

2 **SSB 5028** - H COMM AMD **ADOPTED 4-8-97**  
3 By Committee on Government Administration

4  
5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 35.50.030 and 1983 c 303 s 18 are each amended to  
8 read as follows:

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

16 The proceedings shall be commenced on or before March 1st of that  
17 year or on or before such other date in such year as may be fixed by  
18 general ordinance, but not before the city or town treasurer has  
19 notified by certified mail the persons whose names appear on the  
20 assessment roll as owners of the property charged with the assessments  
21 or installments which are delinquent, at the address last known to the  
22 treasurer, a notice thirty days before the commencement of the  
23 proceedings. If the person whose name appears on the tax rolls of the  
24 county assessor as owner of the property, or the address shown for the  
25 owner, differs from that appearing on the city or town assessment roll,  
26 then the treasurer shall also mail a copy of the notice to that person  
27 or that address.

28 The notice shall state the amount due, including foreclosure costs,  
29 upon each separate lot, tract, or parcel of land and the date after  
30 which the proceedings will be commenced. The city or town treasurer  
31 shall file with the clerk of the superior court at the time of  
32 commencement of the foreclosure proceeding the affidavit of the person  
33 who mailed the notices. This affidavit shall be conclusive proof of  
34 compliance with the requirements of this section.

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

3       When the local improvement assessment is payable in installments,  
4 the enforcement of the lien of any installment shall not prevent the  
5 enforcement of the lien of any subsequent installment.

6       A city or town may by general ordinance provide that upon failure  
7 to pay any installment due the entire assessment shall become due and  
8 payable and the collection thereof enforced by foreclosure: PROVIDED,  
9 That the payment of all delinquent installments together with interest,  
10 penalty, and administrative costs at any time before entry of judgment  
11 in foreclosure shall extend the time of payment on the remainder of the  
12 assessments as if there had been no delinquency or foreclosure. Where  
13 foreclosure of two installments of the same assessment on any lot,  
14 tract, or parcel is sought, the city or town treasurer shall cause such  
15 lot, tract, or parcel to be dismissed from the action, if the  
16 installment first delinquent together with interest, penalty,  
17 administrative costs, and charges is paid at any time before sale.

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

20       In foreclosing local improvement assessments the action shall be  
21 tried to the court without a jury. If the parties interested in any  
22 particular lot, tract, or parcel default, the court may enter judgment  
23 of foreclosure and sale as to such parties and lots, tracts, or parcels  
24 and the action may proceed as to the remaining defendants and lots,  
25 tracts, or parcels. Judgment and order of sale may be entered as to  
26 any one or more separate lots, tracts, or parcels involved in the  
27 action and the court shall retain jurisdiction to others.

28       The judgment shall specify separately the amount of the  
29 installments with interest, penalty, and all reasonable administrative  
30 costs, including, but not limited to, the title searches, chargeable to  
31 each lot, tract, or parcel. The judgment shall have the effect of a  
32 separate judgment as to each lot, tract, or parcel described in the  
33 judgment, and any appeal shall not invalidate or delay the judgment  
34 except as to the property concerning which the appeal is taken. In the  
35 judgment the court shall order the lots, tracts, or parcels therein  
36 described sold by the city or town treasurer or by the county sheriff  
37 and an order of sale shall issue pursuant thereto for the enforcement  
38 of the judgment.

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

4 Prior to the sale of the property, if the property is shown on the  
5 property tax rolls under unknown owner or if the property contains a  
6 residential structure having an assessed value of two thousand dollars  
7 or more, the treasurer shall order or conduct a title search of the  
8 property to determine the record title holders and all persons claiming  
9 a mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or  
10 vendor's lien on the property.

11 At least thirty days prior to the sale of the property, a copy of  
12 the notice of sale shall be mailed by certified and regular mail to all  
13 defendants in the foreclosure action as to that parcel, lot, or tract  
14 and, if the owner is unknown or the property contains a residential  
15 structure having an assessed value of two thousand dollars or more, a  
16 copy of the notice of sale shall be mailed by regular and certified  
17 mail to any additional record title holders and persons claiming a  
18 mortgage, deed of trust, or mechanic's, laborer's, materialmen's, or  
19 vendor's lien on the property.

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

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

24 The county treasurer shall keep all moneys belonging to the state,  
25 or to any county, in his or her own possession until disbursed  
26 according to law. The county treasurer shall not place the same in the  
27 possession of any person to be used for any purpose; nor shall he or  
28 she loan or in any manner use or permit any person to use the same; but  
29 it shall be lawful for a county treasurer to deposit any such moneys in  
30 any regularly designated qualified public depository. Any municipal  
31 corporation may by action of its governing body authorize any of its  
32 funds which are not required for immediate expenditure, and which are  
33 in the custody of the county treasurer or other municipal corporation  
34 treasurer, to be invested by such treasurer. The county treasurer may  
35 invest in savings or time accounts in designated qualified public  
36 depositories or in certificates, notes, or bonds of the United States,  
37 or other obligations of the United States or its agencies, or of any  
38 corporation wholly owned by the government of the United States; in

1 bankers' acceptances purchased on the secondary market, in federal home  
2 loan bank notes and bonds, federal land bank bonds and federal national  
3 mortgage association notes, debentures and guaranteed certificates of  
4 participation, or the obligations of any other government sponsored  
5 corporation whose obligations are or may become eligible as collateral  
6 for advances to member banks as determined by the board of governors of  
7 the federal reserve system or deposit such funds or any portion thereof  
8 in investment deposits as defined in RCW 39.58.010 secured by  
9 collateral in accordance with the provisions of chapters 39.58 and  
10 39.59 RCW: PROVIDED, Five percent of the earnings, with an annual  
11 maximum of fifty dollars, on each transaction authorized by the  
12 governing body shall be paid as an investment service fee to the office  
13 of the county treasurer or other municipal corporation treasurer when  
14 the earnings become available to the governing body: PROVIDED FURTHER,  
15 That if such investment service fee amounts to five dollars or less the  
16 county treasurer or other municipal corporation treasurer may waive  
17 such fee.

18 Whenever the funds of any municipal corporation which are not  
19 required for immediate expenditure are in the custody or control of the  
20 county treasurer, and the governing body of such municipal corporation  
21 has not taken any action pertaining to the investment of any such  
22 funds, the county finance committee shall direct the county treasurer,  
23 under the investment policy of the county finance committee, to invest,  
24 to the maximum prudent extent, such funds or any portion thereof in  
25 savings or time accounts in designated qualified public depositories or  
26 in certificates, notes, or bonds of the United States, or other  
27 obligations of the United States or its agencies, or of any corporation  
28 wholly owned by the government of the United States, in bankers'  
29 acceptances purchased on the secondary market, in federal home loan  
30 bank notes and bonds, federal land bank bonds and federal national  
31 mortgage association notes, debentures and guaranteed certificates of  
32 participation, or the obligations of any other government sponsored  
33 corporation whose obligations are or may become eligible as collateral  
34 for advances to member banks as determined by the board of governors of  
35 the federal reserve system or deposit such funds or any portion thereof  
36 in investment deposits as defined in RCW 39.58.010 secured by  
37 collateral in accordance with the provisions of chapters 39.58 and  
38 39.59 RCW: PROVIDED, That the county treasurer shall have the power to  
39 select the specific qualified financial institution in which the funds

1 may be invested. The interest or other earnings from such investments  
2 or deposits shall be deposited in the current expense fund of the  
3 county and may be used for general county purposes. The investment or  
4 deposit and disposition of the interest or other earnings therefrom  
5 authorized by this paragraph shall not apply to such funds as may be  
6 prohibited by the state Constitution from being so invested or  
7 deposited.

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

10 Whenever county property is to be sold at public auction,  
11 consignment auction, or sealed bid, the county (~~auditor~~) treasurer or  
12 the county treasurer's designee shall publish notice thereof once  
13 during each of two successive calendar weeks in a newspaper of general  
14 circulation in the county. Notice thereof must also be posted in a  
15 conspicuous place in the courthouse. The posting and date of first  
16 publication must be at least ten days before the day fixed for the  
17 sale.

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

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

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

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

30 The lien shall otherwise be subject to the provisions of chapter  
31 36.94 RCW related to liens for delinquent charges. The county shall  
32 record liens for any delinquent fees in the office of the county  
33 auditor. Failure on the part of the county to record the lien does not  
34 affect the validity of the lien.

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

1 All counties may establish a fund for the purpose of guaranteeing  
2 to the extent of such fund and in the manner hereinafter provided, the  
3 payment of its road improvement district bonds and warrants issued to  
4 pay for any road improvement ordered under this chapter. If the  
5 (~~board of county commissioners~~) county legislative authority shall  
6 determine to establish such fund it shall be designated ". . . . .  
7 county road improvement guaranty fund" and from moneys available for  
8 road purposes such county shall deposit annually in said guaranty fund  
9 such sums as may be necessary to establish and maintain a balance  
10 therein equal to at least five percent of the outstanding obligations  
11 guaranteed thereby and to make necessary provision in its annual budget  
12 therefor. The moneys held in the guaranty fund may be invested in  
13 (~~obligations of the government of the United States or of this state~~)  
14 accordance with the laws relating to county investments.

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

17 Whenever there shall be paid out of a guaranty fund any sum on  
18 account of principal or interest of a road improvement district bond or  
19 warrant, the county, as trustee for the fund, shall be subrogated to  
20 all the rights of the owner of the bond or any interest coupon or  
21 warrant so paid, and the proceeds thereof, or of the assessment  
22 underlying the same, shall become part of the guaranty fund. There  
23 shall also be paid into each guaranty fund the interest received from  
24 (~~bank deposits or government securities~~) investment of the fund, as  
25 well as any surplus remaining in any local improvement fund guaranteed  
26 hereunder after the payment of all outstanding bonds or warrants  
27 payable primarily out of such road improvement fund. Warrants drawing  
28 interest at a rate or rates not to exceed the rate determined by the  
29 county legislative authority shall be issued, as other warrants are  
30 issued by the county, against a guaranty fund to meet any liability  
31 accruing against it, and at the time of making its annual budget and  
32 tax levy the county shall provide from funds available for road  
33 purposes for the deposit in the guaranty fund of a sum sufficient with  
34 other resources of such fund to pay warrants so issued during the  
35 preceding fiscal year. As among the several issues of bonds or  
36 warrants guaranteed by the fund no preference shall exist, but  
37 defaulted bonds, interest payments, and warrants shall be purchased out  
38 of the fund in the order of their presentation.

1 Every county establishing a guaranty fund for road improvement  
2 district bonds or warrants shall prescribe by resolution appropriate  
3 rules and regulations for the maintenance and operation of the guaranty  
4 fund not inconsistent herewith. So much of the money of a guaranty  
5 fund as is necessary may be used to purchase underlying bonds or  
6 warrants guaranteed by the fund, or to purchase certificates of  
7 delinquency for general taxes on property subject to local improvement  
8 assessments, or to purchase such property at tax foreclosures, for the  
9 purpose of protecting the guaranty fund. Said fund shall be subrogated  
10 to the rights of the county, and the county, acting on behalf of said  
11 fund, may foreclose the lien of general tax certificates of delinquency  
12 and purchase the property at the foreclosure sale for the account of  
13 said fund. Whenever the legislative authority of any county shall so  
14 cause a lien of general tax certificates of delinquency to be  
15 foreclosed and the property to be so purchased at a foreclosure sale,  
16 the court costs and costs of publication and expenses for clerical work  
17 and/or other expense incidental thereto, shall be chargeable to and  
18 payable from the guaranty fund. After so acquiring title to real  
19 property, a county may lease or sell and convey the same at public or  
20 private sale for such price and on such terms as may be determined by  
21 resolution of the county legislative body, and all proceeds resulting  
22 from such sales shall belong to and be paid into the guaranty fund.

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

25 All counties operating a system of sewerage and/or water shall have  
26 a lien for delinquent connection charges and charges for the  
27 availability of sewerage and/or water service, together with interest  
28 fixed by resolution at eight percent per annum from the date due until  
29 paid. Penalties of not more than ten percent of the amount due may be  
30 imposed in case of failure to pay the charges at times fixed by  
31 resolution. The lien shall be for all charges, interest, and penalties  
32 and shall attach to the premises to which the services were available.  
33 The lien shall be superior to all other liens and encumbrances, except  
34 general taxes and local and special assessments of the county.

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

1       Upon the expiration of sixty days after the attachment of the lien,  
2 the county may bring suit in foreclosure by civil action in the  
3 superior court of the county where the property is located. Costs  
4 associated with the foreclosure of the lien, including but not limited  
5 to advertising, title report, and personnel costs, shall be added to  
6 the lien upon filing of the foreclosure action. In addition to the  
7 costs and disbursements provided by statute, the court may allow the  
8 county a reasonable attorney's fee. The lien shall be foreclosed in  
9 the same manner as the foreclosure of real property tax liens.

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

12       The county treasurer acting as port treasurer shall create a fund  
13 to be known as the "Port of . . . . . Fund," into which shall be paid  
14 all money received by him from the collection of taxes in behalf of  
15 such port district, and shall also maintain such other special funds as  
16 may be created by the port commission into which shall be placed such  
17 moneys as the port commission may by its resolution direct. All such  
18 port funds shall be deposited with the county depositories under the  
19 same restrictions, contracts and security as is provided by statute for  
20 county depositories and all interest collected on such port funds shall  
21 belong to such port district and shall be deposited to its credit in  
22 the proper port funds: PROVIDED, That any portion of such port moneys  
23 determined by the port commission to be in excess of the current needs  
24 of the port district may be invested (~~(in certificates, notes, bonds,~~  
25 ~~or other obligations of the United States of America, or any agency or~~  
26 ~~instrumentality thereof)) by the county treasurer in accordance with  
27 RCW 36.29.020, RCW 36.29.022, and chapter 39.59 RCW, and all interest  
28 collected thereon shall likewise belong to such port district and shall  
29 be deposited to its credit in the proper port funds.~~

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

32       Prior to any person ((filing)) recording a plat, replat, altered  
33 plat, or binding site plan subsequent to May 31st in any year and prior  
34 to the date of the collection of taxes in the ensuing year, the person  
35 shall deposit with the county treasurer a sum equal to the product of  
36 the county assessor's latest valuation on the property less  
37 improvements in such subdivision multiplied by the current year's



1 dollar rate increased by twenty-five percent on the property platted.  
2 The treasurer's receipt shall be evidence of the payment. The  
3 treasurer shall appropriate so much of the deposit as will pay the  
4 taxes and assessments on the property when the levy rates are certified  
5 by the assessor using the value of the property at the time of filing  
6 a plat, replat, altered plat, or binding site plan, and in case the sum  
7 deposited is in excess of the amount necessary for the payment of the  
8 taxes and assessments, the treasurer shall return, to the party  
9 depositing, the amount of excess.

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

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

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

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

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

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

27 (4) "Local government" means any city, town, county, water-sewer  
28 district, public utility district, port district, irrigation district,  
29 flood control district, or any other municipal corporation, quasi  
30 municipal corporation, or other political subdivision authorized to  
31 levy special assessments.

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

34 ((+5)) (6) "Residence" has the meaning given in RCW 84.36.383,  
35 except that a residence includes any additional property up to a total  
36 of five acres that comprises the residential parcel if this larger  
37 parcel size is required under land use regulations.

1       (~~(6)~~) (7) "Special assessment" means the charge or obligation  
2 imposed by a (~~city, town, county, or other municipal corporation~~)  
3 local government upon property specially benefited (~~by a local~~  
4 ~~improvement, including assessments under chapters 35.44, 36.88, 36.94,~~  
5 ~~53.08, 54.16, 56.20, 57.16, 86.09, and 87.03 RCW and any other relevant~~  
6 ~~chapter~~)).

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

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

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

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

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

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

24       (4) "Local government" means any city, town, county, water-sewer  
25 district, public utility district, port district, irrigation district,  
26 flood control district, or any other municipal corporation, quasi  
27 municipal corporation, or other political subdivision authorized to  
28 levy special assessments.

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

31       (~~(5)~~) (6) "Residence" has the meaning given in RCW 84.36.383,  
32 except that a residence includes any additional property up to a total  
33 of five acres that comprises the residential parcel if this larger  
34 parcel size is required under land use regulations.

35       (~~(6)~~) (7) "Special assessment" means the charge or obligation  
36 imposed by a (~~city, town, county, or other municipal corporation~~)  
37 local government upon property specially benefited (~~by a local~~  
38 ~~improvement, including assessments under chapters 35.44, 36.88, 36.94,~~

1 53.08, 54.16, 57.16, 86.09, and 87.03 RCW and any other relevant  
2 chapter)).

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

5 If the county treasurer is unable, for the want of goods or  
6 chattels whereupon to levy, to collect by distress or otherwise, the  
7 taxes, or any part thereof, which may have been assessed upon the  
8 personal property of any person or corporation, or an executor or  
9 administrator, guardian, receiver, accounting officer, agent or factor,  
10 ~~((such))~~ the treasurer shall file with the county ~~((auditor))~~  
11 legislative authority, on the first day of ~~((January))~~ February  
12 following, a list of such taxes, with an affidavit of ~~((himself))~~ the  
13 treasurer or of the deputy treasurer entrusted with the collection of  
14 ~~((said))~~ the taxes, stating that ~~((he))~~ the treasurer had made diligent  
15 search and inquiry for goods and chattels wherewith to make such taxes,  
16 and was unable to make or collect the same. The county ~~((auditor shall~~  
17 ~~deliver such list and affidavit to the board of county commissioners at~~  
18 ~~their first session thereafter, and they))~~ legislative authority shall  
19 cancel such taxes as ~~((they are))~~ the county legislative authority is  
20 satisfied cannot be collected.

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

23 On the first Monday of ~~((January))~~ February of each year the county  
24 treasurer shall balance up the tax rolls as of December 31 of the prior  
25 year in ~~((his))~~ the treasurer's hands and with which ~~((he))~~ the  
26 treasurer stands charged on the roll accounts of the county auditor.  
27 ~~((He))~~ The treasurer shall then report to the county auditor in full  
28 the amount of taxes ~~((he has))~~ collected and specify the amount  
29 collected on each fund. ~~((He))~~ The treasurer shall also report the  
30 amount of taxes that remain uncollected and delinquent upon the tax  
31 rolls, which, with ~~((his))~~ collections and credits on account of errors  
32 and double assessments, should balance ~~((his))~~ the tax rolls  
33 ~~((accounts))~~ as ~~((he))~~ the treasurer stands charged. ~~((He))~~ The  
34 treasurer shall then report the amount of collections on account of  
35 interest since the taxes became delinquent, and as added ~~((by him))~~ to  
36 the original amounts when making such collections, and with which

1 ((he)) the treasurer is now to be charged by the auditor, such reports  
2 to be duly verified by affidavit.

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

5 Any person desiring to pay taxes upon any part or parts of real  
6 property heretofore or hereafter assessed as one parcel, or tract, or  
7 upon such person's undivided fractional interest in such a property,  
8 may do so by applying to the county assessor, who must carefully  
9 investigate and ascertain the relative or proportionate value said part  
10 or part interest bears to the whole tract assessed, on which basis the  
11 assessment must be divided, and the assessor shall forthwith certify  
12 such proportionate value to the county treasurer: PROVIDED, That  
13 excepting when property is being acquired for public use, or where a  
14 person or financial institution desires to pay the taxes and any  
15 penalties and interest on a mobile home upon which they have a lien by  
16 mortgage or otherwise, no segregation of property for tax purposes  
17 shall be made under this section unless all ~~((current year and))~~  
18 delinquent taxes and assessments on the entire tract have been paid in  
19 full. ~~((The county assessor shall duly certify the proportionate value  
20 to the county treasurer.))~~ The county treasurer, upon receipt of  
21 certification, shall duly accept payment and issue receipt on the  
22 apportionment certified by the county assessor. In cases where protest  
23 is filed to said division appeal shall be made to the county  
24 legislative authority at its next regular session for final division,  
25 and the county treasurer shall accept and receipt for said taxes as  
26 determined and ordered by the county legislative authority. Any person  
27 desiring to pay on an undivided interest in any real property may do so  
28 by paying to the county treasurer a sum equal to such proportion of the  
29 entire taxes charged on the entire tract as interest paid on bears to  
30 the whole.

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

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

1 (a) For each lot on which an advance tax deposit has been paid in  
2 accordance with RCW 58.08.040, the assessor shall establish the true  
3 and fair value by October 30 of the year following the recording of the  
4 plat, replat, altered plat, or binding site plan. The value  
5 established shall be the value of the lot as of January 1 of the year  
6 the original parcel of real property was last revalued. An additional  
7 property tax shall not be due on the land until the calendar year  
8 following the year for which the advance tax deposit was paid if the  
9 deposit was sufficient to pay the full amount of the taxes due on the  
10 property.

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

16 (c) For each subdivision, all current year and delinquent taxes and  
17 assessments on the entire tract must be paid in full in accordance with  
18 RCW 58.17.160 and 58.08.030. For purposes of this section, "current  
19 year taxes" means taxes that are collectable under RCW 84.56.010  
20 subsequent to February 14.

21 (2) When the assessor is required by law to segregate any part or  
22 parts of real property, assessed before or after the effective date of  
23 this section as one parcel or when the assessor is required by law to  
24 combine parcels of real property assessed before or after the effective  
25 date of this section as two or more parcels, the assessor shall  
26 carefully investigate and ascertain the true and fair value of each  
27 part or parts of the real property and each combined parcel and assess  
28 each part or parts or each combined parcel on that same basis.

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

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

33 (1) Paid more than once; or

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

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

37 (4) Paid as a result of other clerical errors in listing property;

38 or

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

3 (6) Paid under levies or statutes adjudicated to be illegal or  
4 unconstitutional; or

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

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

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

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

22 (11) Paid as a state property tax levied upon property, the  
23 assessed value of which has been established by the state board of tax  
24 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount  
25 refunded shall only be for the difference between the state property  
26 tax paid and the amount of state property tax which would, when added  
27 to all other property taxes within the one percent limitation of  
28 Article VII, section 2 of the state Constitution equal one percent of  
29 the assessed value established by the board;

30 (12) Paid on the basis of an assessed valuation which was  
31 adjudicated to be unlawful or excessive: PROVIDED, That the amount  
32 refunded shall be for the difference between the amount of tax which  
33 was paid on the basis of the valuation adjudged unlawful or excessive  
34 and the amount of tax payable on the basis of the assessed valuation  
35 determined as a result of the proceeding; or

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

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

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

12 The county treasurer of each county shall make all refunds  
13 determined to be authorized by this section, and by the first Monday in  
14 ~~((January))~~ February of each year, report to the county legislative  
15 authority a list of all refunds made under this section during the  
16 previous year. The list is to include the name of the person receiving  
17 the refund, the amount of the refund, and the reason for the refund.

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

20 County treasurers are authorized to accept credit cards, charge  
21 cards, debit cards, smart cards, stored value cards, federal wire, and  
22 automatic clearinghouse system transactions, or other electronic  
23 communication, for any payment of any kind including, but not limited  
24 to, taxes, fines, interest, penalties, special assessments, fees,  
25 rates, charges, or moneys due counties. A payer desiring to pay by a  
26 credit card, charge card, debit card, smart card, stored value card,  
27 federal wire, automatic clearinghouse system, or other electronic  
28 communication shall bear the cost of processing the transaction in an  
29 amount determined by the treasurer, unless the county legislative  
30 authority finds that it is in the best interests of the county to not  
31 charge transaction processing costs for all payment transactions made  
32 for a specific category of nontax payments due the county, including,  
33 but not limited to, fines, interest not associated with taxes,  
34 penalties not associated with taxes, special assessments, fees, rates,  
35 and charges. ~~((Such))~~ The treasurer's cost determination shall be  
36 based upon costs incurred by the treasurer ~~((including handling,~~  
37 ~~collecting, discount, disbursing, and accounting for the transaction))~~  
38 and may not, in any event, exceed the additional direct costs incurred

1 by the county to accept the specific form of payment utilized by the  
2 payer.

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

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

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

10 (1) RCW 36.29.150 and 1963 c 4 s 36.29.150; and

11 (2) RCW 36.33.180 and 1963 c 4 s 36.33.180.

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

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

20 NEW SECTION. **Sec. 23.** Section 12 of this act expires July 1,  
21 1997."

22 **SSB 5028** - H COMM AMD

23 By Committee on Government Administration

24

25 On page 1, line 1 of the title, after "management;" strike the  
26 remainder of the title and insert "amending RCW 35.50.030, 35.50.040,  
27 35.50.260, 36.29.020, 36.34.090, 36.36.045, 36.88.220, 36.88.230,  
28 36.94.150, 53.36.050, 58.08.040, 84.38.020, 84.38.020, 84.56.240,  
29 84.56.300, 84.56.340, 84.69.020, 36.29.190, and 84.55.005; adding a new  
30 section to chapter 84.40 RCW; repealing RCW 36.29.150 and 36.33.180;



- 1 providing an effective date; providing an expiration date; and
- 2 declaring an emergency."

--- END ---