pay taxes by a credit or debit card. Claims  
28 for refunds, authorized under chapter 84.69 RCW, may be made by a  
29 credit transaction to the account of the holder of a credit or debit  
30 card when the original payment was made by credit or debit card.

31       **Sec. 19.** RCW 84.56.160 and 1961 c 15 s 84.56.160 are each amended  
32 to read as follows:

33       The treasurer of any county of this state shall have the power to  
34 certify a statement of taxes and delinquencies of any person, firm,  
35 company or corporation, or of any tax on personal property together  
36 with all penalties and delinquencies, which statement shall be under  
37 seal and contain a transcript of the ~~((warrant of))~~ tax collection



1 records and so much of the tax roll as shall affect the person, firm,  
2 company or corporation or personal property to the treasurer of any  
3 county of this state, wherein any such person, firm, company or  
4 corporation has any real or personal property.

5 **Sec. 20.** RCW 84.56.170 and 1961 c 15 s 84.56.170 are each amended  
6 to read as follows:

7 The treasurer of any county of this state receiving the certified  
8 statement provided for in RCW 84.56.150 and 84.56.160, shall have the  
9 same power to collect the taxes, penalties and delinquencies so  
10 certified as ((he)) the treasurer has to collect the personal taxes  
11 levied on personal property in his or her own county, and as soon as  
12 the said taxes are collected they shall be remitted, less the cost of  
13 collecting same, to the treasurer of the county to which said taxes  
14 belong, by the treasurer collecting them(~~(, and he shall return a~~  
15 ~~certified copy of the certified statement to the auditor of the county~~  
16 ~~to which the taxes belong, together with a certified statement of the~~  
17 ~~amount remitted to the said treasurer))).~~

18 **Sec. 21.** RCW 84.69.020 and 1991 c 245 s 31 are each amended to  
19 read as follows:

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

22 (1) Paid more than once; or

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

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

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

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

30 (6) Paid under levies or statutes adjudicated to be illegal or  
31 unconstitutional; or

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

36 (8) Paid (~~or overpaid~~) as a result of mistake, inadvertence, or  
37 lack of knowledge by either a public official or employee or by any

1 person (~~paying the same or paid as a result of mistake, inadvertence,~~  
2 ~~or lack of knowledge by either a public official or employee or by any~~  
3 ~~person paying the same~~)) with respect to real property in which the  
4 person paying the same has no legal interest; or

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

8 (10) Paid on the basis of an assessed valuation which was appealed  
9 to the state board of tax appeals and ordered reduced by the board:  
10 PROVIDED, That the amount refunded under subsections (9) and (10) of  
11 this section shall only be for the difference between the tax paid on  
12 the basis of the appealed valuation and the tax payable on the  
13 valuation adjusted in accordance with the board's order; or

14 (11) Paid as a state property tax levied upon property, the  
15 assessed value of which has been established by the state board of tax  
16 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount  
17 refunded shall only be for the difference between the state property  
18 tax paid and the amount of state property tax which would, when added  
19 to all other property taxes within the one percent limitation of  
20 Article VII, section 2 (Amendment 59) of the state Constitution equal  
21 one percent of the assessed value established by the board;

22 (12) Paid on the basis of an assessed valuation which was  
23 adjudicated to be unlawful or excessive: PROVIDED, That the amount  
24 refunded shall be for the difference between the amount of tax which  
25 was paid on the basis of the valuation adjudged unlawful or excessive  
26 and the amount of tax payable on the basis of the assessed valuation  
27 determined as a result of the proceeding; or

28 (13) Paid on property acquired under RCW 84.60.050, and canceled  
29 under RCW 84.60.050(2).

30 No refunds under the provisions of this section shall be made  
31 because of any error in determining the valuation of property, except  
32 as authorized in subsections (9), (10), (11), and (12) of this section  
33 nor may any refunds be made if a bona fide purchaser has acquired  
34 rights that would preclude the assessment and collection of the  
35 refunded tax from the property that should properly have been charged  
36 with the tax. Any refunds made on delinquent taxes shall include the  
37 proportionate amount of interest and penalties paid. The county  
38 treasurer may deduct from moneys collected for the benefit of state's

1 levy any refunds of the state levy including interest thereon as  
2 provided by this section and chapter 84.68 RCW.

3 The county treasurer of each county shall make all refunds  
4 determined to be authorized by this section, and by the first Monday in  
5 January of each year, report to the county legislative authority a list  
6 of all refunds made under this section during the previous year. The  
7 list is to include the name of the person receiving the refund, the  
8 amount of the refund, and the reason for the refund.

9 NEW SECTION. Sec. 22. A new section is added to chapter 84.52 RCW  
10 to read as follows:

11 (1) Annually, at the time required by law for the levying of taxes  
12 for county purposes, the proper county officers required by law to make  
13 and enter such tax levies shall make and enter a tax levy or levies as  
14 follows:

15 (a) A levy upon all of the taxable property within the county for  
16 the amount of all taxes levied by the county for county and state  
17 purposes that were:

18 (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the  
19 preceding twelve months; or

20 (ii) Not collected or over-collected because of changes made after  
21 final certification of the assessment roll; or

22 (iii) Uncollectible due to a United States bankruptcy court action;

23 (b) A levy upon all of the taxable property of each taxing district  
24 within the county for the amount of all taxes levied by the county for  
25 the purposes of such taxing district that were:

26 (i) Canceled as uncollectible pursuant to RCW 84.56.240 within the  
27 preceding twelve months; or

28 (ii) Not collected or over-collected because of changes made after  
29 final certification of the assessment roll; or

30 (iii) Uncollectible due to a United States bankruptcy court action.

31 (2) For the purposes of this section, "changes" means increases or  
32 decreases in assessed value of property resulting from an error or  
33 final adjustments made by a county board of equalization, the state  
34 board of tax appeals, or a court of competent jurisdiction, including  
35 changes reflecting settlements of proceedings in such board or court.  
36 "Changes" does not include changes in assessed value of property  
37 resulting from actions brought to recover taxes under RCW 84.68.020.

1        NEW SECTION.    **Sec. 23.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 35.49.120 and 1965 c 7 s 35.49.120;

4        (2) RCW 36.18.140 and 1963 c 4 s 36.18.140;

5        (3) RCW 84.56.180 and 1973 1st ex.s. c 195 s 110, 1969 ex.s. c 124  
6 s 5, & 1961 c 15 s 84.56.180; and

7        (4) RCW 84.56.190 and 1961 c 15 s 84.56.190.

8        NEW SECTION.    **Sec. 24.**    Section 6 of this act shall take effect  
9 July 1, 1994.

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