

Chapter 82-12 WAC

PAYMENT OF ASSESSMENTS AGAINST STATE-OWNED LAND

WAC

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WAC 82-12-001 Promulgation. I, Warren A. Bishop, director of central budget agency of the state of Washington, by virtue of the authority vested in me under chapter 79.44 RCW, after due notice as provided under chapters 34.04 and 42.32 RCW, at a public hearing held in Olympia on December 4, 1964, do promulgate the following regulations.

[Order I, Promulgation, filed 12/7/64.]

WAC 82-12-010 "Director," "agency head," defined. For the purposes of these rules "the director" means the director of the central budget agency of the state of Washington. The chief administrative officer or the person or persons as charged by law with ultimate responsibility for administration of the agency of state government occupying, using or having jurisdiction over state-owned lands will be referred to as "agency head."

[Order I, Regulation 1, filed 12/7/64.]

WAC 82-12-020 Notice of intention to make improvements. Assessing district officials will submit a notice of intention to make improvements, together with an estimate of the amount to be charged to each lot, tract or parcel of land or other properties owned by the state to be assessed for such improvements, and such notice shall be forwarded by registered or certified mail to the director and to the agency head of state government occupying or having jurisdiction over such lands at least thirty days prior to the date fixed for the hearing of the resolution or petition initiating such improvements. In the case of irrigation districts where state lands are situated in or to be taken into an irrigation district, the commissioner of public lands shall be served with a copy of the petition proposing to include such lands as is prescribed by RCW 87.03.025.

[Order I, Regulation 2, filed 12/7/64.]

WAC 82-12-030 Agency head to determine benefit and validity. It shall be the responsibility of the agency head having jurisdiction over lands to be assessed, or his duly authorized representative, to appear for the state of Washing-

ton in all assessment district hearings or otherwise insure that proposed improvements will specially benefit state-owned lands, that the proposed costs are just and equitable, and that the improvement is within the intent of the statutes governing that land.

[Order I, Regulation 3, filed 12/7/64.]

WAC 82-12-040 Exceptions and action based thereon. If the agency head determines that the proposed improvements are not specially beneficial to state-owned lands or are not authorized by law or that the amount assessed against state-owned lands is not the just and equitable portion of the cost of the improvements which the state should pay as specified in WAC 82-12-030 and RCW 79.44.020, then it shall be his responsibility to initiate formal action commensurate with his exceptions to said improvements. The agency head shall immediately notify the assessing district and the director by registered or certified mail of his exceptions. When necessary, the agency head shall utilize all legal remedies available to property owners to challenge the amount or validity of any assessment.

[Order I, Regulation 4, filed 12/7/64.]

WAC 82-12-050 Inclusion of proposed assessment in capital budget. When a state agency is the sole or principal beneficiary of a local improvement district assessment, and has some voice in determining the timing of the project, it shall include the proposed assessments in its regular capital budget.

[Order I, Regulation 5, filed 12/7/64.]

WAC 82-12-060 Statement of assessment—Delivery—Certification. When an assessment roll has been approved and confirmed, the assessing district, or in the case of an irrigation district the county treasurer, shall forward the statement of assessment to the director and to the agency head. The agency head shall investigate the assessment and submit a certification to the director that:

(1) The assessment claim is correct and properly chargeable to the state;

(2) No funds were specifically appropriated to his agency or budgeted from local fund sources for payment of assessment claims, or that such funds have been expended;

(3) If interest is to be charged, that it is the same rate as for other property situated in the same assessing district:

(a) Statutory authority governing the interest rate charged will be referenced;

(b) Agency heads may request that such information be provided by the county treasurer submitting the assessment claim;

(4) It is a proper charge to the program(s) and fund(s) named, and the reasons therefor; and

(5) The certification statement shall identify the payee and the amount due.

[Order I, Regulation 6, filed 12/7/64.]

WAC 82-12-070 Reimbursement to general fund. In accordance with the provisions of section 2, chapter 21, Laws of 1963 ex. sess., or a similar section in subsequent appropriation bills, the director will reimburse the general fund for any assessment expenditures on behalf of an agency which is financed by other than general fund moneys, if any balance remains in the fund or funds which finance such agency, prior to the end of the state biennial fiscal period.

[Order I, Regulation 7, filed 12/7/64.]

WAC 82-12-080 Basis for director's action in paying assessments. The director's action in making payment of assessment or reimbursing the general fund for such payment will be based upon an analysis of statements (2), (3), and (4) of WAC 82-12-060. Agency determinations will be considered conclusive for statements (1) and (5).

[Order I, Regulation 8, filed 12/7/64.]

WAC 82-12-090 Procedure for payment from appropriated or local funds. The agency head of an agency that has available appropriated or local fund sources for the payment of assessment claims shall make such payments in accordance with the provisions of these regulations and the state budget and accounting procedures; and shall maintain such records as deemed necessary to provide certification to fulfill the requirements of chapter 79.44 RCW and these regulations.

[Order I, Regulation 9, filed 12/7/64.]

WAC 82-12-100 Improvements in harbor areas and state tidelands. Assessing districts shall not order local improvements that relate to the interest of the state in harbor areas and state tidelands until the written consent of the commissioner of public lands to the making of such improvements has been obtained; and/or the other conditions of RCW 79.44.040 have been complied with.

[Order I, Regulation 10, filed 12/7/64.]

WAC 82-12-110 Liens and sales for unpaid assessments. No lands of the state shall be subject to a lien for unpaid assessments, nor shall the interest of the state in any land be sold for unpaid assessments where assessment liens were attached to the lands prior to state ownership.

[Order I, Regulation 11, filed 12/7/64.]

WAC 82-12-120 Additional records to provide supporting information. The director may direct assessing districts and state agencies to maintain additional records to provide supporting information to fulfill the procedural requirements of certification as promulgated by this order.

[Order I, Regulation 12, filed 12/7/64.]